



# San Diego Unified Port District

3165 Pacific Hwy.  
San Diego, CA 92101

## Meeting Agenda

### Board of Port Commissioners

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Tuesday, October 12, 2021

1:00 PM

Virtual

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**\*\*\*\*Pursuant to Assembly Bill 361 and state or local officials' continued recommend measures to promote social distancing in response to the COVID-19 pandemic, the BOARD OF PORT COMMISSIONERS (BOARD) hereby provides notice that it will hold a regular meeting of the BOARD.**

**The COMMISSIONERS will attend the meeting and participate remotely to the same extent as if they were present.**

**Due to Assembly Bill 361 and state or local officials' continued recommend measures to promote social distancing, the Board Chambers will remain closed to the public.**

**MEMBERS OF THE PUBLIC MAY VIEW THIS MEETING VIA LIVESTREAM at:**

**<https://portofsandiego.legistar.com/Calendar.aspx>**

**REMOTE PUBLIC COMMENT IS AVAILABLE FOR THIS MEETING BY DOING ONE OF THE FOLLOWING NO LATER THAN THE TIME THE AGENDA ITEM IS CONCLUDED, HOWEVER THE PUBLIC IS STRONGLY ENCOURAGED TO DO SO PRIOR TO THE ITEM BEING CALLED**

- 1. Call 619-736-2155 and leave a brief voicemail message (no longer than 3 minutes) that will be played during the meeting.**
- 2. Email a request to provide live comment to [PublicRecords@portofsandiego.org](mailto:PublicRecords@portofsandiego.org) to receive a link to participate in the meeting to provide live comments. \***
- 3. Submit written comments to [PublicRecords@portofsandiego.org](mailto:PublicRecords@portofsandiego.org) which will be forwarded to the Board and included in the agenda-related materials record for the meeting.**

**\* The Port of San Diego is not responsible for the member of the public's internet connections or technical ability to participate in the meeting. It is highly recommended that you use voicemail rather than provide live comment.**

**In keeping with the Americans with Disabilities Act (ADA), the San Diego Unified Port District will make every reasonable effort to encourage participation in all its public meetings. If you require assistance or auxiliary aids in order to participate at this public meeting, please contact the Office of the District Clerk at [publicrecords@portofsandiego.org](mailto:publicrecords@portofsandiego.org) or (619) 686-6206 at least 48 hours prior to the meeting.**

**A. Roll Call.****B. Closed Session Report Out.****C. Public Communications.**

*Please limit comments to 3 minutes per speaker. No actions may be taken on these items.*

**D. Board Committee Reports.**

*Audit Oversight Committee  
Environmental Advisory Committee*

**E. Commissioners' Reports.**

*No actions may be taken on these items.*

**F. President's Report.****G. District Clerk's Announcements.****APPROVAL OF MINUTES**

[2021-0368](#) Approval of minutes for:

September 14, 2021 - CLOSED SESSION  
September 14, 2021 - BPC MEETING

**CONSENT AGENDA**

1. [2021-0107](#) RESOLUTION AUTHORIZING THE DISTRICT TO ENTER INTO AN AGREEMENT WITH THE COUNTY OF SAN DIEGO TO RECEIVE LAW ENFORCEMENT HOMELAND SECURITY GRANT OPERATION STONEGARDEN FUNDS FOR FY2020 AND GRANT INDEMNITY TO THE COUNTY OF SAN DIEGO
2. [2021-0108](#) RESOLUTION AUTHORIZING EXECUTION OF A MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY OF SAN DIEGO AND THE SAN DIEGO UNIFIED PORT DISTRICT IN ORDER TO PARTICIPATE IN THE URBAN AREA SECURITY INITIATIVE FY2020 GRANT PROGRAM, AND GRANTING INDEMNITY TO THE CITY OF SAN DIEGO
3. [2021-0109](#) RESOLUTION ACCEPTING THE FY21 PORT SECURITY GRANT PROGRAM (PSGP) AWARDS FOR A TOTAL AMOUNT OF \$910,000.00, REQUIRING A COST MATCH OF \$303,334.00, AND AUTHORIZING THE SAN DIEGO UNIFIED PORT DISTRICT (DISTRICT) TO ENTER INTO AGREEMENTS WITH THE U.S. DEPARTMENT OF HOMELAND SECURITY, FEDERAL EMERGENCY MANAGEMENT AGENCY

(DHS/FEMA). ALL PROJECTS WILL BE EXECUTED IN FUTURE FISCAL YEARS AND DISTRICT'S MATCHING FUNDS WILL BE BUDGETED IN THE APPROPRIATE FISCAL YEAR, SUBJECT TO BOARD APPROVAL UPON ADOPTION OF EACH FISCAL YEAR'S BUDGET.

4. [2021-0165](#) RESOLUTION APPROVING PROCLAMATION IN RECOGNITION OF OCTOBER 2021 AS "CELEBRATION OF THE ARTS MONTH" IN SUPPORT OF NATIONAL ARTS AND HUMANITIES MONTH
  
5. [2021-0205](#) A) ORDINANCE AMENDING THE FISCAL YEAR 2022 BUDGET INCREASING THE EQUIPMENT OUTLAY AND OTHER CAPITAL PROJECTS APPROPRIATION BY \$350,000 FOR AN INCREASE TO THE U.S. COAST GUARD PHASE II TENANT IMPROVEMENTS PROJECT TO BE FUNDED FROM THE U.S. COAST GUARD/GENERAL SERVICES ADMINISTRATION (GSA) REIMBURSEMENT OF \$350,000.  
  
B) RESOLUTION APPROVING CHANGE ORDER NO. 4 FOR \$400,000 FOR CONTRACT NO. 2019-38, U.S. COAST GUARD PHASE II TENANT IMPROVEMENTS PROJECT, AND INCREASING THE APPROVED PROJECT BUDGET BY \$350,000, PURSUANT TO BPC POLICY NO. 110, FOR A NEW TOTAL PROJECT BUDGET OF \$3,800,000. A MAJORITY OF THIS INCREASE IS ATTRIBUTABLE TO U.S. COAST GUARD REQUESTED MODIFICATIONS AND IS ANTICIPATED TO BE REIMBURSED BY THE GENERAL SERVICES ADMINISTRATION PURSUANT TO THE LEASE.
  
6. [2021-0256](#) RESOLUTION AMENDING  
A) BOARD OF PORT COMMISSIONERS POLICY NO. 035 - POWERS AND FUNCTIONS OF THE PORT AUDITOR AMENDED TO ESTABLISH REQUEST FOR PROPOSAL REQUIREMENTS.  
B) BOARD OF PORT COMMISSIONERS POLICY NO. 630 - FRAUD PREVENTION POLICY AMENDED TO UPDATE THE LANGUAGE TO BE IN-LINE WITH THE CURRENT ORGANIZATIONAL STRUCTURE AND REPORTING AVENUES.  
C) BOARD OF PORT COMMISSIONERS POLICY NO. 776 - PORT AUDIT OVERSIGHT COMMITTEE POLICY AMENDED TO ESTABLISH TERM LIMITS FOR THE THREE PUBLIC MEMBERS AND RESIDENCY REQUIREMENT.
  
7. [2021-0281](#) RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AWARDED CONTRACT NO. 2021-08 TO LARISON CONTRACTING CORP. IN THE AMOUNT OF \$531,995 FOR THE SAN DIEGO BAY NATIVE OYSTER LIVING SHORELINE PROJECT, CHULA VISTA, CA, AS AUTHORIZED BY THE BOARD IN THE FY 2022 EQUIPMENT OUTLAY AND OTHER CAPITAL PROJECTS APPROPRIATION

8. [2021-0291](#) RESOLUTIONS FOR AS-NEEDED SERVICE AGREEMENTS FOR FIVE-YEAR DURATIONS, WITH NO INCREASE TO THE MAJOR MAINTENANCE AND CAPITAL IMPROVEMENT PROGRAM BUDGETS, AS FOLLOWS:
- A) RESOLUTION SELECTING AND AUTHORIZING AGREEMENTS WITH RICK ENGINEERING COMPANY, NASLAND ENGINEERING, HARRIS & ASSOCIATES, INC., MICHAEL BAKER INTERNATIONAL, INC., NV5, INC., AND PSOMAS FOR AS-NEEDED CIVIL ENGINEERING SERVICES FOR AN AMOUNT NOT TO EXCEED \$4,000,000
- B) RESOLUTION SELECTING AND AUTHORIZING AGREEMENTS WITH ARCADIS, U.S., INC., HARRIS & ASSOCIATES, INC., AECOM TECHNICAL SERVICES, AND HDR ENGINEERING, INC. FOR AS-NEEDED PROJECT MANAGEMENT/CONSTRUCTION MANAGEMENT SERVICES FOR AN AMOUNT NOT TO EXCEED \$2,500,000
- C) RESOLUTION SELECTING AND AUTHORIZING AGREEMENTS WITH MOFFAT & NICHOL, SIMPSON GUMPERTZ & HEGER, INC., TRITON ENGINEERS, INC., AND GHD, INC. FOR AS-NEEDED MARINE STRUCTURAL ENGINEERING SERVICES FOR AN AMOUNT NOT TO EXCEED \$4,000,000
- D) RESOLUTION SELECTING AND AUTHORIZING AGREEMENTS WITH BUREAU VERITAS NORTH AMERICA, INC., NV5 INC., AND INTERWEST CONSULTING GROUP FOR AS-NEEDED QUALITY CONTROL AND DESIGN REVIEW SERVICES FOR AN AMOUNT NOT TO EXCEED \$500,000
- E) RESOLUTION SELECTING AND AUTHORIZING AGREEMENTS WITH DOMUSSTUDIO ARCHITECTURE, SILLMAN WRIGHT ARCHITECTS, AND ROESLING NAKAMURA TERADA ARCHITECTS, INC. FOR AS-NEEDED ARCHITECTURAL SERVICES FOR AN AMOUNT NOT TO EXCEED \$800,000
9. [2021-0317](#) RESOLUTION AUTHORIZING THE DISTRICT TO ENTER INTO A MEMORANDUM OF AGREEMENT WITH THE SAN DIEGO COUNTY AIR POLLUTION CONTROL DISTRICT TO CONTRIBUTE FUNDS FROM THE MARITIME INDUSTRIAL IMPACT FUND FOR THE PURCHASE OF NEW PORTABLE AIR FILTRATION DEVICES AND AIR MONITORING SYSTEMS IN SUPPORT OF THE PORTSIDE AIR QUALITY IMPROVEMENT AND RELIEF PROGRAM

10. [2021-0333](#) RESOLUTION AUTHORIZING FIVE YEAR AGREEMENT WITH XEROX CORPORATION TO PROVIDE MANAGED PRINT SERVICES AND DOCUMENT PRODUCTION AND PUBLISHING FOR A TOTAL AGGREGATE NOT TO EXCEED AMOUNT OF \$1,500,000. THIS SERVICE HAS BEEN DEEMED AN OPERATIONAL NECESSITY. FUNDS REQUIRED FOR FISCAL YEAR 2022 HAVE BEEN BUDGETED AND FUTURE FISCAL YEARS WILL BE BUDGETED IN THE APPROPRIATE FISCAL YEAR AND COST ACCOUNT, SUBJECT TO BOARD APPROVAL UPON ADOPTION OF EACH FISCAL YEAR'S BUDGET.
11. [2021-0334](#) RESOLUTION BY 4/5 VOTE AUTHORIZING CONTINUED ACTION FOR THE EMERGENCY REPAIR OF 6-INCH FIRE LINE AND RELATED DAMAGES AT THE GENERAL SERVICES ADMINISTRATION BUILDING IN NATIONAL CITY
12. [2021-0306](#) SUNROAD HARBOR ISLAND, INC., DBA SUNROAD ENTERPRISES LOCATED AT 880 HARBOR ISLAND DRIVE, IN THE CITY OF SAN DIEGO, WHICH LEASEHOLD INCLUDES THE COASTERRA, C-LEVEL, AND ISLAND PRIME RESTAURANTS:
- A. RESOLUTION CONSENTING TO THE ASSIGNMENT AND ASSUMPTION OF THE LEASEHOLD INTEREST FROM SUNROAD HARBOR ISLAND, INC., DBA SUNROAD ENTERPRISES TO SHM SUNROAD, LLC, DBA SAFE HARBOR SUNROAD; AND,
- B. ORDINANCE GRANTING AN AMENDED AND RESTATED LEASE TO SHM SUNROAD, LLC, DBA SAFE HARBOR SUNROAD TO UPDATE LEASE TO CURRENT TERMS; AND,
- C. RESOLUTION CONSENTING TO A SUBLEASE BETWEEN SUNROAD HARBOR ISLAND, INC., AND KIRSCHCOHN, INC., FOR A TWENTY FIVE-YEAR TERM WITH A NINE-YEAR AND 11-MONTH OPTION TO EXTEND.
13. [2021-0358](#) RESOLUTION APPROVING GRANT OF INDEMNITY TO LORDSTOWN EV SALES LLC RELATED TO PURCHASE OF ELECTRIC TRUCKS

### **ACTION AGENDA**

14. [2021-0293](#) MARITIME CLEAN AIR STRATEGY:  
A) PRESENTATION ON THE DISTRICT'S DRAFT FINAL MARITIME CLEAN AIR STRATEGY, DATED OCTOBER 2021, INCLUDING AN OVERVIEW OF COMMENTS RECEIVED DURING THE SECOND 30 -DAY PUBLIC REVIEW PERIOD AND DIRECTION TO STAFF; AND

B) RESOLUTION ADOPTING THE MARITIME CLEAN AIR STRATEGY,  
DATED OCTOBER 2021

15. [2021-0345](#) ORDINANCE AMENDING SECTION 4.14 OF THE SAN DIEGO UNIFIED PORT DISTRICT CODE, REGULATION OF IN-WATER HULL CLEANING, TO IMPLEMENT A MANDATORY PAUSE OF IN-WATER HULL CLEANING OF VESSELS WITH COPPER-BASED ANTIFOULING PAINT IN SHELTER ISLAND YACHT BASIN STARTING DECEMBER 19, 2021, AND CONTINUING THROUGH FEBRUARY 9, 2022

16. [2021-0349](#) AMERICAN RESCUE PLAN ACT (ARPA)

A. ADOPT A RESOLUTION TO APPROVE AN ECONOMIC RECOVERY PROGRAM (ERP) FOR PROJECTS UTILIZING AMERICAN RESCUE PLAN ACT (ARPA) FUNDS RECEIVED FROM THE STATE OF CALIFORNIA'S CORONAVIRUS FISCAL RECOVERY FUND OF 2021 AND GRANT AUTHORITY TO THE EXECUTIVE DIRECTOR OF THE SAN DIEGO UNIFIED PORT DISTRICT AND/OR HIS DESIGNEE TO SIGN ANY APPLICATION, FUNDING AGREEMENT AND ASSOCIATED DOCUMENTS TO RECEIVE ARPA FUNDS.

B. ADOPT A RESOLUTION AMENDING BOARD OF PORT COMMISSIONERS (BPC) POLICY NO. 090 TO ESTABLISH AN ECONOMIC RECOVERY PROGRAM (ERP) ORDINARY EXPENSES APPROPRIATED ITEM AND AN ERP CAPITAL OUTLAY APPROPRIATED ITEM FOR THE FUNDS IN THE ERP

C. ADOPT AN ORDINANCE AMENDING THE DISTRICT'S FY 2022 BUDGET BY ADDING \$10,000,000 TO THE ECONOMIC RECOVERY PROGRAM (ERP) ORDINARY EXPENSES CLASS APPROPRIATED ITEM AND \$90,000,000 TO ERP CAPITAL OUTLAY APPROPRIATED ITEM, TO BE FUNDED FROM THE FUNDS RECEIVED FROM THE STATE OF CALIFORNIA'S CORONAVIRUS FISCAL RECOVERY FUND OF 2021 RESULTING IN NO IMPACT TO THE DEFICIT.

17. [2021-0095](#) ADOPT A RESOLUTION ELECTING CHAIRMAN, VICE CHAIR AND SECRETARY OF THE BOARD OF PORT COMMISSIONERS FOR 2022

18. [2021-0335](#) REVIEW AND CONSIDERATION OF DRAFT PROPOSED BOARD AGENDA FOR THE NOVEMBER 9, 2021 MEETING

19. [2021-0357](#) OFFICER'S REPORT

MONTHLY NOTIFICATION OF CHANGE ORDERS PURSUANT TO BPC POLICY NO. 110:

A) Change Order No. 1 to Contract No. 2021-10 with Schindler Elevator Corporation - 30 Calendar Day Time Extension thru 09-19-21

B) Change Order No. 02 for Contract No. 2021-01 with M-Rae Engineering, Inc. - Increases Contract by \$17,767.90

C) Change Order No. 01 for Contract No. 2020-04 with Sierra Pacific West, Inc. - 43 Calendar Day Time Extension thru 10-15-21

D) Change Order No. 1 to Contract No. 2020-12 with Capital Industrial Restoration, Inc. - Increases Contract by \$6,148.54

E) Change Order No. 2 to Contract No. 2021-10 with Schindler Elevator Corporation - 60 Calendar Day Time Extension thru 11-18-21

F) Change Order No. 3 to Contract No. 2019-38 with SOLPAC Construction, Inc. dba Soltek Pacific Construction Company - Increases Contract by \$48,107.00 & 33 Calendar Day Time Extension thru 10-04-21

MONTHLY NOTIFICATION OF COST RECOVERY USER FEE WAIVERS GRANTED BY THE EXECUTIVE DIRECTOR PURSUANT TO BPC POLICY NO. 106:

A) Request for User Fee Waiver Form from San Diego County Regional Airport Authority (SDCRAA) for 2020-137 SDCRAA Project Management Complex (PMC), for total amount \$18,578.00

B) Request for User Fee Waiver Form from San Diego County Regional Airport Authority (SDCRAA) for 2020-119 SDCRAA Ground Transportation Vehicle Staging Facility, for total amount \$21,360.00

MONTHLY NOTIFICATION OF RENT REVIEWS CONSENTED TO ADMINISTRATIVELY PURSUANT TO BPC POLICY NO. 355 AS AMENDED ON JANUARY 10, 2017:

None to Report

MONTHLY NOTIFICATION OF ENCUMBRANCES CONSENTED TO ADMINISTRATIVELY PURSUANT TO BPC POLICY NO. 355 AS AMENDED ON JANUARY 10, 2017:

None to Report

MONTHLY NOTIFICATION OF LEASE AMENDMENTS CONSENTED TO ADMINISTRATIVELY PURSUANT TO BPC POLICY NO. 355 AS

AMENDED ON JANUARY 10, 2017:

A) Amendment No. 1 to Lease (#70517) with Seaport Harbor Investment Properties, Inc. dba Magnuts - Amends Section 4.2.4 Related to COVID-19 Rent Relief