



# San Diego Unified Port District

3165 Pacific Hwy.  
San Diego, CA 92101

## Meeting Agenda Board of Port Commissioners

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Tuesday, November 9, 2021

1:00 PM

Don L. Nay Port Administration Boardroom

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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. Some of the COMMISSIONERS may attend the meeting and participate remotely to the same extent as if they were present.**

The public is welcome to attend in person, or alternatively:  
**MEMBERS OF THE PUBLIC MAY VIEW THIS MEETING VIA LIVESTREAM at:**  
<https://portofsandiego.legistar.com/Calendar.aspx>

### PROVIDING PUBLIC COMMENT

Public comment is limited to 3 minutes per speaker on both agenda, and non-agenda items. The time allotted for speakers may be adjusted by the Board Chair at his or her discretion.

**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**

**In-Person Participation: Complete and submit a Speaker Slip and give to the District Clerk**

**Remote Participation:**

- 1. Call 619-736-2155 and leave a brief voicemail message that will be played during the meeting. A voicemail longer than the time allotted for public comment on that item will be stopped after that time has elapsed.**
- 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.**

**UNA TRANSMISIÓN EN INGLÉS Y EN ESPAÑOL DE LA REUNIÓN DE LA JUNTA ESTARÁ DISPONIBLE AL PÚBLICO A TRAVÉS DE UNA TRANSMISIÓN EN DIRECTO EN:**

**<https://www.portofsandiego.org/about-port-san-diego/board-meetings>**

**NOTA ESPECIAL PARA PARTICIPANTES DE COMENTARIOS PÚBLICOS:  
Servicios de interpretación estarán disponibles durante la reunión para traducir  
comentarios públicos del español al inglés.**

**\* 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. Pledge of Allegiance.****C. Closed Session Report Out.****D. Public Communications.**

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

**E. Board Committee Reports.**

*Accessibility Advisory Committee*

**F. Commissioners' Reports.**

*No actions may be taken on these items.*

**G. Special Recognition.**

*Employee Service Awards*

**H. President's Report.****I. District Clerk's Announcements.****APPROVAL OF MINUTES**

[2021-0402](#) Approval of minutes for:

October 12, 2021 - CLOSED SESSION

October 12, 2021 - BPC MEETING

**CONSENT AGENDA**

1. [2021-0104](#) RESOLUTION AUTHORIZING AGREEMENT WITH NMS MANAGEMENT INC. FOR FACILITY JANITORIAL AND RELATED MAINTENANCE SERVICES FROM DECEMBER 1, 2021 TO JUNE 30, 2027 FOR A NOT TO EXCEED AMOUNT OF \$2,550,000. THIS SERVICE HAS BEEN DEEMED AN OPERATIONAL NECESSITY. THE AGREEMENT ALLOWS FOR EARLY TERMINATION BY THE EXECUTIVE DIRECTOR. FUNDS FOR FISCAL YEAR 2022 HAVE BEEN BUDGETED IN THE AMOUNT OF \$210,000. ALL FUNDS REQUIRED FOR FUTURE FISCAL YEARS WILL BE BUDGETED IN THE APPROPRIATE FISCAL YEAR, SUBJECT TO BOARD APPROVAL UPON ADOPTION OF EACH FISCAL YEAR'S BUDGET.
2. [2021-0354](#) RESOLUTION AUTHORIZING PURCHASE AND INSTALLATION AGREEMENTS WITH INNOVATIVE SIGNAL ANALYSIS, INC. IN THE

AMOUNT OF \$388,548.15 FOR THE ACQUISITION AND INSTALLATION OF A PERSISTENT CAMERA SYSTEM INSTALLED AT THE MARINE SAFETY CENTER, 950 OCEAN LANE, IMPERIAL BEACH, CA, AS AUTHORIZED BY THE BOARD IN AN AMENDED AGREEMENT WITH THE COUNTY OF SAN DIEGO AND AS PART OF THE LAW ENFORCEMENT HOMELAND SECURITY GRANT OPERATION STONEGARDEN FUNDS FOR FY2019. FUNDS FOR THESE AGREEMENTS HAVE BEEN BUDGETED IN THE HARBOR POLICE DEPARTMENT'S FY2022 BUDGET.

3. [2021-0356](#) RESOLUTION AMENDING THE SAN DIEGO UNIFIED PORT DISTRICT (DISTRICT) DIRECTORY OF CLASSIFICATION SPECIFICATIONS FOR FISCAL YEAR 2021/2022
  
4. [2021-0359](#) A) 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  
  
B) ORDINANCE AMENDING THE FISCAL YEAR 2022 BUDGET INCREASING THE MAJOR MAINTENANCE EXPENSE APPROPRIATION BY \$150,000 FOR THE FIRE LINE AND SITE REPAIRS AT GENERAL SERVICES ADMINISTRATION BUILDING PROJECT TO BE FUNDED FROM AN INSURANCE REIMBURSEMENT OF \$150,000  
  
C) RESOLUTION BY 2/3 VOTE APPROVING A \$100,000 TRANSFER OF FUNDS, PURSUANT TO BPC POLICY NO. 90 FROM THE FISCAL YEAR 2022 BUDGETED PERSONNEL EXPENSE APPROPRIATION TO THE MAJOR MAINTENANCE EXPENSE FOR THE FIRE LINE AND SITE REPAIRS AT GENERAL SERVICES ADMINISTRATION BUILDING PROJECT FROM SAVINGS IN THE PERSONNEL APPROPRIATION RELATED TO VACANCIES
  
5. [2021-0353](#) RESOLUTION AUTHORIZING AMENDMENT TO AMENDED AND RESTATED SUBORDINATED, FULLY-NEGOTIABLE PROMISSORY NOTE WITH THE SAN DIEGO COUNTY REGIONAL AIRPORT AUTHORITY TO MODIFY THE INTEREST RATE, WITH CONDITIONS
  
6. [2021-0363](#) RESOLUTION ACCEPTING \$2,500,000.00 IN GRANT FUNDING FROM THE STATE OF CALIFORNIA, VW MITIGATION TRUST ZERO-EMISSION FREIGHT AND MARINE PROGRAM, TO PARTIALLY FUND ONE SHORE POWER STATION AND OUTLET AT NATIONAL CITY MARINE TERMINAL BERTH 24-10/11, AND AUTHORIZING AN AGREEMENT WITH THE BAY AREA AIR QUALITY MANAGEMENT DISTRICT

7. [2021-0380](#) RESOLUTION REGARDING DISTRICT VIRTUAL MEETINGS IN ACCORDANCE WITH THE RALPH M. BROWN ACT AND ASSEMBLY BILL 361
8. [2021-0385](#) ORDINANCE GRANTING A TEN (10) YEAR EASEMENT TO SAN DIEGO GAS & ELECTRIC FOR THE OPERATION AND MAINTENANCE OF A TEMPORARY ELECTRICAL FACILITY IN THE CITY OF CHULA VISTA, CALIFORNIA
9. [2021-0377](#) CALIFORNIA YACHT MARINA - CHULA VISTA, LLC LOCATED AT 640 MARINA PARKWAY, CHULA VISTA:
- A. RESOLUTION CONSENTING TO THE ASSIGNMENT AND ASSUMPTION OF THE LEASEHOLD INTEREST FROM CALIFORNIA YACHT MARINA - CHULA VISTA, LLC TO SHM SOUTH BAY, LLC DBA SAFE HARBOR SOUTH BAY; AND,
- B. ORDINANCE GRANTING AN AMENDED AND RESTATED LEASE TO SHM SOUTH BAY, LLC DBA SAFE HARBOR SOUTH BAY TO UPDATE LEASE TO CURRENT TERMS.
10. [2021-0382](#) RESOLUTION ESTABLISHING THE BOARD OF PORT COMMISSIONERS' REGULAR MEETING DATES FOR CALENDAR YEAR 2022

### **PUBLIC HEARING AGENDA**

11. [2021-0390](#) TENTATIVE - SOLAR POWER PURCHASE AGREEMENT AT TENTH AVENUE MARINE TERMINAL (TAMT) TO SUPPORT THE MICROGRID INFRASTRUCTURE PROJECT
- A) CONDUCT PUBLIC HEARING AND ADOPT RESOLUTION MAKING FINDINGS OF ENERGY SAVINGS FROM THE SOLAR POWER PURCHASE AGREEMENT AT TAMT PROJECT UNDER CALIFORNIA GOVERNMENT CODE SECTION 4217.10, ET SEQ.
- B) ADOPT RESOLUTION AWARING AGREEMENT NO. XX-XX TO XXXXXXXXXXXX FOR THE 700 KILOWATT SOLAR PHOTOVOLTAIC SYSTEM ON THE WAREHOUSE B ROOF AT TAMT UNDER A 20 YEAR SOLAR POWER PURCHASE AGREEMENT AS AUTHORIZED BY THE BOARD
- C) RESOLUTION APPROVING CHANGE ORDER NO. X FOR CONTRACT TIME EXTENSION OF XXX DAYS FOR CONTRACT NO. 20-06, MICROGRID INFRASTRUCTURE AT TENTH AVENUE MARINE TERMINAL PROJECT, TO ALIGN PROJECT COMPLETION WITH THE

POWER PURCHASE AGREEMENT DELIVERABLES, WITH NO INCREASE TO THE GRANT FUNDED BOARD APPROVED PROJECT BUDGET, PURSUANT TO BPC POLICY NO.110

The Board will consider staff's request to continue this item to a future Board Meeting.

12. [2021-0337](#) AMENDMENT OF SAN DIEGO UNIFIED PORT DISTRICT TARIFF NO. 1-G, RATES AND CHARGES, AND UPDATED FORMAT AND LANGUAGE
- A. RESOLUTION FINDING THE AMENDMENT TO THE SAN DIEGO UNIFIED PORT DISTRICT TARIFF NO. 1-G, RATES AND CHARGES, TO INCREASE RATES, ADD NEW RATES, AND UPDATE TARIFF FORMAT AND LANGUAGE EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) AS SPECIFIED UNDER SECTION 15273 OF THE CEQA GUIDELINES
- B. CONDUCT A PUBLIC HEARING AND ADOPT AN ORDINANCE AMENDING THE SAN DIEGO UNIFIED PORT DISTRICT TARIFF NO. 1 -G, RATES AND CHARGES, ADD NEW RATES, AND UPDATE TARIFF FORMAT AND LANGUAGE
13. [2021-0063](#) SUNROAD HIE HOTEL PARTNERS, L.P.'S PROPOSED SUNROAD HARBOR ISLAND EAST HOTEL PROJECT AT 851 HARBOR ISLAND DRIVE IN SAN DIEGO:
- A) CONDUCT PUBLIC HEARING AND ADOPT RESOLUTION AUTHORIZING ISSUANCE OF AN APPEALABLE COASTAL DEVELOPMENT PERMIT TO SUNROAD HIE HOTEL PARTNERS, L.P. FOR THE SUNROAD HARBOR ISLAND EAST HOTEL PROJECT
- B) ADOPT RESOLUTION GRANTING CONCEPT APPROVAL TO SUNROAD HIE HOTEL PARTNERS, L.P. FOR THE SUNROAD HARBOR ISLAND EAST HOTEL PROJECT

### **ACTION AGENDA**

14. [2021-0343](#) DISCLOSURE TRAINING RELATING TO THE CHULA VISTA BAYFRONT FACILITIES FINANCING AUTHORITY REVENUE BONDS TO FUND THE PUBLIC INVESTMENT IN THE CONVENTION CENTER AND PHASE 1A IMPROVEMENTS
15. [2021-0386](#) MARINE GROUP BOAT WORKS, LLC LOCATED AT 1313 BAY MARINA DRIVE, NATIONAL CITY:
- A. RESOLUTION CONSENTING TO THE ASSIGNMENT AND

ASSUMPTION OF THE LEASEHOLD INTEREST FROM MARINE GROUP BOAT WORKS, LLC TO AUSTAL USA, LLC; AND,

B. ORDINANCE GRANTING AN AMENDED, RESTATED AND COMBINED LEASE TO AUSTAL USA, LLC TO UPDATE LEASE TO CURRENT TERMS

16. [2021-0120](#) PRESENTATION AND RESOLUTION APPROVING THE SAN DIEGO UNIFIED PORT DISTRICT'S VOLUNTARY VESSEL SPEED REDUCTION PROGRAM DATED NOVEMBER 2021, IN ALIGNMENT WITH THE MARITIME CLEAN AIR STRATEGY
17. [2021-0379](#) PRESENTATION AND ADDITIONAL DIRECTION TO STAFF ON THE MARITIME CLEAN AIR STRATEGY'S HEAVY-DUTY TRUCK TRANSITION PLAN INCLUDING:
- A. PREPARATION OF A ZERO EMISSIONS HEAVY-DUTY TRUCK TRANSITION PLAN WITH A CONSULTANT TO SERVE AS A ROADMAP TO ACHIEVE THE BOARD APPROVED MARITIME CLEAN AIR STRATEGY'S ZERO EMISSION TRUCK GOALS AND BENCHMARKS, INCLUDING 40 PERCENT ZERO EMISSION TRUCK TRIPS IN 2026 AND 100 PERCENT ZERO EMISSION TRUCK TRIPS IN 2030;
- B. REQUEST TO EXPAND THE SCOPE OF THE HEAVY-DUTY TRUCK TRANSITION PLAN TO IDENTIFY AND ANALYZE MULTIPLE PATHWAYS, INCLUDING A COMBINATION OF ZERO AND NEAR-ZERO EMISSION TRUCK TRIPS TO ACHIEVE EQUIVALENT EMISSIONS REDUCTION BY 2026; AND
- C. REQUEST FOR ADDITIONAL TIME TO ADEQUATELY SCOPE AND COMPLETE A HEAVY-DUTY TRUCK TRANSITION PLAN WITH A CONSULTANT.
18. [2021-0369](#) UPDATE ON THE STATUS OF MUNICIPAL SERVICES AGREEMENTS FOR FISCAL YEAR 2023
19. [2021-0381](#) ADOPT A RESOLUTION ELECTING CHAIRMAN, VICE CHAIR AND SECRETARY OF THE BOARD OF PORT COMMISSIONERS FOR 2022
20. [2021-0391](#) TENTATIVE - RESOLUTION AUTHORIZING CRUISE SHIP TERMINAL FINANCING AND BERTHING AGREEMENT WITH:
- A. CARNIVAL CORPORATION FOR A LOAN AMOUNT NOT TO EXCEED \$2 MILLION.
- B. DISNEY CRUISE LINE FOR A LOAN AMOUNT NOT TO EXCEED \$2 MILLION.

The Board will consider staff's request to continue this item to a future Board Meeting.

21. [2021-0365](#) REVIEW AND CONSIDERATION OF DRAFT PROPOSED BOARD AGENDA FOR THE DECEMBER 14, 2021 MEETING

### **OFFICER'S REPORT**

22. [2021-0395](#) OFFICER'S REPORT

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

A) Change Order No. 01 to Contract No. 2021-03 with 24 Hour Elevator, Inc. - 90 Calendar Day Time Extension thru 01-05-22

B) Change Order No. 1 to Contract No. 20-06 with EDF Renewables Distributed Solutions, Inc. - Increases Contract by \$195,243.34 & 120 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 State of California Department of Parks & Recreation for Crown Cove Dock - Coronado, for total amount \$500.00

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 (#71973) with Malibu Farm Seaport Village dba Malibu Farm - Amends Sections 1, 2.1, 4 & 8.1.1 Regarding Expansion of Leased Premises, Work Commencement, Rent and Other



Provisions