



San Diego Unified Port District

3165 Pacific Hwy.
San Diego, CA 92101

Meeting Agenda Board of Port Commissioners

Tuesday, August 9, 2022

1:00 PM

Don L. Nay Port Administration Boardroom

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

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 PUBLIC COMMENT PORTION FOR 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 to receive a link to participate in the meeting to provide live comments. *
3. Submit written comments to 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 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.

None.

F. Commissioners' Reports.

No actions may be taken on these items.

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

[2022-0240](#)

Approval of minutes for:

July 12, 2022 - CLOSED SESSION

July 12, 2022 - BPC MEETING

July 21, 2022 - SPECIAL BPC MEETING

CONSENT AGENDA

1. [2021-0180](#) BAYSHORE BIKEWAY SEGMENTS 2 AND 3:
 - A. ORDINANCE GRANTING A SIXTY-SIX (66) YEAR EASEMENT FOR THE OPERATION AND MAINTENANCE OF A SEGMENT OF THE BAYSHORE BIKEWAY TO THE CITY OF SAN DIEGO FOR APPROXIMATELY 1,737 SQUARE FEET OF LAND LOCATED WEST OF AND ADJACENT TO NORTH HARBOR DRIVE IN THE CITY OF SAN DIEGO.
 - B. ORDINANCE GRANTING A SIXTY-SIX (66) YEAR EASEMENT FOR THE OPERATION AND MAINTENANCE OF A SEGMENT OF THE BAYSHORE BIKEWAY TO THE CITY OF SAN DIEGO FOR APPROXIMATELY 466 SQUARE FEET OF LAND LOCATED EAST OF AND ADJACENT TO HARBOR DRIVE IN THE CITY OF SAN DIEGO.

2. [2022-0225](#) RESOLUTION AUTHORIZING CAPTAIN JOSHUA K. FERGUSON AS A FULL-TIME U.S. COAST GUARD LICENSED SAN DIEGO HARBOR PILOT, TO PERFORM PILOTING SERVICES FOR THE NAVIGATION OF VESSELS ENTERING, LEAVING, AND SHIFTING WITHIN SAN DIEGO BAY.

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

3. [2022-0194](#) RESOLUTION SELECTING AND AUTHORIZING AN AGREEMENT WITH DATA TICKET, INC. FOR PARKING CITATION PROCESSING SERVICES AND ENFORCEMENT EQUIPMENT FOR AN AMOUNT NOT TO EXCEED \$500,000 FOR A PERIOD OF FIVE (5) YEARS FROM OCTOBER 1, 2022, THROUGH SEPTEMBER 30, 2027, WITH FIVE (5) ONE-YEAR OPTIONS TO EXTEND, WHICH MAY BE EXERCISED BY THE DISTRICT AT ITS SOLE DISCRETION FOR AN AMOUNT NOT TO EXCEED \$90,000 PER YEAR, FOR A TOTAL NOT-TO-EXCEED AMOUNT, INCLUDING OPTIONS, OF \$950,000. FUNDS FOR FISCAL YEAR (FY23) ARE BUDGETED, 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

4. [2022-0198](#) ORDINANCE GRANTING AMENDMENT NO. 6 TO THE CONDITIONAL AGREEMENT WITH MITSUBISHI CEMENT CORPORATION TO EXTEND THE TERM OF THE CONDITIONAL AGREEMENT FOR THE PROPOSED CEMENT IMPORT TERMINAL IN WAREHOUSE C AT THE TENTH AVENUE MARINE TERMINAL, IN SAN DIEGO FOR AN ADDITIONAL 12 MONTHS TO DECEMBER 31, 2023

5. [2022-0209](#) RESOLUTION AUTHORIZING ISSUANCE OF A NON-APPEALABLE COASTAL DEVELOPMENT PERMIT FOR THE DEMOLITION OF STORAGE TANKS AND STORM WATER IMPROVEMENTS PROJECT AT THE TENTH AVENUE MARINE TERMINAL
6. [2022-0217](#) ENVIRONMENTAL MITIGATION LAND MANAGEMENT GRANT PROGRAM FUNDED BY SAN DIEGO ASSOCIATION OF GOVERNMENTS
- A) RESOLUTION AUTHORIZING AN APPLICATION FOR ENVIRONMENTAL MITIGATION LAND MANAGEMENT GRANT PROGRAM FUNDS TO THE SAN DIEGO ASSOCIATION OF GOVERNMENTS (SANDAG) FOR ENDANGERED AVIAN NESTING SITE STEWARDSHIP AT D-STREET FILL PROJECT COMMITTING TO PROVIDE FUNDS IN KIND, AND AUTHORIZING THE EXECUTIVE DIRECTOR OR DESIGNEE TO ACCEPT GRANT FUNDS AND EXECUTE GRANT AGREEMENT; AND
- B) RESOLUTION AUTHORIZING THE EXECUTIVE DIRECTOR OR DESIGNEE TO ACCEPT GRANT FUNDS AND EXECUTE GRANT AGREEMENT WITH THE SAN DIEGO ASSOCIATION OF GOVERNMENTS FOR GRANT FUNDING, IF AWARDED, IN THE AMOUNT OF \$80,000, FOR A PERIOD OF 18 MONTHS BEGINNING ON OR AROUND SEPTEMBER 1, 2022, AND ENDING ON OR AROUND FEBRUARY 1, 2024, AND GRANTING INDEMNITY TO SANDAG
7. [2022-0220](#) RESOLUTION SUPPORTING THE DISTRICT'S SUBMISSION OF A GRANT APPLICATION TO THE SAFE DRINKING WATER, WATER QUALITY AND SUPPLY, FLOOD CONTROL, RIVER AND COASTAL PROTECTION BOND ACT OF 2006, PROP 68, FUNDED BY THE OCEAN PROTECTION COUNCIL IN THE AMOUNT OF \$500,000 FOR A PERIOD OF THREE YEARS AND CONFIRMING THAT THE DISTRICT WILL ACCEPT THE GRANT IF AWARDED TO THE DISTRICT AND A GRANT AGREEMENT IS APPROVED BY THE BOARD OF PORT COMMISSIONERS
8. [2022-0229](#) RESOLUTION REGARDING DISTRICT VIRTUAL MEETINGS IN ACCORDANCE WITH THE RALPH M. BROWN ACT AND ASSEMBLY BILL 361

PUBLIC HEARING AGENDA

9. [2022-0211](#) B STREET CRUISE SHIP TERMINAL INTERIOR IMPROVEMENTS AND FACILITY FEE
- A. CONDUCT A PUBLIC HEARING AND ADOPT AN ORDINANCE

AMENDING THE SAN DIEGO UNIFIED PORT DISTRICT TARIFF NO. 1 -G, RATES, AND CHARGES, TO ADD A NEW RATE FOR CRUISE FACILITY IMPROVEMENT FEE IN THE AMOUNT OF \$5.50 PER PASSENGER

B. RESOLUTION ESTABLISHING A CRUISE FACILITY IMPROVEMENT FUND RESOURCED THROUGH THE CRUISE FACILITY IMPROVEMENT FEE

C. RESOLUTION AMENDING THE FY 2019-2023 CAPITAL IMPROVEMENT PROGRAM (CIP) TO ADD THE B STREET CRUISE SHIP TERMINAL INTERIOR IMPROVEMENTS PROJECT WITH A PROJECT BUDGET OF \$5,000,000

D. RESOLUTION APPROVING A FY 2023 BUDGET TRANSFER, IN ACCORDANCE WITH BPC POLICY NO. 90, TRANSFERRING \$650,000 FROM THE EQUIPMENT OUTLAY AND OTHER CAPITAL PROJECTS APPROPRIATION TO THE CAPITAL IMPROVEMENT PROGRAM APPROPRIATION FOR DESIGN COSTS AND GEOTECHNICAL STUDY FOR THE B STREET CRUISE SHIP TERMINAL INTERIOR IMPROVEMENTS PROJECT

E. RESOLUTION AUTHORIZING AMENDMENT NO. 1 TO THE AGREEMENTS WITH DOMUSSTUDIO ARCHITECTURE, SILLMAN WRIGHT ARCHITECTS, AND ROESLING NAKAMURA TERADA ARCHITECTS, INC. FOR AS-NEEDED ARCHITECTURAL SERVICES INCREASING THE AGGREGATE AGREEMENT AMOUNT BY \$350,000 FROM \$800,000 TO A NEW NOT-TO-EXCEED AMOUNT OF \$1,150,000. FUNDS REQUIRED FOR THE CURRENT FISCAL YEAR ARE INCLUDED IN THE APPROVED FY 2023 BUDGET. 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

F. RESOLUTION AUTHORIZING AMENDMENT NO. 1 TO THE AGREEMENTS WITH MOFFATT & NICHOL, GHD, TRITON ENGINEERS, AND SIMPSON GUMPERTZ & HEGER, INC. FOR AS-NEEDED MARINE STRUCTURAL SERVICES, INCREASING THE AGGREGATE AGREEMENT AMOUNT BY \$300,000 FROM \$4,000,000 TO A NEW NOT-TO-EXCEED AMOUNT OF \$4,300,000. FUNDS REQUIRED FOR THE CURRENT FISCAL YEAR ARE INCLUDED IN THE APPROVED FY 2023 BUDGET. 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

ACTION AGENDA

10. [2022-0212](#) RESOLUTION AUTHORIZING AN 8-YEAR MUNICIPAL SERVICES AGREEMENT WITH THE CITY OF CORONADO FOR LAW ENFORCEMENT, FIRE, LIFEGUARD AND EMERGENCY SERVICES ON NON-AD-VALOREM DISTRICT PROPERTY LOCATED IN THE CITY OF CORONADO
11. [2022-0025](#) REVIEW AND CONSIDERATION OF DRAFT PROPOSED BOARD AGENDA FOR THE SEPTEMBER 13, 2022 MEETING

OFFICER'S REPORT

12. [2022-0234](#) OFFICER'S REPORT

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

A) Change Order No. 1 to Contract No. 2021-07 with Telliard Construction - 13 Calendar Day Time Extension thru 06-30-22

B) Change Order No. 1 to Contract No. 2021-18 with Patriot Environmental Services, Inc. - 15 Calendar Day Time Extension thru 06-30-22

C) Change Order No. 1 to Contract No. 2020-25 with Shimmick Construction Company, Inc. - Increases Contract by \$414,281.09

D) Change Order No. 3 to Contract No. 2022-10 with La Mesa Glass, Inc. - Increases Contract by \$5,141.00

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

None to Report

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:

None to Report