



San Diego Unified Port District

3165 Pacific Hwy.
San Diego, CA 92101

Meeting Agenda Board of Port Commissioners

Tuesday, October 11, 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) 686-6200 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.

- Audit Oversight Committee
- Environmental Advisory Committee
- Maritime Stakeholders Forum

F. Commissioners' Reports.

No actions may be taken on these items.

G. Special Recognition.

- National Disability Employment Awareness
- Harbor Police Recognitions

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

[2022-0349](#) Approval of minutes for:

September 13, 2022 - CLOSED SESSION

September 13, 2022 - BPC MEETING

CONSENT AGENDA

1. [2022-0346](#) 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 FY2021 AND GRANT INDEMNITY TO THE COUNTY OF SAN DIEGO

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

2. [2022-0238](#) SCHEDULE OF COMPENSATION
A) ORDINANCE AMENDING SALARY ORDINANCE NO. 3056

ENTITLED "AN ORDINANCE ESTABLISHING A SCHEDULE OF COMPENSATION FOR OFFICERS AND EMPLOYEES OF THE SAN DIEGO UNIFIED PORT DISTRICT"

B) RESOLUTION AMENDING THE SAN DIEGO UNIFIED PORT DISTRICT (DISTRICT) DIRECTORY OF CLASSIFICATION SPECIFICATIONS FOR FISCAL YEAR 2022/2023

3. [2022-0252](#) RESOLUTION SELECTING AND AUTHORIZING AN AGREEMENT WITH KOFF & ASSOCIATES TO CONDUCT A CLASSIFICATION AND COMPENSATION STUDY FOR AN AMOUNT NOT TO EXCEED \$291,725. FISCAL YEAR 2023 FUNDS ARE BUDGETED. FUNDS REQUIRED FOR FUTURE FISCAL YEARS WILL BE BUDGETED IN THE APPROPRIATE YEAR, SUBJECT TO BOARD APPROVAL UPON ADOPTION OF EACH FISCAL YEAR'S BUDGET.

4. [2022-0254](#) RESOLUTION SELECTING AND AUTHORIZING AGREEMENT NO. 88-2022JR WITH COUNTYWIDE MECHANICAL SYSTEMS, INC, FOR FULL-SERVICE HVAC SYSTEM MAINTENANCE AND REPAIR SERVICES AT DISTRICT FACILITIES FROM JANUARY 1, 2023 TO JUNE 30, 2026 IN AN AMOUNT NOT TO EXCEED \$800,000. FUNDS FOR FISCAL YEAR 2023 HAVE BEEN BUDGETED IN THE AMOUNT OF \$123,000. 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.

5. [2022-0255](#) RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AWARDED CONTRACT NO. 2022-07 TO LOGHMANI & ASSOCIATES DESIGN GROUP, INC., DBA L.A. DESIGN GROUP-WLA, IN THE AMOUNT OF \$1,430,000 FOR THE IMPERIAL BEACH PIER ENHANCEMENTS PHASE 2 PROJECT, IMPERIAL BEACH, AS AUTHORIZED BY THE BOARD IN THE FY 2022 ECONOMIC RECOVERY PROGRAM APPROPRIATION AND THE FY 2019-2023 CAPITAL IMPROVEMENT PROGRAM

6. [2022-0259](#) RESOLUTION AUTHORIZING AMENDMENT NO. 1 WITH HAWTHORNE MACHINERY CO. FOR AS-NEEDED HEAVY EQUIPMENT RENTAL SERVICES. THE MAXIMUM AMOUNT PAYABLE UNDER THE AGREEMENT WILL BE INCREASED BY \$175,000 FOR A NEW MAXIMUM AMOUNT OF \$350,000. FUNDS REQUIRED FOR THE CURRENT FISCAL YEAR ARE INCLUDED IN THE APPROVED FISCAL YEAR 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.

7. [2022-0260](#) RESOLUTION SELECTING AND AUTHORIZING AN AGREEMENT WITH TAP INTERNATIONAL, INC. FOR AS-NEEDED INTERNAL AUDIT SERVICES FOR AN AMOUNT NOT TO EXCEED \$300,000 AND A DURATION OF FIVE YEARS. FISCAL YEAR 2023 FUNDS ARE BUDGETED. FUNDS REQUIRED FOR FUTURE FISCAL YEARS WILL BE BUDGETED IN THE APPROPRIATE YEAR, SUBJECT TO BOARD APPROVAL UPON ADOPTION OF EACH FISCAL YEAR'S BUDGET.

8. [2022-0268](#) RESOLUTION APPROVING PROCLAMATION IN RECOGNITION OF OCTOBER 2022 AS "CELEBRATION OF THE ARTS MONTH" IN SUPPORT OF NATIONAL ARTS AND HUMANITIES MONTH

9. [2022-0272](#) RESOLUTION SELECTING AND AUTHORIZING AN AGREEMENT BETWEEN SAN DIEGO UNIFIED PORT DISTRICT AND AFTZ LLC (SERVICE PROVIDER) FOR CUSTOMS BORDER PROTECTION REPORTING & FOREIGN TRADE ZONE ACTIVATION AND OPERATOR SERVICES AT TENTH AVENUE MARINE TERMINAL FOR AN AMOUNT NOT-TO-EXCEED \$367,000 AND A DURATION OF FIVE YEARS. FISCAL YEAR (FY) 2023 FUNDS ARE BUDGETED. FUNDS REQUIRED FOR FUTURE FISCAL YEARS WILL BE BUDGETED IN THE APPROPRIATE YEAR, SUBJECT TO BOARD APPROVAL UPON ADOPTION OF EACH FISCAL YEAR'S BUDGET.

10. [2022-0280](#) RESOLUTION AUTHORIZING THE REQUIRED ANNUAL ADOPTION OF BOARD OF PORT COMMISSIONERS POLICY NO. 115, GUIDELINES FOR PRUDENT INVESTMENTS, WITH NO CHANGES FROM PRIOR YEAR.

11. [2022-0287](#) RESOLUTION SELECTING AND AUTHORIZING AN AGREEMENT WITH 72 HOUR LLC DBA NATIONAL AUTO FLEET GROUP FOR THE PURCHASE OF THREE (3) FORD INTERCEPTOR PATROL VEHICLES IN AN AMOUNT NOT TO EXCEED \$183,601.62. BUDGETED IN FISCAL YEAR 2023 EQUIPMENT OUTLAY FUNDS.

12. [2022-0307](#) ACCEPTANCE OF GRANT FUNDS FROM THE STATE OF CALIFORNIA NATURAL RESOURCES AGENCY, DEPARTMENT OF PARKS AND RECREATION, DIVISION OF BOATING AND WATERWAYS (DBW) FOR THE FY23 SURRENDERED AND ABANDONED VESSEL EXCHANGE (SAVE) PROGRAM IN THE AMOUNT OF \$108,089 AND GRANTING INDEMNITY

13. [2022-0308](#) RESOLUTION CONSENTING TO A TEN-YEAR EASEMENT BETWEEN MARINE GROUP BOAT WORKS, LLC AND SAN DIEGO GAS AND ELECTRIC COMPANY, AS REQUIRED BY THE POWER YOUR DRIVE FOR FLEETS MAKE-READY INFRASTRUCTURE PROGRAM, FOR

ELECTRIC VEHICLE CHARGING INFRASTRUCTURE AT 997 G STREET IN THE CITY OF CHULA VISTA, CALIFORNIA

14. [2022-0311](#) RESOLUTION APPROVING A MEMORANDUM OF UNDERSTANDING BETWEEN THE SAN DIEGO UNIFIED PORT DISTRICT AND THE SAN DIEGO HARBOR POLICE OFFICERS ASSOCIATION
15. [2022-0261](#) SEAPORT VILLAGE:
- A) ORDINANCE GRANTING A LEASE TO 807 SEAPORT LLC DBA 3RD BASE FOR A FULL-SERVICE RESTAURANT AND BAR LOCATED AT 807 W. HARBOR DRIVE IN SAN DIEGO FOR AN APPROXIMATELY 10-YEAR INITIAL TERM PLUS ONE 5-YEAR OPTION TO EXTEND (FOR A TOTAL POTENTIAL TERM OF APPROXIMATELY 15 YEARS) WITH \$760,000 IN TENANT IMPROVEMENT ALLOWANCE TO BE BUDGETED IN THE FISCAL YEAR (FY) 2024 EQUIPMENT OUTLAY AND OTHER CAPITAL PROJECTS APPROPRIATION FOR SEAPORT VILLAGE TENANT IMPROVEMENTS ALLOWANCES
- B) RESOLUTION AUTHORIZING AMENDMENT NO. 5 TO THE AGREEMENT WITH R.I. PROPERTIES, INC. DBA RETAIL INSITE (RETAIL INSITE) FOR COMMERCIAL REAL ESTATE BROKER SERVICES FOR SEAPORT VILLAGE TO 1) INCREASE THE MAXIMUM AMOUNT PAYABLE UNDER THE AGREEMENT BY \$250,000 FOR A TOTAL AGGREGATE AMOUNT NOT TO EXCEED \$1,300,000 AND 2) INCREASE THE TERM OF THE AGREEMENT BY ONE (1) YEAR FOR A TOTAL TERM OF SIX (6) YEARS AND WAIVING BOARD OF PORT COMMISSIONERS POLICY NO. 114 - PAYMENT OF COMMISSIONS FOR THE LEASING OF TIDELANDS; ALL FUNDS REQUIRED FOR FUTURE FISCAL YEARS WILL BE BUDGETED IN THE APPROPRIATE FISCAL YEAR, SUBJECT TO BOARD APPROVAL
16. [2022-0196](#) EICHENLAUB MARINE, INC., DBA EICHENLAUB MARINE LOCATED AT 2608 SHELTER ISLAND DRIVE, SAN DIEGO:
- A) RESOLUTION CONSENTING TO THE ASSIGNMENT AND ASSUMPTION OF THE LEASEHOLD INTEREST FROM EICHENLAUB MARINE, INC. DBA EICHENLAUB MARINE TO THE OLDE BOAT YARD LLC.
- B) ORDINANCE GRANTING AN AMENDED AND RESTATED LEASE TO THE OLDE BOAT YARD LLC., TO UPDATE LEASE TO CURRENT LEASE TERMS.
17. [2022-0315](#) RESOLUTION REGARDING DISTRICT VIRTUAL MEETINGS IN ACCORDANCE WITH THE RALPH M. BROWN ACT AND ASSEMBLY BILL 361

18. [2022-0320](#) A) RESOLUTION AMENDING THE CAPITAL IMPROVEMENT PROGRAM (CIP) APPROPRIATION BY \$XXX,XXX FOR AN INCREASE TO THE MICROGRID INFRASTRUCTURE AT TENTH AVENUE MARINE TERMINAL (TAMT) PROJECT BUDGET TO BE FUNDED BY THE CALIFORNIA ENERGY COMMISSION (CEC) GRANT AGREEMENT NO. EPC-17-049.
- B) RESOLUTION APPROVING CHANGE ORDER NO. 4 FOR CONTRACT NO. 20-06 MICROGRID INFRASTRUCTURE AT TAMT PROJECT FOR A CONTRACT TIME EXTENSION OF XXX CALENDAR DAYS TO ALIGN WITH THE COMPLETION OF THE SOLAR PHOTOVOLTAIC SYSTEM, AND TO INCREASE THE CONTRACT VALUE BY \$XXX,XXX TO INTEGRATE THE NEW ELECTRIC CRANES TO THE MICROGRID CONTROLLER, FOR A REVISED TOTAL CONTRACT VALUE OF \$X,XXX,XXX.

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

PUBLIC HEARING AGENDA

19. [2022-0278](#) CONDUCT PUBLIC HEARING FOR NATIONAL CITY BAYFRONT PROJECT AND NATIONAL CITY BALANCED PLAN PORT MASTER PLAN AMENDMENT:
- A. ADOPT A RESOLUTION CERTIFYING THE "NATIONAL CITY BAYFRONT PROJECTS & PLAN AMENDMENTS" FINAL ENVIRONMENTAL IMPACT REPORT, ADOPTING THE FINDINGS OF FACT AND STATEMENT OF OVERRIDING CONSIDERATIONS, ADOPTING THE MITIGATION MONITORING AND REPORTING PROGRAM, AND DIRECTING FILING OF THE NOTICE OF DETERMINATION; AND
- B. ADOPT RESOLUTION APPROVING THE "NATIONAL CITY BALANCED PLAN" PORT MASTER PLAN AMENDMENT, AND DIRECTING THE FILING WITH THE CALIFORNIA COASTAL COMMISSION FOR CERTIFICATION

ACTION AGENDA

20. [2022-0336](#) MUNICIPAL SERVICES AGREEMENTS
- A) RESOLUTION ESTABLISHING AN UPDATED BASELINE RATE AND SCOPE OF SERVICES UNDER THE MUNICIPAL SERVICES AGREEMENT WITH THE CITY OF NATIONAL CITY
- B) RESOLUTION ESTABLISHING AN UPDATED BASELINE RATE AND SCOPE OF SERVICES UNDER THE MUNICIPAL SERVICES AGREEMENT WITH THE CITY OF CHULA VISTA

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

21. [2022-0339](#) PRESENTATION AND DIRECTION TO STAFF ON POTENTIAL PUBLIC FINANCING MODEL FOR PUBLIC INFRASTRUCTURE AND PARKS AS A PART OF THE REDEVELOPMENT OF A PORTION OF THE CENTRAL EMBARCADERO DISTRICT BY 1HWY1, LLC (SEAPORT SAN DIEGO PROJECT)
22. [2022-0027](#) REVIEW AND CONSIDERATION OF DRAFT PROPOSED BOARD AGENDA FOR THE NOVEMBER 8, 2022 MEETING

OFFICER'S REPORT

23. [2022-0337](#) OFFICER'S REPORT

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

A) Change Order No. 1 to Contract No. 2020-11 with Perimeter Security Group, LLC - 30 Calendar Day Time Extension thru 08-03-2022

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:

A) Rent Review Letter with Star & Crescent Boat Company dba Flagship Cruises & Events for Rental Period Beginning 02-01-2022 thru 01-31-2032

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

A) Encumbrance Review and Consent Memo with Conditional Consent for Lease with Cahuenga III, LLC dba Kona Kai Resort and Marina

B) Encumbrance Review and Conditional Consent for Second Amended and Restated Lease with The Brigantine, Inc. dba Ketch Grill and Taps in Favor of Bank of America, N. A.

C) Encumbrance Review and Conditional Consent for Lease with The Brigantine, Inc. dba Portside Pier in Favor of Bank of America, N. A.

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 (#72949) with ALEXCO-USA, Inc. dba Zytoun Gourmet Mediterranean - Amends Section 1 for Description of Premises