



San Diego Unified Port District

3165 Pacific Hwy.
San Diego, CA 92101

Meeting Minutes

Board of Port Commissioners

Tuesday, October 12, 2021

1:00 PM

Virtual

A. Roll Call.

Present: 7 - Commissioner Bonelli, Commissioner Castellanos, Commissioner LeSar, Commissioner Malcolm, Commissioner Moore, Commissioner Naranjo, and Chairman Zucchet

Excused: 0

Absent: 0

Officers Present: DeAngelis, Medina, Morales, Russell, Stuyvesant, and Yeilding.

B. Closed Session Report Out.

Thomas A. Russell, General Counsel, announced that the Board considered the items on the Closed Session Agenda, and stated that no reportable action was taken.

C. Public Communications.

The following member(s) of the public addressed the Board with non agenda-related comments: Peter Flournoy, Tuna Harbor Dockside Market; Carol Green; Derrick Montemayor; and K.B. Strange.

D. Board Committee Reports.

Commissioner Malcolm provided a report on the September 21, 2021 Audit Oversight Committee. Commissioner Malcolm shared that the Port Auditor, Mark Yeilding, presented changes to three Board of Port Commissioner Policies, BPC No. 035, Powers and Functions of the Port Auditor, BPC NO. 630 – Fraud Prevention Policy, and BPC No. 776 – Port Audit Oversight Committee. Commissioner Malcolm explained that the changes incorporated were based on best practice presentations along with Audit Committee and Board direction. Commissioner Malcolm announced that the Audit Committee recommended the proposed changes for approval by the Board today (Consent Agenda Item 6 - File No. 2021-0256). Additionally, the Port Auditor reviewed the annual report for Fiscal Year 2021 which included the Office of the Port Auditor's Key Performance Metrics for FY 2021. The Office of the Port Auditor outperformed their set Key Performance Indicators (KPI's) in six out of seven measures. The committee also received an update on reports made to the Port's Fraud and Ethics Hotline between July and September. The Committee also heard from Scott Clark, Financial Services Deputy Treasurer, who provided an overview and update on the implementation of GASB 87 standards. Finally, Billy Marsh, the Port's Chief Information Security Officer, gave an update on the Port's cybersecurity including how phishing emails are handled. Commissioner Malcolm then shared that the next Audit Oversight Committee meeting will

be held on Tuesday, December 7, which will include the presentation and acceptance of the Comprehensive Annual Financial Report and Single Audit for Fiscal Year 2021 and presentations on Data Analytics, Dashboards, and Continuous monitoring initiatives by the Office of the Port Auditor.

Commissioner Castellanos provided a report on the September 22, 2021, Environmental Advisory Committee (EAC) meeting. Commissioner Castellanos shared that the Committee received presentations on the following topics: an update on the Blue Economy Incubator pilot projects; an overview of the restorative aquaculture planning process; and a high-level overview of Port blue carbon opportunities, including the U.S. Maritime Administration's funding of the San Diego Bay Blue Carbon Eelgrass Study. The last presentation was on the San Diego Bay Native Oyster Living Shoreline Project. The Living Shoreline Project was recently awarded \$1 million in grant funding from the California Coastal Conservancy and U.S. Fish & Wildlife Service. The grant will fund construction and installation of the reef balls that will form the living shoreline project. Commissioner Castellanos explained that the reef ball construction uses crushed oyster shells mixed with concrete and the oyster shells embedded in the concrete encourages larval oysters to settle onto the reef balls. As the oysters grow, they build a living structure that supports native species and has the potential to dampen wave energy and protect the coastline from erosion. Commissioner Castellanos announced that the public works agreement to install the 360 reef balls is on today's consent agenda (Consent Item 7 - File No. 2021-0281), and added that the next EAC meeting is scheduled for December 1, 2021.

E. Commissioners' Reports.

Commissioner Naranjo provided a report regarding the September 21st AB 617 Steering Committing meeting. Commissioner Naranjo shared that the Committee voted to send a letter of support for UCSD's and Scripps' hydrogen-hybrid coastal research vessel. Commissioner Naranjo explained that this "first-of-its-kind" hydrogen-hybrid vessel will feature an innovative propulsion system that will use hydrogen fuel cells to enable zero-emission operations for 75% of the ship's expeditions. The Steering Committee also received a presentation from Air Pollution Control District (APCD) staff on community identified emission reduction projects. In addition to a status update on the APCD's residential air filtration project, APCD staff shared a tentative framework to advance a Zero Emission Truck Program and Zero Emission Port Equipment, both of which are included in the AB 617 Community Emissions Reduction Program (CERP) and the Port's Maritime Clean Air Strategy (MCAS). The tentative framework for trucks, that was shared included: working with Port to recruit truck owners and operators; \$4 million in initial funding allocation; up to \$250,000 per truck or 90% of the truck's cost; and no scrappage requirement. Commissioner Naranjo also shared that the tentative framework for Port equipment is not as mature, but current ideas include: \$3 million in initial funding allocation; 90% funding; and no scrappage requirement. Commissioner Naranjo added that APCD staff plans to continue to work on refining these proposals and send it to the California Air Resources Board for their feedback.

F. President's Report.

Joe Stuyvesant, President/CEO, announced that he is deferring his President's report to a future Board meeting in the interest of time.

G. District Clerk's Announcements.

Donna Morales, District Clerk, announced that Item 11 - File No. 2021-0334 on the consent agenda will require a 4/5 vote approval for passage.

Additionally, Ms. Morales shared that additional agenda-related materials were received by the Board after publication of the agenda for the following items: Action Agenda Item 14 - File No. 2021-0293, and Action Agenda Item 15. File No. 2021-0345.

There are no requested docket changes for this Board meeting.

APPROVAL OF MINUTES

[2021-0368](#)

Approval of minutes for:

September 14, 2021 - CLOSED SESSION

September 14, 2021 - BPC MEETING

On a motion by Commissioner Castellanos, seconded by Commissioner Bonelli, the Board approved the minutes. The motion carried by the following vote:

Yeas: 7 - Bonelli, Castellanos, LeSar, Malcolm, Moore, Naranjo, and Zucchet

Nays: 0

Excused: 0

Absent: 0

Abstain: 0

Recused: 0

CONSENT AGENDA

Commissioner Bonelli called for a motion to adopt the Consent Agenda with the exception of Item 8 - File No. 2021-0291, Commissioner Malcolm seconded the motion. Commissioner Castellanos called for a friendly amendment to also take Item 12 - File No. 2021-0306 separately from the Consent agenda as he needs to recuse himself from the Item. Commissioner Bonelli and Commissioner Malcolm accepted the friendly amendment thereby adopting the revised Consent Agenda as follows Resolution 2021-111; Resolution 2021-112; Resolution 2021-113; Resolution 2021-114; Ordinance 3023; Resolution 2021-115; Resolution 2021-116; Resolution 2021-117; Resolution 2021-118; Resolution 2021-119; Resolution 2021-125; Resolution 2021-126; Resolution 2021-127; and Resolution 2021-130. The motion carried by the following vote:

Yeas: 7 - Bonelli, Castellanos, LeSar, Malcolm, Moore, Naranjo, and Zucchet

Nays: 0

Excused: 0

Absent: 0

Abstain: 0

Recused: 0

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

On a motion by Commissioner Bonelli, seconded by Commissioner Malcolm, the Board adopted Resolution 2021-111 as part of the Consent agenda.
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

On a motion by Commissioner Bonelli, seconded by Commissioner Malcolm, the Board adopted Resolution 2021-112 as part of the Consent agenda.
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.

On a motion by Commissioner Bonelli, seconded by Commissioner Malcolm, the Board adopted Resolution 2021-113 as part of the Consent agenda.
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

On a motion by Commissioner Bonelli, seconded by Commissioner Malcolm, the Board adopted Resolution 2021-114 as part of the Consent agenda.
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.

On a motion by Commissioner Bonelli, seconded by Commissioner Malcolm, the Board adopted Ordinance 3023 and Resolution 2021-115 as part of the Consent agenda.

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.

On a motion by Commissioner Bonelli, seconded by Commissioner Malcolm, the Board adopted Resolution 2021-116, Resolution 2021-117, and Resolution 2021-118 as part of the Consent agenda.

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

On a motion by Commissioner Bonelli, seconded by Commissioner Malcolm, the Board adopted Resolution 2021-119 as part of the Consent agenda.

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

Commissioner Castellanos reserved his comments for this item at a future time, however he wanted to thank the County for their efforts on this item.

On a motion by Commissioner Bonelli, seconded by Commissioner Malcolm, the

Board adopted Resolution 2021-125 as part of the Consent agenda.

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.
- On a motion by Commissioner Bonelli, seconded by Commissioner Malcolm, the Board adopted Resolution 2021-126 as part of the Consent agenda.
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
- On a motion by Commissioner Bonelli, seconded by Commissioner Malcolm, the Board adopted Resolution 2021-127 as part of the Consent agenda.
13. [2021-0358](#) RESOLUTION APPROVING GRANT OF INDEMNITY TO LORDSTOWN EV SALES LLC RELATED TO PURCHASE OF ELECTRIC TRUCKS
- On a motion by Commissioner Bonelli, seconded by Commissioner Malcolm, the Board adopted Resolution 2021-130 as part of the Consent agenda.

ACTION AGENDA

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.

This item was removed from the Consent Agenda. Commissioner Castellanos recused himself due to a relationship one of his partners has with one of the involved parties and did not participate in this item.

On a motion by Commissioner LeSar, seconded by Commissioner Malcolm, the Board adopted Resolution 2021-128, Ordinance 3024, and Resolution 2021-129. The motion carried by the following vote:

Yeas: 6 - Bonelli, LeSar, Malcolm, Moore, Naranjo, and Zucchet

Nays: 0

Excused: 0

Absent: 0

Abstain: 0

Recused: 1 - Castellanos

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

This item was pulled from the Consent Agenda.

Commissioner LeSar made a motion to add to the requirement that, prior to the execution of the agreements and at each agreement anniversary, companies shall provide their standard workforce report and their ownership report; and to include this as a standard requirement as part of the Port's Request for Proposals process. Commissioner Castellanos seconded the motion, the Board thereby adopted Resolution 2021-120, Resolution 2021-121, Resolution 2021-122, Resolution 2021-123, and Resolution 2021-124. The motion carried by the following vote:

Yeas: 7 - Bonelli, Castellanos, LeSar, Malcolm, Moore, Naranjo, and Zucchet

Nays: 0

Excused: 0

Absent: 0

Abstain: 0

Recused: 0

Commissioner Bonelli left the meeting at 4:45 pm and did not return.

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

Larry Hofreiter, Program Manager, Planning, addressed the Board with staff's report and presentation regarding Action Agenda Item 14 - File No. 2021-0293 (A copy of the staff report, presentations and any agenda-related materials are on file with the Office of the District Clerk). Mr. Hofreiter then turned the presentation over to Maggie Weber, Senior Planner, Planning, to provide overview of the MCAS development process, public engagement timeline, and public comment themes. Ms. Weber then turned the presentation back to Mr. Hofreiter to review the comments in more detail and staff response to the comments, the summary of changes made to the draft MCAS document, and staff recommendations.

The following member(s) of the public addressed the Board with agenda-related comments: Keith Corey, Office of San Diego City Mayor Todd Gloria; Marcos Holguin, International Long Shore and Warehouse Local 29 and 94; Raymond Leyba; Cristina Marquez IBW Local 569; Sharon Cloward, San Diego Port Tenants Association (with time ceded by John Laun); Sophie Silvestri, Pasha Automotive Services; Salvadore Abrica; Sara Marsh; Anthony Soniga, Local 29; Jack Monger, Industrial Environmental Association; Monserrat Hernandez, Environmental Health Coalition (presentation with time ceded by Allie Fen, Joy Williams, Angelica, Estrada, Laura Benevidez, and Nancy Cruz); Diane Takvorian and Danny Serrano, Environmental Health Coalition (presentation with time ceded by Dominique Navarro, Franco Garcia, and Kyle Heiskala); A. Luna; Gilbert Salgado; Angelina Sanchana; Angie Spiro; Alfonso Torres; Crystal Cruz; Camron Pate; Christine Torres; Domingo Vigil, Deputy Director, San Diego County Air Pollution Control District; Jimmy Bartley; Jesus Mendoza; Lydia Pacer, Environmental Manager, BAE Systems; Lianna Rios, EV Customer Solutions Manager, SDG & E; Manuel Enriquez; Maritza Garcia; Maya Tahl Ramani, Harborside Refrigerated Services; Nicolas Blanco Kohn; Norman Paraiso; Name not provided; Kristen Joseph on behalf of Ray Carpenter, President, RE Staite Engineering; Steve Butts; Sylvia Calzada; Steve Frailey; Sara Mourino, Sustainability Director, SSA Marine; Steve Spittle; Name not provided; V. Castillo; Coleen Clementson, Planning Director, San Diego Association of Governments; Catalina Tita Puente; Chelsea Elizarde; Angelica Ramirez; Alicia Sanchez; Carmen Garciola; Franciso Hernandez; Maritza Garcia; Margarita Moreno; and Ricardo Vilamontes.

Chairman Zucchet, Commissioner Naranjo, Commissioner Malcolm, Commissioner LeSar, Commissioner Castellanos, Commissioner Moore, provided comments and asked clarifying questions. Phil Gibbons, Program Manager, Energy, Jason Giffen, Vice President, Mr. Hofreiter, Mike LaFleur, Vice President, Maritime, Stephen Shafer, Principal, Economics and Policy, Joe Stuyvesant, President/CEO, and Josefina Khalidy, Principal, Maritime Business Retention, responded.

Commissioner Naranjo made a motion, seconded by Chairman Zucchet, subsequently amended with the consent of the maker and the second, to adopt the Maritime Clean Air Strategy as recommended by Staff with the following changes:

1. Prepare a heavy duty truck transition plan by January 2022 with ZE heavy-duty transition benchmarks of 40% by June 30, 2026 and 100% by December 31, 2030.

2. Prepare a baseline of heavy duty diesel and natural gas truck trips related to the transition benchmarks above using a baseline of 100,000 truck trips.

3. Edit the MCAS Definitions to add trucking-related definitions as follows:

- a. Trucking Company - Licensed motor carrier registered with the Secretary of State, registered with the Federal Motor Carrier Safety Administration.**
- b. Independent Trucker - A person that has their own operating authority, like the licensed motor carrier and operates one truck all on their own.**
- c. Owner Operator - A person that owns a truck but does not hold any operating authority. To be clear, Owner Operator is not a legal definition with regards to employment status, only the relationship between the owner and their equipment.**
- d. Truck Driver - A person that holds the proper license to drive the equipment.**

4. Edit the MCAS language regarding assumptions and advancements to read as follows:

- a. "Maritime tenants and businesses create important maritime workforce jobs for**

the region. The maritime terminal workforce includes longshore workers, terminal operators, and administrative employees, trucking companies and independent truckers, rail employees, transportation service providers, and others. The MCAS initiatives, including the development of clean technology, should support the existing workforce, but must balance workforce growth and economic development with achieving health equity for those that have been most disproportionately impacted by port and port tenant operations. The port acknowledges that the following conditions and advancement are important to help meet the MCAS long-term goals.

- i. Number one, capability. The state of heavy duty truck technology meets the load and daily mileage requirements, including cargo movements within the port's marine cargo marine terminals, and are commercially available for cargo transported to and from the port's marine cargo terminals.
- ii. Number two, infrastructure. Zero emission infrastructure is available and accessible. Number three, capital expenditures. Procurement costs of zero emission vehicles and equipment will continue to be partially offset by grant subsidies and other financing mechanisms to help achieve parity with traditionally powered vehicles and equipment.
- iii. Additionally, it assumes technologies and markets will continue to mature.
- iv. Number four, commercial availability. Commercial availability vehicles and equipment will continue to increase, particularly with specialized equipment, such as electric, top handlers and anticarrier trucks.
- v. Number five, education and training. The port will help promote the number of trained service personnel to repair and maintain zero emission equipment and vehicles to help ensure that there is no undue disruption of cargo and maritime operations."

5. Include 2-year MCAS check ins that will be an opportunity to relook at these specific goals, analyze various sign posts and potentially make changes. The 2-year reviews will include looking at baseline, reforecasting, feasibility, state of technology, elasticity, health studies and funding availability.

The Board adopted Resolution 2021-131. The motion carried by the following vote:

Yeas: 5 - Castellanos, LeSar, Moore, Naranjo, and Zucchet

Nays: 1 - Malcolm

Excused: 1 - Bonelli

Absent: 0

Abstain: 0

Recused: 0

Commissioner LeSar left the meeting at 5:40 pm and did not return.

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.

Job Nelson, Vice President, Strategy & Policy, addressed the Board with staff's report and presentation regarding Action Agenda Item 16 - File No. 2021-0349 (A copy of the staff report, presentations and any agenda-related materials are on file with the Office of the District Clerk).

The following member(s) of the public addressed the Board with agenda-related comments: National City Mayor Alejandra Sotelo Solis (presentation); Danny Serrano, Environmental Health Coalition; Mac MacLaughlin; and Anthony Soniga.

Chairman Zucchet, Commissioner Naranjo, Commissioner Moore, and Commissioner Malcolm, provided comments, and asked clarifying questions. Mike LaFleur, Vice President, Maritime, Mr. Nelson, and Tracey Sandberg, Chief Technology Officer, responded.

On a motion by Commissioner Malcolm, seconded by Commissioner Moore, the Board accepted staff recommendations and thereby adopted Resolution 2021-132, Resolution 2021-133, and Ordinance 3026. The motion carried by the following vote:

Yeas: 5 - Castellanos, Malcolm, Moore, Naranjo, and Zucchet

Nays: 0

Excused: 2 - Bonelli, and LeSar

Absent: 0

Abstain: 0

Recused: 0

Commissioner Moore left the meeting at 6:10 pm and did not return.

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

Karen Holman, Director, Environmental Protection, addressed the Board with staff's report and presentation regarding Action Agenda Item 15 - File No. 2021-0345 (A copy of the staff report, presentations and any agenda-related materials are on file with the Office of the District Clerk).

The following member(s) of the public addressed the Board with agenda-related comments: Tom Driscoll, Driscoll Boat Works; and Tom Nielson, Nielson Beaumont Marine Inc.

Commissioner Malcolm provided comments and asked clarifying questions. Ms. Holman responded.

On a motion by Commissioner Malcolm, seconded by Commissioner Castellanos, the Board adopted Ordinance 3025. The motion carried by the following vote:

Yeas: 4 - Castellanos, Malcolm, Naranjo, and Zucchet

Nays: 0

Excused: 3 - Bonelli, LeSar, and Moore

Absent: 0

Abstain: 0

Recused: 0

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

On a motion by Commissioner Castellanos, seconded by Commissioner Naranjo, the Board continued this item to a future Board meeting. The motion carried by the following vote:

Yeas: 4 - Castellanos, Malcolm, Naranjo, and Zucchet

Nays: 0

Excused: 3 - Bonelli, LeSar, and Moore

Absent: 0

Abstain: 0

Recused: 0

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

On a motion by Commissioner Castellanos, seconded by Commissioner Malcolm, the Board approved the proposed agenda for the November 9, 2021 Board meeting. The motion carried by the following vote:

Yeas: 4 - Castellanos, Malcolm, Naranjo, and Zucchet

Nays: 0

Excused: 3 - Bonelli, LeSar, and Moore

Absent: 0

Abstain: 0

Recused: 0

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

*Secretary, Board of Port Commissioners
San Diego Unified Port District*

ATTEST:

Clerk of the San Diego Unified Port District