



# San Diego Unified Port District

3165 Pacific Hwy.  
San Diego, CA 92101

## Meeting Minutes

### Board of Port Commissioners

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Tuesday, May 9, 2023

1:00 PM

Don L. Nay Port Administration Boardroom

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#### A. Roll Call.

**Present:** 7 - Chair Rafael Castellanos, Commissioner Dan Malcolm, Commissioner Ann Moore, Commissioner Danielle Moore, Commissioner Sandy Naranjo, Commissioner Frank Urtasun, and Commissioner Michael Zucchet

**Excused:** 0

**Absent:** 0

**Recused:** 0

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

#### B. Statement (just cause) and/or Consideration of a Request to Participate Remotely (emergency circumstances) by a Commissioner, if applicable

*No requests received.*

#### C. Pledge of Allegiance.

*Commissioner Urtasun led the pledge of allegiance.*

#### D. Closed Session Report Out.

*Chairman Castellanos recused himself from Item 2 - File No. 2023-0131 because it involves a party that has a business relationship with one of his law partners.*

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

#### E. Public Communications.

*The following member(s) of the public addressed the Board with non agenda-related comments: Frank Ursitti, President, H & M Landing and San Diego Sportfishing Counsel; William J. Dorsett.*

#### F. Board Committee Reports.

*None.*

**G. Commissioners' Reports.**

Commissioner Naranjo provided a report on the Transportation Committee of the San Diego Association of Governments (SANDAG) which met on May 5th, 2023. Commissioner Naranjo shared that the committee received an update on the San Diego and Imperial County Sustainable Freight Implementation Strategy, which aims to establish a sustainable and health-conscious supply chain based on global best practices. The strategy includes measures to reduce wait times for freight trucks at the border, address workforce training for installing charging stations, and incorporate the Port's Maritime Clean Air Strategy. Completion of the strategy is anticipated by early next year, with a focus on the crucial need for charging infrastructure in the region. Commissioner Naranjo added that currently, the county has approximately 6,500 public electric charging ports, but projections indicate a need for 139,000 stations by 2030.

Commissioner Naranjo then provided a report on the AB167 Portside Community Steering Committee held on April 25, 2023. Commissioner Naranjo shared that incentive funding solicitations conducted by the San Diego Air Pollution Control District (APCD) received applications requesting over \$83 million in funding for various lower emitting and zero emission vehicles and equipment. The committee also discussed the Portside Air Quality Impact and Relief Program (PAIR), which currently offers portable air filters to residents in Portside communities. Around 350 air purifiers have already been distributed. Additionally, the California Air Resources Board staff presented the outcomes of the Regional Air Toxics Risk Modeling.

Commissioner D. Moore provided a report on the visit of the California Energy Commission (CEC) and the California Public Utilities (CPUC) to the San Diego Disadvantaged Community Advisory Group (DACAG) public meeting held on April 21st. The Commissioners from both agencies visited the Tenth Avenue Marine Terminal (TAMT) for a tour to witness the utilization of their funding and discuss the future of California's clean energy transition with Port staff. The discussion highlighted potential areas of growth, including the San Diego Port Sustainability Freight Demonstration Project, the STC Equity-Driven Public Access ZEV charging Blueprint, and the Port of San Diego Microgrid for resiliency in terminal operations. Renee Yarmy, Program Director, Maritime, attended the DACAG and made a presentation on electrification. The purpose of the DACAG is to provide guidance to the CEC and CPUC regarding the development, implementation, and impacts of proposed programs related to Clean Energy and Pollution Reduction. Commissioner D. Moore expressed gratitude to the CEC for their EnergIZE program, which facilitated the procurement of four chargers for the General Services fleet at the Port.

Commissioner Malcolm announced that he attended the United States Mexico Canada Agreement (USMCA) Eligible Public Entities Coordinating Group Meeting in Imperial Beach on May 4th, 2023. Commissioner Malcolm shared that federal and regional agencies convened to discuss the ongoing transboundary pollution from Mexico to the Tijuana River Valley. Highlights of the meeting included: updates on the status of the operation and maintenance projects; the status of the Programmatic Environmental Impact Report (EIR) from Martha Guzman, U.S. Environmental Protection Agency (EPA) Regional Administrator, Commissioner Maria Elena Giner, U.S. Section of the International Boundary and Water Commission (IBWC), and representatives from the U.S. Customs and Border Patrol; and Record of Decision on the EIR that will affect the expansion of the Treatment Plant and the impact of the deferred maintenance of the existing Treatment Plant.

Chairman Castellanos reported that on April 27, 2023, he joined the California State Infrastructure Advisor and former Los Angeles city mayor, Antonio Villaraigosa, at the San Diego Regional Chamber "Good Government" Speaker Series. Mr. Villaraigosa spoke about the importance of infrastructure and investment from the state and federal government. Chairman Castellanos advocated for the Port by discussing the Port's funding needs on projects for approximately \$230 million. Chairman Castellanos added that modernizing the Port is key to maintaining the competitiveness in this global market, the entire state of California and the nation.

Chairman Castellanos then provided a report on the San Diego Regional Chamber of Commerce's annual "Mission to Washington, D. C." which he attended with Commissioner Zucchet, President/CEO Joe Stuyvesant, Job Nelson, Vice President, Strategy and Policy, Aimee Heim, Program Director, Government and Civic Relations, and David Yow, Legislative Policy Administrator, Government and Civic Relations. Chairman Castellanos shared highlights of the trip that included: meeting with Celeste Drake, Special Assistant to the President and Deputy Director of the National Economic Council; a visit to the Pentagon to meet with Meredith Berger, Assistant Secretary of the Navy, Installations, Energy and Environment, with respect to the property the leased by the Navy at 1220 Pacific Highway; a meeting with San Diego's Congressional Delegation, Congress Members Juan Vargas, Scott Peters and Sara Jacobs. Chairman Castellanos also shared that he participated in a news conference with San Diego Mayor Todd Gloria, County Board of Supervisors Chair, Nora Vargas, along with representatives from Caltrans and the Chamber.

Chairman Castellanos also reported that he participated in the Climate Change Tabletop exercise at the Naval Postgraduate School in Monterey, California on April 27th and 28th along with President/CEO Stuyvesant. Chairman Castellanos explained that this was a military exercise related to energy security, water security and coastal flooding issues. During the exercise a set of recommendations and action items on how to address these issues were devised. One of the action items identified was for the Navy to partner with the Port in order to share data to make our collective coast line, our seaports, and Navy installations more resilient to coastal flooding.

Chairman Castellanos then announced that the Port of San Diego's Aquaculture & Blue Technology initiative Blue Economy Incubator was featured on the Today show. Chairman Castellanos shared he was interviewed by co-host Al Roker on the acceleration of blue technology, with focus on environmental remediation solutions such as the ECONcrete project, which bio-enhances infrastructure for shoreline resilience, as well as shellfish and seaweed farming.

## **H. Special Recognition.**

Mike La Fleur, Vice President, Maritime, announced that May 22, 2023, is National Maritime Day and shared that the Port declares May as Maritime Month every year. Mr. LaFleur presented a proclamation honoring the Harbor Police Bay Control Unit and recognized Corporal Jennifer Spearel and Officer Alex Khan for their stellar service to the maritime industry.

Chasin Brown, Assistant Environmental Specialist, Planning, reported that the Port is observing Asian American Native Hawaiian Pacific Islander (AANHPI) Heritage Month in May and is acknowledging six regions as part of the celebration; East Asian, South Asian, Southeast Asian, Central Asian, Pacific Islander and West Asian. Mr. Brown shared that the Port will host a cultural fair on May 15 in which staff will host a table, share information and provide a snack typical of that region/county. Mr. Brown also shared the following May 2023 recognitions: Mental Health Awareness Month; Military

*Appreciation Month; and Jewish American Heritage Month.*

*Amanda Ibara, Associate Environmental Specialist, Environmental Conservation, introduced the 2023 Sea Grant Fellow Annie Bodel, and shared that the Port is one of 16 hosts around the state and this is the Port's seventh year participating in the program.*

*Magda Fernandez, Vice President, Public Safety/Chief of Harbor Police, announced that National Police Week is May 14 - May 20, 2023, which pays special recognition to those law enforcement officers who lost their lives in the line of duty. Chief Fernandez then recognized Officer Haley Ferrer who was recognized on April 27th at the San Diego Crime Stoppers "Enough Is Enough" luncheon and Officer Robert Della Valle who was chosen as Harbor Police Mothers Against Drunk Driving (MADD) Officer of the Year. Chief Fernandez also took the opportunity to celebrate the lives of all women and men, past and present, of the Harbor Police Department whose hard work, dedication and sacrifices serve as a inspiration for all of us..*

## **I. President's Report.**

*Joe Stuyvesant, President/CEO, announced the Memorandum of Understanding (MOU) Signing with GO-Biz in Sacramento on April 26th. The MOU aimed to advance computerized and cloud-based port data system development in collaboration with California's four other containerized cargo ports, aligning with the state's investment to enhance goods movement and supply chain efficiency.*

*Mr. Stuyvesant shared the Port of San Diego's support for Honor Flight San Diego, a non-profit organization escorting veterans to Washington, D.C., to visit memorials. The Port provided public use of its main access lot and employee parking lot for the returning veterans, who were greeted by community members as they arrived on April 30th.*

*Mr. Stuyvesant then announced that David Hochschild, Chair of the California Energy Commission (CEC), visited the Port of San Diego for a briefing and waterside orientation. Chairman Castellanos led the discussion, focusing on the Port's current and planned electrification efforts to transition the local supply chain to zero-emission technology.*

**J. District Clerk's Announcements.**

*Sophia De Jesus, Deputy District Clerk/Records Manager, announced that additional agenda-related materials were received by the Board after publication of the agenda for the following items: Item 11 - File 2023-0086; Item 12 - File 2023-0088; and Item 16 - File 2023-0125.*

*Ms. De Jesus then announced that staff requests that the Board consider the following items be continued to a future Board meeting: Item 1 - File 2023-0124.*

**On a motion by Commissioner Urtasun, seconded by Commissioner Naranjo, the Board adopted the requested docket changes. The motion carried by the following vote:**

**Yeas:** 7 - Rafael Castellanos, Dan Malcolm, Ann Moore, Danielle Moore, Sandy Naranjo, Frank Urtasun, and Michael Zucchet

**Nays:** 0

**Excused:** 0

**Absent:** 0

**Abstain:** 0

**Recused:** 0

**APPROVAL OF MINUTES**

[2023-0136](#) Approval of minutes for:

April 11, 2023 - CLOSED SESSION

April 11, 2023 - BPC MEETING

April 25, 2023 - BOARD RETREAT

April 25, 2023 - BUDGET WORKSHOP

**On a motion by Commissioner Urtasun, seconded by Commissioner Zucchet, the Board approved the April 11th, 2023 minutes. The motion carried by the following vote:**

**Yeas:** 7 - Rafael Castellanos, Dan Malcolm, Ann Moore, Danielle Moore, Sandy Naranjo, Frank Urtasun, and Michael Zucchet

**Nays:** 0

**Excused:** 0

**Absent:** 0

**Abstain:** 0

**Recused:** 0

**CONSENT AGENDA**

*Chairman Castellanos recused himself from Item 3 - File No. 2023-0079 because it involves a party that has a business relationship with one of his law partners.*

3. [2023-0079](#) ADOPT AN ORDINANCE GRANTING AMENDMENT NO. 1 TO AN OPTION TO LEASE AGREEMENT WITH SUNROAD HIE HOTEL PARTNERS, L.P. FOR A 66-YEAR LEASE TO DEVELOP AN UP TO 450-ROOM HOTEL ON HARBOR ISLAND TO EXTEND THE TERM OF THE OPTION

**On a motion by Commissioner Urtasun, seconded by Commissioner Zucchet, the Board adopted Ordinance 3088. The motion carried by the following vote:**

**Yeas:** 6 - Dan Malcolm, Ann Moore, Danielle Moore, Sandy Naranjo, Frank Urtasun, and Michael Zucchet

**Nays:** 0

**Excused:** 0

**Absent:** 0

**Abstain:** 0

**Recused:** 1 - Rafael Castellanos

1. [2023-0124](#) RESOLUTION FINDING THE BOARD ACTION EXEMPT UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA), INCLUDING, BUT NOT LIMITED TO, CEQA GUIDELINES SECTIONS 15301, 15302, AND 15303 AND APPROVING PLANS AND SPECIFICATIONS AND AWARDED CONTRACT NO. 2021-13 TO (name of the contractor) IN THE AMOUNT OF \$ (recommended award amount) FOR THE ELEVATOR CAR IMPROVEMENTS AT SAN DIEGO BAYFRONT PARKING GARAGE PROJECT, AS AUTHORIZED BY THE BOARD IN THE FY 2023 MAJOR MAINTENANCE PROGRAM

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

**This item was continued to a future Board meeting.**

2. [2023-0065](#) RESOLUTION PROCLAIMING SUPPORT OF NATIONAL PUBLIC WORKS WEEK, MAY 21-27, 2023
- On a motion made by Commissioner Urtasun seconded by Commissioner Naranjo, the Board adopted Resolution 2023-039 as part of the Consent agenda.**

4. [2023-0080](#) CONGRESSIONALLY DIRECTED FUNDING:  
A. ADOPT A RESOLUTION AUTHORIZING ACCEPTANCE OF A COMMUNITY PROJECT FUNDING GRANT IN THE AMOUNT OF \$2,000,000 FROM THE DEPARTMENT OF HOUSING AND URBAN

DEVELOPMENT (HUD) FOR FREEDOM PARK AT NAVY PIER PROJECT AND EXECUTION OF THE ACCOMPANYING GRANT AGREEMENT, AND

B. ADOPT A RESOLUTION AUTHORIZING ACCEPTANCE OF A COMMUNITY PROJECT FUNDING GRANT IN THE AMOUNT OF \$3,000,000 FROM THE DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT FOR THE BEACH AND BOAT LAUNCH AT THE HARBOR PARK PROJECT AND EXECUTION OF THE ACCOMPANYING GRANT AGREEMENT.

**On a motion made by Commissioner Urtasun seconded by Commissioner Naranjo, the Board adopted Resolution 2023-040 and Resolution 2023-041 as part of the Consent agenda.**

5.     [2023-0081](#)     PRIORITY LEGISLATIVE BUDGET PROJECT FUNDS: ADOPT A RESOLUTION FINDING THE BOARD ACTION EXEMPT UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA), INCLUDING, BUT NOT LIMITED TO, CEQA GUIDELINES SECTIONS 15306 AND 15308, AND AUTHORIZING ACCEPTANCE OF PRIORITY LEGISLATIVE BUDGET PROJECT FUNDS IN THE AMOUNT OF \$1,400,000 FROM THE CALIFORNIA DEPARTMENT OF TRANSPORTATION (CALTRANS) FOR THE ZUNIGA SHOAL PROJECT AND GRANTING AUTHORITY TO THE EXECUTIVE DIRECTOR TO EXECUTE THE FUNDS TRANSFER AGREEMENT WHEN FINALIZED AFTER ACCEPTANCE.

**On a motion made by Commissioner Urtasun seconded by Commissioner Naranjo, the Board adopted Resolution 2023-042 as part of the Consent agenda.**

6.     [2023-0089](#)     RESOLUTION FINDING THE BOARD ACTION EXEMPT UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA), INCLUDING BUT NOT LIMITED TO CEQA GUIDELINES 15301, 15304, 15306, 15307, AND 15308, AND AUTHORIZING AGREEMENTS WITH WSP USA ENVIRONMENT AND INFRASTRUCTURE, INC., WESTON SOLUTIONS, INC, AND DUDEK FOR AS-NEEDED ENVIRONMENTAL ANALYTICAL SERVICES FOR A TOTAL AGGREGATE AMOUNT NOT TO EXCEED \$3,000,000 FOR A PERIOD OF 5 YEARS. FUNDS FOR FY 2023 HAVE BEEN BUDGETED IN THE DISTRICT'S NON-PERSONNEL EXPENSE 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

**On a motion made by Commissioner Urtasun seconded by Commissioner Naranjo, the Board adopted Resolution 2023-043 as part of the Consent agenda.**

7.     [2023-0090](#)     RESOLUTION AUTHORIZING AN AGREEMENT WITH NATURESCAPE SERVICES, INC. FOR LANDSCAPE MAINTENANCE SERVICES FROM JULY 1, 2023, THROUGH JUNE 30, 2028, FOR AN AMOUNT NOT TO

EXCEED \$1,250,000 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

**On a motion made by Commissioner Urtasun seconded by Commissioner Naranjo, the Board adopted Resolution 2023-044 as part of the Consent agenda.**

8.     [2023-0098](#)     RESOLUTION AUTHORIZING A PURCHASE AGREEMENT NOT TO EXCEED \$1.43M WITH METALCRAFT MARINE INC. FOR THE PURCHASE OF A NEW MARINE FIREFIGHTING VESSEL FOR THE HARBOR POLICE DEPARTMENT UTILIZING \$875,000 IN PORT SECURITY GRANT PROGRAM (PSGP) FUNDING

**On a motion made by Commissioner Urtasun seconded by Commissioner Naranjo, the Board adopted Resolution 2023-045 as part of the Consent agenda.**

9.     [2023-0117](#)     RESOLUTION FINDING THE BOARD ACTION EXEMPT UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA), INCLUDING, BUT NOT LIMITED TO, CEQA GUIDELINES SECTION 15306, AND AUTHORIZING A MEMORANDUM OF UNDERSTANDING BETWEEN THE DISTRICT AND THE CITY OF SAN DIEGO, CITY OF OCEANSIDE, AND COUNTY OF ORANGE FROM JULY 1, 2023, THROUGH JUNE 30, 2028, TO WORK COLLABORATIVELY ON A REGIONAL HARBOR MONITORING PROGRAM TO EVALUATE THE STATUS AND TRENDS OF WATERS, SEDIMENT, AND AQUATIC LIFE IN THE REGIONS HARBORS PURSUANT TO §13225 OF THE CALIFORNIA WATER CODE. 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

**On a motion made by Commissioner Urtasun seconded by Commissioner Naranjo, the Board adopted Resolution 2023-046 as part of the Consent agenda.**

10.    [2023-0130](#)     CONTINENTAL MARITIME OF SAN DIEGO, LLC LOCATED AT 1995 BAYFRONT STREET, SAN DIEGO:

A. RESOLUTION CONSENTING TO THE TRANSFER OF OWNERSHIP INTERESTS IN CONTINENTAL MARITIME OF SAN DIEGO, LLC, TO LSF 11TRINITY BIDCO, INC; AND

B. ORDINANCE GRANTING A SECOND AMENDED AND RESTATED LEASE TO CONTINENTAL MARITIME OF SAN DIEGO, LLC, TO UPDATE LEASE TO CURRENT TERMS.

**On a motion made by Commissioner Urtasun seconded by Commissioner Naranjo, the Board adopted Resolution 2023-047 and Ordinance 3089 as part of the Consent agenda.**



**PUBLIC HEARING AGENDA**

11. [2023-0086](#) AMENDMENT TO SAN DIEGO UNIFIED PORT DISTRICT CODE, ARTICLE 8, SECTION 8.21 TO ESTABLISH NEW MARKET-BASED PARKING RATE RANGES FOR TIDELANDS PUBLIC PARKING LOTS AND GARAGES: CONVENTION CENTER PUBLIC PARKING GARAGE, BAYFRONT PUBLIC PARKING GARAGE, B STREET PIER PUBLIC PARKING LOT, AND NAVY PIER PUBLIC PARKING LOT

A) CONDUCT PUBLIC HEARING AND ADOPT ORDINANCE FINDING THE BOARD ACTION EXEMPT UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) INCLUDING, BUT NOT LIMITED TO, SECTIONS 15273 AND 15301 OF THE CEQA GUIDELINES AND AMENDING SAN DIEGO UNIFIED PORT DISTRICT CODE, ARTICLE 8, SECTION 8.21 - PARKING RATES AT TIDELANDS PUBLIC PARKING LOTS AND GARAGES

B) ADOPT RESOLUTION AUTHORIZING AMENDMENT NO. 1 TO NON-APPEALABLE COASTAL DEVELOPMENT PERMIT 2016-01 FOR THE "NEW MARKET-BASED PARKING RATES AT TIDELANDS PUBLIC PARKING LOT AND GARAGES" TO ESTABLISH NEW MARKET-BASED PARKING RATE RANGES AT CONVENTION CENTER PUBLIC PARKING GARAGE, BAYFRONT PUBLIC PARKING GARAGE AND B STREET PIER PUBLIC PARKING LOT

*Ken Wallis, Director, Guest Experiences, joined by Kristine Love, Parking Manager, Guest Experiences, Lillian Mattes, Assistant Planner, Development Services, and Jackie Godoy, Deputy General Counsel IV, Office of the General Counsel, addressed the Board with staff's report and presentation regarding Public Hearing Agenda Item 11 - File No. 2023-0086 (A copy of the staff report, presentations and any agenda-related materials are on file with the Office of the District Clerk).*

*Chairman Castellanos opened the Public Hearing.*

*The following member(s) of the public addressed the Board with agenda-related comments: Juan Perez, IATSE, Local 122, Stagehand Union.*

*Commissioner Malcolm, President/CEO Joe Stuyvesant, Commissioner Urtasun, and Chairman Castellanos provided comments and asked clarifying questions. Lesley Nishihira, Director, Planning, Ken Wallis, and Thomas A. Russell, General Counsel, responded.*

*Chairman Castellanos closed the Public Hearing.*

**On a motion by Commissioner Naranjo, seconded by Commissioner A. Moore, the Board adopted Ordinance 3090 and Resolution 2023-048. The motion carried by the following vote:**

**Yeas:** 7 - Rafael Castellanos, Dan Malcolm, Ann Moore, Danielle Moore, Sandy Naranjo, Frank Urtasun, and Michael Zucchet

**Nays:** 0

**Excused:** 0

**Absent:** 0

**Abstain:** 0

**Recused:** 0

- 12.**     [2023-0088](#)     CONDUCT A PUBLIC HEARING AND ADOPT AN ORDINANCE FINDING THE BOARD ACTION EXEMPT UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA), INCLUDING BUT NOT LIMITED TO, CEQA GUIDELINES SECTIONS 15301 AND 15311, AND AMENDING SAN DIEGO UNIFIED PORT DISTRICT (SDUPD) CODE ARTICLE 8, SECTION 8.07 - REGULATION OF MOTORIZED MOBILITY DEVICES AND PEDICABS ON DISTRICT TIDELANDS

*Ken Wallis, Director, Guest Experiences, joined by Kristine Love, Parking Manager, Guest Experiences, Captain Jonathan George, Harbor Police Department, and John Carter, Senior Deputy General Counsel, Office of the General Counsel, addressed the Board with staff's report and presentation regarding Public Hearing Agenda Item 12 - File No. 2023-0088 (A copy of the staff report, presentations and any agenda-related materials are on file with the Office of the District Clerk).*

*Chairman Castellanos opened the Public Hearing.*

*The following member(s) of the public addressed the Board with agenda-related comments: Cat Pike; Matt Williams; William J. Dorsett; Shaun Scott; Enrique Aguilar; John Q. Public; Janet Rogers, Co-Chair, Safe Walkways; Sharon Cloward, President, San Diego Working Waterfront; Riza Korkusuz; Thomas Layug; Patrick Taaffe; Mike Nagyhazi; George Penman; Anonymous; Anonymous; Anonymous; Jule Demierre, Owner, City Park Bike Tours; and Kylee Floodman, Bird Government Partnership Team.*

*Commissioner Zucchet, Commissioner Urtasun, Chairman Castellanos and Commissioner D. Moore provided comments and asked clarifying questions. Captain Jonathan George, Thomas A. Russell, General Counsel, John Carter, and Joe Stuyvesant, President/CEO, responded.*

*Chairman Castellanos closed the Public Hearing.*

**No action taken on this item.**

13. [2023-0099](#) 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

*Joel Valenzuela, Director, Maritime, joined by Josefina Khalidy, Principal, Maritime Business Retention, Maritime, and Simon Kann, Assistant General Counsel, Office of the General Counsel, addressed the Board with staff's report and presentation regarding Public Hearing Agenda Item 13 - File No. 2023-0099 (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: None.*

*No Commissioner comments received.*

**On a motion by Commissioner Urtasun, seconded by Commissioner Malcolm, the Board adopted Resolution 2023-049 and Ordinance 3091. The motion carried by the following vote:**

**Yeas:** 6 - Rafael Castellanos, Dan Malcolm, Ann Moore, Danielle Moore, Sandy Naranjo, and Frank Urtasun

**Nays:** 0

**Excused:** 1 - Michael Zucchet

**Absent:** 0

**Abstain:** 0

**Recused:** 0

**ACTION AGENDA****14.     [2023-0053](#)     MUNICIPAL SERVICES AGREEMENTS**

A. RESOLUTION ESTABLISHING A BASELINE RATE AND SCOPE OF SERVICES FOR THE FY23 BASELINE RESET DATE UNDER THE MUNICIPAL SERVICES AGREEMENT WITH THE CITY OF CHULA VISTA AND AUTHORIZING AN AMENDMENT TO SUCH AGREEMENT TO REFLECT THE UPDATED RATE

B. UPDATE ON MUNICIPAL SERVICES AGREEMENT BASELINE RATE AND SCOPE OF SERVICES NEGOTIATIONS WITH THE CITY OF NATIONAL CITY

*Shaun Sumner, Vice President, Business Operations, joined by David Jones, Deputy General Counsel IV, Office of the General Counsel, addressed the Board with staff's report and presentation regarding Agenda Item 14 - File No. 2023-0053 (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: None.*

*Commissioner A. Moore, Commissioner Zucchet, Commissioner Naranjo, Chairman Castellanos Commissioner Urtasun, and Commissioner Malcolm provided comments and asked clarifying questions. Shaun Sumner, Thomas Russell, General Counsel, and Joe Stuyvesant, President/CEO, responded.*

**On a motion by Commissioner Moore, seconded by Commissioner Zucchet, the Board adopted Resolution 2023-050. The motion carried by the following vote:**

**Yeas:** 7 - Rafael Castellanos, Dan Malcolm, Ann Moore, Danielle Moore, Sandy Naranjo, Frank Urtasun, and Michael Zucchet

**Nays:** 0

**Excused:** 0

**Absent:** 0

**Abstain:** 0

**Recused:** 0

**15.     [2023-0100](#)     ORDINANCE AMENDING SAN DIEGO UNIFIED PORT DISTRICT PORT CODE SECTION 4.38 - REGULATING VESSELS IN THE A-1, A-5, AND A-9 ANCHORAGES TO INCLUDE SHELTER ISLAND GUEST DOCK, INSURANCE REQUIREMENTS, AND OTHER AMENDMENTS UPDATING LANGUAGE TO CODIFY AND REFLECT BEST MANAGEMENT PRACTICES**

*Joel Valenzuela, Director, Maritime, joined by Josefina Khalidy, Principal, Maritime Business Retention, Maritime, Daniel Valentine, Manager, Maritime Operations, Evan*

*Warren, Wharfinger, Maritime, and Simon Kann, Assistant General Counsel, Office of the General Counsel, addressed the Board with staff's report and presentation regarding Agenda Item 15 - File No. 2023-0100 (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: Sharon Cloward, President, San Diego Working Waterfront.*

*Commissioner Malcolm, and Commissioner Urtasun, provided comments.*

**On a motion by Commissioner Malcolm, seconded by Commissioner Urtasun, the Board adopted Ordinance 3092. The motion carried by the following vote:**

**Yeas:** 7 - Rafael Castellanos, Dan Malcolm, Ann Moore, Danielle Moore, Sandy Naranjo, Frank Urtasun, and Michael Zucchet

**Nays:** 0

**Excused:** 0

**Absent:** 0

**Abstain:** 0

**Recused:** 0

**17.     [2023-0132](#)     DISCUSSION OF USE OF ANTICIPATED FY 2023 BUDGET SURPLUS AND POTENTIAL RESOLUTION AMENDING FY 2024 PRELIMINARY BUDGET.**

*Job Nelson, Vice President, Strategy and Policy, joined by Simon Kann, Assistant General Counsel, Office of the General Counsel, addressed the Board with staff's report and presentation regarding Agenda Item 17 - File No. 2023-0132 (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: None.*

*Commissioner Malcolm, Commissioner A. Moore, Commissioner Urtasun, and Commissioner Zucchet provided comments and asked clarifying questions. Job Nelson and Simon Kann, responded.*

**Commissioner Malcolm made a motion for direction to staff on how to apply the anticipated FY 2023 budget surplus; Balanced Capital Program, 15 million, 3 million per city; Harbor Park Phase 1A, 3 million; NCBP Planning/Pepper Park, 3 million; Driscoll's Wharf Redevelopment, 3.1 million; Infrastructure Grant Matching Reserve, 4 million; and Reserves, 4.9 million. Commissioner A. Moore seconded the motion. Commissioner Zucchet requested the motion be amended by reducing the Balanced Capitol Program to 10 million, 2 million per city; Harbor Park Phase 1A, 3 million; NCBP Planning/Pepper Park, 3 million; Driscoll's Wharf Redevelopment, 3.1 million; Infrastructure Grant Matching Reserve, 4 million; TAMT Electrical Upgrade Phases 4 - 6, 3 million; Reserves 4.9 million. Commissioner Malcolm and Commissioner A. Moore accepted the friendly amendment. The motion carried by the following vote:**

**Yeas:** 7 - Rafael Castellanos, Dan Malcolm, Ann Moore, Danielle Moore, Sandy Naranjo, Frank Urtasun, and Michael Zucchet

**Nays:** 0

**Excused:** 0

**Absent:** 0

**Abstain:** 0

**Recused:** 0

**16.     [2023-0125](#)     RESOLUTION ADOPTING THE FY 2024 PRELIMINARY BUDGET AND SETTING THE DATE FOR PUBLIC HEARING ON THE BUDGET AS JUNE 13, 2023**

*Robert DeAngelis, CFO/Treasurer, joined by Merv Nocum, Manager, Financial Services, addressed the Board with staff's report and presentation regarding Agenda Item 16 - File No. 2023-0125 (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: Meli Morales, Environmental Health Coalition; Kelsey Genesi for Silvia Calzada; Kelsey Genesi, National City Policy Advocate, Environmental Health Coalition; Margarita Moreno; and Alicia Sanchez.*

*Commissioner Zucchet, Commissioner Urtasun, Commissioner Naranjo and Chairman Castellanos provided comments and asked clarifying questions. Joe Stuyvesant, President/CEO, responded.*

**Commissioner Malcolm made a motion to approve the preliminary budget and set the date for final budget as stated. The preliminary budget proposed is what is published in the agenda for the meeting, published for the budget book with the following changes put forth in an Addendum which will be put on file with the Office of the District Clerk. Changes approved in previous item for use of surplus amount of approximately \$311,000.00 of additional spending to cover the added Chula Vista Municipal Services Agreement (MSA) approved today; \$350,000.00 Tenth Avenue Marine Terminal (TAMT) Security Gate; and \$500,000.00 B Street Asphalt. The motion was seconded by Commissioner Urtasun, the Board adopted Resolution 2023-051. The motion carried by the following vote:**

**Yeas:** 7 - Rafael Castellanos, Dan Malcolm, Ann Moore, Danielle Moore, Sandy Naranjo, Frank Urtasun, and Michael Zucchet

**Nays:** 0

**Excused:** 0

**Absent:** 0

**Abstain:** 0

**Recused:** 0

**18.     [2023-0112](#)     PRESENTATION UPDATES ON PORT ELECTRIFICATION PROJECTS**

*Mike LaFleur, Vice President, Maritime, joined by Renee Yarmy, Program Director, Maritime, Phil Gibbons, Program Director, Planning, Peter Eichar, Program Manager, Planning & Environment, Planning, and Eric Guerreiro, Capitol Project Manager, Engineering-Construction, addressed the Board with staff's report and presentation regarding Agenda Item 18 - File No. 2023-0112 (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: Meli Morales, Environmental Health Coalition; Nikki Tiongco, Caltrans, District 11, Corridor Director for the South County Entry Corridors.*

*Commissioner Zucchet, Commissioner D. Moore, Commissioner Naranjo, and Chairman Castellanos provided comments and asked clarifying questions. Phil Gibbons, and Job Nelson, Vice President, Strategy and Policy, responded.*

**19.     [2023-0005](#)     REVIEW AND CONSIDERATION OF DRAFT PROPOSED BOARD AGENDA FOR THE JUNE 13, 2023 MEETING**

**On a motion by Commissioner Naranjo, seconded by Commissioner D. Moore ,the Board approved the proposed agenda for June. The motion carried by the following vote:**

**Yeas:**   7 -   Rafael Castellanos, Dan Malcolm, Ann Moore, Danielle Moore, Sandy Naranjo, Frank Urtasun, and Michael Zucchet

**Nays:**   0

**Excused:** 0

**Absent:**  0

**Abstain:** 0

**Recused:** 0

**OFFICER'S REPORT****20.     [2023-0127](#)     OFFICER'S REPORT**

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

A) Change Order No. 01 to Contract No. 2022-07 with Loghmani & Associates Design Group, Inc. dba L.A. Design Group - WLA - 43 Calendar Day Time Extension thru 05-26-2023

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:

A) Amendment No. 2 to Lease (#71078) with The ATM Guy, Inc. - Amends Section 4.1 Regarding Minimum Monthly Rent, & Extends Term thru 03-31-2025



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

*ATTEST:*

\_\_\_\_\_  
*Clerk of the San Diego Unified Port District*