



# San Diego Unified Port District

3165 Pacific Hwy.  
San Diego, CA 92101

## Meeting Minutes

### Board of Port Commissioners

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Tuesday, June 15, 2021

1:00 PM

Virtual Meeting

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#### A. Roll Call.

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

**Excused:** 0

**Absent:** 0

*Commissioner LeSar was excused until she arrived at 1:04 pm.*

*Officers Present: DeAngelis, Medina, Morales, Russell, and Stuyvesant*

#### 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: None*

#### D. Board Committee Reports.

##### *Environmental Advisory Committee*

*Commissioner Castellanos shared that the Environmental Advisory Committee (EAC) received three presentations. The first provided an update on Ocean Connectors, which is a multiyear curriculum program serving 5,000 fourth through seventh grade students in National City. Students visit the Living Coast Discovery Center, plant native plants, go whale watching, and remove trash. The second presentation featured the Ocean Discovery Institute, which is a living lab facility that provides in-class learning, fieldtrips, and after school programs within the community of City Heights which surrounds the Chollas Creek watershed. Staff also provided a high-level overview of sea level rise and coastal resiliency planning efforts, as well as, updated the Committee on monitoring, planning, adaptive management strategies, and funding opportunities. The next EAC meeting is scheduled for September 22, 2021.*

##### *Accessibility Advisory Committee*

*Commissioner LeSar provided a report on the Accessibility Advisory Committee (AAC)*

which met in April. The Committee reviewed and approved the past meeting summary, as well as the annual work plan which is on the June meeting agenda to be considered for Board approval. The Committee then received a presentation from staff on the dockless mobility device ordinance; permits, geofencing, enforcement, and education elements were highlighted as part of the draft document. The AAC also received an update on accessibility items related to the Coronado Ferry Landing. The removable ramps from the dock to the boats were widened and maintenance has been conducted to smooth the surface of the pier to improve accessibility. And lastly, AAC received an update on Electric Vehicle Charging Stations primarily focusing on ensuring van accessible spots and compliance with accessible paths of travel.

#### *Audit Oversight Committee*

Commissioner Malcolm provided a report on the Audit Oversight Committee which met on June 8, 2021. The agenda included a presentation from Mark Yeilding, Port Auditor, on the proposed FY21/22 Audit Plan, which the Audit Oversight Committee recommended the plan, and will be submitted by Mr. Yeilding to the Board for approval today. Mr. Yeilding also presented the benchmarking study conducted on best practices related to external audit firms as well as public audit oversight committee members. Mr. Yeilding will also present this in full to the board today. Jane Mascarenas, Acting Assistant Port Auditor, presented the Port Auditor's status report on audit activities related to the District's audit plan for Fiscal Year 2021. Mr. Yeilding then discussed the status of hotline reports received through the District's Ethics Hotline.

#### *Maritime Stakeholder Forum*

Commissioner Malcolm then provided a report on the Maritime Stakeholder Forum (MSF) which met on June 9th. Commissioner Malcolm explained that he was joined by Commissioner Moore and Commissioner Castellanos. Fifty-eight attendees from 19 organizations participated. The MSF received presentations including the port's online maritime month campaign which focused heavily on highlighting some of the hardworking individuals on the waterfront. From wharfingers, to crane operators, to ship agents - maritime month celebrated the individuals who "keep the hook moving". Other presentations included: a MCAS Draft update; a preview of the Tenth Avenue Marine Terminal liner business development; and an update regarding the Cruise CDC Guidelines and re-opening for San Diego. Cruises are scheduled to come back to San Diego this fall.

## **E. Commissioners' Reports.**

#### *AB619 Steering Committee*

Commissioner Naranjo provided a report on the May 18th AB 617 Steering Committee meeting. Commissioner Naranjo explained that the Air District staff facilitated a discussion on: potential metrics that the Steering Committee would like to see included in the AB 617 CERP, and the types of projects that the Steering Committee would like to prioritize for AB 617 Funding. Also, Air District staff used Mentimeter to ask Steering Committee members a couple of questions about how they would like AB 617 funding to be used which were: "What are the important things you want to see with the incentive funds?" and "Please rank the following potential projects in order from most important to least important?". In response to the first question a word cloud with 25 respondents showed that Electric Trucks, Equity and Cleaner Air were the most popular responses, and in response to the second question 24 Steering Committee members indicated that their 1st Priority was Air Filtration at schools and homes; 2nd Priority was an Electric Truck Pilot Program; 3rd Priority was Zero Emission Port Equipment. These data

represent a brief snapshot in time but seem to suggest that the Port's recent \$488,000 investment from its Maritime Industrial Impact Fund to install Air Filters at Perkins Elementary school, as well as the Port's efforts to advance an Electric Truck Program and to replace diesel equipment with electric equipment are generally well aligned with the community's priorities. Commissioner Naranjo then announced that Phase II of the AB 617 CERP was made available on the Air District's website for public review.

#### *Perkins Elementary School in Barrio Logan*

Commissioner Castellanos shared that he and Commissioner Naranjo visited Perkins Elementary School in Barrio Logan to learn first-hand about the value of the air filtration systems that the Port purchased for installation at the school, which is located in the neighborhood adjacent to our Tenth Avenue Marine Terminal. The Board of Port Commissioners voted in January 2020 to contribute approximately half a million dollars on an enhanced air filtration system as part of the San Diego City School District's more than \$2 million heating, ventilation and air conditioning project at the school. Barrio Logan has been determined by state as a community with some of the worst air quality in California. The Board's decision to pay for the air filtration systems from the Port's Maritime Industrial Impact Fund is making a real difference in the lives of the 430 students, teachers, and staff at the school where as many as 18 percent of the students have been diagnosed with asthma. Altogether, the Port paid for air filtration systems in 16 classrooms, six administrative offices, and a large media center and multi-purpose room in the five permanent buildings at the school, which serves kindergarten through eighth grades.

Commissioner Naranjo added that Principal Hernandez said about 37 percent of students are homeless. By contrast, about 3 percent were homeless back in 2014. Some of the students have parents who work multiple jobs to make a living, leaving little opportunity to spend quality time with their children. Principal Hernandez said for many of his students, Perkins Elementary is a sanctuary. Principal Hernandez said the air is much cleaner than it was in the early to mid-2000s when the school had to frequently close its windows that face the waterfront to keep out dirty air. Some of the improvement is due to the Port's installation of shore power in 2014 at the Tenth Avenue Marine Terminal for use by Dole Fresh Fruit cargo ships. The Port is working to expand shore power at the terminal, which will bring additional relief to the community and the school. Also the Port's Maritime Clean Air Strategy will also reduce air pollution in the community as it is implemented.

#### *World Trade Center San Diego*

Commissioner LeSar provided a report for the World Trade Center San Diego (WTC). Commissioner LeSar explained that the WTC has three member organizations, San Diego County Regional Airport, Port of San Diego, and the City of San Diego, and meets 2 - 3 times year. Highlights of the June meeting included: an update on the 2021 WTC work plan; status update on license holder deliverables; and a status update on 2025 Go Global Regional Strategy Plan.

#### *San Diego Regional EDC Meeting*

Commissioner LeSar then reported on the San Diego Regional EDC Meeting. Highlights of the meeting included: discussion regarding going back to work requirements; presentation on NAVWAR development opportunities, scenarios, and potential for up to 10,000 housing units; and changing EDC Board leadership terms from 1 year to 2 years for the Chair.

## F. President's Report.

*Joe Stuyvesant, President/CEO began by reporting the Port is seeing positive trends across the board: business activities on the tidelands are improving; the Port has opened the Port Administration Building to the public; the Convention Center will begin hosting conventions starting in August; and the Big Bay Boom is back.*

*Mr. Stuyvesant then announced that American Recovery Act Stimulus relief funds for Ports is in the State's proposed budget which has passed the Senate and Assembly and is now with the Governor for signature. State Lands Commission will be responsible for distributing funds. Assuming the budget bill is signed, Port staff will be returning to the Board in July with further information on distribution rules and potential spending recommendations. This will provide the Port the opportunity to recover from losses experienced from the pandemic.*

*Mr. Stuyvesant then announced that the Port is an organization that values diversity, equity, and inclusion the Port supports pride month. The Port is proudly displaying the Pride Flag at all 8 locations. The Port is celebrating the L G B T Q I A + team members in a number of ways, including a Pride Panel at the end of June with Commissioners Naranjo and LeSar, plus staff members Joel Valenzuela and Eugene Wheeldon. The Port is a proud ally which champions the fight for equality, and works to challenge any discrimination against the L G B T Q I A + community.*

*Port facilities have fully opened to Port staff and the public in June. Port staff who had been working remotely due the pandemic began coming back into Port offices on June 1 using a phased approach over a three-week time period. Prioritization was based on the need to support public services. Port staff will continue to monitor changes to State and County measures and make the necessary changes accordingly.*

*Jason Giffen, Vice President, then shared an update on some new and existing Blue Economy partnerships. Mr. Giffen explained that on today's consent agenda is an item authorizing the District to enter into a Memorandum of Understanding with Canada's Ocean Supercluster. Canada's Ocean Supercluster is a private sector-led partnership concentrated in Atlantic Canada that brings together startups, scaleups, and mature organizations to increase sustainable innovation and modernization across oceans sectors. District and Ocean Super Cluster staff have identified various collaborative opportunities that may benefit each organization and emerging businesses in our respective Blue Economy innovation ecosystems. The purpose of the MOU is to advance a collaborative partnership to cooperatively explore opportunities for program alignment to support the development and scaling of innovative solutions that promote the Blue Economy at ports.*

*Mr. Giffen also provided a quick update on the Port's partnership with Sunken Seaweed which are exploring the unique bioremediation characteristics of the green seaweed, Ulva, commonly known as sea lettuce. Sunken Seaweed is measuring the growth of sea lettuce and how sea lettuce can uptake various nutrients such as nitrogen, phosphorus, and carbon as well as heavy metals, and they are exploring market opportunities for the resulting seaweed biomass.*

*Mr. Giffen then shared a quick photo update of the interlocking tide pools at Harbor Island. EConcrete deployed the first worldwide installation of an innovative and scalable bio-enhancing shoreline stabilization technology, the COASTALOCK tide pools in February. The tidepools serve as a replacement for traditional riprap, while providing ecological armoring and shoreline stabilization, while also creating well-defined local*

ecosystems that mimic natural tide pools. After only 2.5 months there is already “green” growth on the tide pool units.

Michael Brown, Vice President, Marketing & Communications, announced that after 16 months the Port of San Diego Big Bay Boom is back for its 20th Anniversary show. This is an important milestone for bringing attractions back to the San Diego bay and supporting the tourism economy and tenant businesses. The regional economic impact of the Big Bay Boom is reported to be over \$10 million in incremental sales that directly benefit area hotels, restaurants and numerous visitor serving businesses. The Port is preparing for the largest turnout ever and will have all Traffic Control Officers on duty and the Harbor Police fully staffed. The Harbor Police has developed an Incident Action Plan to coordinate with multiple local, state and federal partners to ensure security measures are in place to handle such a big event on both land and water. Fireworks will be discharged from four barges positioned in the bay starting at approximately 9 p.m. on Sunday the 4th.

Mr. Stuyvesant then announced that Port staff will be technologically prepared to provide an in-person, as well as virtual, Board meeting in July.

## G. District Clerk’s Announcements.

Donna Morales, District Clerk, announced that additional agenda-related materials were received by the Board after publication of the agenda for the following items: Item 9 - File No. 2021-0248 and Item 13 - File No. 2021-0128.

Additionally, staff requests to continue the following item to a future Board meeting: Item 2 - File 2021-0240.

**On a motion by Commissioner LeSar, seconded by Commissioner Bonelli, the Board approved the requested docket changes. 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

## APPROVAL OF MINUTES

[2021-0250](#) Approval of minutes for:

May 11, 2021 - CLOSED SESSION

May 11, 2021 - BPC MEETING

**On a motion by Commissioner Bonelli, seconded by Commissioner Castellanos, the Board approved the May 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 Castellanos requested to pull Item 4 - File No. 2021-0211 from consent.*

**On a motion by Commissioner Castellanos, seconded by Commissioner Malcolm, the Board adopted the remainder of the Consent Agenda as follows: Resolution 2021-071; Resolution 2021-072; Resolution 2021-073; Resolution 2021-074; and Resolution 2021-075. 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. [2021-0098](#) RESOLUTION AUTHORIZING AMENDMENT NO. 04 TO AGREEMENT NO. 148-2019MA WITH APEX COMPANIES, LLC FOR CHULA VISTA BAYFRONT STORM WATER POLLUTION PREVENTION PLAN (SWPPP) SERVICES TO INCREASE THE AGREEMENT AMOUNT BY \$220,000.00 INCREASING THE AGGREGATE TOTAL OF THE AGREEMENT FROM \$759,922.80 TO \$979,922.80. FUNDS ARE BUDGETED IN THE FY 2019-2023 CAPITAL IMPROVEMENT PROGRAM FOR THE SOUTH CAMPUS PAVEMENT AND FOUNDATION DEMOLITION AND THE SITE PREPARATION AT CHULA VISTA BAYFRONT PROJECTS. THIS ACTION DOES NOT INCREASE THE PROJECT BUDGETS.

**On a motion by Commissioner Castellanos, seconded by Commissioner Malcolm the Board adopted Resolution 2021-071 as part of the Consent Agenda.**

- 2. [2021-0240](#) RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AWARDDING CONTRACT NO. 2020-12 TO <Name of Contractor> IN THE AMOUNT OF \$XXXX FOR THE CONCRETE REPAIRS AT SAN DIEGO HILTON BAYFRONT GARAGE DECK 7 PROJECT, SAN DIEGO, CALIFORNIA AS AUTHORIZED BY THE BOARD IN THE FY2021 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.**

3. [2021-0190](#) RESOLUTION AUTHORIZING AMENDMENT NO. 9 TO AGREEMENT WITH NMS MANAGEMENT, INC. FOR JANITORIAL SERVICES, INCREASING THE MAXIMUM AMOUNT PAYABLE UNDER THE AGREEMENT BY \$290,000 FOR A NEW MAXIMUM AMOUNT OF \$3,651,000; EXTENDING THE TERM OF THE AGREEMENT FOR AN ADDITIONAL FIVE (5) MONTHS ENDING NOVEMBER 30, 2021; AND REMOVING PUBLIC COMFORT STATIONS AND DRINKING FOUNTAIN JANITORIAL SERVICES FROM THE AGREEMENT EFFECTIVE SEPTEMBER 30, 2021. THIS SERVICE HAS BEEN DEEMED AN OPERATIONAL NECESSITY. THE AGREEMENT ALLOWS FOR EARLY TERMINATION BY THE EXECUTIVE DIRECTOR. ALL JANITORIAL SERVICES REQUIREMENTS FOR FISCAL YEAR 2022 ARE BUDGETED AND WILL BE EXPENDED AGAINST DEPARTMENT NON-PERSONNEL EXPENSE (NPE) BUDGETS.

**On a motion by Commissioner Castellanos, seconded by Commissioner Malcolm the Board adopted Resolution 2021-072 as part of the Consent Agenda.**

5. [2021-0213](#) RESOLUTION APPROVING THE CALENDAR YEAR 2021 WORK PLAN FOR THE ACCESSIBILITY ADVISORY COMMITTEE PURSUANT TO BPC POLICY NO. 018: BOARD ADVISORY COMMITTEES

**On a motion by Commissioner Castellanos, seconded by Commissioner Malcolm the Board adopted Resolution 2021-073 as part of the Consent Agenda.**

6. [2021-0228](#) RESOLUTION AUTHORIZING THE DISTRICT TO ENTER INTO A MEMORANDUM OF UNDERSTANDING BETWEEN THE SAN DIEGO UNIFIED PORT DISTRICT AND CANADA'S OCEAN SUPERCLUSTER TO ADVANCE A COLLABORATIVE PARTNERSHIP TO COOPERATIVELY EXPLORE OPPORTUNITIES FOR PROGRAM ALIGNMENT AND INVESTMENT TO SUPPORT THE DEVELOPMENT AND SCALING OF INNOVATIVE SOLUTIONS THAT PROMOTE THE BLUE ECONOMY AT PORTS

**On a motion by Commissioner Castellanos, seconded by Commissioner Malcolm the Board adopted Resolution 2021-074 as part of the Consent Agenda.**

7. [2021-0233](#) RESOLUTION AUTHORIZING THE GENERAL COUNSEL TO EXECUTE AMENDMENT NO. 4 TO THE AGREEMENT FOR LEGAL SERVICES WITH ORRICK, HERRINGTON & SUTCLIFFE LLP INCREASING THE MAXIMUM AMOUNT BY \$715,000 FROM \$1,255,850 to \$1,970,850; FY 2021 EXPENDITURES ARE BUDGETED; FY 2022 EXPENDITURES ARE INCLUDED IN THE PROPOSED FY 2022 FINAL BUDGET.

**On a motion by Commissioner Castellanos, seconded by Commissioner Malcolm the Board adopted Resolution 2021-075 as part of the Consent Agenda.**

**PUBLIC HEARING AGENDA**

- 8.1      [2021-0126](#)      A. CONDUCT PUBLIC HEARING AND ADOPT AN ORDINANCE ADOPTING THE FISCAL YEAR 2022 FINAL BUDGET
- B. RESOLUTION WAIVING BPC POLICY NO. 730 - PORT ENVIRONMENTAL ADVISORY COMMITTEE POLICY AND NOT DEPOSIT THE FY 2022 ANNUAL SET ASIDE OF APPROXIMATELY \$662K TO THE ENVIRONMENTAL FUND AS REFLECTED IN THE FY 2022 BUDGET
- C. RESOLUTION WAIVING BPC POLICY NO. 773 - MARITIME INDUSTRIAL IMPACT FUND AND NOT DEPOSIT THE FY 2022 ANNUAL SET ASIDE OF APPROXIMATELY \$159K TO THE MARITIME INDUSTRIAL IMPACT FUND (MIIF) AS REFLECTED IN THE FY 2022 BUDGET
- D. RESOLUTION WAIVING BPC POLICY NO. 117 - OPERATING RESERVE POLICY, TO ALLOW THE USE OF OPERATING RESERVE TO PARTIALLY FUND THE FY 2022 BUDGET, HOWEVER THE OPERATING RESERVE BALANCE SHALL IN NO EVENT GO BELOW THE MINIMUM REQUIRED \$20M.

**This Action Item was adopted.**

- 8.2      [2021-0036](#)      ORDINANCE AMENDING SALARY ORDINANCE NO. 2980 ENTITLED "AN ORDINANCE ESTABLISHING A SCHEDULE OF COMPENSATION FOR OFFICERS AND EMPLOYEES OF THE SAN DIEGO UNIFIED PORT DISTRICT" AND RESOLUTION ESTABLISHING THE SAN DIEGO UNIFIED PORT DISTRICT (DISTRICT) DIRECTORY OF CLASSIFICATION SPECIFICATIONS FOR FISCAL YEAR 2021/2022

**This Action Item was adopted.**

*Robert DeAngelis, CFO/Treasurer, addressed the Board with staff's report and presentation regarding Public Hearing Agenda Item 8.1 and 8.2 - File No.'s 2021-0126 and 2021-0036 (A copy of the staff report, presentations and any agenda-related materials are on file with the Office of the District Clerk).*

*Chairman Zucchet opened the hearing for public comment. The following member(s) of the public addressed the Board with agenda-related comments: Danny Serrano, Environmental Health Coalition.*

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



Commissioner Castellanos called for a motion to adopt the recommended budget as listed for Item 8.1 and 8.2 with the exception of waiving Section C--do not waive Board Policy 773 to waive funding the MIIF. Further that the Port agrees that in future years, as--and if--the district generates revenues exceeding expenses enabling the Port to fully fund and maintain the operating reserves pursuant to BPC Policy 117, that the Port will reclassify the excess funds to fully fund both MIIF and Environmental fund with respect to what the Port didn't fund last year (FY2021) and what the Port won't fund the Environmental fund this coming year (FY2022). Commissioner Naranjo seconded the motion. Thereby adopting Ordinance 3013, Resolution 2021-076, Resolution 2021-078, Ordinance 3014, and Resolution 2021-079. The motion carried by the following vote:

**Yeas:** 6 - Castellanos, LeSar, Malcolm, Moore, Naranjo, and Zucchet

**Nays:** 1 - Bonelli

**Excused:** 0

**Absent:** 0

**Abstain:** 0

**Recused:** 0

## **ACTION AGENDA**

4. [2021-0211](#) RESOLUTION SELECTING AND AUTHORIZING AGREEMENTS TO PROVIDE AS-NEEDED REAL ESTATE CONSULTING SERVICES WITH THE SERVICE PROVIDERS LISTED BELOW AND AS SPECIFIED IN EACH INDIVIDUAL AGREEMENT FOR A TOTAL AGGREGATE AMOUNT NOT TO EXCEED \$5,000,000 FOR A PERIOD OF FIVE YEARS FROM JULY 1, 2021 TO JUNE 30, 2026. THESE AS-NEEDED SERVICES WILL SUPPORT DISTRICT OPERATIONAL OR STRATEGIC PRIORITIES. EXPENDITURES FOR THE FIRST YEAR ARE BUDGETED IN FISCAL YEAR (FY) 2022. FUNDS REQUIRED FOR FUTURE YEARS WILL BE BUDGETED IN THE APPROPRIATE FISCAL YEAR SUBJECT TO BOARD APPROVAL UPON ADOPTION OF EACH FISCAL YEAR'S BUDGET.

- A) CBRE, INC.
- B) KEYSER MARSTON ASSOCIATES, INC.
- C) PRO FORMA ADVISORS, LLC.
- D) JONES LANG LASALLE AMERICAS, INC.
- E) AECOM TECHNICAL SERVICES, INC.
- F) ERNST & YOUNG, LLP.
- G) TS WORLDWIDE, LLC. DBA HVS
- H) LONDON MOEDER ADVISORS
- I) MAURICE ROBINSON & ASSOCIATES LLC.
- J) RSG, INC.
- K) BAE URBAN ECONOMICS, INC.

- L) CIVITAS, INC.
- M) KPMG, LLP.
- N) HR&A ADVISORS, INC.
- O) THE DORE GROUP
- P) ZENITH CONSULTANTS
- Q) PARAGON PARTNERS, LTD.
- R) OVERLAND, PACIFIC AND CUTLER, LLC.

*Commissioner Castellanos requested to pull this item from Consent.*

*Shaun Sumner, Vice President, Real Estate, provided a short overview of the process used for the selection of the agencies for the benefit of the public.*

*Commissioner Castellanos, and Commissioner LeSar, provided comments and asked clarifying questions. Anthony Gordon, Director, Real Estate, Job Nelson, Chief Policy Strategist, Shirley Hirai, Manager, Diversity, Equity, and Inclusion, and Joe Stuyvesant, President/CEO, responded.*

**On a motion by Commissioner Castellanos, seconded by Commissioner LeSar, the Board continued Consent Agenda Item 4 - File No. 2021-0211 to a future Board meeting. 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

**9. [2021-0248](#) CHULA VISTA BAYFRONT**

ORDINANCE AUTHORIZING:

(A) PROJECT IMPLEMENTATION AGREEMENT AMONG THE DISTRICT, THE CITY OF CHULA VISTA (CITY), THE CHULA VISTA BAYFRONT FACILITIES FINANCING AUTHORITY (AUTHORITY), RIDA CHULA VISTA, LLC (RIDA), AND THE BAYFRONT PROJECT SPECIAL TAX FINANCING DISTRICT (SPECIAL TAX DISTRICT) FOR THE CONSTRUCTION OF PUBLIC INFRASTRUCTURE (PHASE 1A IMPROVEMENTS) AND A CONVENTION CENTER

(B) SITE LEASE BETWEEN THE DISTRICT AND THE AUTHORITY (SITE LEASE) FOR THE LAND NECESSARY TO CONSTRUCT A CONVENTION CENTER LOCATED IN THE CITY OF CHULA VISTA

(C) AMENDMENT TO THE FISCAL YEAR (FY) 2022 BUDGET INCREASING THE FY 2022 CAPITAL IMPROVEMENT PROGRAM (CIP) APPROPRIATION BY \$2,875,000 TO BE FUNDED FROM THE

## PACIFICA LAND EXCHANGE FEE RESTRICTED FUNDS

## RESOLUTION AUTHORIZING:

(D) BOND PURCHASE AGREEMENT BETWEEN JP MORGAN SECURITIES LLC, THE AUTHORITY, THE DISTRICT, THE SPECIAL DISTRICT, AND THE CITY FOR THE PURCHASE AND SALE OF TAXABLE AND TAX-EXEMPT BONDS ISSUED BY THE AUTHORITY

(E) AMENDMENT NO. 1 TO THE AMENDED AND RESTATED JOINT EXERCISE OF POWERS AGREEMENT BETWEEN THE DISTRICT AND CITY

(F) MUTUAL LEASE AND SUBLEASE ENFORCEMENT AGREEMENT BETWEEN THE DISTRICT AND CITY

(G) AMENDMENT INCREASING THE FY 2019-2023 CAPITAL IMPROVEMENT PROGRAM TO ADD THE SWEETWATER PARK PROJECT AND INITIAL FUNDING OF \$2,175,000 AND INCREASE CAPITAL LABOR BY \$700,000 TO BE FUNDED FROM RESTRICTED RESERVES FROM THE PACIFICA LAND EXCHANGE FEE

(H) CONTRIBUTE \$125,000 TO THE PUBLIC ART FUND FOR PUBLIC ART IN THE SWEETWATER PARK PROJECT PER BPC POLICY 609 TO BE FUNDED FROM THE PACIFICA LAND EXCHANGE FEE RESTRICTED FUNDS

(I) AGREEMENT NO. 56-2021RH WITH KTUA FOR SWEETWATER PARK DESIGN SERVICES FOR AN AMOUNT NOT TO EXCEED \$1,033,694.22 BUDGET FOR THIS AGREEMENT IS INCLUDED IN THE INITIAL FUNDING OF \$2,175,000 IN THE SWEETWATER PARK PROJECT IN THE FY 2019-2023 CAPITAL IMPROVEMENT PROGRAM

*Commissioner Castellanos, in an abundance of caution and to avoid any appearance of impropriety, recused himself from this item due to a relationship one of his law partners has with the landscape architect KTUA.*

*Shaun Sumner, Vice President, Real Estate, Engineering and Facilities, addressed the Board with staff's report and presentation regarding Action Agenda Item 9 - File No. 2021-0248 (A copy of the staff report, presentations and any agenda-related materials are on file with the Office of the District Clerk). Mr. Sumner then turned the presentation over to Stephanie Shook, to: review the staff recommendations and requested Board actions; recognize and acknowledge the current project teams for the Port, City of Chula Vista, and RIDA, as well as project partner agencies; and provide an overview and summary of the transaction documents. Ms. Shook then turned the presentation over to Mark Mcintire, Capital Project Manager, Engineering-Construction, for an explanation on the requirements necessary to advance Sweetwater and Harbor park and provide an update on the projects' schedules. Mr. Mcintire then turned the presentation back to Ms. Shook to discuss the finding of public benefit, delegation of authority, next steps, and to close presentation.*

*The following member(s) of the public addressed the Board with agenda-related comments: None*

*Commissioner Moore, Commissioner LeSar, Chairman Zucchet, Commissioner Malcolm, and Commissioner Bonelli, provided comments.*

*Ira Mitzner, CEO, RIDA, provided comments.*

**On a motion by Commissioner Moore, seconded by Commissioner Malcolm, the Board adopted Ordinance 3015 (Items A - C). 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

**On a motion by Commissioner Moore, seconded by Commissioner Bonelli, the Board adopted Resolution 2021-080 (Items D - I). 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

**10. [2021-0208](#) INFORMATIONAL PRESENTATION FROM SAN DIEGO ASSOCIATION OF GOVERNMENTS (SANDAG) STAFF ON THE SAN DIEGO - LOSSAN REGIONAL RAIL CORRIDOR IMPROVEMENTS STUDY UPDATE**

*Aimee Heim, Manager, Grants & Policy, addressed the Board with staff's report and presentation regarding Action Agenda Item 10 - File No. 2021-0208 (A copy of the staff report, presentations and any agenda-related materials are on file with the Office of the District Clerk). Ms. Heim then turned the presentation to Daniel Veeh, SANDAG, to provide an overview of the SD- LOSSAN Regional Rail Corridor Improvements Study Update.*

*The following member(s) of the public addressed the Board with non agenda-related comments: None.*

*Commissioner Bonelli, Chairman Zucchet, and Commissioner Moore provided comments.*

11. [2021-0236](#) INFORMATIONAL UPDATE ON THE STATUS OF THE PORT ELECTRIFICATION IMPLEMENTATION STRATEGY AND DIRECTION TO STAFF

*Mike LaFleur, Vice President, Maritime, addressed the Board with staff's report and presentation regarding Action Agenda Item 11 - File No. 2021-0236 (A copy of the staff report, presentations and any agenda-related materials are on file with the Office of the District Clerk). Mr. LaFleur then turned the presentation over to Josefina Khalidy, Principal, Maritime, to provide example dashboards that represent a snapshot of the data that is being collected and used in staff's analysis for the electrification opportunities and implementation efforts. Ms. Khalidy then turned the presentation to Maggie Weber, Senior Planner, Planning and Green Port, to discuss the cumulative reductions that could be achieved if these examples opportunities were to be implemented. Ms. Weber then turned the presentation back to Mr. LaFleur to discuss the implementation process and efforts since last month's Board meeting, and next steps.*

*The following member(s) of the public addressed the Board with non agenda-related comments: None.*

*Commissioner Naranjo, and Chairman Zucchet provided comments.*

12. [2021-0235](#) MUNICIPAL SERVICES AGREEMENTS:

(A) RESOLUTION AUTHORIZING A 9-YEAR MUNICIPAL SERVICES AGREEMENT THROUGH JUNE 30, 2030 WITH THE CITY OF NATIONAL CITY FOR POLICE, FIRE, AND EMERGENCY SERVICES ON NON-AD VALOREM DISTRICT PROPERTY LOCATED IN THE CITY OF NATIONAL CITY, WITH BASELINE RESETS IN 2022 AND 2025

(B) RESOLUTION AUTHORIZING A 5-YEAR MUNICIPAL SERVICES AGREEMENT THROUGH JUNE 30, 2026 WITH THE CITY OF SAN DIEGO FOR POLICE, FIRE, AND EMERGENCY SERVICES ON NON-AD VALOREM DISTRICT PROPERTY LOCATED IN THE CITY OF SAN DIEGO, WITH BASELINE RESETS IN 2023 AND 2025

(C) RESOLUTION AUTHORIZING A 1-YEAR EXTENSION TO THE EXISTING MUNICIPAL SERVICES AGREEMENT THROUGH JUNE 30, 2022 WITH THE CITY OF CORONADO FOR POLICE, FIRE, AND EMERGENCY SERVICES ON NON-AD VALOREM DISTRICT PROPERTY LOCATED IN THE CITY OF CORONADO

*Shaun Sumner, Vice President, Real Estate, Engineering, and Facilities, addressed the Board with staff's report and presentation regarding Action Agenda Item 12 - File No. 0235 (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.*

*Chairman Zucchet, Commissioner Naranjo, Commissioner Castellanos, Commissioner Bonelli, provided comments.*

**On a motion by Commissioner Bonelli, seconded by Commissioner Naranjo, the Board adopted Resolution 2021-081, Resolution 2021-082, and Resolution 2021-083. 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

*Chairman Zucchet turned the meeting over to Vice-Chair Malcolm for the remainder of the meeting at 4:39 pm.*

13. [2021-0128](#) SHELTER ISLAND YACHT BASIN DISSOLVED COPPER TOTAL MAXIMUM DAILY LOAD:
- A. INFORMATIONAL UPDATE ON THE STATUS OF THE PROGRAM, INCLUDING WATER QUALITY RESULTS, LOAD REDUCTION EFFORTS AND COORDINATION WITH THE SAN DIEGO REGIONAL WATER QUALITY CONTROL BOARD ON TMDL IMPLEMENTATION ACTIONS; AND
  - B. DIRECTION TO STAFF ON INITIATING AN IN-WATER HULL CLEANING PILOT STUDY THAT WOULD REQUIRE A TEMPORARY PAUSE OF IN-WATER HULL CLEANING OF VESSELS WITH COPPER-BASED PAINT IN SIYB FOR AN EIGHT-WEEK PERIOD STARTING APPROXIMATELY MID-DECEMBER 2021 AND CONTINUING THROUGH MID-FEBRUARY 2022; AND
  - C. DIRECTION TO STAFF ON DETERMINING A VOLUNTARY OR MANDATED IMPLEMENTATION APPROACH FOR AN IN-WATER HULL CLEANING PILOT STUDY.

*Jason Giffen, Vice President, Planning, Environment and Government Relations, addressed the Board with staff's report and presentation regarding Action Agenda Item 13 - File No. 2021-0128 (A copy of the staff report, presentations and any agenda-related materials are on file with the Office of the District Clerk). Mr. Giffen then turned the presentation over to Karen Holman, Director, Environmental Protection, to provide overview of the staff presentation, and context about the regulation that is in place for Shelter Island currently. Ms. Holman then turned the presentation over to Kelly Tait, Program Manager, Environmental Protection, to discuss compliance efforts and activities to date. Ms. Tait then turned the presentation back to Ms. Holman to further discuss the pilot study, get direction from Board, and close out the presentation.*

*The following member(s) of the public addressed the Board with agenda-related comments: David Gibson, Water Quality Control Board; Jeremy Hass, Water Quality Control Board; John Adriani; Sharon Cloward, San Diego Port Tenants Association; Aniela Burant, California Department of Pesticide Regulation; and Jason Soule, Aquarius Yacht Services.*

*Vice-Chair Malcolm, Commissioner LeSar, Commissioner Castellanos, Commissioner Bonelli, provided comments, and asked clarifying questions. Mr. Giffen and Ms. Holman responded.*

**On a motion by Commissioner Bonelli, seconded by Commissioner LeSar, the Board provided direction to initiate an in-water hull cleaning pilot study and require a mandatory pause of in-water hull cleaning of vessels with copper-based paint in Shelter Island Yacht Basin for an eight-week period starting approximately mid-December 2021 and continuing through mid-February 2022. The motion carried by the following vote:**

**Yeas:** 6 - Bonelli, Castellanos, LeSar, Malcolm, Moore, and Naranjo

**Nays:** 0

**Excused:** 1 - Zucchet

**Absent:** 0

**Abstain:** 0

**Recused:** 0

**14. [2021-0206](#) RESOLUTION APPROVING THE AUDIT PLAN FOR FY21/22 PURSUANT TO BOARD OF PORT COMMISSIONERS (BPC) POLICY NO. 035 - POWERS AND FUNCTIONS OF THE PORT AUDITOR**

*Mark Yeilding, Port Auditor, addressed the Board with staff's report and presentation regarding Action Agenda Item 14 - File No. 2021-0206 (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 LeSar provided comments.*

**On a motion by Commissioner LeSar, seconded by Commissioner Naranjo, the Board adopted Resolution 2021-084. The motion carried by the following vote:**

**Yeas:** 6 - Bonelli, Castellanos, LeSar, Malcolm, Moore, and Naranjo

**Nays:** 0

**Excused:** 1 - Zucchet

**Absent:** 0

**Abstain:** 0

**Recused:** 0

15. [2021-0189](#) PRESENTATION FROM THE PORT AUDITOR ON BEST PRACTICES RELATED TO EXTERNAL AUDIT AND PUBLIC AUDIT OVERSIGHT COMMITTEE MEMBERS WITH DIRECTION TO STAFF

*Mark Yeilding, Port Auditor, addressed the Board with staff's report and presentation regarding Action Agenda Item 15 - File No. 2021-0189 (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 LeSar, Commissioner Naranjo, and Vice-Chair Malcolm, provided comments and asked clarifying questions. Mr. Yeilding responded.*

16. [2021-0038](#) INFORMATIONAL PRESENTATION ON THE RESEARCH AND DEVELOPMENT DISTRICT (RADD) PROJECT ON THE NAVY BROADWAY COMPLEX SITE, ADJACENT TO DISTRICT TIDELANDS, IN THE CITY OF SAN DIEGO

*Taylor Stack, Asset Manager, Real Estate, addressed the Board with staff's report and presentation regarding Action Agenda Item 16 - File No. 2021-0038 (A copy of the staff report, presentations and any agenda-related materials are on file with the Office of the District Clerk). Ms. Stack then turned the presentation to IQHQ to provide an overview of the RaDD (Research and Development District) project.*

*The following member(s) of the public addressed the Board with agenda-related comments: None.*

*Commissioner Castellanos, Commissioner Bonelli, Vice-Chair Malcolm, provided comments and asked clarifying questions. IGHQ staff, Ms. Stack, and Rebecca Harrington, Senior Deputy, General Counsel's Office, responded.*

17. [2021-0155](#) REVIEW AND CONSIDERATION OF DRAFT PROPOSED BOARD AGENDA FOR THE JULY 13, 2021 MEETING

**On a motion by Commissioner Castellanos, seconded by Commissioner Bonelli, the Board approved the proposed July agenda. The motion carried by the following vote:**

**Yeas:** 4 - Bonelli, Castellanos, Malcolm, and Naranjo

**Nays:** 0

**Excused:** 3 - LeSar, Moore, and Zucchet

**Absent:** 0

**Abstain:** 0

**Recused:** 0

## **OFFICER'S REPORT**



18. [2021-0245](#) OFFICER'S REPORT

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

A) Change Order No. 1 to Contract No. 2020-24 with Sun Pro Tinting, Inc. / Changes to Material Used

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 Fishermen's Working Group for Right of Entry to Conduct Leasing Due Diligence for Vacant Space Located in the Chesapeake Fishing Building, for total amount \$1,208.00

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

A) Rent Review Administrative Approval Letter with Mrs. Kelly's, Inc. dba Point Loma Seafoods for Rental Period Beginning 02/01/21

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

A) Encumbrance Review and Consent for Lease with SSD Holdings, LLC for SSD Grand Avenue Partners, LLC Loan in the Amount up to \$100,000.00

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

A) Amended, Restated and Combined Lease with Cahuenga III, LLC, a Delaware Liability Company dba Kona Kai Resort and Marina for Operation of Hotel and Marina, Dock & Dine, and Other Related Purposes thru 04-30-54

B) Amendment No. 4 to Lease (#70907) with Seaport Entertainment, LLC / Deletes and Replaces Section 4, Section 4.2.4, Section 8.1.1

C) Amendment No. 1 to Lease (#70899) with Traveler's Convenience, Inc. dba Seaport Market - Amends Section 1 Regarding Premises, Paragraph 4.3 About Tenant's Proportionate Share of Operating Expenses, and the Site Plan in Exhibit B

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

ATTEST:

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