



San Diego Unified Port District

3165 Pacific Hwy.
San Diego, CA 92101

Meeting Minutes

Board of Port Commissioners

Tuesday, September 14, 2021

1:00 PM

Don L. Nay Port Administration Boardroom

A. Roll Call.

Present: 5 - Commissioner Bonelli, Commissioner LeSar, Commissioner Malcolm, Commissioner Moore, and Commissioner Naranjo

Excused: 2 - Commissioner Castellanos, and Chairman Zucchet

Absent: 0

B. Closed Session Report Out.

Thomas A. Russell, General Counsel, announced that the Board considered the items on the Closed Session Agenda, with the exception of Items 4 and 5 which will be considered after the conclusion of this meeting. No reportable action was taken.

C. Public Communications.

The following member(s) of the public addressed the Board with non agenda-related comments: Peggy Walker; Kelly McCormick; Nick Cline; Corchelle Worsham, San Diego Port Tenants Association; Kevin Rasmussen; Amy Melvin; Barbara Gordon; Donna Morstein; Dandi Richardson; Janet Rogers, Safe Walkways; K.B. Strange; and Kathleen Lippitt.

D. Board Committee Reports.

Commissioner LeSar provided a report regarding the August 19, 2021, Accessibility Advisory Committee. Commissioner LeSar shared that the Committee received one non-agenda public comment regarding ensuring access on the tidelands by regulating use and parking of dockless scooters and other mobility devices as more events and activities are taking place. An internal Port team is working on a dockless mobility device ordinance which will come to the full Board once it has been finalized and vetted by stakeholders, including the Accessibility Advisory Committee. Highlights from the meeting included a presentation from Stay Open, LLC which highlighted the accessibility features of their designs. Stephanie Shook, Real Estate, presented an update on the Chula Vista Bayfront project and timeline. Christopher McGrath, Engineering-Construction, provided an overview of this year's projects in the Port's Major Maintenance and Capital Improvements Program, highlighting projects in particular with access elements.

E. Commissioners' Reports.

Commissioner Malcolm announced that yesterday, a piling at the Imperial Beach Pier, located between light posts 15 and 16 became detached, and as a public safety precaution, the pier has been closed for repairs. The pier is to remain closed for structural analysis and until repairs can be completed to make the pier safe. Public safety is the number one concern.

Commissioner Bonelli announced that SANDAG will begin the 45 day public comment period for their draft Environmental Impact Report for the 2050 Regional Transportation Plan. Interested parties can review (www.sandag.org) and submit comments to SANDAG by October 11, 2021.

Commissioner Bonelli then shared that Apple featured the new San Diego Symphony Rady Shell as a backdrop during their announcement of their release of new iPhone.

Commissioner LeSar shared that the regional Economic Development Council added a Vice-Chair of Inclusion as a new position on the governance committee. Objectives of the position are governance, research, programs, and coalition building, to institutionalize inclusion across all those areas of the organization. Commissioner LeSar wanted to share this information with the Commissioners as the Port is also prioritizing diversity and inclusion for the organization.

F. Special Recognition.

Jason Giffen, Vice President, Planning and Environment, turned presentation over to Renee Yarmy, Program Manager, Energy and Sustainability, who then provided overview of Green Port Month 2021 Year in Review. Ms. Yarmy then turned the presentation over to Karen Holman, Director, Environmental Protection, to recognize the following 2021 Michelle White Environmental Awards recipients: Port staff recipients - Veronica Bango, Sally Raney, and the late Charles Starns. Community Leader recipient - Jason Anderson, President/CEO, Cleantech San Diego. Port Tenant recipients - Coronado Yacht Club, and G2 Ocean.

Cid Tesoro then announced that the Port received reaccreditation by the American Public Works Association. A short video was then presented. Mr. Tesoro then invited Joubin Pakpour, APWA Region VIII Director, to present the accreditation.

G. President's Report.

Joe Stuyvesant, President/CEO, announced that during the September stimulus workshop staff mentioned that there were some potential concerns with the California Department of Finance that may affect how the Port might receive funds and be able to spend the money. Mr. Stuyvesant shared that he is happy to report that the Department of Finance offered up trailer bill that eliminates any barriers on getting and executing the stimulus funds, he added that the bill passed the Assembly and is awaiting the Governor's signature. The State Lands Commission is working on getting the final solicitation out to the Ports on State requirements, as well as scheduling a potential special meeting in October for the award of the first tranch of funds to the Ports. Meanwhile staff continues to work on a funding plan based on the Board's Direction at the Workshop. Staff will continue to keep the Board updated as we move through the process.

Mr. Stuyvesant then shared that the public review period for the Draft Revised Maritime Clean Air Strategy, closed a little over a week ago. The Draft Revised MCAS was released for public review on August 5th. The public and stakeholders were encouraged to submit public feedback by September 3rd. During the review period, staff held a virtual meeting in English and Spanish to review the changes made in response to feedback from the Discussion Draft issued in the spring. At the end of the current review period, approximately 30 comment letters were received. Staff is reviewing the comments received and anticipates returning to the Board in October to summarize the feedback and seek approval of the final MCAS document.

Mr. Stuyvesant then announced that late last month, at the invitation of Congressman Scott Peters, U.S. Environmental Protection Agency Administrator Michael Regan got a first-hand look at the Tijuana River Valley, where hundreds of millions of gallons of water laced with raw sewage, trash and industrial chemicals regularly foul San Diego shorelines, shuttering beaches as far north as Coronado. As the administrator said, "You know, you can read about these things and have your own visualization, but seeing it first-hand really is impactful." Following the tour, the administrator met with local leaders, including San Diego Mayor Todd Gloria, Imperial Beach Mayor Serge Dedina, Coronado Mayor Richard Bailey, Congressman Darrel Issa, Port staff, and regional Water Quality Board leadership, to discuss recommended solutions for this ongoing disaster.

Mr. Stuyvesant then shared that cruises have been shut down in San Diego since March 2020 due to COVID-19. He is happy to announce that the first cruise call will be on October 1 with the Disney Wonder. Holland America, Princess, and Celebrity will begin cruising in October as well. Disney and Holland America are conducting CDC required simulated test cruises in September and October. The Port estimates 100 to 114 calls from October through May of next year, these calls are expected to bring 185,000 to a quarter of a million passengers to San Diego this cruise season.

Mr. Stuyvesant then provided a quick update on the biological community development of the CoastaLock project located on Harbor Island. Mr. Stuyvesant reported that the site is already being utilized by fish, spiny lobsters and octopus that are foraging on the interlocking ecological concrete units. The units have been recruiting coralline algae, mussels, oysters, as well as brown, red, and green habitat forming algae.

H. District Clerk's Announcements.

Donna Morales, District Clerk, started by announcing that Agenda Item 9 on the Consent Agenda - Ratifying the Emergency Action Related to Damages at the General Services Building - requires a 4/5 vote approval for passage. Because there are a couple of Board members excused today, all Commissioners present will need to vote in support.

Ms. Morales then added that additional agenda-related materials were received by the Board after publication of the agenda for the following items: Item 9 - File 2021-0322; Item 12 - File 2021-0101; and Item 13 - 2021-0132.

Ms. Morales then announced that staff requests that the Board consider the following items to be continued to a future Board meeting: Item 2 - File 2021-0330; and Item 6 - File 2021-0338.

On a motion by Commissioner Bonelli, seconded by Commissioner LeSar, the Board approved the requested docket changes. The motion carried by the following vote:

Yeas: 5 - Bonelli, LeSar, Malcolm, Moore, and Naranjo

Nays: 0

Excused: 2 - Castellanos, and Zucchet

Absent: 0

Abstain: 0

Recused: 0

APPROVAL OF MINUTES

[2021-0339](#) Approval of minutes for:

July 23, 2021 - BOARD RETREAT
August 10, 2021 - CLOSED SESSION
August 10, 2021 - BPC MEETING
August 23, 2021 - BPC STIMULUS WORKSHOP

Commissioner Bonelli made a motion to approve the July 23, 2021 Board Retreat minutes, and the August 23, 2021 Stimulus Workshop minutes. Commissioner LeSar seconded the motion. The motion carried by the following vote:

Yeas: 5 - Bonelli, LeSar, Malcolm, Moore, and Naranjo

Nays: 0

Excused: 2 - Castellanos, and Zucchet

Absent: 0

Abstain: 0

Recused: 0

Commissioner Bonelli made a motion to approve the August 10, 2021, Closed Session minutes, and the August 10, 2021, regular BPC Meeting minutes. The motion carried by the following vote:

Yeas: 4 - Bonelli, Malcolm, Moore, and Naranjo

Nays: 0

Excused: 2 - Castellanos, and Zucchet

Absent: 0

Abstain: 1 - LeSar

Recused: 0

CONSENT AGENDA

On a motion by Commissioner Bonelli, seconded by Commissioner Moore, the Board adopted the Consent Agenda, thereby adopting Resolution 2021-109; Resolution 2021-110; Ordinance 3019; Resolution 2021-098; Resolution 2021-099; Resolution 2021-100; Resolution 2021-101; Resolution 2021-102; Resolution 2021-103; Resolution 2021-104; and Resolution 2021-105.

1. [2021-0035](#) UPDATE BPC POLICY NO. 359 EQUAL OPPORTUNITY CONTRACTING AND BPC POLICY NO. 361 EQUAL EMPLOYMENT OPPORTUNITY AND NONDISCRIMINATION TO REFLECT A CHANGE IN THE NAME OF THE

EQUAL OPPORTUNITY FUNCTION TO REFLECT INDUSTRY PRACTICE

On a motion by Commissioner Bonelli, seconded by Commissioner Moore, the Board adopted Resolution 2021-109, and Resolution 2021-110 as part of the Consent Agenda.

2. [2021-0330](#) 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

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. [2021-0283](#) SCHEDULE OF COMPENSATION
A) ORDINANCE ESTABLISHING A SCHEDULE OF COMPENSATION FOR ALL OFFICERS AND EMPLOYEES OF THE SAN DIEGO UNIFIED PORT DISTRICT
B) RESOLUTION AMENDING THE SAN DIEGO UNIFIED PORT DISTRICT DIRECTORY OF CLASSIFICATION SPECIFICATIONS FOR FISCAL YEAR (FY) 2022

On a motion by Commissioner Bonelli, seconded by Commissioner Moore, the Board adopted Ordinance 3019 and Resolution 2021-098 as part of the Consent Agenda.

4. [2021-0289](#) RESOLUTION APPOINTING TRACI BECERRA AS CHAIRPERSON OF THE PERSONNEL ADVISORY BOARD FROM SEPTEMBER 14, 2021 TO SEPTEMBER 1, 2022

On a motion by Commissioner Bonelli, seconded by Commissioner Moore, the Board adopted Resolution 2021-099 as part of the Consent Agenda.

5. [2021-0299](#) RESOLUTION AUTHORIZING THE REQUIRED ANNUAL ADOPTION OF BPC POLICY NO. 115, GUIDELINES FOR PRUDENT INVESTMENTS INCLUDING UPDATES RELATED TO CERTAIN AUTHORIZED AND PROHIBITED INVESTMENTS

On a motion by Commissioner Bonelli, seconded by Commissioner Moore, the Board adopted Resolution 2021-100 as part of the Consent Agenda.

6. [2021-0338](#) 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.

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.

7. [2021-0314](#) RESOLUTION APPROVING A ONE-YEAR EXTENSION OF THE MEMORANDA OF UNDERSTANDING BETWEEN THE SAN DIEGO UNIFIED PORT DISTRICT AND THE CALIFORNIA TEAMSTERS PUBLIC, PROFESSIONAL AND MEDICAL EMPLOYEES UNION, LOCAL 911 (SERVICE, MAINTENANCE, OPERATIONS AND CRAFTS UNIT; NON-SWORN SAFETY PERSONNEL UNIT; SUPERVISORY UNIT)

On a motion by Commissioner Bonelli, seconded by Commissioner Moore, the Board adopted Resolution 2021-101 as part of the Consent Agenda.
8. [2021-0320](#) RESOLUTION PROCLAIMING SUPPORT FOR CALIFORNIA CLEAN AIR DAY, A PROJECT OF THE COALITION FOR CLEAN AIR, ON OCTOBER 6, 2021

On a motion by Commissioner Bonelli, seconded by Commissioner Moore, the Board adopted Resolution 2021-102 as part of the Consent Agenda.
9. [2021-0322](#) RESOLUTION BY A 4/5 VOTE RATIFYING THE EMERGENCY ACTION APPROVED BY THE EXECUTIVE DIRECTOR AND AUTHORIZING CONTINUED ACTION FOR 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 Moore, the Board adopted Resolution 2021-103 as part of the Consent Agenda.
10. [2021-0323](#) ADOPT A RESOLUTION AUTHORIZING AN AGREEMENT IN AN AMOUNT NOT TO EXCEED \$80,000 WITH MUTUAL INDEMNIFICATION BETWEEN THE SAN DIEGO UNIFIED PORT DISTRICT AND PREMISE HEALTH EMPLOYER SOLUTIONS, LLC ON BEHALF OF EHEALTHSCREENING TO PROVIDE ON-SITE COVID-19 TESTING

Commissioner LeSar asked a clarifying question regarding this item. Joe Stuyvesant, President/CEO, responded.

On a motion by Commissioner Bonelli, seconded by Commissioner Moore, the Board adopted Resolution 2021-104 as part of the Consent Agenda.

11. [2021-0297](#) RESOLUTION AUTHORIZING THE GENERAL COUNSEL TO EXECUTE AMENDMENT NO. 1 TO AGREEMENT FOR LEGAL SERVICES WITH ALLEN, MATKINS, LECK, GAMBLE, MALLORY & NATSIS LLP INCREASING THE NOT-TO-EXCEED AMOUNT BY \$860,000 FROM \$175,000 TO \$1,035,000; FY 2022 EXPENDITURES ARE BUDGETED, ALL FUNDS 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 by Commissioner Bonelli, seconded by Commissioner Moore, the Board adopted Resolution 2021-105 as part of the Consent Agenda.

PUBLIC HEARING AGENDA

12. [2020-0102](#) CONDUCT A PUBLIC HEARING AND ADOPT A RESOLUTION AUTHORIZING ISSUANCE OF AN APPEALABLE COASTAL DEVELOPMENT PERMIT TO SAN DIEGO COMIC CONVENTION AND THE SAN DIEGO CONVENTION CENTER CORPORATION FOR PUBLIC ACCESS DURING THE 2021 COMIC-CON INTERNATIONAL: SAN DIEGO (COMIC-CON) SPECIAL EDITION

Wileen Manaois, Director of Development Services, addressed the Board with staff's report and presentation regarding Action Agenda Item 12 - File No. 2021-0102 (A copy of the staff report, presentations and any agenda-related materials are on file with the Office of the District Clerk). Ms. Manaois then turned the presentation over to Cameron McLeod, Associate Planner, to provide overview of project site, safety and security restrictions, use of the Embarcadero Marina Park South, the Coastal Development Permit, and staff recommendations.

Vice-chair Malcolm opened the public hearing for comment. The following member(s) of the public addressed the Board with agenda-related comments: Janet Rogers, Safe Walkways.

Vice-chair Malcolm closed the public hearing.

Vice-chair Malcolm provided comments.

On a motion by Commissioner Bonelli, seconded by Commissioner Moore, the Board adopted Resolution 2021-106. The motion carried by the following vote:

Yeas: 5 - Bonelli, LeSar, Malcolm, Moore, and Naranjo

Nays: 0

Excused: 2 - Castellanos, and Zucchet

Absent: 0

Abstain: 0

Recused: 0

ACTION AGENDA

13. [2021-0132](#) SHELTER ISLAND YACHT BASIN (SIYB) DISSOLVED COPPER TOTAL MAXIMUM DAILY LOAD:
- A. INFORMATIONAL UPDATE ON A PROPOSED PAUSE OF IN-WATER HULL CLEANING OF VESSELS WITH COPPER-BASED ANTIFOULING PAINT IN SIYB FOR AN EIGHT-WEEK PERIOD STARTING APPROXIMATELY MID-DECEMBER 2021 AND CONTINUING THROUGH MID-FEBRUARY 2022; AND
 - B. DIRECTION TO STAFF ON A DRAFT AMENDMENT TO SECTION 4.14 OF THE DISTRICT CODE, REGULATION OF IN-WATER HULL CLEANING, TO IMPLEMENT THE TEMPORARY PAUSE

Jason Giffen, Vice President, Planning and Environment, addressed the Board with staff's report and presentation regarding Action Agenda Item 13 - File No. 2021-0132 (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 David Gibson, Executive Officer, San Diego Regional Water Board, to discuss the project partnership between the Port of San Diego and the Regional Water Board, and the Total Maximum Daily Load (TMDL) Compliance. Mr. Gibson then turned the presentation over to Kelly Tait, Program Manager, Environmental Protection, to discuss water quality, in-water hull cleaning and water quality, and the Shelter Island Yacht Basin Profile and hull cleaning projections. Ms. Tait then turned the presentation over to Karen Holman, Director, Environmental Protection, to discuss recent public engagement efforts and Pause Study details, and to close presentation.

The following member(s) of the public addressed the Board with agenda-related comments: Cleve Hardacher, Recreational Boaters of California; Jerry Desmond, Recreational Boaters of California; Aniela Burant, Senior Environmental Scientist at California Department of Pesticide Regulation; Becki Wolters, Sub H2o Underwater Marine Maintenance; Steve Frailey, Southwestern Yacht Club; and Van Johnson, Dirty Bottoms Diving Service.

Vice-Chair Malcolm and Commissioner Bonelli provided comments. Commissioner Bonelli, for the record, requested that if the Port does not get good science from this report, that the Port make that those findings public.

Commissioner Bonelli called for a motion to implement the temporary pause and move the end date to February 9 to allow for the Regatta Race schedule.

Commissioner Malcolm asked for a friendly amendment to include direction to staff to find a specific site outside of Shelter Island that can be made available to boaters and boat cleaners for the duration of the pause. Commissioner Bonelli accepted the friendly amendment. Commissioner Malcolm seconded the motion. The motion carried by the following vote:

Yeas: 5 - Bonelli, LeSar, Malcolm, Moore, and Naranjo

Nays: 0

Excused: 2 - Castellanos, and Zucchet

Absent: 0

Abstain: 0

Recused: 0

**14. [2021-0255](#) PRESENTATION ON THE DISTRICT'S DEFINED BENEFIT PLAN BY
THE RETIREMENT PLAN ADMINISTRATOR**

Mark Yeilding, Port Auditor, addressed the Board with staff's report and presentation regarding Action Agenda Item 14 - File No. 2021-0255 (A copy of the staff report, presentations and any agenda-related materials are on file with the Office of the District Clerk). Mr. Yeilding then turned the presentation over to Gregg Rademacher, Chief Executive Officer, SDCERS, to provide an overview of the valuation process and to provide a better understanding of key assumptions. Mr. Rademacher then turned the presentation over to Marcelle Voorhies Rossman, Deputy Chief Executive Officer, SDCERS, to further discuss the valuation process. Ms. Voorhies Rossman then turned the presentation back to Mr. Rademacher to discuss timing of valuation results, and results of the funding ratio survey comparing the Port with other organizations.

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

Commissioner LeSar, and Vice-Chair Malcolm, provided comments and asked clarifying questions. Mr. Rademacher, and Ms. Voorhies Rossman responded.

**15. [2021-0321](#) A. ADOPT ORDINANCE AMENDING THE FY 2022 BUDGET
INCREASING:**

- 1. NON-PERSONNEL APPROPRIATION BY \$2,568,800**
- 2. EQUIPMENT OUTLAY AND OTHER CAPITAL PROJECTS
APPROPRIATION BY \$547,000, AND**
- 3. TECHNOLOGY CAPITAL PROJECTS APPROPRIATION BY \$52,000**

**THE ABOVE INCREASES WILL BE FUNDED FROM THE FOLLOWING
RESULTING IN NO IMPACT TO THE DEFICIT:**

- 1. \$2,052,000 UNBUDGETED REVENUE RECEIVED AS A
PARTICIPATION FEE FOR A TENANT ASSET SALE**
- 2. \$730,000 FROM PARKING REVENUE, LOW CARBON FUEL
STANDARD (LCFS) CREDITS, NEVP MAINTENANCE FUND, AND AN
INSURANCE RECOVERY**
- 3. \$385,800 IN SAVINGS FROM VACANCIES IN THE PERSONNEL
APPROPRIATION**

**B. ADOPT RESOLUTION APPROVING A FY 2022 BUDGET
TRANSFER OF \$385,800 FROM PERSONNEL EXPENSE
APPROPRIATION TO THE NON-PERSONNEL EXPENSE
APPROPRIATION TO FUND THE BALANCE OF THE BUDGET
AMENDMENTS TO MAINTAIN THE CURRENT BUDGETED DEFICIT**

PURSUANT TO BPC POLICY NO. 90

Robert DeAngelis, CFO/Treasurer, addressed the Board with staff's report and presentation regarding Action Agenda Item 15 - File No. 2021-0321 (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: Jennifer Mills.

No Commissioner comments were provided.

On a motion by Commissioner LeSar, seconded by Commissioner Bonelli, the Board adopted Ordinance 3020. The motion carried by the following vote:

Yeas: 5 - Bonelli, LeSar, Malcolm, Moore, and Naranjo

Nays: 0

Excused: 2 - Castellanos, and Zucchet

Absent: 0

Abstain: 0

Recused: 0

16. [2021-0300](#) INFORMATIONAL UPDATE ON DIVERSITY, EQUITY, AND INCLUSION WORK AND INVITING FEEDBACK AND DIRECTION TO STAFF

Shirley Hirai, Manager, Diversity, Equity & Inclusion, addressed the Board with staff's report and presentation regarding Action Agenda Item 16 - File No. 2021-0300 (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: Danny Serrano, Environmental Health Coalition.

Commissioner LeSar, Commissioner Naranjo, and Vice-Chair Malcolm provided comments.

17. [2021-0309](#) INFORMATIONAL UPDATE ON FUNDING ANALYSIS, CONCEPTS, AND POTENTIAL DISTRICT FEES RELATED TO ZERO EMISSIONS INITIATIVES AND DIRECTION TO STAFF.

Mike LaFleur, Vice President, Maritime, addressed the Board with staff's report and presentation regarding Action Agenda Item 17 - File No. 2021-0309 (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 Stephen Schafer, Principal, Economics & Policy, to provide feasibility study background, an update on the market feasibility and elasticity analysis, and additional electrification initiatives updates. Mr. Schafer then turned the presentation to Josefina Khalidy, Principal, Maritime, to discuss Port competitors and transportation network, overview of the study of fees, additional electrification initiatives and updates, future tasks, and to close presentation.

The following member(s) of the public addressed the Board with agenda-related

comments: Danny Serrano, Environmental Health Coalition.

Commissioner Naranjo, Commissioner Moore, Commissioner LeSar, and Vice-Chair Malcolm, provided comments and asked clarifying questions. Mr. Schafer, and Joe Stuyvesant, President/CEO, responded.

18. [2021-0290](#) SEAPORT VILLAGE:

A) ORDINANCE GRANTING A LEASE TO HAMPTONS NEWPORT BEACH, LLC DBA SHOREBIRD FOR A FULL-SERVICE RESTAURANT AND BAR LOCATED AT 885 W. HARBOR DRIVE IN SAN DIEGO FOR A 10-YEAR TERM PLUS ONE 5-YEAR OPTION TO EXTEND (FOR A TOTAL POTENTIAL TERM OF 15 YEARS) WITH \$227,500 IN TENANT IMPROVEMENT ALLOWANCE TO BE BUDGETED IN THE FISCAL YEAR (FY) 2023 EQUIPMENT OUTLAY AND OTHER CAPITAL PROJECTS APPROPRIATION FOR SEAPORT VILLAGE TENANT IMPROVEMENTS

B) ORDINANCE GRANTING A LEASE TO SD 4 FISH LLC DBA GLADSTONE'S FOR A FULL-SERVICE RESTAURANT AND BAR LOCATED AT 861 W. HARBOR DRIVE IN SAN DIEGO FOR A 10-YEAR TERM PLUS ONE 5-YEAR OPTION TO EXTEND (FOR A TOTAL POTENTIAL TERM OF 15 YEARS) WITH \$1,250,000 IN TENANT IMPROVEMENT ALLOWANCE TO BE BUDGETED IN THE FISCAL YEAR (FY) 2023 EQUIPMENT OUTLAY AND OTHER CAPITAL PROJECTS APPROPRIATION FOR SEAPORT VILLAGE TENANT IMPROVEMENTS

C) RESOLUTION AUTHORIZING AMENDMENT NO. 4 TO THE AGREEMENT WITH R.I. PROPERTIES, INC. DBA RETAIL INSITE (RETAIL INSITE) FOR COMMERCIAL REAL ESTATE BROKER SERVICES FOR SEAPORT VILLAGE TO INCREASE THE MAXIMUM AMOUNT PAYABLE UNDER THE AGREEMENT BY \$450,000 FOR A TOTAL AGGREGATE AMOUNT NOT TO EXCEED \$1,050,000 AND WAIVING BOARD OF PORT COMMISSIONERS POLICY NO. 114 - PAYMENT OF COMMISSIONS FOR THE LEASING OF TIDELANDS. ALL FUNDS REQUIRED FOR FUTURE FISCAL YEARS WILL BE BUDGETED IN THE APPROPRIATE FISCAL YEAR, SUBJECT TO BOARD APPROVAL UPON ADOPTION OF EACH FISCAL YEAR'S BUDGET

Tony Gordon, Director, Real Estate, addressed the Board with staff's report and presentation regarding Action Agenda Item 18 - File No. 2021-0290 (A copy of the staff report, presentations and any agenda-related materials are on file with the Office of the District Clerk). Mr. Gordon then turned the presentation over to Lucy Contreras, Department Manager, Real Estate, to provide an overview of Seaport Village leasing activity. Ms. Contreras then turned the presentation over to Alexa Paulus, Program Manager, Real Estate, to provide details regarding the proposed leases with Shorebird and Gladstone's, the proposed amendment with Retail Insite, and staff

recommendations.

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

Vice-Chair Malcolm, Commissioner LeSar, and Commissioner Bonelli, provided comments and asked clarifying questions. Mr. Gordon responded.

On a motion by Commissioner LeSar, seconded by Commissioner Bonelli, the Board adopted Ordinance 3021, Ordinance 3022, and Resolution 2021-108. The motion carried by the following vote:

Yeas: 5 - Bonelli, LeSar, Malcolm, Moore, and Naranjo

Nays: 0

Excused: 2 - Castellanos, and Zucchet

Absent: 0

Abstain: 0

Recused: 0

19. [2021-0305](#) REVIEW AND CONSIDERATION OF DRAFT PROPOSED BOARD AGENDA FOR THE OCTOBER 12, 2021 MEETING

On a motion by Commissioner Bonelli, seconded by Commissioner LeSar, the board approved the proposed agenda. The motion carried by the following vote:

Yeas: 5 - Bonelli, LeSar, Malcolm, Moore, and Naranjo

Nays: 0

Excused: 2 - Castellanos, and Zucchet

Absent: 0

Abstain: 0

Recused: 0

OFFICER'S REPORT

20. [2021-0332](#) OFFICER'S REPORT

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

None to Report

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 Christine Jones - City of San Diego Commission for Arts and Culture for City of San Diego Monument for Convention Center Art "Journey to Aztlan" by Jamex and Elinar de la Torre, for total amount \$500.00

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 (#70454) with Seaport Fudge Factory, Inc. dba Seaport Coffee & Fudge Factory - Article 4 Section 4.2.4 COVID-19 Rent Relief

B) Amendment No. 1 to Lease (#68884) with Water View Restaurants, Inc. dba Edgewater Grill - Article 4, Section 4.7, Right of Entry; Article 5, Sections 5.1.7 & 5.1.8, COVID-19 Rent Deferral and Relief

C) Amendment No. 1 to Lease (#68883) with Water View Restaurants, Inc. dba San Diego Pier Café - Amends Sections 5.1.7, 5.1.8 & 4.7 Related to COVID-19 Rent Deferral and Relief, and Right of Entry

D) Amendment No. 1 to Lease (#70416) with American Heroes, Inc. dba American Heroes - Amends Section 4.2.4 Regarding COVID-19 Rent Relief

E) Amendment No. 1 to Lease (#70456) with Alamo Flags, Inc. dba Alamo Flags - Amends Section 4.2.4 Related to COVID-19 Rent Relief

F) Amendment No. 1 to Lease (#70415) with Best of San Diego, Inc. dba Seaport Island Fashion - Amends Section 4.2.4 Related to COVID-19 Rent Relief

G) Amendment No. 1 to Lease (#70694) with Bel-Born Management Corporation dba The Village Hat Shop - Amends Section 4.2.4 Related to COVID-19 Rent Relief

H) Amendment No. 1 to Lease (#70516) with Seaport Harbor Investment Properties, Inc. dba Hot Licks - Amends Lease to Add Section 4.2.4 Covid-19 Rent Relief

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

ATTEST:

Clerk of the San Diego Unified Port District