



San Diego Unified Port District

3165 Pacific Hwy.
San Diego, CA 92101

Special Meeting Minutes

Board of Port Commissioners

Monday, December 28, 2020

10:00 AM

Virtual Meeting

Special Meeting

A. Roll Call.

Present: 7 - Commissioner Bonelli, Commissioner Castellanos, Commissioner Malcolm, Commissioner Merrifield, Commissioner Moore, Commissioner Valderrama, and Chairman Zucchet

Excused: 0

Absent: 0

Officers Present: Coniglio, DeAngelis, Medina, Morales, and Russell

B. Closed Session Report Out.

Thomas A. Russell, General Counsel, announced that during the Closed Session the Board considered the items on the published Closed Session Agenda, and stated that no reportable action was taken on those items. General Counsel Russell stated that the Board will continue considering the items on the Closed Session Agenda at the conclusion of this meeting.

After the conclusion of the meeting, General Counsel Russell reported that the board directed that an employment agreement for the appointment of Joseph Stuyvesant as Executive Director/President/Chief Executive Officer be placed on the open session agenda for consideration by the board at the next regular meeting of the Board of Port Commissioners.

C. Public Communications.

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

D. District Clerk's Announcements.

The District Clerk had no announcements.

CONSENT AGENDA

Commissioner Castellanos recused himself from Consent Agenda Item 2 - File No. 2020-0427 because of a relationship that one of his law partners had with one of the involved parties. Commissioner Castellanos did not participate in that item.

Chair Moore then asked for a motion with respect to Consent Agenda Items numbers one through five except number two.

Commissioner Malcolm provided comment on Consent Item 1 - File No. 2020-0420 prior to the vote.

On a motion by Commissioner Castellanos, seconded by Commissioner Malcolm, the Board adopted the remaining Consent items thereby adopting Resolution 2020-119, Ordinance 2987, Item No. 3 - File No. 2020-0426, Resolution 2020-120, and Resolution 2020-121. The motion carried by the following vote:

Yeas: 7 - Bonelli, Castellanos, Malcolm, Merrifield, Moore, Valderrama, and Zucchet

Nays: 0

Excused: 0

Absent: 0

Abstain: 0

Recused: 0

1. [2020-0420](#) RESOLUTION CONSENTING TO ASSIGNMENT AND ASSUMPTION OF THE LEASEHOLD INTERESTS FROM HII SAN DIEGO SHIPYARD INC. TO HELIOS ACQUISITION, LLC, WHICH WILL BE RENAMED CONTINENTAL MARITIME OF SAN DIEGO, LLC UPON THE EFFECTIVENESS OF THE ASSIGNMENT

ORDINANCE GRANTING AMENDED AND RESTATED LEASE TO HELIOS ACQUISITION, LLC, WHICH WILL BE RENAMED CONTINENTAL MARITIME OF SAN DIEGO, LLC, FOR CONTINUED OPERATION OF A SHIPYARD AT 1995 BAYFRONT STREET IN SAN DIEGO

On a motion by Commissioner Castellanos, seconded by Commissioner Malcolm, the Board adopted Resolution 2020-119 and Ordinance 2987 as part of the Consent Agenda.

3. [2020-0426](#) REVIEW AND CONSIDERATION OF DRAFT PROPOSED BOARD AGENDA FOR THE JANUARY, 2021 MEETING

On a motion by Commissioner Castellanos, seconded by Commissioner Malcolm, the Board adopted Item No. 3 - File No. 2020-0426 as part of the Consent Agenda.

4. [2020-0430](#) RESOLUTION AUTHORIZING AGREEMENT FOR AMENDMENT OF EXCLUSIVE NEGOTIATING AGREEMENT AMENDMENT NO. 1 BETWEEN THE SAN DIEGO UNIFIED PORT DISTRICT AND 1HWY1, LLC FOR THE PROPOSED REDEVELOPMENT OF 70-ACRES OF LAND AND WATER IN THE CENTRAL EMBARCADERO

On a motion by Commissioner Castellanos, seconded by Commissioner Malcolm, the Board adopted Resolution 2020-120 as part of the Consent Agenda.

5. [2020-0434](#) RESOLUTION AMENDING THE BOARD OF PORT COMMISSIONERS' JANUARY MEETING DATE FOR CALENDAR YEAR 2021

On a motion by Commissioner Castellanos, seconded by Commissioner Malcolm, the Board adopted Resolution 2020-121 as part of the Consent Agenda.

2. [2020-0427](#) ORDINANCE GRANTING A 23-YEAR TERM EXTENSION FOR A NEW 40-YEAR LEASE BETWEEN THE SAN DIEGO UNIFIED PORT DISTRICT AND SUNROAD MARINA PARTNERS, L.P. FOR THE SUNROAD RESORT MARINA LOCATED AT 955 HARBOR ISLAND DRIVE, IN THE CITY OF SAN DIEGO

On a motion by Commissioner Valderrama, seconded by Commissioner Merrifield, the Board adopted Ordinance 2988 as part of the Consent Agenda.

Yeas: 6 - Bonelli, Malcolm, Merrifield, Moore, Valderrama, and Zucchet

Nays: 0

Excused: 0

Absent: 0

Abstain: 0

Recused: 1 - Castellanos

ACTION AGENDA

6. [2020-0443](#) MUNICIPAL SERVICES AGREEMENTS:

(A) RESOLUTION AUTHORIZING A 10-YEAR MUNICIPAL SERVICES AGREEMENT WITH THE CITY OF IMPERIAL BEACH FOR LAW ENFORCEMENT, FIRE, EMERGENCY MEDICAL, LIFEGUARD, ANIMAL CONTROL, AND MAINTENANCE SERVICES ON NON-AD VALOREM DISTRICT PROPERTY LOCATED IN THE CITY OF IMPERIAL BEACH

(B) RESOLUTION AUTHORIZING A 10-YEAR MUNICIPAL SERVICES AGREEMENT WITH THE CITY OF CHULA VISTA FOR POLICE, FIRE, AND EMERGENCY SERVICES ON NON-AD VALOREM DISTRICT PROPERTY LOCATED IN THE CITY OF CHULA VISTA

(C) DIRECT STAFF TO NEGOTIATE MUNICIPAL SERVICES AGREEMENTS WITH SAN DIEGO, NATIONAL CITY, AND CORONADO AND PROVIDE OTHER DIRECTION TO STAFF AS NEEDED

Shaun Sumner, Vice President of Real Estate, Engineering, and Facilities, addressed the Board with staff's report and presentation regarding Action Agenda Item 6 - File No. 2020-0443 (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 Zucchet, Commissioner Malcolm, Commissioner Merrifield, Commissioner Valderrama, Commissioner Bonelli, Commissioner Castellanos, and Chair Moore provided comments and asked clarifying questions.

Shaun Sumner; David Jones, Deputy General Council; Andy Hall, City Manager, City of Imperial Beach responded.

Commissioner Zucchet made a motion to move the Resolution as Amended by a \$100,000.00 reduction, capture the discussion with respect to language of the baseline resets, and direction to staff regarding part (C) of Item 6 - 2020-0443. Commissioner Merrifield seconded the motion.

Chair Moore made a friendly amendment with respect to the engagement with consultants, suggesting that the hiring of a consultant should be brought back to the Board with respect to the scope of service. Chair Moore also made a friendly amendment to the motion adding language to the MSA that grants the City of Chula Vista the ability to terminate the contract within the first three years.

Commissioner Malcolm made a friendly amendment to push back the date of the baseline reset for the City of Imperial Beach until 2023 due to the City's budget cycle.

Commissioner Zucchet and Commissioner Merrifield accepted the friendly amendments.

The amended motion carried by the following vote:

Yeas: 7 - Bonelli, Castellanos, Malcolm, Merrifield, Moore, Valderrama, and Zucchet

Nays: 0

Excused: 0

Absent: 0

Abstain: 0

Recused: 0

7. [2020-0435](#) PRESENTATION ON THE SAN DIEGO PORT TENANTS ASSOCIATION REQUEST FOR ADDITIONAL RENT RELIEF AND DIRECTION TO STAFF, AS NECESSARY

Tony Gordon, Director of Real Estate, addressed the Board with staff's report and presentation regarding Action Agenda Item 7 - File No. 2020-0435 (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 with time ceded by Corchelle Worsham.

Commissioner Malcolm, Commissioner Merrifield, Commissioner Castellanos, Commissioner Valderrama, Commissioner Zucchet, Commissioner Bonelli, and Chair Moore provided comments and asked clarifying questions.

Tony Gordon responded.

This Presentation was direction to staff, item to return to Board.

PUBLIC HEARING AGENDA

8. [2020-0424](#) FIFTH AVENUE LANDING PROJECT AND PORT MASTER PLAN AMENDMENT

A) PRESENTATION AND DIRECTION TO STAFF ON THE FIFTH AVENUE LANDING PROJECT AND PORT MASTER PLAN AMENDMENT FINAL ENVIRONMENTAL IMPACT REPORT AND/OR PORT MASTER PLAN AMENDMENT; AND/OR

B) ADOPT RESOLUTION CERTIFYING THE FINAL ENVIRONMENTAL IMPACT REPORT, ADOPTING THE FINDINGS OF FACT AND STATEMENT OF OVERRIDING CONSIDERATIONS, ADOPTING THE MITIGATION MONITORING AND REPORTING PROGRAM, AND DIRECTING THE FILING OF THE NOTICE OF DETERMINATION FOR THE FIFTH AVENUE LANDING PROJECT AND PORT MASTER PLAN AMENDMENT AND ADOPTING THE PHASE I ONLY MARINA ALTERNATIVE (ALTERNATIVE 4) OF THE FINAL ENVIRONMENTAL IMPACT REPORT AS THE APPROVED PROJECT; AND

C) CONDUCT PUBLIC HEARING AND ADOPT RESOLUTION APPROVING THE PORT MASTER PLAN AMENDMENT, AS AMENDED TO REFLECT THE PHASE I ONLY MARINA ALTERNATIVE, AND DIRECTING THE FILING WITH THE CALIFORNIA COASTAL COMMISSION FOR CERTIFICATION

Wileen Manaois, Director of Development Services; Megan Hamilton, Associate Planner; Rebecca Harrington, Senior Deputy General Counsel, and Lucy Contreras, Program Manager, Real Estate, addressed the Board with staff's report and presentation regarding Public Hearing Agenda Item 8 - File No. 2020-0424 (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: Mark Stevens, Downtown San Diego Resident.

Charles Black, Fifth Avenue Landing, addressed the Board with a presentation regarding Public Hearing Agenda Item 8 - File No. 2020-0424 (A copy of the staff report, presentations and any agenda-related materials are on file with the Office of the District Clerk).

Commissioner Castellanos, Commissioner Zucchet, Commissioner Malcolm, Chair Moore, Commissioner Valderrama, Commissioner Bonelli, and Commissioner Merrifield provided comments and asked clarifying questions.

Lucy Contreras; Rebecca Harrington; Wileen Manaois; Charles Black; and Kevin Heinly,

Fifth Avenue Landing, responded.

Commissioner Castellanos made a motion to not adopt a resolution certifying the final EIR, nor adopting the findings of fact, nor the statement of overriding considerations, nor adopting the mitigation monitoring and reporting program, nor directing the filing of the notice of determination for the Fifth Avenue Landing Project and Port Master Plan Amendment. The motion carried by the following vote:

Yeas: 5 - Bonelli, Castellanos, Merrifield, Moore, and Zucchet

Nays: 2 - Malcolm, and Valderrama

Excused: 0

Absent: 0

Abstain: 0

Recused: 0

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

ATTEST:

Clerk of the San Diego Unified Port District