



# San Diego Unified Port District

3165 Pacific Hwy.  
San Diego, CA 92101

## Meeting Minutes

### Board of Port Commissioners

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Tuesday, August 9, 2022

1:00 PM

Don L. Nay Port Administration Boardroom

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#### A. Roll Call.

**Present:** 7 - Commissioner Rafael Castellanos, Chairman 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, Morales, Russell, Stuyvesant and Yeilding.*

#### B. Pledge of Allegiance.

*Commissioner Naranjo led the pledge of allegiance.*

#### C. Closed Session Report Out.

*Thomas A. Russell, General Counsel, announced that the Board considered items 1-3, two of the three items under item 5, and that the remaining items on the Closed Session Agenda will be considered at a future date. Mr. Russell stated that no reportable action was taken.*

#### D. Public Communications.

*The following member(s) of the public addressed the Board with non agenda-related comments: Raymond Leyba, President, ILWU Local 29; Carlos Cordon, Lead Organizer, ILWU International; and Ryan Dowling, Organizing Director, ILWU.*

#### E. Board Committee Reports.

*None.*

#### F. Commissioners' Reports.

*Commissioner Naranjo provided a report on the July 15 Joint Meeting of the San Diego Association of Governments Transportation and Regional Planning Committees. Commissioner Naranjo announced that the centerpiece of the joint session was adoption by the two committees of a Vision Zero Action Plan for safer mobility in the region. Commissioner Naranjo shared that the Vision Zero Plan, which was approved by the San Diego Association of Governments (SANDAG) Board of Directors, will allow the*

transportation planning agency to apply for federal funding to design and construct safer streets, including bike lanes, and will open the door for local governments and the county's 18 federally-recognized tribal governments to apply for traffic safety funding. Commissioner Naranjo also provided an update on SANDAG's Youth Opportunity Pass pilot program that provides free public transit for youth 18 and under in the county which began May 1 and will initially be in place through next June. Commissioner Naranjo reported that youth ridership is up 75% on buses and trolleys; the program benefits impoverished youth, students, and workers; the pass program costs \$6 million a year; and SANDAG is pursuing state funding to continue the program and extend free ridership to people 24 and under to ease transportation costs for college students.

Commissioner Naranjo announced that at the July 21st Community Emission Reduction Program (CERP)/Maritime Clean Air Strategy (MCAS) Implementation Subcommittee meeting and the July 26th AB 617 Steering Committee, staff from the California Air Resources Board summarized new requirements in the Criteria and Toxics Reporting Regulation. Commissioner Naranjo also shared the following from the San Diego Air Pollution Control District: Domingo Vigil stated they will be presenting an annual report on the AB 617 CERP at the next meeting in August and then submit the report to California Air Resources Board (CARB) in October; Kathy Keehan updated the Steering Committee on the \$4 million in funding they will use to incentivize procurement of zero emission heavy-duty trucks, and shared that the state has been allocated an additional \$18.7 million in funding to implement programs in the CERP; and Kevin Bradley gave a presentation regarding new monitoring techniques to measure diesel particulate matter in Portside Communities.

## **G. Special Recognition.**

None.

## **H. President's Report.**

Joe Stuyvesant, President/CEO reported that the Port and San Diego Gas & Electric (SDG&E) have entered into a Memorandum of Understanding (MOU) to collaborate on electrification, greenhouse gas reduction, and clean air strategies in support of the Port's Maritime Clean Air Strategy (MCAS). Mr. Stuyvesant shared that the MOU includes a provision for SDG&E and Port staff, at the executive level, to meet on a regular basis, at least once per quarter, to help remove any roadblocks and resolve any misunderstandings, and it also includes a process to escalate unresolved issues to the top of both organizations.

Mr. Stuyvesant shared that the Port will host two port authorities, Seattle and Tacoma, on August 11 and 12, 2022, with Commissioner Naranjo leading the informational visit. Mr. Stuyvesant stated that Environmental Health Coalition, Pacific Environment, and various local laborer leaders will be joining the representatives of those two ports to share a closer look at how our Port is working with our communities to address the challenges of climate change, equity, inclusion, and innovation on and around the bay.

Mr. Stuyvesant also shared that the Port is hosting a visit from the California State Transportation (CalSTA) Secretary along with the local Caltrans District 11 office. Mr. Stuyvesant shared that this fall, CalSTA will be awarding a portion of the \$1.2 billion allocation that the legislature has recently approved for ports and the larger supply chain, therefore, the Port is looking forward to the opportunity to show the Secretary some of the important work the Port is doing at our marine terminals.

Mr. Stuyvesant announced that the State Lands Commission will convene their next

regular meeting at the Port of San Diego on August 23, 2022. Mr. Stuyvesant explained that one of the items expected on the agenda will be consideration of the third and final round of stimulus funding. Mr. Stuyvesant reported that staff submitted the Port's application to the State Lands Commission on July 25, 2022, and requested that these funds be used to advance generational investments in the Port's infrastructure. Lastly, Mr. Stuyvesant reported that the Port should receive feedback from State Lands on their application when they hold their August 23, 2022 meeting.

## I. District Clerk's Announcements.

Donna Morales, District Clerk announced that no additional agenda-related materials were received by the Board after publication of the agenda.

Ms. Morales then announced that staff requests that the Board consider the following items be continued to a future Board meeting: Item 2 - File 2022-0225.

**On a motion by Commissioner Zucchet, seconded by Commissioner Urtasun, 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

[2022-0240](#) Approval of minutes for:

July 12, 2022 - CLOSED SESSION

July 12, 2022 - BPC MEETING

July 21, 2022 - SPECIAL BPC MEETING

**On a motion by Commissioner Urtasun, seconded by Commissioner Zucchet, the Board approved the July 2022 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**

On a motion by Commissioner Castellanos, seconded by Commissioner D. Moore, the Board adopted Items 1, 3 and 5 - 8; Ordinance 3052; Ordinance 3053; Resolution 2022-081; Resolution 2022-082; Resolution 2022-083; Resolution 2022-084; Resolution 2022-085; Resolution 2022-086; Ordinance 3055; Resolution 2022-087; Resolution 2022-088; Resolution 2022-089; and Resolution 2022-090. 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

1. [2021-0180](#) BAYSHORE BIKEWAY SEGMENTS 2 AND 3:

A. ORDINANCE GRANTING A SIXTY-SIX (66) YEAR EASEMENT FOR THE OPERATION AND MAINTENANCE OF A SEGMENT OF THE BAYSHORE BIKEWAY TO THE CITY OF SAN DIEGO FOR APPROXIMATELY 1,737 SQUARE FEET OF LAND LOCATED WEST OF AND ADJACENT TO NORTH HARBOR DRIVE IN THE CITY OF SAN DIEGO.

B. ORDINANCE GRANTING A SIXTY-SIX (66) YEAR EASEMENT FOR THE OPERATION AND MAINTENANCE OF A SEGMENT OF THE BAYSHORE BIKEWAY TO THE CITY OF SAN DIEGO FOR APPROXIMATELY 466 SQUARE FEET OF LAND LOCATED EAST OF AND ADJACENT TO HARBOR DRIVE IN THE CITY OF SAN DIEGO.

On a motion by Commissioner Castellanos seconded by Commissioner D. Moore, the Board adopted Ordinance 3052 and Ordinance 3053 as part of the Consent agenda.

2. [2022-0225](#) RESOLUTION AUTHORIZING CAPTAIN JOSHUA K. FERGUSON AS A FULL-TIME U.S. COAST GUARD LICENSED SAN DIEGO HARBOR PILOT, TO PERFORM PILOTING SERVICES FOR THE NAVIGATION OF VESSELS ENTERING, LEAVING, AND SHIFTING WITHIN SAN DIEGO BAY.

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. [2022-0194](#) RESOLUTION SELECTING AND AUTHORIZING AN AGREEMENT WITH DATA TICKET, INC. FOR PARKING CITATION PROCESSING SERVICES AND ENFORCEMENT EQUIPMENT FOR AN AMOUNT NOT TO EXCEED \$500,000 FOR A PERIOD OF FIVE (5) YEARS FROM OCTOBER 1, 2022, THROUGH SEPTEMBER 30, 2027, WITH FIVE (5) ONE-YEAR OPTIONS TO EXTEND, WHICH MAY BE EXERCISED BY THE DISTRICT AT ITS SOLE DISCRETION FOR AN AMOUNT NOT TO EXCEED \$90,000 PER YEAR, FOR A TOTAL NOT-TO-EXCEED AMOUNT, INCLUDING OPTIONS, OF \$950,000. FUNDS FOR FISCAL YEAR (FY23) ARE BUDGETED, 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 by Commissioner Castellanos seconded by Commissioner D. Moore, the Board adopted Resolution 2022-081 as part of the Consent agenda.**

5. [2022-0209](#) RESOLUTION AUTHORIZING ISSUANCE OF A NON-APPEALABLE COASTAL DEVELOPMENT PERMIT FOR THE DEMOLITION OF STORAGE TANKS AND STORM WATER IMPROVEMENTS PROJECT AT THE TENTH AVENUE MARINE TERMINAL

**On a motion by Commissioner Castellanos seconded by Commissioner D. Moore, the Board adopted Resolution 2022-082 as part of the Consent agenda.**

6. [2022-0217](#) ENVIRONMENTAL MITIGATION LAND MANAGEMENT GRANT PROGRAM FUNDED BY SAN DIEGO ASSOCIATION OF GOVERNMENTS

A) RESOLUTION AUTHORIZING AN APPLICATION FOR ENVIRONMENTAL MITIGATION LAND MANAGEMENT GRANT PROGRAM FUNDS TO THE SAN DIEGO ASSOCIATION OF GOVERNMENTS (SANDAG) FOR ENDANGERED AVIAN NESTING SITE STEWARDSHIP AT D-STREET FILL PROJECT COMMITTING TO PROVIDE FUNDS IN KIND, AND AUTHORIZING THE EXECUTIVE DIRECTOR OR DESIGNEE TO ACCEPT GRANT FUNDS AND EXECUTE GRANT AGREEMENT; AND

B) RESOLUTION AUTHORIZING THE EXECUTIVE DIRECTOR OR DESIGNEE TO ACCEPT GRANT FUNDS AND EXECUTE GRANT AGREEMENT WITH THE SAN DIEGO ASSOCIATION OF GOVERNMENTS FOR GRANT FUNDING, IF AWARDED, IN THE AMOUNT OF \$80,000, FOR A PERIOD OF 18 MONTHS BEGINNING ON OR AROUND SEPTEMBER 1, 2022, AND ENDING ON OR AROUND FEBRUARY 1, 2024, AND GRANTING INDEMNITY TO SANDAG

**On a motion by Commissioner Castellanos seconded by Commissioner D. Moore, the Board adopted Resolution 2022-083 and Resolution 2022-084 as part of the Consent agenda.**

7. [2022-0220](#) RESOLUTION SUPPORTING THE DISTRICT'S SUBMISSION OF A GRANT APPLICATION TO THE SAFE DRINKING WATER, WATER QUALITY AND SUPPLY, FLOOD CONTROL, RIVER AND COASTAL PROTECTION BOND ACT OF 2006, PROP 68, FUNDED BY THE OCEAN PROTECTION COUNCIL IN THE AMOUNT OF \$500,000 FOR A PERIOD OF THREE YEARS AND CONFIRMING THAT THE DISTRICT WILL ACCEPT THE GRANT IF AWARDED TO THE DISTRICT AND A GRANT AGREEMENT IS APPROVED BY THE BOARD OF PORT COMMISSIONERS

On a motion by Commissioner Castellanos seconded by Commissioner D. Moore, the Board adopted Resolution 2022-085 as part of the Consent agenda.

8. [2022-0229](#) RESOLUTION REGARDING DISTRICT VIRTUAL MEETINGS IN ACCORDANCE WITH THE RALPH M. BROWN ACT AND ASSEMBLY BILL 361

On a motion by Commissioner Castellanos seconded by Commissioner D. Moore, the Board adopted Resolution 2022-086 as part of the Consent agenda.

### **ACTION AGENDA**

4. [2022-0198](#) ORDINANCE GRANTING AMENDMENT NO. 6 TO THE CONDITIONAL AGREEMENT WITH MITSUBISHI CEMENT CORPORATION TO EXTEND THE TERM OF THE CONDITIONAL AGREEMENT FOR THE PROPOSED CEMENT IMPORT TERMINAL IN WAREHOUSE C AT THE TENTH AVENUE MARINE TERMINAL, IN SAN DIEGO FOR AN ADDITIONAL 12 MONTHS TO DECEMBER 31, 2023

*Item 4 - File No. 2022-0198 was pulled from Consent.*

*The following member(s) of the public addressed the Board with agenda-related comments: Diane Takvorian, Environmental Health Coalition.*

*Tony Gordon, Director, Real Estate, along with Ryan Donald, Department Manager, Real Estate, and Rebecca Harrington, Assistant General Counsel, Office of the General Counsel, addressed the Board regarding Agenda Item 4 - File No. 2022-0198.*

*Commissioner Naranjo, Commissioner Urtasun, Commissioner Castellanos, Commissioner A. Moore, Commissioner Zucchet, and Chairman Malcolm, provided comments and asked clarifying questions. Ryan Donald, Rebecca Harrington, Nicki Carlsen, Legal Counsel for Alston & Bird, representing Mitsubishi Cement Corporation, and Tony Gordon, responded.*

**Commissioner Naranjo called for a motion to include a recital acknowledging the Maritime Clean Air Strategy (MCAS) in Amendment No. 6 to the Conditional Agreement; and to modify the term extension to reflect a six (6) months extension to the Conditional Agreement; and approve the Amendment No. 6 to the Conditional Agreement with those changes. Commissioner Zucchet seconded the motion, and the Board adopted Ordinance 3054. 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

### **PUBLIC HEARING AGENDA**

**9.      [2022-0211](#)      B STREET CRUISE SHIP TERMINAL INTERIOR IMPROVEMENTS AND FACILITY FEE**

A. CONDUCT A PUBLIC HEARING AND ADOPT AN ORDINANCE AMENDING THE SAN DIEGO UNIFIED PORT DISTRICT TARIFF NO. 1 -G, RATES, AND CHARGES, TO ADD A NEW RATE FOR CRUISE FACILITY IMPROVEMENT FEE IN THE AMOUNT OF \$5.50 PER PASSENGER

B. RESOLUTION ESTABLISHING A CRUISE FACILITY IMPROVEMENT FUND RESOURCED THROUGH THE CRUISE FACILITY IMPROVEMENT FEE

C. RESOLUTION AMENDING THE FY 2019-2023 CAPITAL IMPROVEMENT PROGRAM (CIP) TO ADD THE B STREET CRUISE SHIP TERMINAL INTERIOR IMPROVEMENTS PROJECT WITH A PROJECT BUDGET OF \$5,000,000

D. RESOLUTION APPROVING A FY 2023 BUDGET TRANSFER, IN ACCORDANCE WITH BPC POLICY NO. 90, TRANSFERRING \$650,000 FROM THE EQUIPMENT OUTLAY AND OTHER CAPITAL PROJECTS APPROPRIATION TO THE CAPITAL IMPROVEMENT PROGRAM APPROPRIATION FOR DESIGN COSTS AND GEOTECHNICAL STUDY FOR THE B STREET CRUISE SHIP TERMINAL INTERIOR IMPROVEMENTS PROJECT

E. RESOLUTION AUTHORIZING AMENDMENT NO. 1 TO THE AGREEMENTS WITH DOMUSSTUDIO ARCHITECTURE, SILLMAN WRIGHT ARCHITECTS, AND ROESLING NAKAMURA TERADA ARCHITECTS, INC. FOR AS-NEEDED ARCHITECTURAL SERVICES INCREASING THE AGGREGATE AGREEMENT AMOUNT BY \$350,000 FROM \$800,000 TO A NEW NOT-TO-EXCEED AMOUNT OF

\$1,150,000. FUNDS REQUIRED FOR THE CURRENT FISCAL YEAR ARE INCLUDED IN THE APPROVED FY 2023 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

F. RESOLUTION AUTHORIZING AMENDMENT NO. 1 TO THE AGREEMENTS WITH MOFFATT & NICHOL, GHD, TRITON ENGINEERS, AND SIMPSON GUMPERTZ & HEGER, INC. FOR AS-NEEDED MARINE STRUCTURAL SERVICES, INCREASING THE AGGREGATE AGREEMENT AMOUNT BY \$300,000 FROM \$4,000,000 TO A NEW NOT-TO-EXCEED AMOUNT OF \$4,300,000. FUNDS REQUIRED FOR THE CURRENT FISCAL YEAR ARE INCLUDED IN THE APPROVED FY 2023 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

*Mike LaFleur, Vice President, Maritime, joined by Joel Valenzuela, Director, Maritime, 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 Action Agenda Item 9 - File No. 2022-0211 (A copy of the staff report, presentations and any agenda-related materials are on file with the Office of the District Clerk).*

*Chairman Malcolm opened the Public Hearing.*

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

*Chairman Malcolm closed the Public Hearing.*

*Commissioner A. Moore, Commissioner Naranjo, Commissioner Urtasun, Chairman Malcolm, and Commissioner Zucchet provided comments and asked clarifying questions. Thomas Russell, General Counsel, Office of the General Counsel, Simon Kann, Cid Tesoro, Vice President, Facilities and Engineering, Joel Valenzuela, and Mike LaFleur, responded.*

**Commissioner A. Moore called for a motion to approve with removal of the whereas clause language "outside the District's scheduled Major Maintenance Program" in the Ordinance and in the related resolutions, and to remove the project from the Capital Improvement Project (CIP) program and put in Other Capital Projects. Commissioner Zucchet seconded the motion, and the Board adopted: (A) Ordinance 3055; (B) Resolution 2022-087; (E) Resolution 2022-088; and (F) Resolution 2022-089. 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

### **ACTION AGENDA CONTINUED**

10.     [2022-0212](#)     RESOLUTION AUTHORIZING AN 8-YEAR MUNICIPAL SERVICES AGREEMENT WITH THE CITY OF CORONADO FOR LAW ENFORCEMENT, FIRE, LIFEGUARD AND EMERGENCY SERVICES ON NON-AD-VALOREM DISTRICT PROPERTY LOCATED IN THE CITY OF CORONADO

*Tony Gordon, Director, Real Estate, joined by David Jones, Deputy General Counsel IV, Office of the General Counsel, addressed the Board with staff's report and presentation regarding Action Agenda Item 10 - File No. 2022-0212 (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 Urtasun, Commissioner Zucchet, Commissioner A. Moore, Commissioner Naranjo and Chairman Malcolm provided comments and asked clarifying questions. Tony Gordon and David Jones responded.*

**On a motion by Commissioner Urtasun seconded by Commissioner Zucchet, the Board adopted Resolution 2022-090. 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

11.     [2022-0025](#)     REVIEW AND CONSIDERATION OF DRAFT PROPOSED BOARD AGENDA FOR THE SEPTEMBER 13, 2022 MEETING

**On a motion by Commissioner Urtasun, seconded by Commissioner Naranjo, the Board approved the proposed agenda for September. 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**

### **12.     [2022-0234](#)     OFFICER'S REPORT**

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

A) Change Order No. 1 to Contract No. 2021-07 with Telliard Construction  
- 13 Calendar Day Time Extension thru 06-30-22

B) Change Order No. 1 to Contract No. 2021-18 with Patriot  
Environmental Services, Inc. - 15 Calendar Day Time Extension thru 06-30-  
22

C) Change Order No. 1 to Contract No. 2020-25 with Shimmick  
Construction Company, Inc. - Increases Contract by \$414,281.09

D) Change Order No. 3 to Contract No. 2022-10 with La Mesa Glass, Inc. -  
Increases Contract by \$5,141.00

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:

None to Report

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

ATTEST:

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*Clerk of the San Diego Unified Port District*