



San Diego Unified Port District

3165 Pacific Hwy.
San Diego, CA 92101

Meeting Minutes

Board of Port Commissioners

Tuesday, October 11, 2022

1:00 PM

Don L. Nay Port Administration Boardroom

A. Roll Call.

Present: 6 - Commissioner Rafael Castellanos, Chairman Dan Malcolm, Commissioner Ann Moore, Commissioner Danielle Moore, Commissioner Sandy Naranjo, and Commissioner Michael Zucchet

Excused: 1 - Commissioner Frank Urtasun

Absent: 0

Recused: 0

Officers Present: DeAngelis, Morales, Russell, Stuyvesant and Yeilding.

B. Pledge of Allegiance.

Commissioner A. Moore led the pledge of allegiance.

C. Closed Session Report Out.

Thomas A. Russell, General Counsel, announced that the Board considered items on the Closed Session Agenda with the exception of Item 4 which will be considered at the end of the meeting. 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: Ted Godshalk, Carole Noska, and John Valente.

E. Board Committee Reports.

Commissioner Naranjo reported that the Audit Oversight Committee met on September 22, 2022. Commissioner Naranjo shared that Port Auditor, Mark Yeilding, provided a presentation on an agreement with TAP International, Inc. for Internal Audit Services; Jane Mascarenas, Assistant Port Auditor, presented the Port Auditor's Annual Report for Fiscal Year 2022; Mark Yeilding provided the Fraud Prevention Ethics Hotline update from July 1, 2022, through September 12, 2022; and Billy Marsh, Chief Information Security Officer, gave an update on cybersecurity, phishing, and the latest threats. Commissioner Naranjo announced that the next Audit Oversight Committee meeting is scheduled for December 1, 2022.

Commissioner Castellanos provided a report on the Environmental Advisory Committee (EAC) meeting held on September 14, 2022. Commissioner Castellanos announced that

the Committee received a presentation on the results of the first year of the San Diego Bay Eelgrass Blue Carbon Study, which was funded by the U.S. Maritime Administration, or MARAD, Maritime Environmental and Technical Assistance Program; an update on the progress to entitle the wetland Mitigation Bank at Pond 20; and an update on the Port's Environmental Education Program. Commissioner Castellanos announced that the next EAC meeting is planned for December 7, 2022.

Commissioner Castellanos announced that on September 15, 2022, he and fellow Commissioner Urtasun facilitated a Maritime Stakeholder Forum. Commissioner Castellanos shared that presentations were given on the Maritime Clear Air Strategy (MCAS) electrification efforts underway; work towards achieving some regional zero-emission charging infrastructure for heavy duty trucks; and updates on the Port's cruise and cargo business lines. Commissioner Castellanos also congratulated Maritime staff for their work on cargo business opportunities which allows steady work for International Longshore and Warehouse Union (ILWU), pilots, tug and barge partners and many others.

F. Commissioners' Reports.

Commissioner Naranjo provided a report on three informational items from the September Transportation Committee of the San Diego Association of Governments. Commissioner Naranjo shared that the first item is a summary of the Bayshore Bikeway, Barrio Logan segment, of bikerider accommodations and best methods to improve bicyclist and pedestrian safety on Harbor Drive during construction of a 2.5-mile segment that stretches between Downtown San Diego and National City; the second item discussed was the Southbay to Sorrento Comprehensive Multimodal Portal Plan; the last item was the realignment of the freight and passenger rail tracks away from the Del Mar Bluffs. Commissioner Naranjo explained that the rail link is of vital importance to the Port, as car importer Pasha Automotive relies on it to transport imported vehicles from the National City Marine Terminal.

Commissioner Naranjo announced that the monthly AB 617 Portside Community Steering Committee meeting was held on September 27, 2022. Commissioner Naranjo reported on three items of interest on the agenda: Staff from the San Diego Air Pollution Control District (APCD) gave an update on community emissions monitoring; APCD Staff presented the Annual Community Emission Reduction Plan Progress Report for the 2022 reporting period (June 2021 - July 2022); and Port Staff presented the results of a Request for Information (RFI) regarding Zero Emission Infrastructure for Heavy-Duty Trucks Serving the Port and San Diego. Commissioner Naranjo then reported that Maggie Weber from the Port's Energy and Policy team provided the presentation summarizing the responses that were obtained from a recent RFI released over the summer which solicited information regarding the development and operation of sites where zero emission infrastructure such as charging stations and/or hydrogen fueling stations could be sited.

Commissioner Naranjo also reported on the Global Clean Energy Action Forum, convened by the US Department of Energy, where clean energy leaders from around the globe are united to accelerate the clean energy transition while responding to global security needs. This forum featured high level plenary topical round tables with experts such as: Jennifer Granholm, Secretary, US Department of Energy; John Kerry, U.S. Special Presidential Envoy for Climate; Bill Gates; Liz Shuler, President, AFL-CIO; and Ramon Cruz, President of Sierra Club. Commissioner Naranjo added that she was honored to be a featured speaker on the Clean Energy Marine Hubs Platform & Ports for People - Accelerating Action panel, which focused on the critical role of maritime in the global transition from the use of fossil fuels to zero emissions.

Commissioner Naranjo then shared that she was invited by San Diego County Supervisor Vice Chair, Nora Vargas, to be a guest speaker on the Clean Air Day Panel. Also on the panel were: Diane Takvorian, Executive Director, Environmental Health Coalition; Lisa Cuestas, Executive Director, Casa Familiar; Paula Forbis, Air Pollution Control Officer, San Diego County Air Pollution Control District; and Liane Randolph, Chair, California Air Resources Board. The topic for the panel was advancing air quality in our region's front line communities.

Commissioner Castellanos provided a report on the Thriving Cities Trade Mission to the Netherlands. Commissioner Castellanos stated that he, along with Commissioners Danielle Moore, Frank Urtasun, and President/CEO Joe Stuyvesant, were a part of the World Trade Center San Diego delegation. A highlight during the tour was the visit to the Port of Rotterdam, the largest port in Europe, and seeing their successful electrification efforts in a highly competitive maritime cargo market. Commissioner Castellanos shared that an important lesson learned was that the concepts of economic development and environmental sustainability--clean air and business--are not mutually exclusive, and how the Port of Rotterdam courts a "coalition of the willing" and focuses on doing business with companies that want to electrify operations.

Commissioner Danielle Moore, added that it was a privilege to be part of the World Trade Center San Diego's trade delegation. Commissioner Moore shared that in addition to the trade mission to the Netherlands, she and President/CEO Stuyvesant took a side trip to Dusseldorf, Germany for a first-hand status report on the construction of the two electric-powered cranes that will replace the diesel-powered crane at the Tenth Avenue Marine terminal. Purchase of the cranes from manufacturer Konecranes was approved by the Board last January. The cranes are being paid for with more than \$14 million in federal stimulus funds. When delivered here next summer, they will be the first all-electric mobile harbor cranes in North America. In addition to eliminating harmful air emissions, the new cranes will have a lift capacity of 400 metric tons – four times the lift capacity of the diesel-powered crane that it will replace. The E-cranes will advance the long-term goal of the Port's Maritime Clean Air Strategy, or MCAS, of achieving 100 percent zero-emission cargo handling equipment by 2030.

G. Special Recognition.

Cheryl Smoot, DEI Business & Community Partner, Diversity, Equity and Inclusion (DEI), announced that in the month of October, the Port celebrated National Disability Employment Awareness which included: a seminar on Fighting the Stigma of Mental Illness held on October 10, 2022; DEI's participation in Jobtoberfest, a job fair designed for people with disabilities seeking employment; and a presentation and activity from Arc of San Diego, an organization that provides learning opportunities and resources to individuals with intellectual or developmental disabilities. Ms. Smoot acknowledged other cultural celebrations also taking place this month: Yom Kippur observed on October 4 and 5; and Filipino American History Month.

Harbor Police Chief Magda Fernandez recognized the incredible work of four Harbor Police employees; Corporal Matthew Oakley, Benevolent and Protective Order of Elks Lodge Recognition; LaShonnu Bolognese, Harbor Police Dispatcher of the Year; Corporal Michael Saiz, North San Diego Business Chamber "Honoring Our Heroes"; and Officer Janel Seney, American Red Cross - 2022 San Diego Real Heroes Awards.

H. President's Report.

Joe Stuyvesant, President/CEO, announced that for the 2023 cruise season, there are 140 cruise calls confirmed and scheduled which is a 40% increase.

Mr. Stuyvesant reported that the Port received a 5.55M grant from the Maritime Administration for the M-5 designated Marine Highway program which will be split with the Port of Bellingham.

Mr. Stuyvesant shared that on September 19, 2022, the Port held the first of three workshops "How to do Business with the Port" where about 200 in-person or virtual attendees learned about the Port, and their best opportunities. Mr. Stuyvesant also shared the topics which will be the focus of the second and third workshops.

Lastly, Mr. Stuyvesant recognized the Finance Department for once again earning the Certificate of Achievement for Excellence in Financial Reporting for its Annual Comprehensive Financial Report for Fiscal Year 2021 from the Government Finance Officers Association. Mr. Stuyvesant shared that this is the eighth consecutive year the Port has received this honor, which is considered the highest form of recognition in government accounting and financial reporting.

I. 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 19 - File 2022-0278; and Item 21 - File 2022-0339.

Ms. Morales then announced that staff requests that the Board consider the following items be continued to a future Board meeting: Item 1 - File 2022-0346; Item 18 - File 2022-0320, and Item 20 - File 2022-0336.

On a motion by Commissioner A. Moore, seconded by Commissioner D. Moore, the Board adopted the requested docket changes. The motion carried by the following vote:

Yeas: 5 - Rafael Castellanos, Ann Moore, Danielle Moore, Sandy Naranjo, and Michael Zucchet

Nays: 0

Excused: 2 - Dan Malcolm, and Frank Urtasun

Absent: 0

Abstain: 0

Recused: 0

APPROVAL OF MINUTES

[2022-0349](#) Approval of minutes for:

September 13, 2022 - CLOSED SESSION

September 13, 2022 - BPC MEETING

On a motion by Commissioner Zucchet, seconded by Commissioner Naranjo, the Board approved the September 2022 minutes. The motion carried by the following vote:

Yeas: 5 - Rafael Castellanos, Dan Malcolm, Danielle Moore, Sandy Naranjo, and Michael Zucchet

Nays: 0

Excused: 1 - Frank Urtasun

Absent: 0

Abstain: 1 - Ann Moore

Recused: 0

CONSENT AGENDA

On a motion by Commissioner Castellanos, seconded by Commissioner Naranjo, the Board adopted Items 2 - 14, 16 and 17; Ordinance 3062; Resolution 2022-108; Resolution 2022-109; Resolution 2022-110; Resolution 2022-111; Resolution 2022-112; Resolution 2022-113; Resolution 2022-114; Resolution 2022-115; Resolution 2022-116; Resolution 2022-117; Resolution 2022-118; Resolution 2022-119; Resolution 2022-120; Resolution 2022-122; Ordinance 3064 and Resolution 2022-123. The motion carried by the following vote:

Yeas: 6 - Rafael Castellanos, Dan Malcolm, Ann Moore, Danielle Moore, Sandy Naranjo, and Michael Zucchet

Nays: 0

Excused: 1 - Frank Urtasun

Absent: 0

Abstain: 0

Recused: 0

1. [2022-0346](#) 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 FY2021 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.

2. [2022-0238](#) SCHEDULE OF COMPENSATION
A) ORDINANCE AMENDING SALARY ORDINANCE NO. 3056 ENTITLED "AN ORDINANCE ESTABLISHING A SCHEDULE OF COMPENSATION FOR OFFICERS AND EMPLOYEES OF THE SAN DIEGO UNIFIED

PORT DISTRICT”

B) RESOLUTION AMENDING THE SAN DIEGO UNIFIED PORT DISTRICT (DISTRICT) DIRECTORY OF CLASSIFICATION SPECIFICATIONS FOR FISCAL YEAR 2022/2023

On a motion by Commissioner Castellanos seconded by Commissioner Naranjo, the Board adopted Ordinance 3062 and Resolution 2022-108 as part of the Consent agenda.

3. [2022-0252](#) RESOLUTION SELECTING AND AUTHORIZING AN AGREEMENT WITH KOFF & ASSOCIATES TO CONDUCT A CLASSIFICATION AND COMPENSATION STUDY FOR AN AMOUNT NOT TO EXCEED \$291,725. FISCAL YEAR 2023 FUNDS ARE BUDGETED. FUNDS REQUIRED FOR FUTURE FISCAL YEARS WILL BE BUDGETED IN THE APPROPRIATE YEAR, SUBJECT TO BOARD APPROVAL UPON ADOPTION OF EACH FISCAL YEAR'S BUDGET.

On a motion by Commissioner Castellanos seconded by Commissioner Naranjo, the Board adopted Resolution 2022-109 as part of the Consent agenda.

4. [2022-0254](#) RESOLUTION SELECTING AND AUTHORIZING AGREEMENT NO. 88-2022JR WITH COUNTYWIDE MECHANICAL SYSTEMS, INC, FOR FULL-SERVICE HVAC SYSTEM MAINTENANCE AND REPAIR SERVICES AT DISTRICT FACILITIES FROM JANUARY 1, 2023 TO JUNE 30, 2026 IN AN AMOUNT NOT TO EXCEED \$800,000. FUNDS FOR FISCAL YEAR 2023 HAVE BEEN BUDGETED IN THE AMOUNT OF \$123,000. ALL FUNDS REQUIRED FOR FUTURE FISCAL YEARS WILL BE BUDGETED IN THE APPROPRIATE FISCAL YEAR, SUBJECT TO BOARD APPROVAL UPON ADOPTION OF EACH FISCAL YEAR'S BUDGET.

On a motion by Commissioner Castellanos seconded by Commissioner Naranjo, the Board adopted Resolution 2022-110 as part of the Consent agenda.

5. [2022-0255](#) RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AWARDED CONTRACT NO. 2022-07 TO LOGHMANI & ASSOCIATES DESIGN GROUP, INC., DBA L.A. DESIGN GROUP-WLA, IN THE AMOUNT OF \$1,430,000 FOR THE IMPERIAL BEACH PIER ENHANCEMENTS PHASE 2 PROJECT, IMPERIAL BEACH, AS AUTHORIZED BY THE BOARD IN THE FY 2022 ECONOMIC RECOVERY PROGRAM APPROPRIATION AND THE FY 2019-2023 CAPITAL IMPROVEMENT PROGRAM

The following member(s) of the public addressed the Board with agenda-related comments: Yannick Fagan, Veterans Art Project.

On a motion by Commissioner Castellanos seconded by Commissioner Naranjo, the Board adopted Resolution 2022-111 as part of the Consent agenda.

6. [2022-0259](#) RESOLUTION AUTHORIZING AMENDMENT NO. 1 WITH HAWTHORNE MACHINERY CO. FOR AS-NEEDED HEAVY EQUIPMENT RENTAL SERVICES. THE MAXIMUM AMOUNT PAYABLE UNDER THE AGREEMENT WILL BE INCREASED BY \$175,000 FOR A NEW MAXIMUM AMOUNT OF \$350,000. FUNDS REQUIRED FOR THE CURRENT FISCAL YEAR ARE INCLUDED IN THE APPROVED FISCAL YEAR 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.

On a motion by Commissioner Castellanos seconded by Commissioner Naranjo, the Board adopted Resolution 2022-112 as part of the Consent agenda.

7. [2022-0260](#) RESOLUTION SELECTING AND AUTHORIZING AN AGREEMENT WITH TAP INTERNATIONAL, INC. FOR AS-NEEDED INTERNAL AUDIT SERVICES FOR AN AMOUNT NOT TO EXCEED \$300,000 AND A DURATION OF FIVE YEARS. FISCAL YEAR 2023 FUNDS ARE BUDGETED. FUNDS REQUIRED FOR FUTURE FISCAL YEARS WILL BE BUDGETED IN THE APPROPRIATE YEAR, SUBJECT TO BOARD APPROVAL UPON ADOPTION OF EACH FISCAL YEAR'S BUDGET.

On a motion by Commissioner Castellanos seconded by Commissioner Naranjo, the Board adopted Resolution 2022-113 as part of the Consent agenda.

8. [2022-0268](#) RESOLUTION APPROVING PROCLAMATION IN RECOGNITION OF OCTOBER 2022 AS "CELEBRATION OF THE ARTS MONTH" IN SUPPORT OF NATIONAL ARTS AND HUMANITIES MONTH

On a motion by Commissioner Castellanos seconded by Commissioner Naranjo, the Board adopted Resolution 2022-114 as part of the Consent agenda.

9. [2022-0272](#) RESOLUTION SELECTING AND AUTHORIZING AN AGREEMENT BETWEEN SAN DIEGO UNIFIED PORT DISTRICT AND AFTZ LLC (SERVICE PROVIDER) FOR CUSTOMS BORDER PROTECTION REPORTING & FOREIGN TRADE ZONE ACTIVATION AND OPERATOR SERVICES AT TENTH AVENUE MARINE TERMINAL FOR AN AMOUNT NOT-TO-EXCEED \$367,000 AND A DURATION OF FIVE YEARS. FISCAL YEAR (FY) 2023 FUNDS ARE BUDGETED. FUNDS REQUIRED FOR FUTURE FISCAL YEARS WILL BE BUDGETED IN THE APPROPRIATE YEAR, SUBJECT TO BOARD APPROVAL UPON ADOPTION OF EACH FISCAL YEAR'S BUDGET.

On a motion by Commissioner Castellanos seconded by Commissioner Naranjo, the Board adopted Resolution 2022-115 as part of the Consent agenda.

10. [2022-0280](#) RESOLUTION AUTHORIZING THE REQUIRED ANNUAL ADOPTION OF BOARD OF PORT COMMISSIONERS POLICY NO. 115, GUIDELINES FOR PRUDENT INVESTMENTS, WITH NO CHANGES FROM PRIOR YEAR.

On a motion by Commissioner Castellanos seconded by Commissioner Naranjo, the Board adopted Resolution 2022-116 as part of the Consent agenda.

11. [2022-0287](#) RESOLUTION SELECTING AND AUTHORIZING AN AGREEMENT WITH 72 HOUR LLC DBA NATIONAL AUTO FLEET GROUP FOR THE PURCHASE OF THREE (3) FORD INTERCEPTOR PATROL VEHICLES IN AN AMOUNT NOT TO EXCEED \$183,601.62. BUDGETED IN FISCAL YEAR 2023 EQUIPMENT OUTLAY FUNDS.

On a motion by Commissioner Castellanos seconded by Commissioner Naranjo, the Board adopted Resolution 2022-117 as part of the Consent agenda.

12. [2022-0307](#) ACCEPTANCE OF GRANT FUNDS FROM THE STATE OF CALIFORNIA NATURAL RESOURCES AGENCY, DEPARTMENT OF PARKS AND RECREATION, DIVISION OF BOATING AND WATERWAYS (DBW) FOR THE FY23 SURRENDERED AND ABANDONED VESSEL EXCHANGE (SAVE) PROGRAM IN THE AMOUNT OF \$108,089 AND GRANTING INDEMNITY

On a motion by Commissioner Castellanos seconded by Commissioner Naranjo, the Board adopted Resolution 2022-118 as part of the Consent agenda.

13. [2022-0308](#) RESOLUTION CONSENTING TO A TEN-YEAR EASEMENT BETWEEN MARINE GROUP BOAT WORKS, LLC AND SAN DIEGO GAS AND ELECTRIC COMPANY, AS REQUIRED BY THE POWER YOUR DRIVE FOR FLEETS MAKE-READY INFRASTRUCTURE PROGRAM, FOR ELECTRIC VEHICLE CHARGING INFRASTRUCTURE AT 997 G STREET IN THE CITY OF CHULA VISTA, CALIFORNIA

On a motion by Commissioner Castellanos seconded by Commissioner Naranjo, the Board adopted Resolution 2022-119 as part of the Consent agenda.

14. [2022-0311](#) RESOLUTION APPROVING A MEMORANDUM OF UNDERSTANDING BETWEEN THE SAN DIEGO UNIFIED PORT DISTRICT AND THE SAN DIEGO HARBOR POLICE OFFICERS ASSOCIATION

On a motion by Commissioner Castellanos seconded by Commissioner Naranjo, the Board adopted Resolution 2022-120 as part of the Consent agenda.

16. [2022-0196](#) EICHENLAUB MARINE, INC., DBA EICHENLAUB MARINE LOCATED AT 2608 SHELTER ISLAND DRIVE, SAN DIEGO:

A) RESOLUTION CONSENTING TO THE ASSIGNMENT AND ASSUMPTION OF THE LEASEHOLD INTEREST FROM EICHENLAUB MARINE, INC. DBA EICHENLAUB MARINE TO THE OLDE BOAT YARD

LLC.

B) ORDINANCE GRANTING AN AMENDED AND RESTATED LEASE TO THE OLDE BOAT YARD LLC., TO UPDATE LEASE TO CURRENT LEASE TERMS.

On a motion by Commissioner Castellanos seconded by Commissioner Naranjo, the Board adopted Resolution 2022-122 and Ordinance 3064 as part of the Consent agenda.

17. [2022-0315](#) 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 Naranjo, the Board adopted Resolution 2022-123 as part of the Consent agenda.

18. [2022-0320](#) A) RESOLUTION AMENDING THE CAPITAL IMPROVEMENT PROGRAM (CIP) APPROPRIATION BY \$XXX,XXX FOR AN INCREASE TO THE MICROGRID INFRASTRUCTURE AT TENTH AVENUE MARINE TERMINAL (TAMT) PROJECT BUDGET TO BE FUNDED BY THE CALIFORNIA ENERGY COMMISSION (CEC) GRANT AGREEMENT NO. EPC-17-049.

B) RESOLUTION APPROVING CHANGE ORDER NO. 4 FOR CONTRACT NO. 20-06 MICROGRID INFRASTRUCTURE AT TAMT PROJECT FOR A CONTRACT TIME EXTENSION OF XXX CALENDAR DAYS TO ALIGN WITH THE COMPLETION OF THE SOLAR PHOTOVOLTAIC SYSTEM, AND TO INCREASE THE CONTRACT VALUE BY \$XXX,XXX TO INTEGRATE THE NEW ELECTRIC CRANES TO THE MICROGRID CONTROLLER, FOR A REVISED TOTAL CONTRACT VALUE OF \$X,XXX,XXX.

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.

ACTION AGENDA

15. [2022-0261](#) SEAPORT VILLAGE:
- A) ORDINANCE GRANTING A LEASE TO 807 SEAPORT LLC DBA 3RD BASE FOR A FULL-SERVICE RESTAURANT AND BAR LOCATED AT 807 W. HARBOR DRIVE IN SAN DIEGO FOR AN APPROXIMATELY 10-YEAR INITIAL TERM PLUS ONE 5-YEAR OPTION TO EXTEND (FOR A TOTAL POTENTIAL TERM OF APPROXIMATELY 15 YEARS) WITH \$760,000 IN TENANT IMPROVEMENT ALLOWANCE TO BE BUDGETED IN THE FISCAL YEAR (FY) 2024 EQUIPMENT OUTLAY AND OTHER CAPITAL PROJECTS APPROPRIATION FOR SEAPORT

VILLAGE TENANT IMPROVEMENTS ALLOWANCES

B) RESOLUTION AUTHORIZING AMENDMENT NO. 5 TO THE AGREEMENT WITH R.I. PROPERTIES, INC. DBA RETAIL INSITE (RETAIL INSITE) FOR COMMERCIAL REAL ESTATE BROKER SERVICES FOR SEAPORT VILLAGE TO 1) INCREASE THE MAXIMUM AMOUNT PAYABLE UNDER THE AGREEMENT BY \$250,000 FOR A TOTAL AGGREGATE AMOUNT NOT TO EXCEED \$1,300,000 AND 2) INCREASE THE TERM OF THE AGREEMENT BY ONE (1) YEAR FOR A TOTAL TERM OF SIX (6) YEARS 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

On a motion by Commissioner Castellanos seconded by Commissioner D. Moore, the Board adopted Ordinance 3063 and Resolution 2022-121. The motion carried by the following vote:

Yeas: 5 - Rafael Castellanos, Dan Malcolm, Ann Moore, Danielle Moore, and Michael Zucchet

Nays: 1 - Sandy Naranjo

Excused: 1 - Frank Urtasun

Absent: 0

Abstain: 0

Recused: 0

20. [2022-0336](#) MUNICIPAL SERVICES AGREEMENTS
- A) RESOLUTION ESTABLISHING AN UPDATED BASELINE RATE AND SCOPE OF SERVICES UNDER THE MUNICIPAL SERVICES AGREEMENT WITH THE CITY OF NATIONAL CITY
- B) RESOLUTION ESTABLISHING AN UPDATED BASELINE RATE AND SCOPE OF SERVICES UNDER THE MUNICIPAL SERVICES AGREEMENT WITH THE CITY OF CHULA VISTA

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.

21. [2022-0339](#) PRESENTATION AND DIRECTION TO STAFF ON POTENTIAL PUBLIC FINANCING MODEL FOR PUBLIC INFRASTRUCTURE AND PARKS AS A PART OF THE REDEVELOPMENT OF A PORTION OF THE CENTRAL EMBARCADERO DISTRICT BY 1HWY1, LLC (SEAPORT SAN DIEGO PROJECT)

Tony Gordon, Director, Real Estate, joined by James Hammel, Department Manager,

Real Estate, Adam Meyer, Assistant Director, Real Estate, Elizabeth Alonso, Senior Deputy General Counsel, Office of the General Counsel, and representatives of the 1HWY1 Team, including Yehudi Gaffen and Paul Guarini, addressed the Board with staff's report and presentation regarding Informational Agenda Item 21 - File No. 2022-0339 (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: Amalia Bowley Fuentes, Lozeau Drury LLP; Betsy Brennan, Downtown San Diego Partnership; Cathy O'Leary Carey and John Carey; Kerri Kapich, COO, San Diego Tourism Authority; Carol Kim, San Diego County Building & Construction Trades Council; Denise Ariano; Don Wood; Fran Pillersdorf; Janet Rogers, Embarcadero Coalition; Lindsay Broughton; Lauren Canzares, San Diego Regional Chamber of Commerce; Richard Barrera, San Diego Unified School Board; Richard Goldberg.

Commissioner Castellanos, Commissioner Zucchet, Commissioner A. Moore, and Chair Malcolm provided comments and asked clarifying questions. Adam Meyer and Yehudi Gaffen responded.

PUBLIC HEARING AGENDA

19. [2022-0278](#) CONDUCT PUBLIC HEARING FOR NATIONAL CITY BAYFRONT PROJECT AND NATIONAL CITY BALANCED PLAN PORT MASTER PLAN AMENDMENT:
- A. ADOPT A RESOLUTION CERTIFYING THE "NATIONAL CITY BAYFRONT PROJECTS & PLAN AMENDMENTS" FINAL ENVIRONMENTAL IMPACT REPORT, ADOPTING THE FINDINGS OF FACT AND STATEMENT OF OVERRIDING CONSIDERATIONS, ADOPTING THE MITIGATION MONITORING AND REPORTING PROGRAM, AND DIRECTING FILING OF THE NOTICE OF DETERMINATION; AND
- B. ADOPT RESOLUTION APPROVING THE "NATIONAL CITY BALANCED PLAN" PORT MASTER PLAN AMENDMENT, AND DIRECTING THE FILING WITH THE CALIFORNIA COASTAL COMMISSION FOR CERTIFICATION

Anna Buzaitis, Program Director, Planning, joined by Jason Giffen, Vice President, Planning and Environment, Lesley Nishihira, Director, Planning, and Rebecca Harrington, Assistant General Counsel, Office of the General Counsel, addressed the Board with staff's report and presentation regarding Informational Agenda Item 19 - File No. 2022-0278 (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: Mayor Alejandra Sotelo-Solis, Mayor of the City of National City; Council Member Ron Morrison, City of National City; Council Member Jose Rodriguez, City of National City, Commissioner Emeritus Dukie Valderrama; Millie Morales on behalf of Rocina Lizarraga, National City School Board Trustee; Ted Godshalk; Margaret Godshalk; Kelsey Genesi, Environmental Health Coalition; Greg Boeh, Chief Operating Officer, GB Capitol Holdings; Ernesto Flores, Teamsters Local 683; Matt Everingham,

San Diego Fisherman's Working Group; Fernanda Flores, IATSE Local 122; Aida Castaneda; Sophie Silvestri, Pasha; Amalia Bowley Fuentes, Lozeau Drury LLP; Chairman of National City Chamber of Commerce; Dr. Stan Rodriguez, President Kumeyaay Community College; Karina Contreras, Climate Action Campaign; Marcus Bush; Sal Espinoza, Communication Workers of America Local 9509; Sylvia Cansada; Angelica Ramirez; Alicia Sanchez; Carmen Arroyo; Carmen Graciola; Margarita Moreno; Patricia Rodriguez; and Teresa Olivo.

Chairman Malcolm closed the Public Hearing.

Chairman Malcolm stated that due to the fact that a 148 page comment letter was received, in an abundance of caution, and to allow time to review the letter, this item is continued until the November 8th Board Meeting.

This item was continued to a future Board meeting.

22. [2022-0027](#) REVIEW AND CONSIDERATION OF DRAFT PROPOSED BOARD AGENDA FOR THE NOVEMBER 8, 2022 MEETING

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

Yeas: 6 - Rafael Castellanos, Dan Malcolm, Ann Moore, Danielle Moore, Sandy Naranjo, and Michael Zucchet

Nays: 0

Excused: 1 - Frank Urtasun

Absent: 0

Abstain: 0

Recused: 0

OFFICER'S REPORT

23. [2022-0337](#) OFFICER'S REPORT

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

A) Change Order No. 1 to Contract No. 2020-11 with Perimeter Security Group, LLC - 30 Calendar Day Time Extension thru 08-03-2022

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:

A) Rent Review Letter with Star & Crescent Boat Company dba Flagship
Cruises & Events for Rental Period Beginning 02-01-2022 thru 01-31-2032

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

A) Encumbrance Review and Consent Memo with Conditional Consent for
Lease with Cahuenga III, LLC dba Kona Kai Resort and Marina

B) Encumbrance Review and Conditional Consent for Second Amended
and Restated Lease with The Brigantine, Inc. dba Ketch Grill and Taps in
Favor of Bank of America, N. A.

C) Encumbrance Review and Conditional Consent for Lease with The
Brigantine, Inc. dba Portside Pier in Favor of Bank of America, N. A.

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 (#72949) with ALEXCO-USA, Inc. dba
Zytoun Gourmet Mediterranean - Amends Section 1 for Description of
Premises

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

ATTEST:

Clerk of the San Diego Unified Port District