



San Diego Unified Port District

3165 Pacific Hwy.
San Diego, CA 92101

Meeting Minutes

Board of Port Commissioners

Tuesday, May 10, 2022

1:00 PM

Don L. Nay Port Administration Boardroom

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, Morales, Russell, and Stuyvesant.

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 the item on the Closed Session Agenda, and 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: Alexander Fernandez.

E. Board Committee Reports.

None.

F. Commissioners' Reports.

Commissioner Castellanos shared that he participated in a panel discussion regarding Barrio Logan at the Urban Land Institute conference on April 21, 2022. Commissioner Castellanos said the panel discussed the revitalization of the community and announced that Barrio Logan just passed a community plan update after having one adopted in 2014. They also discussed the relationship between the community and the working waterfront, the importance of all stakeholders to participate in the community's future and land use planning that is fair from an environmental justice standpoint, as well as preserve and protect working waterfront maritime jobs.

Commissioner Urtasun reported that he attended the Seatrade conference in Miami April 25 -28, 2022. The conference had over 500 exhibitors and 10,000 attendees from 110 countries. Commissioner Urtasun shared that during the conference he had the opportunity to interview with Cruise Line International Association to promote the Port as a leader in shore power and electrification, and had the opportunity to tour the Port of Miami cruise and cargo facilities. Commissioner Urtasun said the cruise industry gave forecasts that things are looking good for the industry and also shared that the Port of San Diego is expecting somewhere between 100 and 130 cruise calls over the next cruise season. Chairman Malcolm thanked Commissioner Urtasun for taking one of the first trips since the pandemic and stated that it is critical that the Port meet with our customers and push the city as a destination due to the importance of cruises and the economic benefit to San Diego.

Commissioner Naranjo, as the Port's representative of the SANDAG Transportation Committee, provided a status update on the Otay Mesa II Port of Entry Project. Commissioner Naranjo shared that the binational project will provide 10 new lanes for cross border passenger vehicle and commercial truck traffic which will boost commercial activity with Mexico and compliment the Port's Maritime Clean Air Strategy by cutting wait times in half at the existing border crossings, drastically reducing air pollution. Commissioner Naranjo explained that the Otay Mesa crossing is a collaboration between SANDAG, Caltrans, and the federal governments of Mexico and the United States, and said that more than \$580M has been spent on site preparation work and on the construction of State Route 11, which will have a toll facility leading to and from the new border crossing. Commissioner Naranjo also shared that an estimated \$500M more will be needed to complete the project and added that federal and state funds are being sought and bond financing is expected to be another funding source. Construction is expected to start next year with the completion scheduled for 2024.

Commissioner Naranjo then provided a report on the April 26, 2022, AB 617 Portside Steering Committee where they reviewed preliminary air monitoring data, received an update on AB 617 incentive funding and received a presentation from Port staff on the Port's draft Zero Emission Truck Transition Plan.

Commissioner Naranjo then shared that the Port is in the final stretches of community engagement for the redesign of Pepper Park. Commissioner Naranjo announced that the Port is seeking feedback on what improvements to build by summer 2024 with the current available budget which includes \$3.85M in federal stimulus funds. Commissioner Naranjo announced that during the last design workshop, Austal USA presented a surprise check to the community, in the amount of \$250K for Pepper Park redesign.

G. Special Recognition

Shirley Parsons, Manager, Diversity, Equity and Inclusion, provided an overview of Asian American & Pacific Islander (AAPI) Heritage Month and explained that May was chosen as it coincides with several historical milestones. Ms. Parsons also shared ways to commemorate AAPI in San Diego.

Joel Valenzuela, Director, Maritime, announced the Port was celebrating National Maritime Day and Maritime Month by recognizing working waterfront employees and showcasing the many benefits of the maritime industry. Mr. Valenzuela shared videos of Sophie Silvestri, Manager of Government Affairs and Business Development, Pasha Automotive Services, and Jorge Hernandez, Truck Driver, which spotlight the diversity, resilience and importance of the maritime workforce.

H. President's Report.

Joe Stuyvesant, President/CEO shared that Kirk Nichols, has retired as the vice president of public safety and Chief of Harbor Police. Mr. Stuyvesant gave an overview of Chief Nichols career, shared his achievements and thanked him for his dedicated service, leadership and selflessness in protecting and serving the public for over 27 years.

Mr. Stuyvesant also announced that Karen Porteous, Executive Vice President and Chief of Staff, will be retiring in June after 27 years with the Port. Mr. Stuyvesant highlighted Karen's talents and significant contributions throughout her career. Chairman Malcolm, Commissioner Zucchet, Commissioner Urtasun, Commissioner Castellanos, and Commissioner A. Moore provided comments and congratulations.

Mr. Stuyvesant then announced that Acting Chief of Harbor Police, Magda Fernandez, has been promoted to Chief of Harbor Police. Mr. Stuyvesant shared that Chief Fernandez has over 21 years of law enforcement experience and spoke about her impressive resume.

Mr. Stuyvesant also announced that Anthony "Tony" Evangelista will join the Port as our new Chief of Staff and that his first day will be May 16, 2022.

Mr. Stuyvesant then reported that the Recovery Act Funding is larger than the Port initially anticipated and the Port will receive approximately \$108M from the State Lands Commission. Mr. Stuyvesant announced that the plan is to update the Board in August on the current procurement of the stimulus money and receive Board direction on the additional funds.

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 10 - File 2022-0155; and Item 11 - File 2022-0148.

Ms. Morales then announced that staff requests that the Board consider the following items be continued to a future Board meeting: Item 1 - File 2022-0146; and Item 14 - File 2022-0141.

On a motion by Commissioner Castellanos, seconded by Commissioner Zucchet, 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[2022-0150](#)

Approval of minutes for:

April 12, 2022 - CLOSED SESSION

April 12, 2022 - BPC MEETING

April 21, 2022 - BPC MEETING

On a motion by Commissioner Zucchet, seconded by Commissioner Castellanos, the Board approved the April 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

Commissioner Urtasun recused himself from Item 9 - File 2022-0154 due to a conflict of interest resulting from ownership of stock in Sempra Energy and due to a previous business relationship with RIDA, and did not participate. Commissioner Urtasun also recused himself from Item No. 10 - File 2022-0155 due to a previous business relationship with RIDA, and did not participate.

On a motion by Commissioner Urtasun, seconded by Commissioner Castellanos, the Board adopted Items 2 - 8; Resolution 2022-049; Resolution 2022-050; Resolution 2022-051; Resolution 2022-052; Resolution 2022-053; Resolution 2022-054; and Resolution 2022-055. 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. [2022-0146](#) ORDINANCE GRANTING A THIRTY (30) YEAR EASEMENT TO POSEIDON RESOURCES (CHANNELSIDE) LP FOR A BERM BREACH FOR THE OTAY RIVER ESTUARY RESTORATION PROJECT ADJACENT THE SAN DIEGO BAY NATIONAL WILDLIFE REFUGE IN

SOUTH 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.

2. [2021-0435](#) **RESOLUTION SELECTING AND AUTHORIZING FIVE-YEAR AGREEMENTS WITH AVRP STUDIOS; BUREAU VERITAS NORTH AMERICA, INC.; CALIFORNIA COASTAL WORKS, LLC; DLR GROUP, INC.; DUDEK; EYESTONE-JONES ENVIRONMENTAL, LLC; HDR ENGINEERING, INC.; MOORE IACOFANO GOLTSMAN, INC.; AND ZENITH CONSULTANTS FOR AS-NEEDED DEVELOPMENT SERVICES CONSULTING SERVICES FOR AN AGGREGATE AMOUNT NOT TO EXCEED \$900,000 BEGINNING ON JULY 1, 2022 AND ENDING JUNE 30, 2027. FUNDS REQUIRED FOR FISCAL YEAR 2023 AND FUTURE FISCAL YEARS WILL BE BUDGETED IN THE APPROPRIATE FISCAL YEAR, SUBJECT TO BOARD APPROVAL UPON ADOPTION OF EACH FISCAL YEAR BUDGET.**

On a motion by Commissioner Urtasun, seconded by Commissioner Castellanos, the Board adopted Resolution 2022-049 as part of the Consent agenda.

3. [2022-0064](#) **RESOLUTION SELECTING AND AUTHORIZING AGREEMENTS WITH GLEN A. RICK ENGINEERING & DEVELOPMENT CORPORATION, TETRA TECH, INCORPORATED, D-MAX ENGINEERING, INCORPORATED, AND FMF PANDION FOR AS-NEEDED STORMWATER CONSULTING SERVICES FOR AN AGGREGATE AMOUNT NOT TO EXCEED \$2,000,000 FOR A PERIOD OF 5 YEARS. FUNDS FOR THIS FISCAL YEAR 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 Urtasun, seconded by Commissioner Castellanos, the Board adopted Resolution 2022-050 as part of the Consent agenda.

4. [2022-0071](#) **RESOLUTION PROCLAIMING SUPPORT OF NATIONAL PUBLIC WORKS WEEK, MAY 15-21, 2022**

On a motion by Commissioner Urtasun, seconded by Commissioner Castellanos, the Board adopted Resolution 2022-051 as part of the Consent agenda.

5. [2022-0103](#) **SEAPORT VILLAGE:**

RESOLUTION CONSENTING TO ASSIGNMENT OF LEASE FROM SKUBIC ENTERPRISES, LLC DBA OLD HARBOR DISTILLING COMPANY TO OLD HARBOR SEAPORT VILLAGE, LLC LOCATED AT 809 W. HARBOR DRIVE, SUITE E4-A IN SAN DIEGO

On a motion by Commissioner Urtasun, seconded by Commissioner Castellanos, the Board adopted Resolution 2022-052 as part of the Consent agenda.

6. [2022-0104](#) RESOLUTION AUTHORIZING AGREEMENTS WITH TWELVE ENVIRONMENTAL EDUCATION PROGRAMS TO EDUCATE AN ESTIMATED 75,000 STUDENTS ON POLLUTION PREVENTION AND NATURAL RESOURCES WITHIN THE SAN DIEGO BAY WATERSHED IN THE TOTAL AMOUNT OF \$850,000 OVER THREE YEARS WITH THE FOLLOWING ORGANIZATIONS AND AMOUNTS, WITH FUNDING PROVIDED FROM THE ENVIRONMENTAL FUND:
- A) CHULA VISTA ELEMENTARY SCHOOL DISTRICT, \$47,200;
 - B) I LOVE A CLEAN SAN DIEGO, \$74,000;
 - C) LIVING COAST DISCOVERY CENTER, \$150,000;
 - D) MARITIME MUSEUM ASSOCIATION OF SAN DIEGO, \$43,500;
 - E) NATIONAL SCHOOL DISTRICT, \$55,550;
 - F) OCEAN DISCOVERY INSTITUTE, \$85,000;
 - G) OUTDOOR OUTREACH, \$42,000;
 - H) RESOURCE CONSERVATION DISTRICT OF GREATER SAN DIEGO COUNTY, \$42,000;
 - I) SAN DIEGO AUDUBON SOCIETY, \$30,250;
 - J) SAN DIEGO COASTKEEPER, \$65,000;
 - K) THE OCEAN FOUNDATION, \$150,000; AND
 - L) ZOOLOGICAL SOCIETY OF SAN DIEGO DBA SAN DIEGO ZOO WILDLIFE ALLIANCE, \$65,000
- On a motion by Commissioner Urtasun, seconded by Commissioner Castellanos, the Board adopted Resolution 2022-053 as part of the Consent agenda.
7. [2022-0111](#) RESOLUTION WAIVING BPC POLICY NO. 110 AND AUTHORIZING AMENDMENT NO. 1 TO AGREEMENT NO. 126-2018VM WITH THE LIVING COAST DISCOVERY CENTER (LCDC) FOR THE ENDANGERED RIDGWAY'S RAIL PROPAGATION PROGRAM, INCREASING THE MAXIMUM EXPENDITURE TO THE AGREEMENT BY \$100,000 FOR A NEW AMOUNT NOT TO EXCEED \$180,000, AND EXTENDING THE AGREEMENT FOR FIVE YEARS THROUGH JUNE 30, 2027, WITH \$280,000 IN MATCHING FUNDS FROM LCDC
- On a motion by Commissioner Urtasun, seconded by Commissioner Castellanos, the Board adopted Resolution 2022-054 as part of the Consent agenda.
8. [2022-0134](#) RESOLUTION REGARDING DISTRICT VIRTUAL MEETINGS IN ACCORDANCE WITH THE RALPH M. BROWN ACT AND ASSEMBLY BILL 361
- On a motion by Commissioner Urtasun, seconded by Commissioner Castellanos, the Board adopted Resolution 2022-055 as part of the Consent agenda.
9. [2022-0154](#) ORDINANCE GRANTING A SIXTY-SIX (66) YEAR EASEMENT, IN SUBSTANTIAL FORM, TO SAN DIEGO GAS & ELECTRIC FOR THE CONSTRUCTION, OPERATION AND MAINTENANCE OF UNDERGROUND ELECTRICAL FACILITIES IN CONNECTION WITH THE

IMPLEMENTATION OF THE CHULA VISTA BAY FRONT PROJECT IN
THE CITY OF CHULA VISTA, CALIFORNIA

Commissioner Urtasun was recused from Item 9 - File 2022-0154, due to a conflict of interest resulting from ownership of stock in Sempra Energy and due to a previous business relationship with RIDA, and did not participate.

On a motion by Commissioner Castellanos, seconded by Commissioner Naranjo, the Board adopted Ordinance 3042 as part of the Consent agenda.

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

Nays: 0

Excused: 0

Absent: 0

Abstain: 0

Recused: 1 - Frank Urtasun

10. [2022-0155](#) RESOLUTION APPROVING DECLARATION OF RECIPROCAL EASEMENTS AMONG THE SAN DIEGO UNIFIED PORT DISTRICT, RIDA CHULA VISTA, LLC, CITY OF CHULA VISTA, AND THE CHULA VISTA BAYFRONT FACILITIES FINANCING AUTHORITY IN CONNECTION WITH THE CONSTRUCTION OF THE RESORT HOTEL, PARKING IMPROVEMENTS, CONVENTION CENTER, AND PUBLIC IMPROVEMENTS ON THE CHULA VISTA BAYFRONT IN THE CITY OF CHULA VISTA

Commissioner Urtasun was recused from Item No. 10 - File 2022-0155 due to a previous business relationship with RIDA, and did not participate.

On a motion by Commissioner Castellanos, seconded by Commissioner Naranjo, the Board adopted Resolution 2022-056 as part of the Consent agenda.

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

Nays: 0

Excused: 0

Absent: 0

Abstain: 0

Recused: 1 - Frank Urtasun

ACTION AGENDA

11. [2022-0148](#) CHULA VISTA BAYFRONT

A. ORDINANCE EXTENDING ADMINISTRATIVE APPROVAL UNTIL

JUNE 1, 2027 FOR SUBSTANTIALLY THE FORM OF A NON-EXCLUSIVE EASEMENT TO THE CITY OF CHULA VISTA (CITY) FOR STREET, UTILITY AND SEWER PURPOSES LOCATED IN THE CITY OF CHULA VISTA AND MODIFIEING THE 40 YEAR TERM TO UP TO 66 YEARS, WITH CONDITIONS

B. ORDINANCE AUTHORIZING EXECUTIVE DIRECTOR AND HIS DESIGNATED REPRESENTATIVE TO EXECUTE, DELIVER, AND RECORD AN EXTENSION NOTICE TO EXTEND THE TERM OF THE DECLARATION OF RECIPROCAL EASEMENTS AMONG THE SAN DIEGO UNIFIED PORT DISTRICT (DISTRICT), RIDA CHULA VISTA, LLC (RIDA), CITY, AND THE CHULA VISTA BAYFRONT FACILITIES FINANCING AUTHORITY (AUTHORITY) FOR A NEW TOTAL TERM OF SIXTY-SIX (66) YEARS

C. RESOLUTION APPROVING THE FOLLOWING ITEMS IN CONNECTION WITH THE CONSTRUCTION OF THE RESORT HOTEL, CONVENTION CENTER, AND PUBLIC IMPROVEMENTS ON THE CHULA VISTA BAYFRONT IN THE CITY OF CHULA VISTA:

1. CONVENTION CENTER AGREEMENT AMONG THE DISTRICT, THE AUTHORITY, THE CITY, AND MARRIOTT INTERNATIONAL, INC. FOR THE CONVENTION CENTER, WITH CONDITIONS
2. SECOND AMENDMENT TO THE HOTEL MANAGEMENT AGREEMENT BETWEEN MARRIOT INTERNATIONAL, INC. AND RIDA
3. FOURTH AMENDED AND RESTATED REVENUE SHARING AGREEMENT AMONG THE DISTRICT, CITY, AND AUTHORITY, WITH CONDITIONS
4. TERMINATION OF THE AMENDED AND RESTATED CHULA VISTA BAYFRONT MASTER PLAN FINANCING AGREEMENT BETWEEN THE DISTRICT AND CITY
5. AN INDEMNITY FROM THE DISTRICT IN FAVOR OF CHICAGO TITLE INSURANCE COMPANY TO BE CONTAINED IN AN OWNER'S DECLARATION FROM THE DISTRICT IN CONNECTION WITH THE TITLE INSURANCE POLICY TO BE ISSUED TO RIDA

D. RESOLUTION CONSENTING TO (1) A MORTGAGE LOAN OF UP TO \$685 MILLION IN FAVOR OF WELLS FARGO BANK, NATIONAL ASSOCIATION AND OTHER LENDERS (MORTGAGE LOAN) AND IN CONNECTION WITH THE MORTGAGE LOAN, THE ENCUMBRANCE OF RIDA'S LEASEHOLD ESTATE BY A LIEN OF A CONSTRUCTION DEED OF TRUST, WITH ABSOLUTE ASSIGNMENT OF LEASES AND RENTS, SECURITY AGREEMENT AND FIXTURE FILING; AND (2) A MEZZANINE LOAN OF UP TO \$90 MILLION IN FAVOR OF MARRIOTT INTERNATIONAL CAPITAL CORPORATION (MEZZANINE LOAN) AND

IN CONNECTION WITH THE MEZZANINE LOAN, ENCUMBRANCE OF THE OWNERSHIP INTEREST IN RIDA BY A LIEN OF A PLEDGE AND SECURITY, WITH CONDITIONS

E. RESOLUTION APPROVING THE PLANS AND SPECIFICATIONS FOR THE DEVELOPER PHASE 1A IMPROVEMENTS TO BE LOCATED IN THE CITY OF CHULA VISTA

F. RESOLUTION APPROVING A BUDGET TRANSFER INCREASING THE FY 2022 EQUIPMENT OUTLAY AND OTHER CAPITAL PROJECTS APPROPRIATIONS BY \$6.5 MILLION BY TRANSFERRING FROM THE PERSONNEL EXPENSE BUDGET APPROPRIATIONS FOR THE CHULA VISTA BAYFRONT ADDITIONAL CONTRIBUTION

Commissioner Urtasun was recused from Item No. 11 - File 2022-0148 due to a previous business relationship with RIDA, and did not participate.

Adam Meyer, Assistant Director, Real Estate, along with Elizabeth Alonso, Senior Deputy General Counsel, Office of the General Counsel, Mark McIntire, Capitol Project Manager, Engineering-Construction, and Bob DeAngelis, CFO/Treasurer, addressed the Board with staff's report and presentation regarding Action Agenda Item 11 - File No. 2022-0148 (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: Mary Casillas-Salas, Mayor, City of Chula Vista; Ira Mitzner, RIDA.

Commissioner A. Moore, Commissioner Castellanos, Commissioner Zucchet, and Chairman Malcolm provided comments.

On a motion by Commissioner A. Moore, seconded by Chairman Malcolm, the Board adopted Ordinance 3043, Ordinance 3044, Resolution 2022-057, Resolution 2022-058, Resolution 2022-059, and Resolution 2022-060. 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: 0

Absent: 0

Abstain: 0

Recused: 1 - Frank Urtasun

- 12.** [2022-0090](#) RESOLUTION ADOPTING THE FY 2023 PRELIMINARY BUDGET AND SETTING THE DATE FOR PUBLIC HEARING ON THE BUDGET AS JUNE 14, 2022

Robert DeAngelis, CFO/Treasurer, addressed the Board with staff's report and presentation regarding Action Agenda Item 12 - File No. 2022-0090 (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 Naranjo, Commissioner Zucchet, Commissioner Urtasun, Commissioner Castellanos, Chairman Malcolm and Commissioner D. Moore provided comments and asked clarifying questions. Karen Porteous, Executive Vice President, Joe Stuyvesant, President/CEO, Robert DeAngelis, and Job Nelson, Vice President, Strategy and Policy, responded.

Commissioner Naranjo made a motion to approve the preliminary budget and restore the intern program back to \$900K, Commissioner Zucchet seconded the motion, the Board thereby adopted Resolution 2022-061. The motion carried by the following vote:

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

Nays: 0

Excused: 1 - Ann Moore

Absent: 0

Abstain: 0

Recused: 0

13. [2022-0133](#) BARGE-BASED EMISSIONS CONTROL AND CAPTURE SYSTEM TO COMPLY WITH CARB REGULATIONS AND REDUCE EMISSIONS FROM REGULATED NON-SHORE POWERED CAPABLE VESSELS AT BERTH

A. RESOLUTION APPROVING A PUBLIC-PRIVATE PARTNERSHIP AGREEMENT WITH CLEAN AIR ENGINEERING - MARITIME, INC. TO DESIGN, BUILD, AND OPERATE A BARGE-BASED EMISSIONS CONTROL AND CAPTURE SYSTEM TO COMPLY WITH CARB REGULATIONS AND REDUCE EMISSIONS FROM REGULATED NON-SHORE POWERED CAPABLE VESSELS AT BERTH FOR APPROXIMATELY \$11.5 MILLION-PLUS DELIVERY COSTS AND SALES TAX, WITH \$4.9 MILLION GRANT-FUNDED FROM THE CALIFORNIA TRANSPORTATION COMMISSION AND THE REMAINDER TO BE FINANCED BY CLEAN AIR ENGINEERING - MARITIME, INC. AND REPAID SOLELY THROUGH DISTRICT'S REVENUE SHARE FROM OPERATION OF THE EMISSIONS CONTROL AND CAPTURE SYSTEM

B. ORDINANCE AMENDING THE FISCAL YEAR 2022 BUDGET ADDING \$900,000 TO THE EQUIPMENT OUTLAY AND OTHER CAPITAL PROJECTS APPROPRIATION FROM CURRENT YEAR SURPLUS

Mike LaFleur, Vice President, Maritime, joined by Simon Kann, Assistant General Counsel, Office of the General Counsel, addressed the Board with staff's report and presentation regarding Action Agenda Item 13 - File No. 2022-0133 (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: Teresa Bui, Pacific Environment; Nicholas Tonsich, Clean Air Engineering; and Hannah Walter, California Transportation Commission.

Commissioner Naranjo, Commissioner Zucchet, Commissioner Urtasun, and Chairman Malcolm provided comments and asked clarifying questions. Mike LaFleur responded.

On a motion for A & B by Commissioner Zucchet, seconded by Commissioner D. Moore, the Board adopted Resolution 2022-062 and Ordinance 3045. The motion carried by the following vote:

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

Nays: 0

Excused: 1 - Ann Moore

Absent: 0

Abstain: 0

Recused: 0

14. [2022-0141](#) UPDATE ON THE MUNICIPAL SERVICES AGREEMENTS FOR FISCAL YEAR 2023 AND DIRECTION TO STAFF

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.

15. [2022-0060](#) PRESENTATION ON FINDINGS FROM THE DISTRICT'S STUDY ON THE PRICE ELASTICITY OF DEMAND FOR MARITIME FACILITIES AT THE TENTH AVENUE MARINE TERMINAL AND NATIONAL CITY MARINE TERMINAL AND DIRECTION TO STAFF

Stephen Shafer, Principle, Economics and Policy, Government and Civic Relations, along with Lou Wolinetz, Aviation & Maritime Finance Lead, Williams Sale Partnership (WSP), Professor Rob Leachman, UC Berkeley, and Dr. Sebastian Guerrero, Senior Lead Consultant, Freight & Logistics Advisory Group, WSP, addressed the Board with staff's report and presentation regarding Action Agenda Item 15 - File No. 2022-0060 (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: Sarah Marsh, Dole Fresh Fruit; Sophie Silvestri, Pasha Automotive Services; Sharon Cloward, San Diego Working Waterfront; Anthony Soniga, ILWU Local 29; and Diane Takvorian, Environmental Health Coalition.

Commissioner Naranjo, Commissioner Urtasun, Commissioner Castellanos, Chairman Malcolm, and Commissioner Zucchet provided comments and asked clarifying questions. Stephen Shafer, Mike LaFleur, Vice President, Maritime, and Joe Stuyvesant, President/CEO, responded.

PUBLIC HEARING AGENDA

16. [2022-0109](#) AMENDMENT OF SAN DIEGO UNIFIED PORT DISTRICT TARIFF NO. 1-G, RATES AND CHARGES, AND UPDATE FORMAT AND LANGUAGE

A. RESOLUTION FINDING THE AMENDMENT TO THE SAN DIEGO UNIFIED PORT DISTRICT TARIFF NO. 1-G, RATES AND CHARGES, TO INCREASE RATES, ADD NEW RATES, AND UPDATE TARIFF FORMAT AND LANGUAGE EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) AS SPECIFIED UNDER SECTION 15273 OF THE CEQA GUIDELINES

B. CONDUCT A PUBLIC HEARING AND ADOPT AN ORDINANCE AMENDING THE SAN DIEGO UNIFIED PORT DISTRICT TARIFF NO. 1-G, RATES AND CHARGES, ADD NEW RATES, AND UPDATE TARIFF FORMAT AND LANGUAGE

Joel Valenzuela, Director, Maritime, with Adam Deaton, Senior Trade Account Representative, Maritime, and Mike LaFleur, Vice President, Maritime, addressed the Board with staff's report and presentation regarding Action Agenda Item 16 - File No. 2022-0109 (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 Zucchet and Chairman Malcolm provided comments and asked clarifying questions. Adam Deaton, Joel Valenzuela, and Simon Kann, Assistant General Counsel, Office of the General Counsel, responded.

On a motion by Commissioner Urtasun, seconded by Commissioner Castellanos, the Board adopted Resolution 2022-063, and Ordinance 3046. The motion carried by the following vote:

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

Nays: 0

Excused: 1 - Ann Moore

Absent: 0

Abstain: 0

Recused: 0

17. [2021-0437](#) 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 COMIC-CON INTERNATIONAL: SAN DIEGO (COMIC-CON) FOR A TERM OF FIVE (5) YEARS

Wileen Manaois, Director, Development Services, along with Yvonne Wise, Director, Parks and Recreation, Rebecca Harrington, Assistant General Counsel, Office of the General Counsel, and Rip Rippetoe, San Diego Convention Center Corporation, addressed the Board with staff's report and presentation regarding Action Agenda Item 17 - File No. 2021-0437 (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.

On a motion by Commissioner Urtasun, seconded by Commissioner Naranjo, the Board adopted Resolution 2022-064. The motion carried by the following vote:

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

Nays: 0

Excused: 1 - Ann Moore

Absent: 0

Abstain: 0

Recused: 0

ACTION AGENDA CONTINUED

18. [2022-0022](#) REVIEW AND CONSIDERATION OF DRAFT PROPOSED BOARD AGENDA FOR THE JUNE 14, 2022 MEETING

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

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

Nays: 0

Excused: 1 - Ann Moore

Absent: 0

Abstain: 0

Recused: 0

19. [2022-0140](#) OFFICER'S REPORT

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

A) Change Order No. 02 to Contract No. 2021-03 with 24 Hour Elevator, Inc. - Reconciliation - Decreases Contract by \$1,595.00 & 65 Calendar Day Time Extension thru 03-11-22

B) Change Order No. 01 to Contract No. 2022-09 with The Glass Company, Inc. dba C&C Glass - 31 Calendar Day Time Extension thru 05-31-22

C) Change Order No. 01 to Contract No. 2022-02 with South Bay Fence, Inc. - 63 Calendar Day Time Extension thru 06-20-22

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 IQHQ-RADD I, LLC for IQHQ-Research and Development District Project, for total amount \$2,516.00

B) Request for User Fee Waiver Form from Scott Street Parking, Inc., United Sportfishers of San Diego, Inc., Fisherman's Landing Corporation, Point Loma Sportfishing Association of San Diego, Inc., and Point Loma Marina for North Harbor Drive Parking Lots Conversion, for total amount \$21,500.00

C) Request for User Fee Waiver Form from Regents of the University of California - Scripps Institute of Oceanography for 2022-019 Right of Entry Permit to Scripps Institute of Oceanography for Sediment Sampling Across San Diego Bay, 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:

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. 2 to 1998 Convention Center Management Agreement
(#37944) with City of San Diego - Amends Lease to Remove Rooftop
Tennis Courts

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

ATTEST:

Clerk of the San Diego Unified Port District