



San Diego Unified Port District

3165 Pacific Hwy.
San Diego, CA 92101

Meeting Minutes

Board of Port Commissioners

Tuesday, August 8, 2017

1:00 PM

Don L. Nay Port Administration Boardroom

A. Roll Call.

Present: 5 - Commissioner Bonelli, Commissioner Castellanos, Commissioner Malcolm, Commissioner Merrifield, and Chairperson Valderrama

Excused: 2 - Commissioner Moore, and Commissioner Zucchet

Absent: 0

Officers Present: Conigilio, Gross, Deuel, and Medina.

B. Closed Session Report Out.

Ellen Gross, Assistant General Counsel, announced that the Board considered the items on the Closed Session Agenda, and stated that no reportable action was taken.

C. Pledge of Allegiance.

Commissioner Bonelli led the Pledge of Allegiance.

D. Public Communications.

The following member(s) of the public addressed the Board with non-agenda related comments: Katheryn Rhodes; and Bill Sandke, Commodore, Coronado Yacht Club.

E. Commissioners' Reports.

Commissioner Merrifield reported on the American Association of Port Authorities (AAPA) Port Security Conference that he and Chief Bolduc attended last month. The conference focused on physical security, Homeland Security, and cyber security. The conference provided a great opportunity to learn about strategies that other ports use to defend against attacks.

Commissioner Merrifield also reported on Comicon tour.

Commissioner Bonelli reported that he toured the Gaylord Hotel and Convention Center construction project in Denver Colorado. Gaylord Hotels has been proposed as the resort hotel and convention center for the Chula Vista Bayfront development. Commissioner Bonelli was very impressed with the scope and logistics of the Denver project.

F. President's Report.

Randa Coniglio, President/CEO announced that she had three items to report. The first

item highlighted the Summer Student Worker Program. The Summer Student Worker Program helps teens and young adults learn and develop on-the-job skills that can be used towards entry-level positions. Ms. Coniglio stated a total of 50 students were placed in various departments. In addition to students learning the day-to-day operations at the Port, students also participated in workshops which included such topics as how to write a resume, and what jobs are currently in high demand around the country.

The second item highlighted the installation of beach mobility mats at Imperial Beach. Ms. Coniglio informed the Board that Robert Stabenow, Marine Safety Chief at City of Imperial Beach contacted the Port about installing beach mobility mats to increase accessibility to the water's edge. The City of Imperial Beach and the Port collaboratively researched products, and in June 2017, the Port purchased the mobility mats for Imperial Beach which were placed at two locations: Pier Plaza and Dunes Park. Ms. Coniglio also stated that feedback will be gathered to evaluate the use of similar mats in other beach waterfront locations around the tidelands.

The third item highlighted the Port of San Diego being ranked in the top five cruise destinations in the United States for the second year in a row by Cruise Critic. The significance of this ranking is because the top destination ratings are based entirely on consumers. Reviewers stated they liked San Diego Harbor's proximity to downtown, the variety of nearby attractions, and the area's public transportation system.

G. District Clerk's Announcements.

Timothy Deuel, District Clerk, reported that staff requested to continue Consent Agenda Item 13 - File No. 2017-0387, and Public Hearing Agenda Item 14 - File No. 2017-0410, to a future board meeting.

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

Yeas: 5 - Bonelli, Castellanos, Malcolm, Merrifield, and Valderrama

Nays: 0

Excused: 2 - Moore, and Zucchet

Absent: 0

Abstain: 0

Recused: 0

CONSENT AGENDA

On a motion by Commissioner Merrifield, seconded by Commissioner Malcolm, the Board adopted all items on the Consent Agenda with the exception of Consent Agenda Item 12 - File No. 2017-0347 and Consent Agenda Item 13 - File No. 2017-0387, thereby adopting the consent Agenda as follows: July 11, 2017 Closed Session minutes; July 11, 2017 Regular Session minutes; Resolution 2017-113; Resolution 2017-0114; Resolution 2017-115; Resolution 2017-116; Resolution 2017-117; Resolution 2017-118; Ordinance 2901; Resolution 2017-119; Ordinance 2902; Resolution 2017-120, and Resolution 2071-121. The motion carried by the following vote:

Yeas: 5 - Bonelli, Castellanos, Malcolm, Merrifield, and Valderrama

Nays: 0

Excused: 2 - Moore, and Zucchet

Absent: 0

Abstain: 0

Recused: 0

1. [2017-0376](#) Approval of minutes for:
July 11, 2017 - CLOSED SESSION
July 11, 2017 - REGULAR SESSION

On a motion by Commissioner Merrifield, seconded by Commissioner Malcolm, the Board approved the minutes as part of the Consent Agenda.
2. [2017-0278](#) RESOLUTION AUTHORIZING THE DISTRICT'S EMERGENCY OPERATIONS PLAN IN ACCORDANCE WITH BOARD OF PORT COMMISSIONERS POLICY NO. 777, EMERGENCY MANAGEMENT

On a motion by Commissioner Merrifield, seconded by Commissioner Malcolm, the Board adopted Resolution 2017-113 as part of the consent agenda.
3. [2017-0340](#) RESOLUTION ESTABLISHING THE 2019-2023 CAPITAL IMPROVEMENT PROGRAM (CIP) TO INCLUDE REMAINING PROJECTS AND FUNDS FROM THE 2014-2018 CIP AND WAIVING BPC POLICY NO. 120, SECTION 3-7, TO ELIMINATE THE SOLICITATION OF NEW PROJECTS AND THE CIP WORKSHOP FOR 2017

On a motion by Commissioner Merrifield, seconded by Commissioner Malcolm, the Board adopted Resolution 2017-114 as part of the consent agenda.
4. [2017-0344](#) BID SPECIFICATION NO. 2017-03 DEMOLITION AND SITE IMPROVEMENTS OF TRANSIT SHED 1 AT TENTH AVENUE MARINE TERMINAL SAN DIEGO, CALIFORNIA
A) RESOLUTION REJECTING ALL BIDS
B) RESOLUTION AUTHORIZING REVISIONS TO CLARIFY THE SCOPE OF THE IMPROVEMENTS AND RE-ADVERTISE THE PROJECT

On a motion by Commissioner Merrifield, seconded by Commissioner Malcolm, the Board adopted Resolution 2017-115 and Resolution 2017-116 as part of the consent agenda.
5. [2017-0348](#) RESOLUTION AUTHORIZING ISSUANCE OF A NON-APPEALABLE COASTAL DEVELOPMENT PERMIT FOR THE U.S. SAND SCULPTING CHALLENGE AND DIMENSIONAL ART EXPOSITION

On a motion by Commissioner Merrifield, seconded by Commissioner Malcolm, the Board adopted Resolution 2017-117 as part of the consent agenda.

6. [2017-0359](#) RESOLUTION AUTHORIZING THE EXECUTIVE DIRECTOR TO ENTER INTO AN ENERGY MANAGEMENT PLAN (EMP) CONTRACT WITH SAN DIEGO GAS AND ELECTRIC (SDG&E) FOR A PRELIMINARY FIVE YEAR EMP PURSUANT TO ASSEMBLY BILL 628 TO BE SUBMITTED BY SDG&E WITH THE DISTRICT'S SUPPORT TO THE CALIFORNIA PUBLIC UTILITIES COMMISSION (CPUC) FOR APPROVAL, CONTINGENT UPON THE CPUC'S APPROVAL OF AN INTERIM SHORE POWER RATE FOR THE DISTRICT'S CRUISE SHIP TERMINAL
- On a motion by Commissioner Merrifield, seconded by Commissioner Malcolm, the Board adopted Resolution 2017-118 as part of the consent agenda.**
7. [2017-0361](#) ORDINANCE GRANTING AMENDMENT NO. 2 TO LEASE WITH SILVER GATE YACHT CLUB, LOCATED AT 2091 SHELTER ISLAND DRIVE, IN THE CITY OF SAN DIEGO TO SET FIXED SCHEDULED RENT INCREASES FOR THE REMAINDER OF THE TERM IN PLACE OF FUTURE RENT REVIEWS, AND UPDATE CERTAIN LEASE PROVISIONS
- On a motion by Commissioner Merrifield, seconded by Commissioner Malcolm, the Board adopted Ordinance 2901 as part of the consent agenda.**
8. [2017-0370](#) RESOLUTION ADOPTING THE CHARTER OF THE MARITIME STAKEHOLDER FORUM AND APPROVING THE CALENDAR YEAR 2017 ANNUAL WORK-PLAN OF THE FORUM PURSUANT TO BPC POLICY NO. 018A
- On a motion by Commissioner Merrifield, seconded by Commissioner Malcolm, the Board adopted Resolution 2017-119 as part of the consent agenda.**
9. [2017-0371](#) ORDINANCE GRANTING AMENDMENT NO. 1 TO LEASE WITH SOUTHWESTERN YACHT CLUB, LOCATED AT 2702 QUALTROUGH STREET, IN THE CITY OF SAN DIEGO TO SET FIXED SCHEDULED RENT INCREASES FOR THE REMAINDER OF THE TERM IN PLACE OF FUTURE RENT REVIEWS, AND UPDATE CERTAIN LEASE PROVISIONS
- On a motion by Commissioner Merrifield, seconded by Commissioner Malcolm, the Board adopted Ordinance 2902 as part of the consent agenda.**
10. [2017-0374](#) RESOLUTION AUTHORIZING GENERAL COUNSEL TO EXECUTE AMENDMENT NO. 4 TO AGREEMENT WITH MURPHY & EVERTZ FOR LEGAL SERVICES INCREASING THE NOT-TO-EXCEED AMOUNT FROM \$490,000 TO \$940,000 AND AMENDMENT NO. 1 TO AGREEMENT WITH WALDRON & ASSOCIATES FOR EXPERT LEGAL SERVICES INCREASING THE NOT-TO-EXCEED AMOUNT FROM \$150,000 TO \$360,000
- On a motion by Commissioner Merrifield, seconded by Commissioner Malcolm, the Board adopted Resolution 2017-120 as part of the consent agenda.**

11. [2017-0377](#) RESOLUTION AUTHORIZING GENERAL COUNSEL TO EXECUTE AMENDMENT AND ASSIGNMENT OF CONTINGENT LEGAL SERVICES AGREEMENT RELATED TO MONSANTO LITIGATION WITH JACKSON GILMOUR & DOBBS AND KELLEY DRYE & WARREN, AND AUTHORIZING GENERAL COUNSEL TO ENTER INTO A LEGAL SERVICES AGREEMENT WITH KELLEY DRYE & WARREN IN THE AMOUNT OF \$250,000

On a motion by Commissioner Merrifield, seconded by Commissioner Malcolm, the Board adopted Resolution 2017-121 as part of the consent agenda.

13. [2017-0387](#) RESOLUTION AUTHORIZING AMENDMENT NO. 1 TO INCREASE THE COMBINED AMOUNT OF THE AS-NEEDED AGREEMENTS BY \$1,000,000 WITH KIMLEY-HORN & ASSOCIATES INC., PARSONS TRANSPORTATION GROUP, PSOMAS, AND RICK ENGINEERING CO. FOR CIVIL ENGINEERING SERVICES, INCREASING THE AGGREGATE TOTAL FROM \$1,200,000 TO \$2,200,000 TO INCREASE THE CAPACITY OF THESE AGREEMENTS TO A LEVEL THAT ALLOWS EXECUTION ON BUDGETED PROJECTS WITH NO CORRESPONDING INCREASE REQUIRED TO APPROVED CAPITAL IMPROVEMENT AND MAJOR MAINTENANCE PROGRAM BUDGETS

The Board will consider staff's request to continue this item to a future Board meeting.

This Consent Item was continued to a future Board Meeting.

ACTION AGENDA

12. [2017-0347](#) AUTHORIZING A SERVICE AGREEMENT AND A COOPERATIVE AGREEMENT, TO FACILITATE THE COMMENCEMENT OF THE PROJECT APPROVAL & ENVIRONMENTAL DOCUMENT (PA&ED) PHASE OF THE SAN DIEGO-CORONADO BAY BRIDGE ARTISTIC LIGHTING PROJECT:
- A) RESOLUTION AUTHORIZING AN AGREEMENT WITH STUDIO FINK LTD FOR ARTISTIC DESIGN AND CONSULTING SERVICES REQUIRED FOR COMPLETING THE PA&ED PHASE OF THE SAN DIEGO-CORONADO BAY BRIDGE ARTISTIC LIGHTING PROJECT FOR AN AMOUNT NOT TO EXCEED \$230,000
- B) RESOLUTION AUTHORIZING A COOPERATIVE AGREEMENT WITH THE CALIFORNIA DEPARTMENT OF TRANSPORTATION (CALTRANS) FOR THE PURPOSE OF DEFINING THE RESPECTIVE OBLIGATIONS AND RESPONSIBILITIES OF THE DISTRICT AND CALTRANS DURING THE PA&ED PHASE OF THE SAN DIEGO-CORONADO BAY BRIDGE LIGHTING PROJECT AND FOR REIMBURSEMENT TO CALTRANS IN AN AMOUNT NOT TO EXCEED \$251,717

Susan Anderson submitted a Request to Speak, however, she withdrew her request.

This Item was pulled from the Consent Agenda. On a motion by Commissioner Merrified, seconded by Commissioner Malcolm, the Board adopted Resolution 2017-122. The motion carried by the following vote:

Yeas: 5 - Bonelli, Castellanos, Malcolm, Merrifield, and Valderrama

Nays: 0

Excused: 2 - Moore, and Zucchet

Absent: 0

Abstain: 0

Recused: 0

PUBLIC HEARING AGENDA

14. [2017-0410](#) CORONADO YACHT CLUB CLUBHOUSE REPLACEMENT PROJECT
 A) RESOLUTION ADOPTING AN ADDENDUM TO THE FINAL ENVIRONMENTAL IMPACT REPORT FOR THE "CORONADO YACHT CLUB REDEVELOPMENT AND PORT MASTER PLAN AMENDMENT" AND AUTHORIZING STAFF TO FILE A NOTICE OF DETERMINATION
 B) RESOLUTION GRANTING CONCEPT APPROVAL TO THE CORONADO YACHT CLUB FOR THE CLUBHOUSE REPLACEMENT PROJECT
 C) CONDUCT PUBLIC HEARING AND ADOPT RESOLUTION AUTHORIZING ISSUANCE OF AN APPEALABLE COASTAL DEVELOPMENT PERMIT

The Board will consider staff's request to continue this item to a future Board meeting.

This Public Hearing Item was continued to a future Board Meeting.

ACTION AGENDA

15. [2017-0356](#) PRESENTATION ON SAN DIEGO INTERNATIONAL AIRPORT'S AIRPORT DEVELOPMENT PLAN: REPLACEMENT OF TERMINAL 1 AND RELATED IMPROVEMENTS TO ACCOMMODATE AIR TRAVEL DEMAND THROUGH 2035 AND BEYOND

Job Nelson, Assistant Vice President, External Relations, addressed the Board with staff's report and presentation regarding Action Agenda Item 15 - File No. 2017-0356 (A copy of the staff report, presentations and any agenda related materials are on file with the Office of the District Clerk.) Mr. Nelson then introduced Kim Becker, CEO/President, San Diego County Regional Airport Authority. Ms. Becker then turned the presentation over to Ted Anasis, Manager, Airport Planning.

The following member(s) of the public addressed the Board with agenda related comments: Katheryn Rhodes.

Commissioner Bonelli, Commissioner Merrifield, Commissioner Malcolm, and Commissioner Castellanos asked clarifying questions, and offered varied comments. Jason Giffen, Assistant Vice President, Planning & Green Port, and Rebecca Harrington, Deputy General Counsel, General Counsel's Office, responded on behalf of staff.

16. [2017-0358](#) PRESENTATION AND DIRECTION TO STAFF ON THE PORT MASTER PLAN UPDATE - DRAFT POLICY CONCEPTS REGARDING THE FOLLOWING TOPICS:
- A) MOBILITY ELEMENT
 - B) ECONOMIC DEVELOPMENT ELEMENT
 - C) RESILIENCY AND SAFETY ELEMENT
 - D) NATURAL RESOURCES ELEMENT

Jason Giffen, Assistant Vice President, Planning & Green Port, addressed the Board with staff's report and presentation regarding Action Agenda Item 16 - File No. 2017-0358 (A copy of the staff report, presentations and any agenda related materials are on file with the Office of the District Clerk.) Mr. Giffen provided an overview of the process and objectives for this item, and then turned the presentation over to Dennis Larson, Consultant, to present the Mobility Concepts.

The following member(s) of the public addressed the Board with Mobility Concept related comments: Daniel Reeves, Senior Vice President, Downtown San Diego Partnership; Katheryn Rhodes; and Bill Tippets, Board Member, Southwest Wetlands Interpretive Association.

Commissioner Malcolm, Commissioner Castellanos, Commissioner Merrifield, Commissioner Valderrama, and Commissioner Bonelli, offered varied comments and suggestions, and asked clarifying questions. Jason Giffen responded on behalf of staff.

Lesley Nishihira, Director, Planning, Planning & Green Port, then presented the Economic Development Concepts.

The following member(s) of the public addressed the Board with Economic Development Concepts related comments: Katheryn Rhodes; and Bill Tippets, Board Member, Southwest Wetlands Interpretive Association. Shaun Sumner, Assistant Vice President, Real Estate Development, responded to public comment on behalf of staff.

Commissioner Malcolm, Commissioner Bonelli, Commissioner Castellanos, Commissioner Merrifield, and Chairman Valderrama, offered varied comments, suggestions, and responded to public comment.

Dennis Larson, Consultant, then presented the Resiliency and Safety Concepts.

The following member(s) of the public addressed the Board with Resiliency and Safety Concept related comments: Don Wood; Katheryn Rhodes; and Bill Tippets, Board Member, Southwest Wetlands Interpretive Association. Jason Giffen responded to public comment on behalf of staff.

Commissioner Malcolm, Commissioner Castellanos, Commissioner Merrifield, Commissioner Bonelli, and Chairman Valderrama offered varied comments, suggestions, asked clarifying questions, and responded to public comment. Rebecca Harrington and Jason Giffen responded on behalf of staff.

Lesley Nishihira presented the Natural Resources Concepts.

The following member(s) of the public addressed the Board with Natural Resources Concept related comments: Phil Monroe; Katheryn Rhodes; Bill Tippetts, Board Member, Southwest Wetlands Interpretive Association; and Don Wood. Douglas Metz, Chairman, Grand Caribe Task Force was called to speak but was not present. Jason Giffen responded to public comment on behalf of staff.

Commissioner Malcolm and Commissioner Bonelli, offered varied comments and suggestions.

Lesley Nishihira presented the next steps for the Port Master Plan Update.

Commissioner Merrifield left the dais at 5:15 pm for the remainder of the Board meeting.

17. [2017-0328](#) REVIEW AND CONSIDERATION OF DRAFT PROPOSED BOARD AGENDA FOR THE SEPTEMBER 12, 2017 MEETING

On a motion by Commissioner Bonelli, seconded by Commissioner Malcolm, the Board adopted the draft agenda for September 12, 2017. The motion carried by the following vote:

Yeas: 4 - Bonelli, Castellanos, Malcolm, and Valderrama

Nays: 0

Excused: 3 - Merrifield, Moore, and Zucchet

Absent: 0

Abstain: 0

Recused: 0

OFFICER'S REPORT

18. [2017-0391](#) MONTHLY NOTIFICATION REPORTS

Monthly Notification of Change Orders Pursuant to BPC Policy No. 110:

- A) Change Order No. 2 to Contract No. 2017-30 with DLG Contractors, Inc. / Increases Contract by \$7,000.00
- B) Change Order No. 1 to Contract No. 2017-21 with Premier Roofing CA, Inc. / \$2,070.00 Decrease & 18 Calendar Day Time Extension thru 06/20/17
- C) Change Order No. 1 to Contract No. 2017-19 with Accent Electronics, Inc. dba Standard Electronics / 26 Calendar Day Time Extension thru 06/30/17
- D) Change Order No. 1 to Contract No. 2016-23 with Zasueta Contracting, Inc. / Increases Contract by \$31,700.00
- E) Change Order No. 1 to Contract No. 2016-31 with K.C. Equipment, Inc.

/ \$23,277.00 Increase & 23 Calendar Day Time Reduction thru 06/30/17
F) Change Order No. 4 to Contract No. 2014-29 with Reyes Construction, Inc. / Increases Contract by \$46,900.55

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 San Diego Association of Governments (SANDAG) for Palm Street Pedestrian Improvements, for total amount \$1,208.00

Monthly Notification of Rent Reviews Completed 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

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

ATTEST:

Clerk of the San Diego Unified Port District,