



# San Diego Unified Port District

3165 Pacific Hwy.  
San Diego, CA 92101

## Meeting Minutes

### Board of Port Commissioners

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Tuesday, December 5, 2017

1:00 PM

Don L. Nay Port Administration Boardroom

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#### A. Roll Call.

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

**Excused:** 0

**Absent:** 0

*Commissioner Moore was excused until she arrived at 1:40 pm.*

*Officers Present: Coniglio, DeAngelis, Gross, Monson, 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 members of the public addressed the Board with non-agenda related comments: Jason Anderson, President/CEO, Cleantech San Diego; James Clark; and Mark Bastedo.*

#### E. Commissioners' Reports.

*Commissioner Castellanos provided follow-up with regards to President Coniglio's report on the Port's response to the homelessness issue and Hepatitis A outbreak.*

*Commissioner Castellanos explained that Ms. Coniglio and Harbor Police Chief have been asked to assess the Port's current homeless outreach program to make sure it is engaging in robust outreach, and able to provide effective health and safety service levels in the Tidelands during this time of increased demand.*

*Chairman Valderrama reported on the Topping Out Ceremony for the InterContinental Hotel at Lane Field, and a special event at the Kimball Elementary in National City where he had the pleasure to distribute water bottles to the students so they could have safe*

*drinking water throughout their day.*

## F. President's Report.

*Randa Coniglio, President/CEO announced she had a few items to report on. The first item was the congratulatory acknowledgement of Solar Turbines' 90th anniversary. Ms. Coniglio invited Tiffany Yarling, Manager of Corporate Communications, to the podium. Ms. Yarling thanked the Port for their great working relationship over the years.*

*Ms. Coniglio also announced the Port has been awarded \$4.8 million Urban Greening Grant by the California Natural Resources Agency to develop the Sweetwater Bicycle Path and Pedestrian Promenade in the Chula Vista Bayfront.*

*Ms. Coniglio then announced she had some special guests to present some interesting demonstration projects and outreach opportunities. Ms. Coniglio invited David Graham, Deputy Chief Operating Officer, City of San Diego, to speak. Mr. Graham explained the main reason he was here was to express, on behalf of the Mayor and City Council, appreciation for the Port's support of the Smart Community efforts. Mr. Graham also thanked the Port for participating in the Smart City World Expo and Global Congress in Barcelona. The Global Congress brought together 18,000 people from 700 cities around the world to identify and come up with solutions for the future of smart communities.*

*Zach Birmingham, Senior Environmental Specialist, was then invited to speak about the Intelligent Lighting project that the Port is coordinating with the City of San Diego to provide seamless coverage on Harbor Drive. Intelligent lighting will provide realtime data on traffic, parking, and visual activity on the waterfront. Mr. Birmingham then turned the presentation over to Paul Maechler, Associate Environmental Specialist, to speak about Smart Trash Sensors. Mr. Maechler explained the sensors are installed inside the trash/recycling receptacles and detects fullness. The data is relayed and provides realtime information to help assess recycling rates, and appropriate pickup frequency. Mr. Maechler then turned presentation over to Rachel Stern, Senior Environmental Specialist, to speak about the Solar Powered Electric Vehicle Charging Station. Ms. Stern explained that this charging station is transportable and deployable in minutes, is completely self-contained, and has backup battery for periods when solar panels are not producing energy. The Port will be evaluating the economics of this off-grid technology against economics of on-grid electric vehicle charging stations.*

## G. District Clerk's Announcements.

*Timothy Deuel, District Clerk, offered that copies of agenda related materials submitted after the publication of the agenda were available at the Clerk's desk. Additionally, Mr. Deuel reported that staff requested to continue: Consent Agenda Item 3 - File No. 2017-0606; Consent Agenda Item 4 - File No. 2017-0605; Consent Agenda Item 5 - File No. 2017-0592; Consent Agenda Item 7 - File No. 2017-0599; Consent Agenda Item 10 - File No. 2017-0607; Action Agenda Item 19 - File No. 2017-0609; Action Agenda Item 20 - File No. 2017-0600; and Action Agenda Item 23 - File No. 2017-0573.*

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

**Yeas:** 6 - Bonelli, Castellanos, Malcolm, Merrifield, Valderrama, and Zucchet

**Nays:** 0

**Excused:** 1 - Moore

Absent: 0

Abstain: 0

Recused: 0

**CONSENT AGENDA**

On a motion by Commissioner Merrifield, seconded by Commissioner Malcolm, the Board adopted the Consent Agenda as follows: November 14, 2017 Closed Session minutes; November 14, 2017 Regular Session minutes; Resolution 2017-159; Resolution 2017-160; Ordinance 2906; Resolution 2017-161; Resolution 2017-162; Resolution 2017-163; Resolution 2017-164; Resolution 2017-165; Resolution 2017-166; Resolution 2017-167; Ordinance 2907; Resolution 2017-168; and Ordinance 2908. The motion carried by the following vote:

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

Nays: 0

Excused: 1 - Moore

Absent: 0

Abstain: 0

Recused: 0

- 1. [2017-0593](#) Approval of minutes for:  
November 14, 2017 - CLOSED SESSION  
November 14, 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. [2017-0483](#) RESOLUTION AUTHORIZING AMENDMENT NO. 1 TO AGREEMENT WITH XEROX CORPORATION TO PROVIDE MANAGED PRINT SERVICES AND DOCUMENT PRODUCTION AND PUBLISHING, INCREASING THE AGREEMENT AMOUNT BY \$805,000 WHICH INCREASES THE AGGREGATE TOTAL OF THE AGREEMENT FROM \$995,000 TO \$1,800,000 FOR SERVICES THROUGH 11/30/2019

On a motion by Commissioner Merrifield, seconded by Commissioner Malcolm, the Board adopted Resolution 2017-159 as part of the Consent Agenda.

- 3. [2017-0606](#) RESOLUTION SELECTING AND AUTHORIZING A SERVICE AGREEMENT WITH MARINE GROUP BOAT WORKS, LLC FOR THE REPLACEMENT OF THE FIRE FIGHTING PIPING SYSTEM ON FOUR (4) HARBOR POLICE MARINE FIRESTORM VESSELS IN THE AMOUNT OF \$207,608

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.**

- 4. [2017-0605](#) RESOLUTION SELECTING AND AUTHORIZING A PURCHASE AGREEMENT WITH DOWNTOWN FORD SALES FOR THE PURCHASE OF FOUR ONE-TON DIESEL POWERED TRUCKS IN THE AMOUNT OF \$213,956.89

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.**

- 5. [2017-0592](#) 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 IN THE AMOUNT OF \$150,000 FOR FEDERAL FY 2017 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 Consent Item was continued to a future Board meeting.**

- 6. [2017-0528](#) RESOLUTION AUTHORIZING AMENDMENT NO. 2 TO AGREEMENT WITH AZTEC LANDSCAPING, INC. FOR AS-NEEDED PRESSURE WASHING SERVICES, INCREASING THE MAXIMUM AMOUNT PAYABLE UNDER THE AGREEMENT BY \$1,144,208.14 FOR A NEW MAXIMUM AMOUNT OF \$1,319,208.14

**On a motion by Commissioner Merrifield, seconded by Commissioner Malcolm, the Board adopted Resolution 2017-160 as part of the Consent Agenda.**

- 7. [2017-0599](#) RESOLUTION REAPPOINTING JEFFREY MILLER TO THE SAN DIEGO UNIFIED PORT DISTRICT AUDIT OVERSIGHT COMMITTEE (AOC) FOR A THIRD TERM OF THREE YEARS DURATION COMMENCING JANUARY 1, 2018

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.**

- 8. [2017-0536](#) ORDINANCE AMENDING SALARY ORDINANCE NO. 2903 AND RESOLUTION AMENDING THE SAN DIEGO UNIFIED PORT DISTRICT (DISTRICT) DIRECTORY OF CLASSIFICATION SPECIFICATIONS FOR FY2017/2018

**On a motion by Commissioner Merrifield, seconded by Commissioner Malcolm, the Board adopted Ordinance 2906 and Resolution 2017-161 as part of the**

**Consent Agenda.**

9. [2017-0540](#) RESOLUTION AUTHORIZING EXECUTION OF A MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY OF SAN DIEGO AND THE SAN DIEGO UNIFIED PORT DISTRICT TO PROVIDE MUTUAL INDEMNITY TO PARTICIPATE IN THE URBAN AREA SECURITY INITIATIVE FY16 GRANT PROGRAM
- On a motion by Commissioner Merrifield, seconded by Commissioner Malcolm, the Board adopted Resolution 2017-162 as part of the Consent Agenda.**
10. [2017-0607](#) RESOLUTION AUTHORIZING A PURCHASE ORDER TO ACQUIRE COMPUTER HARDWARE FROM GOVCONNECTION INCORPORATED FOR USE IN THE COMPUTER-AIDED DISPATCH REPLACEMENT PROJECT FOR A MAXIMUM EXPENDITURE OF \$190,000
- 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.**
11. [2017-0546](#) RESOLUTION AUTHORIZING THE DISTRICT TO GRANT INDEMNITY TO OPTUM BANK, INC. PURSUANT TO AN AGREEMENT WITH OPTUM BANK TO PROVIDE EMPLOYEE HEALTH SAVINGS ACCOUNT ENROLLMENTS AND CONTRIBUTIONS
- On a motion by Commissioner Merrifield, seconded by Commissioner Malcolm, the Board adopted Resolution 2017-163 as part of the Consent Agenda.**
12. [2017-0570](#) RESOLUTION CONSENTING TO A SUBLEASE BETWEEN LFS DEVELOPERS, LLC, DBA INTERCONTINENTAL HOTEL AND DEL FRISCO'S OF CALIFORNIA, LLC, DBA DEL FRISCO'S DOUBLE EAGLE STEAK HOUSE, FOR A FIFTEEN-YEAR TERM WITH FOUR FIVE-YEAR OPTIONS, WITH CONDITIONS
- On a motion by Commissioner Merrifield, seconded by Commissioner Malcolm, the Board adopted Resolution 2017-164 as part of the Consent Agenda.**
13. [2017-0572](#) RESOLUTION CONSENTING TO A SUBLEASE BETWEEN LFN DEVELOPERS, LLC, DBA MARRIOTT RESIDENCE INN/SPRINGHILL SUITES AND ELEVATE TRAINING, LLC, DBA ELEVATE TRAINING, FOR A FIVE-YEAR TERM WITH ONE FOUR-YEAR OPTION, WITH CONDITIONS
- On a motion by Commissioner Merrifield, seconded by Commissioner Malcolm, the Board adopted Resolution 2017-165 as part of the Consent Agenda.**
14. [2017-0574](#) RESOLUTION AUTHORIZING AMENDMENT NO. 1 TO THE AS-NEEDED TEMPORARY STAFFING SERVICES AGREEMENT WITH AMERIT CONSULTING, INC., INCREASING THE AGREEMENT AMOUNT BY \$200,000, INCREASING THE AGGREGATE TOTAL OF THE

AGREEMENT FROM \$990,000 TO \$1,190,000 FOR SERVICES THROUGH JUNE 30, 2020

On a motion by Commissioner Merrifield, seconded by Commissioner Malcolm, the Board adopted Resolution 2017-166 as part of the Consent Agenda.

15. [2017-0577](#) ADOPT A RESOLUTION AUTHORIZING AN AMENDMENT TO THE NON-APPEALABLE COASTAL DEVELOPMENT PERMIT 2006-05 FOR THE KETTENBURG BOATYARD PROJECT TO ADD INTREPID LANDING, LLC AS A CO-PERMITTEE, SPECIFY THE PUBLIC ART, CLARIFY THE LOCATION OF THE FOOD SERVICE BUILDING, AND UPDATE STANDARD PROVISIONS

On a motion by Commissioner Merrifield, seconded by Commissioner Malcolm, the Board adopted Resolution 2017-167 as part of the Consent Agenda.

16. [2017-0586](#) ORDINANCE AMENDING THE FY 17/18 BUDGET TO INCREASE THE CAPITAL IMPROVEMENT PROGRAM (CIP) APPROPRIATION BY \$1.1 MILLION FROM PREVIOUS YEAR'S UNRESTRICTED RESOURCES FOR THE CHULA VISTA BAYFRONT - TRIANGLE PARCEL ACQUISITION PROJECT AND AMENDING THE 2014-2018 CAPITAL IMPROVEMENT PROGRAM (CIP) INCREASING THE PROJECT BUDGET BY \$1.1 MILLION

On a motion by Commissioner Merrifield, seconded by Commissioner Malcolm, the Board adopted Ordinance 2907 as part of the Consent Agenda.

17. [2017-0608](#) RESOLUTION AUTHORIZING AN AGREEMENT WITH BURO HAPPOLD CONSULTING ENGINEERS, INC. FOR CONCEPT DEVELOPMENT, DETAILED DESIGN DOCUMENTATION, AND AS-NEEDED CONSULTING SERVICES REQUIRED FOR COMPLETING THE PROJECT APPROVAL & ENVIRONMENTAL DOCUMENT PHASE OF THE SAN DIEGO-CORONADO BAY BRIDGE ARTISTIC LIGHTING PROJECT FOR A MAXIMUM AMOUNT PAYABLE UNDER THE AGREEMENT NOT TO EXCEED \$393,250.

On a motion by Commissioner Merrifield, seconded by Commissioner Malcolm, the Board adopted Resolution 2017-168 as part of the Consent Agenda.

18. [2017-0571](#) ORDINANCE AMENDING THE FY 2017/18 BUDGET, INCREASING THE CAPITAL MAJOR MAINTENANCE APPROPRIATION CONTINGENCY IN THE AMOUNT OF \$390,000 TO BE FUNDED FROM UNRESTRICTED RESERVES

On a motion by Commissioner Merrifield, seconded by Commissioner Malcolm, the Board adopted Ordinance 2908 as part of the Consent Agenda.

**ACTION AGENDA**

- 19. [2017-0609](#) SAN DIEGO GAS & ELECTRIC (SDG&E) POWER YOUR DRIVE PROGRAM  
 A) PRESENTATION ON SAN DIEGO UNIFIED PORT DISTRICT'S APPLICATION AND PARTICIPATION IN SAN DIEGO GAS & ELECTRIC (SDG&E) POWER YOUR DRIVE PROGRAM; AND  
 B) ORDINANCE APPROVING EASEMENTS FOR SITES LOCATED AT: PORT ADMINISTRATION PARKING LOT 3165 PACIFIC HWY, SAN DIEGO, CA 92101; GENERAL SERVICES PARKING LOT 1400 TIDELANDS AVENUE, NATIONAL CITY, CA 91950 AND HARBOR POLICE HEADQUARTERS PARKING LOT 3380 N HARBOR DRIVE, SAN DIEGO, CA 9210; AND SITE HOST PARTICIPATION PROGRAM AGREEMENT WITH SDG&E

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

**This Action Item was continued to a future Board meeting.**

- 20. [2017-0600](#) RESOLUTION ACCEPTING AND FILING THE EXTERNAL AUDITOR'S REPORT ON THE AUDIT OF THE DISTRICT'S FINANCIAL STATEMENTS AND SINGLE AUDIT FOR THE YEAR ENDING JUNE 30, 2017

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

**This Action Item was continued to a future Board meeting.**

- 21. [2017-0561](#) REVIEW AND CONSIDERATION OF DRAFT PROPOSED BOARD AGENDA FOR THE JANUARY 9, 2018 MEETING

**On a motion by Commissioner Bonelli, seconded by Commissioner Merrifield, the Board adopted the draft agenda for January 9, 2018. The motion carried by the following vote:**

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

**Nays:** 0

**Excused:** 0

**Absent:** 0

**Abstain:** 0

**Recused:** 0

- 22. [2017-0539](#) UPDATE PRESENTATION REGARDING DISTRICT INVENTORY OF

LOWER COST VISITOR AND RECREATION FACILITIES AND DIRECTION TO STAFF REGARDING NEXT STEPS, INCLUDING WITHOUT LIMITATION A POTENTIAL PORT MASTER PLAN AMENDMENT

Lesley Nishihira, Director, Planning & Green Port, addressed the Board with staff's report regarding Action Agenda Item 22 - File No. 2017-0539 (A copy of the staff report, presentations and any agenda related materials are on file with the Office of the District Clerk). Ms. Nishihira then turned the presentation over to Anna Buzaitis, Program Manager, Planning & Green Port.

The following member of the public addressed the Board with agenda related comments: Bill Tippets, Board Member, Southwest Wetlands Interpretive Association.

Commissioner Moore, Commissioner Merrifield, Commissioner Bonelli, Commissioner Castellanos, Commissioner Malcolm, Commissioner Zucchet, and Chairman Valderrama asked clarifying questions and offered varied comments. Lesley Nishihira, Rebecca Harrington, Deputy General Counsel, General Counsel's Office, Anna Buzaitis, and Tony Gordon, Director, Real Estate, responded on behalf of staff.

On a motion by Commissioner Malcolm, seconded by Commissioner Moore, the Board directed staff to develop a Request for Proposal to develop low-cost visitor accommodations for the site designated in staff report, with additional direction for staff to look at other potential sites for consideration for low-cost visitor accommodations to bring back at a later meeting. The motion carried by the following vote:

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

Nays: 0

Excused: 0

Absent: 0

Abstain: 0

Recused: 0

- 23. 2017-0573 PRESENTATION ON THE REQUEST FOR PROPOSALS FOR THE APPROXIMATELY 14-ACRE WATERFRONT RETAIL OPPORTUNITY LOCATED AT 849 WEST HARBOR DRIVE IN THE CITY OF SAN DIEGO, AND BOARD ACTION INCLUDING RESOLUTION SELECTING STREAM REALTY PARTNERS, L.P. AS THE SUCCESSFUL PROPOSER OF THE REQUEST FOR PROPOSALS (RFP 17-52ME, WATERFRONT RETAIL OPPORTUNITY) (RFP) AND CONCLUDING THE RFP, RESERVING CERTAIN RIGHTS THEREUNDER

This Action Item was continued to a future Board meeting.

- 24. [2017-0537](#) PRESENTATION AND DIRECTION TO STAFF ON THE PORT MASTER PLAN UPDATE REGARDING THE FOLLOWING TOPICS:

A) PLANNING DISTRICT 5 (NATIONAL CITY BAYFRONT) DRAFT



POLICY CONCEPTS AND UPDATED LAND AND WATER USE MAP  
B) PLANNING DISTRICT 4 (WORKING WATERFRONT) DRAFT POLICY  
CONCEPTS AND UPDATED LAND AND WATER USE MAP

*Jason Giffen, Assistant Vice President, Planning & Green Port, addressed the Board with staff's report and presentation regarding Action Agenda Item 24 - File No. 2017-0537 (A copy of the staff report, presentations and any agenda related materials are on file with the Office of the District Clerk). Mr. Giffen then turned the presentation over to Lesley Nishihira to discuss Planning District 5 - National City Bayfront.*

*Commissioner Moore asked a clarifying question. Lesley Nishihira responded on behalf of staff.*

*The following members of the public addressed the Board with agenda related comments for Item A: Planning District 5 - National City Bayfront: Alicia Sanchez, resident (interpreted by Sandy Naranjo); Bill Tippetts, Board Member, Southwest Wetlands Interpretive Association; Gretchen Newsom, Political Director, International Brotherhood of Electrical Workers 569; Sandy Naranjo, Advocate, Environmental Health Coalition; Sophie Silvestri, Manager of Planning & Policy, Pasha Automotive Services; and Anthony Soniga, President, International Longshore and Warehouse Union Local 29.*

*Commissioner Merrifield, Commissioner Moore, Commissioner Zucchet, Commissioner Castellanos, Commissioner Bonelli, and Commissioner Malcolm asked clarifying questions and offered varied comments. Rebecca Harrington, and Lesley Nishihira responded on behalf of staff.*

*Jason Giffen summarized Commissioner comments and suggestions for Planning District 5.*

*Mr. Giffen then addressed the Board with staff's report and presentation regarding Planning District 4 - Working Waterfront.*

*The following members of the public addressed the Board with agenda related comments for Item B: Planning District 4 - Working Waterfront: Bill Tippetts, Board Member, Southwest Wetlands Interpretive Association; Sarah Marsh, President, Dole Fresh Fruit; Sharon Cloward, President, San Diego Port Tenants Association; Derry Pence, President, Port of San Diego Ship Repair Association; Matt Everingham, Chief Technologist, Everingham Bros. Bait Company; and Joy Williams, Research Director, Environmental Health Coalition.*

*Commissioner Merrifield offered varied comments.*

*Jason Giffen summarized Commissioner comments and suggestions then turned presentation over to Lesley Nishihira to provide next steps and review the Port Master Plan Update timeline.*

**25.**     [2017-0603](#)     MONTHLY NOTIFICATION REPORTS

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

A) Change Order No. 1 to Contract No. 2016-10 with Conan Construction, Inc. / \$36,367.00 Increase & 30 Calendar Day Time Extension thru 10/29/17

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 United States of America acting through the U.S. Navy (Lieutenant Commander Benjamin Turner) for Navy Gas Line at 19th Street, for total amount \$1,208.00
- B) Request for User Fee Waiver Form from ABM Parking Services for Harbor Island Parking Lot, for total amount \$1,308.00
- C) Request for User Fee Waiver Form from San Diego Bay Aquaculture, LLC for FLUPSY Pilot Project, for total amount \$1,308.00

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:

- A) Encumbrance Review and Approval with The Brigantine, Inc. dba Ketch Grill and Taps in Favor of ZB, N.A. dba California Bank & Trust in the Amount of \$2,700,000.00

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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*

