



# San Diego Unified Port District

3165 Pacific Hwy.  
San Diego, CA 92101

## Meeting Agenda Board of Port Commissioners

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Thursday, January 9, 2020

2:00 PM

Don L. Nay Port Administration Boardroom

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Please complete a Request to Speak form prior to the commencement of the meeting and submit it to the District Clerk.

Items under the Consent Agenda section are considered to be routine, and will be acted upon with one vote. If you wish for an item to be removed from the Consent Agenda for further discussion, please submit your request to the District Clerk prior to the commencement of the meeting.

In keeping with the Americans with Disabilities Act (ADA), the San Diego Unified Port District will make every reasonable effort to encourage participation in all its public meetings. If you require assistance or auxiliary aids in order to participate at this public meeting, please contact the Office of the District Clerk at [publicrecords@portofsandiego.org](mailto:publicrecords@portofsandiego.org) or (619) 686 6206 at least 48 hours prior to the meeting.

Any disclosable public records related to an open session item on a regular meeting agenda and distributed by the San Diego Unified Port District to all or a majority of the Board of Port Commissioners, including those records distributed less than 72 hours prior to that meeting, are available for public inspection at the Office of the District Clerk, 3165 Pacific Highway, San Diego, California during normal business hours.

For those planning to attend the Board meeting, accessible parking is available in the Port Administration Building parking lot. All parking spots marked "Reserved" in the main parking lot at 3165 Pacific Highway are available for use by the public on Board Meeting days. Overflow parking can be accommodated to the west of the Port Administration Building in the Port District Employee/Visitor parking.

For the agenda online and more information about the Commissioners' names and city representation, and future Board meeting dates, please visit our website at [www.portofsandiego.org](http://www.portofsandiego.org). As a courtesy to all who attend these public meetings, please turn all cell phones to off or vibrate before entering the Board Room.

**A. Roll Call.****B. Pledge of Allegiance.****C. Public Communications.**

*Please limit comments to 3 minutes per speaker. No actions may be taken on these items.*

**D. Board Committee Reports.**

- Audit Oversight Committee
- Tidelands Activation Program Advisory Committee

**E. Commissioners' Reports.**

*No actions may be taken on these items.*

**F. President's Report.****G. District Clerk's Announcements.****APPROVAL OF MINUTES**

[2020-0005](#) Approval of minutes for:

December 10, 2019 - CLOSED SESSION  
December 10, 2019 - BPC MEETING

**CONSENT AGENDA**

1. [2019-0525](#) 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, 2019
2. [2019-0469](#) RESOLUTION AUTHORIZING AMENDMENT NO. 1 TO AGREEMENT 285-2017MA WITH RICK ENGINEERING, AMENDMENT NO. 1 TO AGREEMENT 287-2017MA WITH FMF PANDION, AND AMENDMENT NO. 1 TO AGREEMENT 286-2017MA WITH TETRA-TECH, INC. FOR AS-NEEDED STORMWATER MANAGEMENT SERVICES INCREASING THE MAXIMUM EXPENDITURE BY \$750,000 FOR A NEW AGGREGATE AMOUNT NOT TO EXCEED \$1,500,000, EXTENDING THE AGREEMENT UNTIL JUNE 30, 2022, AND ESCALATING THE FULLY BURDENED HOURLY BILLING RATES BY 3% PER YEAR, EFFECTIVE JULY 1, 2020 THROUGH JUNE 30, 2022 FOR RICK ENGINEERING AND FMF PANDION. FUNDING FOR FISCAL YEAR 2020 IS BUDGETED AND FUNDS REQUIRED FOR FUTURE FISCAL YEARS WILL BE BUDGETED, SUBJECT TO BOARD APPROVAL

3. [2019-0478](#) RESOLUTION AUTHORIZING AMENDMENT NO. 3 TO THE AGREEMENT WITH THE REGENTS OF THE UNIVERSITY OF CALIFORNIA TO HOST CALIFORNIA SEA GRANT FELLOWS EXTENDING THE AGREEMENT FOR 1 YEAR AND INCREASING THE NOT-TO-EXCEED AMOUNT BY \$170,956 FOR A NEW TOTAL OF \$623,754. FY19/20 EXPENDITURES ARE BUDGETED
4. [2020-0003](#) RESOLUTION RESCINDING BOARD OF PORT COMMISSIONERS POLICY NO. 451: USE OF THE DISTRICT'S PORTABLE STAGE
- The Board will consider staff's request to continue this item to a future Board meeting.
5. [2019-0482](#) RESOLUTION AMENDING BOARD OF PORT COMMISSIONERS (BPC) POLICY NO. 035 - POWERS AND FUNCTIONS OF THE PORT AUDITOR
6. [2019-0526](#) RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AWARDED CONTRACT NO. 2019-34 TO \_\_\_\_\_ IN THE AMOUNT OF \$\_\_\_\_\_ FOR THE SAN DIEGO-CORONADO BAY BRIDGE ARTISTIC LIGHTING MOCK-UP TEST. FUNDS REQUIRED FOR FY20 EXIST IN THE PUBLIC ART FUND, TO BE USED AS NEEDED AND REIMBURSED AS DONATIONS AND IN-LIEU PERCENT FOR ART CONTRIBUTIONS ARE RECEIVED PURSUANT TO BPC POLICY NO. 608: TENANT PERCENT FOR ART PROGRAM. FUNDS REQUIRED FOR FUTURE FISCAL YEARS WILL BE BUDGETED IN THE APPROPRIATE FISCAL YEAR, SUBJECT TO BOARD APPROVAL UPON ADOPTION OF THAT FISCAL YEAR'S BUDGET.
- The Board will consider staff's request to continue this item to a future Board meeting.
7. [2019-0497](#) RESOLUTION AUTHORIZING AMENDMENT NO. 6 TO THE AGREEMENT WITH MOZAIK SOLUTIONS FOR EMERGENCY MANAGEMENT CONSULTING SERVICES, INCREASING THE MAXIMUM AMOUNT PAYABLE UNDER THE AGREEMENT BY \$175,000.00 FROM A TOTAL OF \$689,395.50 TO \$864,395.50, REIMBURSABLE THROUGH THE PORT SECURITY GRANT PROGRAM, AND EXTENDING THE AGREEMENT TERM THROUGH AUGUST 31, 2022; FY 2020 EXPENDITURES, IF NEEDED, 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.
8. [2019-0506](#) SEAPORT VILLAGE:
- A) ORDINANCE GRANTING A LEASE TO SEAPORT

ENTERTAINMENT, LLC --FOR A FULL-SERVICE RESTAURANT LOCATED AT 849 W. HARBOR DRIVE, SUITE E3 IN SAN DIEGO FOR A 10-YEAR TERM PLUS ONE 5-YEAR OPTION (FOR A TOTAL POTENTIAL TERM OF 15 YEARS)

B) ORDINANCE GRANTING A LEASE TO TRAVELER'S CONVENIENCE, INC. DBA SEAPORT MARKET (SEAPORT MARKET) FOR A SPECIALTY MARKET LOCATED AT 849 W. HARBOR DRIVE, SUITES C6A-A AND C6A-B IN SAN DIEGO FOR A TOTAL 10-YEAR TERM

9. [2019-0508](#) CHULA VISTA BAYFRONT PUBLIC STREET & UTILITY EASEMENTS

ORDINANCE APPROVING SUBSTANTIALLY THE FORM OF A 66-YEAR NON-EXCLUSIVE EASEMENT TO THE CITY OF CHULA VISTA FOR STREET AND UTILITY PURPOSES LOCATED IN THE CITY OF CHULA VISTA, WITH CONDITIONS

10. [2019-0521](#) ORDINANCE AUTHORIZING (A) JOINT COMMUNITY FACILITIES AGREEMENT WITH THE CITY OF CHULA VISTA FOR THE BAYFRONT PROJECT SPECIAL TAX FINANCING DISTRICT; AND (B) VOTE IN FAVOR OF PROPOSITIONS A, B, AND C RELATED TO THE BAYFRONT PROJECT SPECIAL TAX FINANCING DISTRICT

### **PUBLIC HEARING AGENDA**

11. [2019-0504](#) CONDUCT PUBLIC HEARING AND AMEND ORDINANCE ARTICLE 4, SECTION 4.14 OF THE SAN DIEGO UNIFIED PORT DISTRICT CODE REGULATING IN-WATER HULL CLEANING

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

### **ACTION AGENDA**

12. [2019-0445](#) PURCHASE, INSTALLATION, AND MAINTENANCE OF ENHANCED AIR FILTRATION SYSTEMS AT BARRIO LOGAN'S PERKINS ELEMENTARY SCHOOL FUNDED BY THE DISTRICT'S MARITIME INDUSTRIAL IMPACT FUND

A) RESOLUTION AUTHORIZING AN AGREEMENT BETWEEN THE DISTRICT AND THE SAN DIEGO UNIFIED SCHOOL DISTRICT TO PURCHASE, INSTALL, AND MAINTAIN ENHANCED AIR FILTRATION SYSTEMS AT PERKINS ELEMENTARY SCHOOL FOR \$488,165 IN ACCORDANCE WITH BOARD POLICY NO. 773, THE MARITIME INDUSTRIAL IMPACT FUND

B) ORDINANCE AMENDING THE FY2020 BUDGET ADDING \$188,165

FROM THE MARITIME INDUSTRIAL IMPACT FUND TO THE  
NON-PERSONNEL EXPENSE ITEM

13. [2019-0460](#) INFORMATIONAL PRESENTATION OF AN EDUCATIONAL PARTNERSHIP OPPORTUNITY WITH THE CHULA VISTA ELEMENTARY SCHOOL DISTRICT
14. [2019-0505](#) PRESENTATION ON NEW LEGISLATION FOR 2019-2020 PORT OF SAN DIEGO LEGISLATIVE PRIORITIES AND DIRECTION TO STAFF
15. [2019-0485](#) REVIEW AND CONSIDERATION OF DRAFT PROPOSED BOARD AGENDA FOR THE FEBRUARY 11, 2020 MEETING

### **OFFICER'S REPORT**

16. [2020-0004](#) OFFICER'S REPORT

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

A) Change Order No. 1 to Contract No. 2019-19 with APR Construction, Inc. / 55 Calendar Day Time Extension thru 02/25/20

B) Change Order No. 1 to Contract No. 2018-04 with R.E. Staite Engineering, Inc. / Increases Contract by \$233,000.00

C) Change Order No. 1 to Contract No. 2019-26 with Specialized Elevator Services, LLC / 136 Calendar Day Time Extension thru 05/15/20

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 Regents of UCSD - Scripps Institution of Oceanography for San Diego Bay Wave Monitoring Pilot Program, for total amount \$1,658.00

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:

None to Report

### **CLOSED SESSION**

1. [2019-0512](#) Closed Session Item No. 1

CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION  
Pursuant to Subdivision (d)(1) of Government Code Section 54956.9

Enterprise Rent-A-Car Co. of Los Angeles, LLC, et al. v San Diego Unified Port District, et al.

San Diego Superior Court Case No. 37-2018-00028276-CU-MC-CTL

2. [2019-0513](#) Closed Session Item No. 2

CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION  
Pursuant to Subdivision (d)(1) of Government Code Section 54956.9

Enterprise Rent-A-Car Co. of Los Angeles, LLC, et al. v San Diego Unified Port District, et al.

San Diego Superior Court Case No. 37-2019-00029137-CU-MC-CTL

3. [2019-0518](#) Closed Session Item No. 3

CONFERENCE WITH REAL PROPERTY NEGOTIATOR  
Government Code Section 54956.8

Property: SDUPD - Chula Vista Bayfront parcel consisting of approximately 74.7 acres of land at H Street and Marina Parkway, Chula Vista

Negotiating Parties:

RIDA Chula Vista, LLC - Ira Mitzner and Luke Charlton;

City of Chula Vista - Gary Halbert;

SDUPD - Shaun Sumner, Tony Gordon, Adam Meyer, Stephanie Shook and Sean Jones.

Under Negotiations: Price and Terms

4. [2019-0515](#) Closed Session Item No. 4

CONFERENCE WITH LEGAL COUNSEL - INITIATION OF LITIGATION

Pursuant to Subdivision (d)(4) of Government Code Section 54956.9

One (1) Case

5. [2019-0517](#) Closed Session Item No. 5

CONFERENCE WITH REAL PROPERTY NEGOTIATOR  
Government Code Section 54956.8

Property: Approximately 171,660 square feet of tideland area located at  
1960 Harbor Island Drive in the City of San Diego

Negotiating Parties:

Bartell Hotels, a California limited partnership - Richard Bartell  
SDUPD - Shaun Sumner, Tony Gordon, Penny Maus

Under Negotiations: Price and Terms