



San Diego Unified Port District

3165 Pacific Hwy.
San Diego, CA 92101

Meeting Agenda Board of Port Commissioners

Tuesday, December 11, 2018

1:00 PM

Don L. Nay Port Administration Boardroom

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 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. 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. Closed Session Report Out.****C. Pledge of Allegiance.****D. Public Communications.**

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

E. Commissioners' Reports.

No actions may be taken on these items.

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

[2018-0520](#)

Approval of minutes for:

November 1, 2018 - SPECIAL MEETING PMPU WORKSHOP

November 6, 2018 - CLOSED SESSION

November 6, 2018 - REGULAR BPC MEETING

CONSENT AGENDA

1. [2017-0651](#) ORDINANCE AMENDING DISTRICT CODE 4.09 OF THE SAN DIEGO UNIFIED PORT DISTRICT CODE - REGULATION OF VESSELS - G STREET MOLE MOORING TO IMPLEMENT COMMERCIAL FISHING INDUSTRY BEST PRACTICES INCLUDING: VERIFICATION OF FISH LANDING RECEIPTS; MARINE INSURANCE LIABILITY REQUIREMENTS FOR NEW PERMITEES AND INTRANSIT COMMERCIAL FISHERMEN; U.S. COAST GUARD SAFETY VESSEL INSPECTIONS; APPLICANT CREDIT CHECKS; REGULATION OF OVERNIGHT COMMERCIAL FISHING ACTIVITIES OR PREPARATIONS, AND UPDATE/CLARIFICATION OF EXISTING CODE LANGUAGE
2. [2018-0412](#) RESOLUTION SELECTING AND AUTHORIZING AN AGREEMENT WITH AZTEC LANDSCAPING, INC. FOR AS-NEEDED PRESSURE WASHING SERVICES EFFECTIVE JULY 1, 2019 THROUGH JUNE 30, 2024, FOR AN AMOUNT NOT TO EXCEED \$441,000. 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.
3. [2018-0545](#) RESOLUTION AUTHORIZING AN AGREEMENT WITH MARINE GROUP

BOAT WORKS LLC., REPOWERING HARBOR POLICE DEPARTMENT MARINE VESSELS #2 AND #5, AND PURCHASING A SPARE VESSEL ENGINE AND TRANSMISSION PACKAGE UNIT FOR A TOTAL AMOUNT NOT TO EXCEED \$397,117 FUNDS FOR FISCAL YEAR 2018 HAS BEEN BUDGETED. ALL FUNDS REQUIRED FOR FUTURE FISCAL YEAR WILL BE BUDGETED IN THE APPROPRIATE FISCAL YEAR, SUBJECT TO BOARD APPROVAL UPON ADOPTION OF EACH FISCAL YEAR'S BUDGET

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

4. [2018-0441](#) RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AWARDED CONTRACT NO. 2018-04 TO R. E. STAITE ENGINEERING, INC. IN THE AMOUNT OF \$3,219,360.00 FOR THE FENDER SYSTEM UPGRADE AT NORTH BERTH OF B STREET PIER PROJECT AS AUTHORIZED BY THE BOARD IN THE FY2018/19 MAJOR MAINTENANCE BUDGET

5. [2018-0533](#) ORDINANCE APPROVING A 66-YEAR LEASE BETWEEN THE DISTRICT AND [_____] FOR A 246-STALL RECREATIONAL VEHICLE (RV) PARK LOCATED IN THE CITY OF CHULA VISTA

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

6. [2018-0486](#) RESOLUTION AUTHORIZING ISSUANCE OF A NON-APPEALABLE COASTAL DEVELOPMENT PERMIT FOR THE CHULA VISTA BAYFRONT SWEETWATER PEDESTRIAN/BIKE PATHWAY PROJECT

7. [2018-0492](#) A) RESOLUTION AUTHORIZING THE SAN DIEGO UNIFIED PORT DISTRICT TO ACCEPT AN EASEMENT FROM AND GRANT INDEMNITY TO THE SUCCESSOR AGENCY TO THE REDEVELOPMENT AGENCY OF THE CITY OF CHULA VISTA FOR THE IMPLEMENTATION OF THE SWEETWATER BICYCLE PATH AND PROMENADE PROJECT LOCATED IN THE CITY OF CHULA VISTA

B) RESOLUTION AUTHORIZING THE SAN DIEGO UNIFIED PORT DISTRICT TO ACCEPT AN EASEMENT FROM AND GRANT INDEMNITY TO UTC AEROSPACE SYSTEMS, INC., SUBJECT TO REASONABLE INDEMNITY PROVISIONS AND EXCLUDING PRE-EXISTING CONDITIONS OF THE EASEMENT AREA, AS APPROVED BY THE GENERAL COUNSEL, FOR THE IMPLEMENTATION OF THE SWEETWATER BICYCLE PATH AND PROMENADE PROJECT LOCATED IN THE CITY OF CHULA VISTA

C) RESOLUTION AUTHORIZING THE SAN DIEGO UNIFIED PORT

DISTRICT TO ENTER INTO A CONSENT FOR THE USE OF LAND AGREEMENT and grant indemnity to SAN DIEGO GAS & ELECTRIC COMPANY FOR THE IMPLEMENTATION OF THE SWEETWATER BICYCLE PATH AND PROMENADE PROJECT LOCATED IN THE CITY OF CHULA VISTA

8. [2018-0507](#) RESOLUTION APPROVING THE TRANSFER OF FUNDS WITHIN THE FY2019-2023 CAPITAL IMPROVEMENT PROGRAM BUDGET APPROPRIATION FROM CIP RESERVE AND CONTINGENCY TO CIP CAPITAL LABOR IN THE AMOUNT OF \$1,500,000 PURSUANT TO BPC POLICIES NO. 90 AND NO. 120
9. [2018-0512](#) RESOLUTION AUTHORIZING AMENDMENT NO. 1 TO AGREEMENT TO JOINTLY DELIVER THE ENERGY EFFICIENCY PARTNERSHIP PROGRAM BETWEEN THE SAN DIEGO UNIFIED PORT DISTRICT AND SAN DIEGO GAS & ELECTRIC COMPANY, AMENDING NONDISCLOSURE PROVISIONS
10. [2018-0549](#) RESOLUTION GRANTING INDEMNITY AND AUTHORIZING AN AGREEMENT WITH FLEETCOR TECHNOLOGIES OPERATING COMPANY, LLC dba FUELMAN FOR OFFSITE FUELING OF HARBOR POLICE DEPARTMENT AND DISTRICT VEHICLES EFFECTIVE DECEMBER 12, 2018 THROUGH DECEMBER 11, 2020, FOR AN AMOUNT NOT TO EXCEED \$350,000. 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.

ACTION AGENDA

11. [2018-0498](#) PRESENTATION AND ACCEPTANCE OF THE SAN DIEGO OCEAN PLANNING PARTNERSHIP PRELIMINARY ASSESSMENT REPORT
12. [2018-0509](#) PRESENTATION AND UPDATE ON THE NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION, NATIONAL CENTERS FOR COASTAL OCEAN SCIENCE'S EXCLUSION AND OPPORTUNITIES ANALYSIS FOR AQUACULTURE IN AND AROUND SAN DIEGO BAY

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

PUBLIC HEARING AGENDA

13. [2018-0519](#) BAYSIDE PERFORMANCE PARK ENHANCEMENT PROJECT AT EMBARCADERO MARINA PARK SOUTH:

A) CONDUCT PUBLIC HEARING AND ADOPT RESOLUTION

ADOPTING THE PORT MASTER PLAN AMENDMENT, AS CERTIFIED BY THE CALIFORNIA COASTAL COMMISSION, AND DIRECTING THE FILING OF NOTICE OF SAID ADOPTION WITH THE CALIFORNIA COASTAL COMMISSION

B) ADOPT RESOLUTION GRANTING CONCEPT APPROVAL TO THE SAN DIEGO SYMPHONY ORCHESTRA ASSOCIATION FOR THE PROJECT, CONDITIONED ON SATISFACTION OF THE CALIFORNIA COASTAL COMMISSION'S ACCEPTANCE OF THE District's ADOPTION OF THE PORT MASTER PLAN AMENDMENT, AS CERTIFIED BY THE CALIFORNIA COASTAL COMMISSION, AND APPROVAL AND EXECUTION OF A LEASE BETWEEN THE DISTRICT AND THE SAN DIEGO SYMPHONY ORCHESTRA ASSOCIATION

C) ADOPT RESOLUTION AUTHORIZING ISSUANCE OF A NON-APPEALABLE COASTAL DEVELOPMENT PERMIT TO THE SAN DIEGO SYMPHONY ORCHESTRA ASSOCIATION FOR THE PROJECT, CONDITIONED ON SATISFACTION OF THE CALIFORNIA COASTAL COMMISSION'S ACCEPTANCE OF THE District's ADOPTION OF THE PORT MASTER PLAN AMENDMENT, AS CERTIFIED BY THE CALIFORNIA COASTAL COMMISSION, AND APPROVAL AND EXECUTION OF A LEASE BETWEEN THE DISTRICT AND THE SAN DIEGO SYMPHONY ORCHESTRA ASSOCIATION

14. [2018-0534](#)

RIDA CHULA VISTA, LLC RESORT HOTEL AND CONVENTION CENTER AT CHULA VISTA BAYFRONT:

A) RESOLUTION GRANTING CONCEPT APPROVAL TO RIDA CHULA VISTA, LLC FOR A RESORT HOTEL AND CONVENTION CENTER

B) CONDUCT PUBLIC HEARING AND ADOPT RESOLUTION AUTHORIZING ISSUANCE OF AN APPEALABLE COASTAL DEVELOPMENT PERMIT FOR A RESORT HOTEL AND CONVENTION CENTER

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

ACTION AGENDA (continued)

15. [2018-0516](#)

PRESENTATION AND UPDATE ON THE REDEVELOPMENT OF THE 7-ACRE ELBOW PARCEL ON EAST HARBOR ISLAND, WHICH MAY INCLUDE DIRECTION TO STAFF AS FOLLOWS:

A) PROVIDE FEEDBACK TO STAFF ON THE REDEVELOPMENT PROPOSED BY SUNROAD HIE HOTEL PARTNERS, L.P. (SUNROAD) FOR THE 7-ACRE ELBOW PARCEL (SITE) ON EAST HARBOR ISLAND AND RESOLUTION DIRECTING STAFF TO NEGOTIATE AN AMENDMENT TO THE EXCLUSIVE NEGOTIATING AGREEMENT BETWEEN THE DISTRICT AND SUNROAD (SUNROAD ENA) THAT

REQUIRES SUNROAD TO SUBMIT IN 90 DAYS A REVISED SECOND SUBMITTAL PURSUANT TO SECTION 5(b) OF THE SUNROAD ENA WITH THE FOLLOWING CHANGES:

I. DELETION OF THE REQUIREMENT IN SECTION 5(b)(i)(5) THAT THE PROPOSED DEVELOPMENT BE IN CONFORMANCE WITH THE SUNROAD HARBOR ISLAND HOTEL PROJECT & EAST HARBOR ISLAND SUBAREA PMPA REVISED FINAL ENVIRONMENTAL IMPACT REPORT, THE MITIGATION MONITORING AND REPORTING PROGRAM, AND FINDINGS OF FACT AND STATEMENT OF OVERRIDING CONSIDERATIONS ADOPTED BY THE BOARD OF PORT COMMISSIONERS (BOARD) ON MARCH 4, 2014 (COLLECTIVELY, 2013 EIR); AND

II. ADDITION OF THE FOLLOWING CRITERIA IN SECTION 5(b):

- a) PROPOSED DEVELOPMENT WILL BE A HOTEL DEVELOPMENT WITH 450 TO 500 ROOMS BUILT IN ONE PHASE;
- b) PROPOSED DEVELOPMENT HAS ONE OR TWO HOTEL BUILDINGS THAT CONTRAST EACH OTHER IN SCALE AND MASSING;
- c) INTEGRATE PARKING FOR THE PROPOSED DEVELOPMENT INTO THE SITE INTERIOR BY MINIMIZING ITS VISIBILITY FROM HARBOR ISLAND DRIVE;
- d) PROPOSED DEVELOPMENT INCORPORATES TEMPORARY AND PERMANENT MINI DESTINATION AREAS THROUGHOUT THE SITE THAT DRAWS THE PUBLIC TO AND THROUGH THE SITE BY CREATING ACTIVATING USES, INCLUDING ON THE GROUND LEVEL;
- e) THE OPERATOR FOR THE HOTEL COMPONENT FOR THE PROPOSED DEVELOPMENT WILL BE AN UPSCALE HOTEL BRAND SIMILAR IN QUALITY AND AMENITIES TO AC HOTELS BY MARRIOTT, ELEMENT, ALOFT, HYATT PLACE, HYATT HOUSE, HILTON HOTELS & RESORTS, CURIO - A COLLECTION BY HILTON, TAPESTRY COLLECTION BY HILTON, OR SWISSOTEL; AND
- f) THE PROPOSED DEVELOPMENT INCORPORATES ANY OTHER CRITERIA RECEIVED FROM THE BOARD AS PART OF FEEDBACK.

- 16. [2018-0495](#) PRESENTATION AND UPDATE ON THE ENTITLEMENT PROCESS FOR A WETLAND MITIGATION BANK AT POND 20, SOUTH SAN DIEGO BAY
- 17. [2018-0552](#) PRESENTATION ON THE ECONOMIC CONSIDERATIONS RELATED TO TIDELANDS REAL ESTATE DEVELOPMENT AND CAUSES AND IMPACTS OF PROJECT DELAYS
- 18. [2018-0514](#) REVIEW AND CONSIDERATION OF DRAFT PROPOSED BOARD

AGENDA FOR THE JANUARY 16, 2019 MEETING

OFFICER'S REPORT**19. [2018-0540](#) OFFICER'S REPORT**

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

A) Change Order No. 4 to Contract No. 2012-06 with R.E. Staite Engineering, Inc. / \$224,383.16 Increase

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 Dole Fresh Fruit Company for Dole Lease Amendment No. 1, for total amount \$3,208.00

B) Request for User Fee Waiver Form from City of Coronado for Rehabilitation of an Existing Sewer Pump Station, for total amount \$11,270.00

C) Request for User Fee Waiver Form from City of Imperial Beach for City of Imperial Beach - Tideland Use and Occupancy Permit (TUOP) for the Palm Parking Lot, for total amount \$1,358.00

D) Request for User Fee Waiver Form from Sunken Seaweed, LLC for Sunken Seaweed Pilot Project, for total amount \$1,308.00

E) Request for User Fee Waiver Form from Old Town Trolley Tours of San Diego, Inc. for Lease Amendment No. 1, for total amount \$3,000.00

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

A) Rent Review Administrative Approval Letter with Eichenlaub Marine, Inc. dba Eichenlaub Marine for Rental Period Beginning 11/01/18 thru 10/31/28

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. 1 to Lease (#62637) with Old Town Trolley Tours of San Diego, Inc. / Amends Paragraph 3(c) to Add Percentage Rent Categories
- B) Amendment No. 1 to Letter Agreement to Lease (#67140) with San Diego Mooring Company / Adds Construction Work Regarding the Shelter Island Boat Launch Ramp Project