



San Diego Unified Port District

3165 Pacific Hwy.
San Diego, CA 92101

Special Meeting Agenda

Board of Port Commissioners

Wednesday, January 16, 2019

2:00 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. Board Committee Reports.

- Audit Oversight Committee
- SANDAG Airport Connectivity Subcommittee
- Environmental Advisory Committee's Sea Level Rise Ad Hoc Committee

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

[2019-0008](#)

Approval of minutes for:

December 11, 2018 - CLOSED SESSION

December 11, 2018 - REGULAR BPC MEETING

December 18, 2018 - SPECIAL MEETING PMPU WORKSHOP

CONSENT AGENDA

1. [2018-0434](#) RESOLUTION AUTHORIZING AN AGREEMENT WITH MARINE GROUP BOAT WORKS LLC., FOR REPOWERING HARBOR POLICE DEPARTMENT MARINE VESSELS #2 AND #5, AND PURCHASING A SPARE VESSEL ENGINE AND TRANSMISSION PACKAGE UNIT FOR AN AMOUNT NOT TO EXCEED \$398,000. FUNDS FOR FISCAL YEAR 2019 HAVE BEEN 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.
2. [2018-0522](#) RESOLUTION AUTHORIZING AMENDMENT NO. 5 TO THE AGREEMENT 235-2016SN WITH MOZAIK SOLUTIONS, INCREASING THE MAXIMUM AMOUNT PAYABLE UNDER THE AGREEMENT BY \$123,500.00 FROM A TOTAL OF \$574,895.50 TO \$698,395.50,

REIMBURSABLE THROUGH THE PORT SECURITY GRANT PROGRAM, AND EXTENDING THE AGREEMENT TERM THROUGH DECEMBER 31, 2021, AND WAIVING BPC POLICY 110; FY19 EXPENDITURES, IF NEEDED, ARE BUDGETED

3. [2018-0542](#) RESOLUTION AUTHORIZING AMENDMENT NO. 2 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 \$138,778 FOR A NEW TOTAL OF \$452,798. FY2019 EXPENDITURES ARE BUDGETED.
4. [2018-0543](#) RESOLUTION AUTHORIZING AN AGREEMENT WITH H.P. PURDON & COMPANY FOR SPONSORSHIP OF THE 2019 JULY 4TH BIG BAY BOOM FIREWORKS SHOW IN THE AMOUNT OF \$190,000 IN FUNDING AND \$140,000 IN DISTRICT SERVICES FOR A MAXIMUM AMOUNT NOT TO EXCEED \$330,000. FY19 EXPENDITURES ARE BUDGETED.
5. [2018-0561](#) FENDER SYSTEM UPGRADE AT NORTH BERTH OF B STREET PIER PROJECT:
A) RESOLUTION AUTHORIZING ISSUANCE OF A NON-APPEALABLE COASTAL DEVELOPMENT PERMIT FOR THE FENDER SYSTEM UPGRADE AT NORTH BERTH OF B STREET PIER PROJECT
B) RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AWARDED CONTRACT NO. 2018-04 TO R. E. STAITE ENGINEERING, INC. IN THE AMOUNT OF \$3,219,360 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
6. [2018-0577](#) RESOLUTION BY A FOUR-FIFTHS (4/5) VOTE RATIFYING THE EMERGENCY ACTION TAKEN BY THE EXECUTIVE DIRECTOR AND AUTHORIZING CONTINUED ACTION FOR THE EMERGENCY STORM WATER MANAGEMENT AT THE CHULA VISTA BAYFRONT INCLUDING PROCUREMENT OF A CONSULTANT TO PROVIDE DESIGN FOR THE STORM WATER MANAGEMENT REVISIONS, AND PROCUREMENT OF A CONTRACTOR TO IMPLEMENT THE STORM WATER MANAGEMENT IMPROVEMENTS
7. [2019-0002](#) ORDINANCE GRANTING A 15-YEAR LEASE WITH THREE 10-YEAR OPTIONS AND ONE 5-YEAR OPTION TO EXTEND FOR A TOTAL OF 50 YEARS TO THE SAN DIEGO SYMPHONY ORCHESTRA ASSOCIATION FOR THE BAYSIDE PERFORMANCE PARK LOCATED IN EMBARCADERO MARINA PARK SOUTH IN SAN DIEGO

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

8. [2018-0477](#) 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, 2018

ACTION AGENDA

9. [2019-0021](#) 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.
10. [2018-0532](#) WETLAND MITIGATION BANK AT POND 20, SOUTH SAN DIEGO BAY
- A) PRESENTATION AND UPDATE ON THE ENTITLEMENT PROCESS
B) RESOLUTION AUTHORIZING AMENDMENT #3 TO THE AGREEMENT WITH GREAT ECOLOGY TO SUPPORT THE DEVELOPMENT OF A MITIGATION BANK AT POND 20 IN THE AMOUNT OF \$164,500 TO ASSESS HYDRODYNAMICS IN COORDINATION WITH AN ADJACENT RESTORATION PROJECT ON REFUGE LAND, PROVIDE SEA LEVEL RISE AND HYDRUALIC MODELING, AND PREPARE A DESIGN ALTERNATIVE FOR A NEW TOTAL NOT TO EXCEED \$857,220. FUNDING FOR FISCAL YEAR 2019 IS BUDGETED
11. [2018-0531](#) PRESENTATION ON 2019-2020 PORT OF SAN DIEGO LEGISLATIVE PRIORITIES AND DIRECTION TO STAFF
12. [2019-0016](#) RESOLUTION AMENDING BOARD OF PORT COMMISSIONERS POLICY NO. 356 - LESSEES' WAGE RATES - TO COMFORM WITH EXISTING STATE LAW AND RENAME THE POLICY - PAYMENT OF PREVAILING WAGES
13. [2019-0014](#) RESOLUTION AMENDING BOARD OF PORT COMMISSIONERS POLICY NO. 360 - REQUEST FOR PROPOSALS - TO ADD LANGUAGE TO REDUCE RISKS OF DELAYS TO NEW HOTEL CONSTRUCTION AND OPERATIONS AND RELATED DIRECTION TO STAFF
14. [2018-0570](#) 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 120 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.

15. [2018-0544](#)

REVIEW AND CONSIDERATION OF DRAFT PROPOSED BOARD AGENDA FOR THE FEBRUARY 12, 2019 MEETING

OFFICER'S REPORT**16. [2019-0005](#) MONTHLY NOTIFICATION OF CHANGE ORDERS PURSUANT TO BPC POLICY NO. 110:**

A) Change Order No. 1 to Contract No. 2017-03R with Dick Miller, Inc. / \$633,927.00 Decrease & 37 Calendar Day Time Extension thru 02/14/19

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 National Oceanic and Atmospheric Administration (NOAA) for Right of Entry Permit for Annual Field Inspections and Maintenance for Water Level/Tsunami Sensor, for total amount \$1,208.00

B) Correction to December 11, 2018, File No. 2018-0540, reporting Item 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

a. Reported as \$1,358.00; correct amount of waiver was \$3,158.00

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. 1 to Lease (#57269) with HII San Diego Shipyard, Inc. / Amends Legal Entity Name from Continental Maritime of San Diego, Inc. to HII San Diego Shipyard, Inc.