



# San Diego Unified Port District

3165 Pacific Hwy.  
San Diego, CA 92101

## Meeting Agenda Board of Port Commissioners

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Tuesday, October 8, 2019

1:00 PM

Don L. Nay Port Administration Boardroom

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### REVISED AGENDA

**This agenda was updated 10/4/19 to correct listing of Item 19 - File No. 2019-0358 as a Consent Agenda Item.**

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. Closed Session Report Out.****D. Public Communications.**

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

**E. Board Committee Reports.**

- *Environmental Advisory Committee*
- *Audit Oversight Committee*
- *SANDAG Airport Connectivity Subcommittee*

**F. Commissioners' Reports.**

*No actions may be taken on these items.*

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

[2019-0409](#)

Approval of minutes for:

September 16, 2019 - CLOSED SESSION

September 16, 2019 - BPC MEETING

**CONSENT AGENDA**

1. [2019-0270](#) **RESOLUTION CONSENTING TO ASSIGNMENT AND ASSUMPTION OF AS NEEDED MARINE STRUCTURAL ENGINEERING AGREEMENT NO. 193-2016AC FROM BERGERABAM, INC. TO WSP USA, INC. DUE TO AN ACQUISITION AND MERGER**
2. [2019-0299](#) **RESOLUTION ADOPTING A MEMORANDUM OF UNDERSTANDING WITH THE CITY OF NATIONAL CITY TO PROVIDE \$900,000 IN MARITIME INDUSTRIAL IMPACT FUNDS FOR A PORTION OF SECTION FIVE OF THE BAYSHORE BIKEWAY, IN ACCORDANCE WITH BOARD OF PORT COMMISSIONERS POLICY NO. 773, RESOLUTION 2018-133, AND AS MATCH TO THE CITY OF NATIONAL CITY'S SUCCESSFUL CALIFORNIA DEPARTMENT OF TRANSPORTATION ACTIVE TRANSPORTATION GRANT APPLICATION**

3.     [2019-0319](#)     **RESOLUTION APPROVING PROCLAMATION IN RECOGNITION OF OCTOBER 2019 AS “CELEBRATION OF THE ARTS MONTH” IN SUPPORT OF NATIONAL ARTS AND HUMANITIES MONTH**
  
4.     [2019-0324](#)     **ACTIONS RELATED TO THE FY19 PORT SECURITY GRANT PROGRAM:**
  - A) RESOLUTION ACCEPTING THE FY19 PORT SECURITY GRANT PROGRAM (PSGP) AWARDS FOR A TOTAL AMOUNT OF \$1,401,743.00, REQUIRING A COST MATCH OF \$495,625.00, AND AUTHORIZING THE SAN DIEGO UNIFIED PORT DISTRICT (DISTRICT) TO ENTER INTO AGREEMENTS WITH THE U.S. DEPARTMENT OF HOMELAND SECURITY, FEDERAL EMERGENCY MANAGEMENT AGENCY (DHS/FEMA).
  - B) ORDINANCE AMENDING THE FY 19/20 BUDGET INCREASING THE NON- PERSONNEL EXPENSE (NPE) BUDGET BY \$58,326, AND THE EQUIPMENT OUTLAY AND OTHER CAPITAL PROJECTS BUDGET BY \$433,000. FUNDING FOR \$368,495 WILL BE FROM THE PSGP GRANT WHILE THE REQUIRED DISTRICT MATCH OF \$122,831 WILL BE FUNDED FROM CUMULATIVE UNRESTRICTED RESOURCES. 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.
  
5.     [2019-0325](#)     **RESOLUTION AUTHORIZING AMENDMENT NO. 3 TO THE AS-NEEDED AGREEMENTS WITH TUCKER SADLER ARCHITECTS, INC. AND SILLMAN WRIGHT ARCHITECTS FOR ARCHITECTURAL AND ADA CODE COMPLIANCE REVIEW SERVICES, INCREASING THE AGGREGATE TOTAL BY \$375,000 FROM \$750,000 TO \$1,125,000. FUNDS FOR FY 2020 HAVE BEEN BUDGETED/ FUNDS REQUIRED FOR FUTURE FISCAL YEARS WILL BE BUDGETED FOR IN THE APPROPRIATE YEAR SUBJECT TO BOARD APPROVAL UPON ADOPTION OF EACH FISCAL YEAR’S BUDGET.**
  
6.     [2019-0342](#)     **ORDINANCE AUTHORIZING THE DISTRICT’S EXECUTIVE DIRECTOR AND AUTHORIZED DESIGNEE TO GRANT FIVE (5) YEAR WAIVERS ON TENANT RENT PAYMENTS FOR ELECTRICITY CHARGES PASSED THROUGH TO SLIP RENTERS AT MARINAS AND YACHT CLUBS THAT ARE FULLY SUB-METERED**

7. [2019-0343](#) RESOLUTION AUTHORIZING AN INCREASE TO THE PURCHASE ORDER WITH GRAINGER, INC. FOR GENERAL MAINTENANCE SUPPLIES, INCREASING THE MAXIMUM AMOUNT PAYABLE UNDER THE PURCHASE ORDER BY \$400,000 FOR A NEW MAXIMUM AMOUNT OF \$980,000 AND EXTENDING THE TERMINATION DATE THROUGH DECEMBER 31, 2024. FUNDS REQUIRED FOR THE CURRENT FISCAL YEAR ARE INCLUDED IN THE APPROVED FY 2020 BUDGET. 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.
8. [2019-0357](#)
- A) RESOLUTION APPROVING AN AMENDMENT TO THE FISCAL YEAR 2019-2023 CAPITAL IMPROVEMENT PROGRAM TO ADD THE IMPERIAL BEACH PIER ENHANCEMENTS PROJECT; TO CANCEL THE COMFORT STATION AND STREET END IMPROVEMENTS AT BEACH AVENUE PROJECT; AND TRANSFER REMAINING PROJECT FUNDS of \$1,859,462.90 FROM THE COMFORT STATION AND STREET END IMPROVEMENTS AT BEACH AVENUE PROJECT TO THE IMPERIAL BEACH PIER ENHANCEMENTS PROJECT
- B) RESOLUTION APPROVING AN AMENDMENT TO THE FISCAL YEAR 2019-2023 CAPITAL IMPROVEMENT PROGRAM TO ADD THE SECURITY GATE PHYSICAL ENHANCEMENTS AT TENTH AVENUE MARINE TERMINAL PROJECT WITH A TOTAL BUDGET OF \$463,980; WITH \$347,985 TO BE FUNDED BY A DEPARTMENT OF HOMELAND SECURITY PORT SECURITY GRANT AND \$115,995 TO BE FUNDED BY THE DISTRICT'S CUMULATIVE UNRESTRICTED RESOURCES
- C) RESOLUTION APPROVING AN AMENDMENT TO THE FISCAL YEAR 2019-2023 CAPITAL IMPROVEMENT PROGRAM TO ADD THE SECURITY GATE PHYSICAL ENHANCEMENTS AT B STREET CRUISE TERMINAL PROJECT WITH A TOTAL BUDGET OF \$128,040; WITH \$96,030 TO BE FUNDED BY A DEPARTMENT OF HOMELAND SECURITY PORT SECURITY GRANT AND \$32,010 TO BE FUNDED BY THE DISTRICT'S CUMULATIVE UNRESTRICTED RESOURCES

D) RESOLUTION APPROVING AN AMENDMENT TO THE FISCAL YEAR 2019-2023 CAPITAL IMPROVEMENT PROGRAM TO INCREASE CAPITAL LABOR BY \$350,000 TO BE FUNDED BY THE DISTRICT'S CUMULATIVE UNRESTRICTED RESOURCES

E) ORDINANCE AMENDING THE Fiscal Year 2020 BUDGET INCREASING THE CAPITAL IMPROVEMENT PROGRAM APPROPRIATION BY \$942,020

9. [2019-0387](#) RESOLUTION AUTHORIZING THE CHULA VISTA BAYFRONT PROJECT FUNDING AGREEMENT BY AND AMONG THE COUNTY OF SAN DIEGO, THE CITY OF CHULA VISTA, THE SAN DIEGO UNIFIED PORT DISTRICT AND THE CHULA VISTA BAYFRONT FACILITIES FINANCING AUTHORITY FOR A \$25 MILLION CONTRIBUTION, WITH CONDITIONS
10. [2019-0389](#) ORDINANCE GRANTING AN APPROXIMATE THIRTY-NINE (39) YEAR UTILITY EASEMENT TO SAN DIEGO GAS & ELECTRIC COMPANY FOR SUBSURFACE UTILITY EQUIPMENT TO PROVIDE ELECTRICAL AND GAS SERVICE TO PORTSIDE PIER

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

11. [2019-0390](#) RESOLUTION IN ACCORDANCE WITH BOARD POLICY NO. 360, AUTHORIZING STAFF TO ISSUE A REQUEST FOR PROPOSALS FOR THE REDEVELOPMENT OF THE CROSBY STREET PIER AND ADJACENT LANDSIDE AREA SOUTH OF THE TENTH AVENUE MARINE TERMINAL OR, IN THE ALTERNATIVE, WAIVING THE REQUIREMENT FOR A COMPETITIVE PROCESS IN ACCORDANCE WITH BOARD POLICY NO. 360 AND DIRECTING STAFF TO BEGIN NEGOTIATIONS WITH AUSTAL USA IN REGARDS TO AN UNSOLICITED PROPOSAL

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

## **ACTION AGENDA**

12. [2019-0376](#) PRELIMINARY PROJECT REVIEW PRESENTATION AND DIRECTION TO STAFF REGARDING THE SUNROAD HIE HOTEL PARTNERS, L.P. (SUNROAD) DEVELOPMENT OF A 450-ROOM, SINGLE-PHASE, DUAL BRANDED HOTEL ON THE ELBOW PARCEL OF EAST HARBOR ISLAND IN THE CITY OF SAN DIEGO

13. [2019-0341](#) PRESENTATION AND DIRECTION TO STAFF ON IN-WATER HULL CLEANING POLICY APPROACHES:  
A) INFORMATIONAL UPDATE ON IN-WATER HULL CLEANING BENCHMARKING AND CONCEPTUAL MODEL UPDATE;  
B) REVIEW OF PORT DISTRICT REGULATION OF IN-WATER HULL CLEANING; AND  
C) ADDITIONAL VESSEL POLLUTION MATTERS
14. [2019-0405](#) BOARD DISCUSSION OF HOTEL WORKER RETENTION UPON CHANGE OF OWNERSHIP OR OPERATION OF HOTELS ON DISTRICT PROPERTY AND DIRECTION TO STAFF
15. [2019-0369](#) INFORMATIONAL PRESENTATION AND UPDATE ON PORT MARKETING CAMPAIGNS
16. [2019-0338](#) RESOLUTION ELECTING CHAIRPERSON, VICE CHAIRPERSON AND SECRETARY OF THE BOARD OF PORT COMMISSIONERS OF THE SAN DIEGO UNIFIED PORT DISTRICT FOR CALENDAR YEAR 2020
17. [2019-0318](#) REVIEW AND CONSIDERATION OF DRAFT PROPOSED BOARD AGENDA FOR THE NOVEMBER 5, 2019 MEETING
18. [2019-0391](#) A)PRESENTATION ON THE REDEVELOPMENT OF EAST HARBOR ISLAND  
B) PRESENTATION ON TOPGOLF INTERNATIONAL, INC. AND RESOLUTION WAIVING REQUIREMENTS FOR A COMPETITIVE PROCESS IN ACCORDANCE WITH BOARD OF PORT COMMISSIONERS POLICY NO. 360 AND DIRECTING STAFF TO ENTER INTO AN EXCLUSIVE NEGOTIATING AGREEMENT WITH TOPGOLF INTERNATIONAL, INC. THROUGH DECEMBER 31, 2020

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

#### **CONSENT AGENDA CONTINUED**

19. [2019-0358](#) RESOLUTION CONSENTING TO ASSIGNMENTS, SUBLEASE, AND MANAGEMENT AGREEMENT FOR HOST SAN DIEGO HOTEL LLC DBA SHERATON SAN DIEGO HOTEL AND MARINA (MARINA TOWER AND BAY TOWER) LOCATED AT 1380 HARBOR ISLAND DRIVE AND 1590 HARBOR ISLAND DRIVE CONDITIONED ON UPDATE OF LEASE TERMS:

**A)ASSIGNMENT AND ASSUMPTION OF LEASEHOLD INTERESTS FROM HOST SAN DIEGO HOTEL LLC, A DELAWARE LIMITED LIABILITY COMPANY DBA SHERATON SAN DIEGO HOTEL AND MARINA TO SSD HOLDINGS, LLC, A DELAWARE LIMITED LIABILITY COMPANY**

**B)5-YEAR SUBLEASE WITH TWO 5-YEAR OPTIONS FOR THE ENTIRE LEASED PREMISES BETWEEN SSD HOLDINGS, LLC, A DELAWARE LIMITED LIABILITY COMPANY AND SSD OPERATING CO., LLC, A DELAWARE LIMITED LIABILITY COMPANY**

**C)10-YEAR MANAGEMENT AGREEMENT BETWEEN SSD OPERATING CO., LLC, A DELAWARE LIMITED LIABILITY COMPANY AND SSD MANAGEMENT, LLC, A DELAWARE LIMITED LIABILITY COMPANY FOR OPERATION OF THE HOTEL**

## **OFFICER'S REPORT**

**20.     [2019-0396](#)     MONTHLY NOTIFICATION OF CHANGE ORDERS PURSUANT TO BPC POLICY NO. 110:**

None to Report

**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 County of San Diego Air Pollution Control District for San Diego Air Pollution Control District Community Air Protection Program Air Monitoring Equipment, for total amount \$1,658.00
- B) Request for User Fee Waiver Form from Sweetwater Union High School District for Facility Use Permit at National City Aquatic Center, for total amount \$500.00

**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 California Yacht Marina - Chula Vista, LLC for Rental Period Beginning 07/01/19 thru 06/30/24

**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