



San Diego Unified Port District

3165 Pacific Hwy.
San Diego, CA 92101

Meeting Agenda Board of Port Commissioners

Tuesday, November 5, 2019

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. 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.

- Seaport San Diego Development Ad Hoc Committee
- Accessibility Advisory Committee

F. Commissioners' Reports.

No actions may be taken on these items.

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

[2019-0436](#)

Approval of minutes for:

October 8, 2019 - CLOSED SESSION

October 8, 2019 - BPC MEETING

October 25, 2019 - SPECIAL CLOSED SESSION

CONSENT AGENDA

1. [2019-0301](#) RESOLUTION CONSENTING TO A SUBLEASE BETWEEN HYATT CORPORATION, AS AGENT OF HST SAN DIEGO HH LP, A DELAWARE LIMITED PARTNERSHIP (DBA MANCHESTER GRAND HYATT SAN DIEGO), AND MOBILITIE MANAGEMENT, LLC, A DELAWARE LIMITED LIABILITY COMPANY, TO INSTALL, OPERATE, AND MAINTAIN A MULTI-CARRIER, NEUTRAL HOST DISTRIBUTED ANTENNA SYSTEM AND/OR SIMILAR SYSTEM, FOR A TEN-YEAR TERM WITH ONE TEN-YEAR OPTION TO EXTEND (SUBLEASE) AND POTENTIAL FUTURE SUBLEASE OR SUBLICENSE OF THE NETWORK TO SPECIFIC CARRIERS (AT&T, VERIZON, T-MOBILE, OR SPRINT)
2. [2019-0327](#) RESOLUTION SELECTING AND AUTHORIZING AN AGREEMENT WITH APEX COMPANIES LLC FOR AS-NEEDED CHULA VISTA BAYFRONT STORM WATER POLLUTION PREVENTION PLAN (SWPPP) SERVICES FOR AN AGGREGATE AMOUNT NOT TO EXCEED

\$633,269 FOR A PERIOD OF THREE YEARS. FUNDS WILL BE SOURCED FROM THE SITE PREPARATION AT CHULA VISTA BAYFRONT PROJECT IN THE FY 2019-2023 CAPITAL IMPROVEMENT PROGRAM.

3. [2019-0364](#) RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AWARDING CONTRACT NO. 2019-04 TO BELLINGHAM MARINE INDUSTRIES IN THE AMOUNT OF \$1,882,623.00 (BASE BID AND ADDITIVE BID) FOR THE DOCK 2 REPLACEMENT & DOCK 3 REPAIR AT TUNA HARBOR PROJECT AS AUTHORIZED BY THE BOARD IN THE FISCAL YEAR 2020 MAJOR MAINTENANCE BUDGET
4. [2019-0368](#) RESOLUTION CONSENTING TO AMENDMENT NO. 1 TO SUBLEASE BETWEEN LFS DEVELOPMENT, LLC, DBA INTERCONTINENTAL SAN DIEGO, AND STOIC HOLDINGS, INC., TO INCREASE THE TERM FROM A TEN-YEAR TERM WITH TWO FIVE-YEAR OPTIONS TO A TEN-YEAR AND FIVE-MONTH TERM WITH TWO FIVE-YEAR OPTIONS
5. [2019-0372](#) RESOLUTION AUTHORIZING A PURCHASE AGREEMENT WITH 72 HOUR LLC, DBA NATIONAL AUTO FLEET GROUP, FOR THE PURCHASE OF NINE VEHICLES CONSISTING OF SEVEN RENEWABLE DIESEL VEHICLES AND TWO GASOLINE POWERED VEHICLES IN AN AMOUNT NOT TO EXCEED \$700,000. FUNDS FOR FISCAL YEAR 2020 HAVE BEEN BUDGETED
6. [2019-0375](#) CAPITAL IMPROVEMENT PROGRAM
 - A) ORDINANCE AMENDING THE FISCAL YEAR (FY) 2020 BUDGET INCREASING THE FY 2020 CAPITAL IMPROVEMENT PROGRAM (CIP) APPROPRIATION BY \$2,300,000 FROM DISTRICT'S CUMULATIVE UNRESTRICTED RESOURCES
 - B) RESOLUTION APPROVING AN AMENDMENT TO THE FY 2019-2023 CIP TO INCREASE THE SITE PREPARATION AT CHULA VISTA BAYFRONT PROJECT BUDGET BY \$2,000,000 TO BE FUNDED FROM THE DISTRICT'S CUMULATIVE UNRESTRICTED RESOURCES
 - C) RESOLUTION APPROVING AN AMENDMENT TO THE FY 2019-2023 CIP TO INCREASE CAPITAL LABOR BY \$300,000 IN SUPPORT OF THE SITE PREPARATION AT CHULA VISTA BAYFRONT PROJECT TO BE FUNDED FROM THE DISTRICT'S CUMULATIVE UNRESTRICTED RESOURCES
7. [2019-0378](#) MAJOR MAINTENANCE PROGRAM
 - A) RESOLUTION APPROVING TRANSFER OF FUNDS WITHIN THE

FISCAL YEAR 2020 BUDGET FROM THE EXPENSE MAJOR MAINTENANCE APPROPRIATION TO THE CAPITAL MAJOR MAINTENANCE APPROPRIATION IN THE AMOUNT OF \$250,000 PURSUANT TO BPC POLICY NO. 90.

B) RESOLUTION APPROVING A PROJECT BUDGET INCREASE OF \$275,000 FOR THE FENDER SYSTEM UPGRADE AT NORTH BERTH OF B STREET PIER PURSUANT TO BPC POLICY NO. 130.

8. [2019-0379](#) RESOLUTION APPROVING AN AMENDMENT TO THE CALENDAR YEAR 2019 ANNUAL WORK PLAN FOR THE ENVIRONMENTAL ADVISORY COMMITTEE TO INCLUDE THE PORT MASTER PLAN UPDATE ECOLOGY ELEMENT PURSUANT TO THE BOARD OF PORT COMMISSIONERS (BPC) POLICY NO. 018, BOARD ADVISORY COMMITTEES

9. [2019-0380](#) RESOLUTION AUTHORIZING AMENDMENT NO. 6 TO AGREEMENT 244-2016AC WITH GREAT ECOLOGY TO SUPPORT THE DEVELOPMENT OF A MITIGATION BANK AT POND 20 IN THE AMOUNT OF \$117,569 TO COMPLETE HYDRODYNAMIC MODELING AND FINALIZE THE ARMY CORPS OF ENGINEERS BANKING ENABLING INSTRUMENT INCLUDING REVISIONS BASED ON COMMENTS FROM THE INTERAGENCY REVIEW TEAM FOR A NEW TOTAL NOT TO EXCEED \$983,789 AND EXTENDING THE AGREEMENT UNTIL MARCH 31, 2020. FUNDING FOR FISCAL YEAR 2020 IS BUDGETED

10. [2019-0384](#) RESOLUTION AUTHORIZING AMENDMENT NO. 7 TO AGREEMENT WITH NMS MANAGEMENT, INC. FOR JANITORIAL SERVICES, INCREASING THE MAXIMUM AMOUNT PAYABLE UNDER THE AGREEMENT BY \$80,000 FOR A NEW MAXIMUM AMOUNT OF \$3,298,600 FOR ADDITIONAL AS NEEDED JANITORIAL SERVICES. FUNDS FOR FISCAL YEAR 2020 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.

11. [2019-0439](#) ORDINANCE ACCEPTING QUITCLAIM DEED FROM SEAPORT VILLAGE OPERATING CO., LLC FOR APPROXIMATELY 575,186 SQUARE FEET OF PROPERTY LOCATED AT 849 WEST HARBOR DRIVE IN THE CITY OF SAN DIEGO, COMMONLY KNOWN AS "SEAPORT VILLAGE"

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

12. [2019-0434](#) RESOLUTION ESTABLISHING THE BOARD OF PORT COMMISSIONERS' REGULAR MEETING DATES FOR CALENDAR YEAR 2020
13. [2019-0406](#) RESOLUTION AUTHORIZING AN AGREEMENT WITH THE SAN DIEGO NATURAL HISTORY MUSEUM FOR MONITORING, MANAGEMENT, AND PREDATOR CONTROL SERVICES FOR THE ENDANGERED CALIFORNIA LEAST TERN AND THREATENED WESTERN SNOWY PLOVER NESTING SITE AT THE D STREET FILL IN AN AMOUNT NOT TO EXCEED \$483,515 FOR FIVE YEARS TO DECEMBER 31, 2024. FUNDING FOR FISCAL YEAR 2020 IS BUDGETED. 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
14. [2019-0414](#) SEAPORT VILLAGE:
- A) ORDINANCE GRANTING A LEASE TO MIKE HESS BREWING CO, LLC, (MIKE HESS BREWING) FOR A CRAFT BEER TASTING ROOM AND BONA-FIDE EATING ESTABLISHMENT LOCATED AT 849 W. HARBOR DRIVE, SUITE W-14E 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 SIGNORE MOTO CORPORATION DBA MR. MOTO PIZZA (MR. MOTO PIZZA) FOR A PIZZERIA LOCATED AT 849 W. HARBOR DRIVE, SUITE W-14C IN SAN DIEGO FOR A 10.5-YEAR TERM PLUS TWO 2-YEAR OPTIONS (FOR A TOTAL POTENTIAL TERM OF 14.5 YEARS)
- C) ORDINANCE GRANTING A LEASE TO STB & POT HEAD COFFEE SEAPORT LLC DBA SPILL THE BEANS (SPILL THE BEANS) FOR A SPECIALTY COFFEE AND BAGEL SHOP LOCATED AT 849 W. HARBOR DRIVE, SUITE C-7 IN SAN DIEGO FOR A 10-YEAR TERM
- D) RESOLUTION AUTHORIZING AMENDMENT NO. 2 TO THE AGREEMENT WITH R.I. PROPERTIES, INC., DBA RETAIL INSITE (RETAIL INSITE) FOR COMMERCIAL REAL ESTATE BROKER SERVICES FOR SEAPORT VILLAGE TO AMEND THE COMMISSION FEE STRUCTURE FOR LEASES OF MORE THAN FIVE YEARS, AND WAIVING BOARD OF PORT COMMISSIONERS POLICY NO. 114 PAYMENT OF COMMISSIONS FOR THE LEASING OF TIDELANDS
15. [2019-0419](#) RESOLUTION AUTHORIZING AMENDED AND RESTATED REVENUE SHARING AGREEMENT WITH THE CITY OF CHULA VISTA, WITH CONDITIONS
16. [2019-0422](#) RESOLUTION AUTHORIZING (A) JOINT COMMUNITY FACILITIES

AGREEMENT WITH THE CITY OF CHULA VISTA FOR THE BAYFRONT PROJECT SPECIAL TAX FINANCING DISTRICT, WITH CONDITIONS; AND (B) THE VOTE OF THE DISTRICT IN FAVOR OF THE BAYFRONT PROJECT SPECIAL TAX FINANCING DISTRICT, WITH CONDITIONS

17. [2019-0205](#) RESOLUTION APPROVING AMENDMENT TO THE EMPLOYMENT AGREEMENT FOR THE EXECUTIVE DIRECTOR (PRESIDENT/CEO)
18. [2019-0348](#) RESOLUTION AUTHORIZING A SPONSORSHIP AGREEMENT WITH H.P. PURDON & COMPANY RELATED TO THE 2020 PORT OF SAN DIEGO JULY 4TH BIG BAY BOOM FIREWORKS SHOW IN AN AMOUNT NOT TO EXCEED \$190,000 IN FUNDING AND UP TO \$140,000 IN DISTRICT SERVICES; FY20 EXPENDITURES ARE BUDGETED.

ACTION AGENDA

19. [2019-0377](#) PRESENTATION OF SERVICE AWARDS TO EMPLOYEES WITH 15 OR MORE YEARS OF SERVICE
20. [2019-0310](#) PRESENTATION ON TOPGOLF INTERNATIONAL, INC., DBA TOPGOLF ENTERTAINMENT GROUP AND RESOLUTION WAIVING THE REQUIREMENT FOR A COMPETITIVE SOLICITATION PROCESS, AS PERMITTED BY BOARD OF PORT COMMISSIONERS POLICY NO. 360, AND DIRECTING STAFF TO NEGOTIATE AND ENTER INTO AN EXCLUSIVE NEGOTIATING AGREEMENT WITH TOPGOLF INTERNATIONAL, INC., DBA TOPGOLF ENTERTAINMENT GROUP, TO RUN THROUGH DECEMBER 31, 2020
21. [2019-0353](#) PRESENTATION ON THE MAJOR MAINTENANCE PROGRAM AND PREVIEW OF A WEB-BASED REPORTING DASHBOARD UNDER DEVELOPMENT
22. [2019-0392](#) REVIEW AND CONSIDERATION OF DRAFT PROPOSED BOARD AGENDA FOR THE DECEMBER 10, 2019 MEETING

OFFICER'S REPORT**23. [2019-0437](#) OFFICER'S REPORT**

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

- A) Change Order No. 1 to Contract No. 2018-03 with Dick Miller, Inc. / 28 Calendar Day Time Extension thru 06/30/20
- B) Change Order No. 1 to Contract No. 2019-11 with Bellingham Marine Industries, Inc. / Increases Contract by \$1,681.00
- C) Change Order No. 1 to Contract No. 2018-08 with ABM Building Services, LLC / 86 Calendar Day Time Extension thru 06/28/19
- D) Change Order No. 1 to Contract No. 2018-09 with ABM Building Services, Inc. / 26 Calendar Day Time Extension thru 06/28/19

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 e3 Civic High for Facility Use Permit at National City Aquatic Center for Aquatic, Rowing and Physical Education High School Classes, 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:

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