



San Diego Unified Port District

3165 Pacific Hwy.
San Diego, CA 92101

Meeting Agenda Board of Port Commissioners

Tuesday, December 10, 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
- Maritime Stakeholder Forum

F. Commissioners' Reports.

No actions may be taken on these items.

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

[2019-0495](#)

Approval of minutes for:

November 5, 2019 - CLOSED SESSION

November 5, 2019 - BPC MEETING

November 25, 2019 - SPECIAL CLOSED SESSION

CONSENT AGENDA

1. [2019-0155](#)

ORDINANCES APPROVING:

A) AGREEMENT FOR AMENDMENT OF LEASE AMENDMENT NO. 1 TO THE LEASE WITH THE BRIGANTINE, INC. DBA PORTSIDE PIER AT 1360 NORTH HARBOR DRIVE IN THE CITY OF SAN DIEGO TO: RETROACTIVELY MODIFY MINIMUM ANNUAL RENT FROM \$733,333 TO \$550,000 FOR LEASE YEAR 2 FROM MAY 1, 2019 THROUGH APRIL 30, 2020, MODIFY MINIMUM ANNUAL RENT FROM \$1,100,000 TO \$1,130,000 FOR LEASE YEARS 3 TO 10 FROM MAY 1, 2020 TO APRIL 30, 2029, EXTEND THE CONSTRUCTION COMPLETION DEADLINE FROM DECEMBER 31, 2019 TO AUGUST 31, 2020; AND TENANT TO PAY FOR THE REMOVAL OR RELOCATION OF UTILITY IMPROVEMENTS; AND

B) AN APPROXIMATELY THIRTY-EIGHT (38) YEAR EASEMENT

FOR UTILITY PURPOSES TO SAN DIEGO GAS & ELECTRIC COMPANY FOR ELECTRICAL AND NATURAL GAS FACILITIES TO BE LOCATED NEAR HARBOR DRIVE AND ASH STREET IN THE CITY OF SAN DIEGO, CALIFORNIA COMMENCING JANUARY 11, 2020 AND ENDING ON APRIL 30, 2058

2. [2019-0410](#) RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AWARDING CONTRACT NO. 2017-07 TO SDSTATURE IN THE AMOUNT OF \$279,000.00 FOR THE STORAGE MODIFICATIONS AT HARBOR POLICE HEADQUARTERS ANNEX PROJECT, AS AUTHORIZED BY THE BOARD IN THE FISCAL YEAR 2020 EQUIPMENT OUTLAY AND OTHER CAPITAL PROJECTS APPROPRIATION

3. [2019-0418](#) RESOLUTION SELECTING AND AUTHORIZING THREE-YEAR AGREEMENTS WITH KATZ & ASSOCIATES, INC.; MOORE IACOFANO GOLTSMAN, INC.; NUFFER, SMITH, TUCKER, INC.; AND SOUTHWEST STRATEGIES, LLC FOR AS-NEEDED STRATEGIC COMMUNICATIONS CONSULTING SERVICES FOR AN AGGREGATE AMOUNT NOT TO EXCEED \$700,000 BEGINNING ON JANUARY 1, 2020 AND ENDING DECEMBER 31, 2022. FUNDS FOR FISCAL YEAR 2020 HAVE BEEN 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 BUDGET.

4. [2019-0446](#) RESOLUTION SELECTING AND AUTHORIZING AN AGREEMENT WITH ADEPT PROCESS SERVICES, INC. FOR REPOWERING THREE SAFE BOATS AND PURCHASING ONE SPARE ENGINE IN AN AMOUNT NOT TO EXCEED \$240,000. GRANT FUNDS THROUGH THE DEPARTMENT OF HOMELAND SECURITY 2018 PORT SECURITY GRANT PROGRAM WILL PROVIDE \$149,250, WITH THE REMAINING AMOUNT OF \$90,441.57 FUNDED BY THE DISTRICT. ALL FUNDS HAVE BEEN BUDGETED IN FISCAL YEAR 2020.

5. [2019-0459](#) RESOLUTION AUTHORIZING THE GENERAL COUNSEL TO EXECUTE AMENDMENT NO. 2 TO THE AGREEMENT FOR LEGAL SERVICES WITH ORRICK, HERRINGTON & SUTCLIFFE LLP INCREASING THE MAXIMUM AMOUNT BY \$540,000 FROM \$466,400 TO \$1,006,400 AND AMENDMENT NO. 2 TO THE AGREEMENT FOR EXPERT LEGAL SERVICES WITH WINDWARD ENVIRONMENTAL LLC INCREASING THE MAXIMUM AMOUNT BY

\$120,000 FROM \$210,000 TO \$330,000. FY 2020 EXPENDITURES ARE BUDGETED.

6. [2019-0480](#) **RESOLUTION AUTHORIZING SINGLE SOURCE SERVICE AGREEMENT WITH SOMA GLOBAL, LLC, NOT TO EXCEED \$392,500 FOR COMPUTER-AIDED DISPATCH AND POLICE MOBILE SOFTWARE AS A SERVICE SOLUTION IMPLEMENTATION AND SUBSCRIPTION INCLUDING MUTUAL INDEMNIFICATION FOR USE THROUGH FY2022 WITH A FIVE-YEAR TOTAL COST OF OWNERSHIP OF \$575,450. FY2020 EXPENDITURES ARE 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.**
7. [2019-0490](#) **RESOLUTION APPROVING AN AMENDMENT TO THE EMPLOYMENT AGREEMENT FOR THE GENERAL COUNSEL**
8. [2019-0491](#) **RESOLUTION BY A 4/5 VOTE RATIFYING THE EXECUTIVE DIRECTOR'S EMERGENCY DECLARATION AND AUTHORIZING CONTINUED ACTION FOR THE EMERGENCY SINKHOLE REPAIR AT PEPPER PARK IN NATIONAL CITY INCLUDING PROCUREMENT OF A CONTRACTOR TO IDENTIFY THE CAUSE OF UNDERGROUND FAILURE, DETERMINE THE SEVERITY OF THE DAMAGE, AND MAKE REPAIRS.**

PUBLIC HEARING AGENDA

9. [2019-0477](#) **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.
10. [2019-0421](#) **CONDUCT PUBLIC HEARING AND ADOPT AN ORDINANCE AMENDING SAN DIEGO UNIFIED PORT DISTRICT CODE ARTICLE 8, SECTION 8.05 - VENDING AND PERFORMING, REGULATED - TO CLARIFY THE INFORMATION ABOUT THE SUITABILITY OF SPECIFIC PUBLIC LOCATIONS OF THE TIDELANDS FOR CONDUCTING VENDING AND PERFORMING, AND TO REVISE THE DESIGNATED AREAS AND ALLOTTED SPACES FOR AUTHORIZED VENDING AND PERFORMING CONSISTENT WITH NEWLY ENACTED GOVERNMENT CODE SECTION 51036, ET SEQ.**

ACTION AGENDA

11. [2019-0388](#) **PRESENTATION OF THE SAN DIEGO UNIFIED PORT DISTRICT
EQUAL OPPORTUNITY PROGRAM ANNUAL REPORT FOR
FISCAL YEAR 18/19**
12. [2019-0442](#) **ORDINANCE REGARDING HOTEL WORKER RETENTION ON
DISTRICT PROPERTY**
13. [2019-0415](#) **PRESENTATION OF THE HARBOR DRIVE MULTIMODAL
CORRIDOR STUDY AND DIRECTION TO STAFF**
14. [2019-0461](#) **STAFF PRESENTATION AND RESOLUTION AUTHORIZING
EXECUTIVE DIRECTOR AND/OR HER DESIGNATED
REPRESENTATIVE TO SIGN THE JOINT RESOLUTION OF STATE
AND LOCAL STAKEHOLDERS RECOMMENDING PROJECT
ALTERNATIVES AND FEDERAL ACTIONS TO ELIMINATE
DETRIMENTAL TRANSBOUNDARY FLOWS OF WASTES IN THE
TIJUANA RIVER VALLEY**
15. [2019-0427](#) **PRESENTATION AND RESOLUTION AUTHORIZING AGREEMENT
WITH BLUE SOURCE, LLC FOR LOW CARBON FUEL
STANDARD (LCFS) CONSULTANT SERVICES FOR A TERM OF
UP TO FIVE YEARS**
16. [2019-0471](#) **ADOPT AN ORDINANCE AMENDING SECTION 4.37 OF THE SAN
DIEGO UNIFIED PORT DISTRICT CODE RELATING TO THE
REGULATION OF CHARTER VESSEL OPERATIONS IN SAN
DIEGO BAY AND DISTRICT TIDELANDS**

The Board will consider staff's request to continue this item to a future Board meeting.
17. [2019-0470](#) **RESOLUTION APPOINTING A COMMISSIONER OF THE BOARD
OF PORT COMMISSIONERS TO THE GOVERNING BOARD OF
THE CONVENTION CENTER EXPANSION FINANCING
AUTHORITY**
18. [2019-0425](#) **REVIEW AND CONSIDERATION OF DRAFT PROPOSED BOARD
AGENDA FOR THE JANUARY 9, 2020 MEETING**

OFFICER'S REPORT**19. [2019-0487](#)****MONTHLY NOTIFICATION OF CHANGE ORDERS PURSUANT TO BPC POLICY NO. 110:****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 ecoSPEARS, Inc. for ecoSPEARS Pilot Project - Sampling, for total amount \$4,308.00
- B) Request for User Fee Waiver Form from San Diego Association of Governments (SANDAG) for Bayshore Bikeway Right of Entry License Agreements, for total amount \$500.00
- C) Request for User Fee Waiver Form from Sunken Seaweed, LLC for TUOP for Sunken Seaweed Blue Economy Project, 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 Shelter Island, Inc. dba Bali Hai for Rental Period Beginning 01/01/20 thru 12/31/29

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