



San Diego Unified Port District

3165 Pacific Hwy.
San Diego, CA 92101

Meeting Agenda Board of Port Commissioners

Tuesday, February 11, 2020

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.**F. Commissioners' Reports.**

No actions may be taken on these items.

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

[2020-0012](#) Approval of minutes for:

January 9, 2020 - BPC MEETING

CONSENT AGENDA

1. [2019-0309](#) A) RESOLUTION AUTHORIZING AMENDMENT NO. 4 TO AGREEMENT WITH DELOITTE CONSULTING, LLP IN AN AMOUNT NOT TO EXCEED \$1,805,000.00 FOR SALESFORCE IMPLEMENTATION SERVICES, CONDITIONED UPON THE APPROVAL OF ITEM B; AND

B) RESOLUTION APPROVING TRANSFER OF FUNDS WITHIN THE FISCAL YEAR 2020 BUDGET IN THE AMOUNT OF \$1,264,000 FROM THE PERSONNEL APPROPRIATION TO THE TECHNOLOGY MANAGEMENT PROGRAM APPROPRIATION IN ACCORDANCE WITH BOARD POLICY NO. 090, AND CONDITIONED UPON THE APPROVAL OF ITEM A.
2. [2019-0479](#) RESOLUTION RESCINDING BOARD OF PORT COMMISSIONERS POLICY NO. 451: USE OF THE DISTRICT'S PORTABLE STAGE
3. [2019-0492](#) RESOLUTION SELECTING AND AUTHORIZING AGREEMENTS WITH WOOD ENVIRONMENT & INFRASTRUCTURE SOLUTIONS, INC., DUDEK, AND WESTON SOLUTIONS FOR AS-NEEDED ENVIRONMENTAL ANALYTICAL SERVICES SUCH AS SEDIMENT AND WATER SAMPLE COLLECTION, LABORATORY AND TECHNICAL

ANALYSIS, AND TECHNICAL REPORTING, IN AN AGGREGATE AMOUNT NOT TO EXCEED \$1,500,000 FOR A PERIOD OF THREE YEARS. FY 2020 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

4. [2019-0500](#) PAVEMENT IMPROVEMENTS AT SHELTER ISLAND PARKING LOTS PROJECT:
 - A. RESOLUTION REJECTING BID PROTEST FROM TC CONSTRUCTION COMPANY, INC. AGAINST MVC ENTERPRISES INC.
 - B. RESOLUTION REJECTING BID PROTEST FROM EAGLE PAVING COMPANY, INC. AGAINST TC CONSTRUCTION COMPANY, INC.
 - C. RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AWARDED CONTRACT NO. 2019-15 TO MVC ENTERPRISES INC. IN THE AMOUNT OF \$789,700.00 (BID SCHEDULES A AND B) FOR THE PAVEMENT IMPROVEMENTS AT SHELTER ISLAND PARKING LOTS PROJECT, AS AUTHORIZED BY THE BOARD IN THE FY19/20 MAJOR MAINTENANCE PROGRAM.
5. [2019-0501](#) RESOLUTION SELECTING AND AUTHORIZING FIVE-YEAR AGREEMENTS WITH CLOCKWORK MEDIA, LLC; DARIN STUART FONG DBA DARIN FONG PHOTOGRAPHY; GOAL PRODUCTIONS, INC. AND MICHAEL WATSON DBA VIDEO APPROACH FOR AS-NEEDED VIDEO AND PRODUCTION SERVICES FOR AN AGGREGATE AMOUNT NOT TO EXCEED \$450,000 BEGINNING ON FEBRUARY 12, 2020 AND ENDING FEBRUARY 12, 2025. 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.
6. [2019-0503](#) A) RESOLUTION APPROVING A PROJECT BUDGET INCREASE OF \$425,000 FOR THE DEFERRED MAINTENANCE - SEAPORT VILLAGE PROJECT PURSUANT TO BPC POLICY NO. 130.
 - B) Resolution rejecting bid protest from erc roofing & waterproofing against urban corps of san diego county.
 - C) RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AWARDED CONTRACT NO 2019-17 TO URBAN CORPS OF SAN DIEGO COUNTY IN THE AMOUNT OF \$598,397.00 FOR THE MAINTENANCE REPAIRS AT VARIOUS SEAPORT VILLAGE

BUILDINGS PROJECT (BID SCHEDULES A, B AND C), A SUBPROJECT OF THE DEFERRED MAINTENANCE - SEAPORT VILLAGE PROJECT, AS AUTHORIZED BY THE BOARD IN THE FY 2020 MAJOR MAINTENANCE PROGRAM.

7. [2019-0507](#) RESOLUTION CONSENTING TO THE CREATION OF A NEW BUSINESS ENTITY, IL FORNAIO (AMERICA), LLC AS SUBLESSEE TO FERRY LANDING ASSOCIATES, LLC, A CALIFORNIA LIMITED LIABILITY COMPANY, AND AN ASSIGNMENT OF THE OWNERSHIP INTEREST OF IFCB HOLDING CORPORATION, A DELAWARE CORPORATION, IN IL FORNAIO (AMERICA), LLC TO CREATE RESTAURANTS HOLDINGS, INC., A JAPANESE CORPORATION AND CREATE RESTAURANTS NY INC., A NEW YORK CORPORATION, TO CONTINUE OPERATING IL FORNAIO RESTAURANT FOR THE REMAINDER OF THE TERM OF THE SUBLEASE THROUGH NOVEMBER 1, 2028, IF ALL EXTENSIONS ARE EXERCISED.
8. [2020-0020](#) RESOLUTION AUTHORIZING PROCUREMENT OF FIVE YEARS OF ANNUAL SUBSCRIPTION SERVICES AND SUPPORT FROM SHI INTERNATIONAL CORP. FOR ENTERPRISE VULNERABILITY MANAGEMENT SUBSCRIPTION NOT TO EXCEED \$45,000.00, FOR A 5-YEAR TOTAL COST OF OWNERSHIP OF \$212,565.56 AND AUTHORIZING ADDITIONAL SUBSCRIPTION AND SUPPORT RENEWAL FOR FUTURE YEARS AT THE EXECUTIVE DIRECTOR'S DISCRETION PURSUANT TO BOARD POLICY NO. 110 SECTIONS III.F AND II.U. FUNDS REQUIRED FOR FUTURE YEARS 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.
9. [2019-0516](#) ORDINANCE GRANTING AMENDMENT NO. 4 TO CONDITIONAL AGREEMENT WITH MITSUBISHI CEMENT CORPORATION TO EXTEND THE TERM OF THE CONDITIONAL AGREEMENT FOR THE PROPOSED CEMENT IMPORT TERMINAL IN WAREHOUSE C AT THE TENTH AVENUE MARINE TERMINAL, IN SAN DIEGO
10. [2020-0062](#) RESOLUTION AUTHORIZING ISSUANCE OF A NON-APPEALABLE COASTAL DEVELOPMENT PERMIT TO THE DISTRICT FOR THE REPLACEMENT OF NIGHT-LIGHTING FIXTURES AT VARIOUS LOCATIONS ON DISTRICT TIDELANDS
- Board action is no longer required for this item.
11. [2019-0524](#) RESOLUTION AUTHORIZING ACCEPTANCE OF GRANT FUNDS FROM

THE STATE OF CALIFORNIA NATURAL RESOURCES AGENCY, DEPARTMENT OF PARKS AND RECREATION, DIVISION OF BOATING AND WATERWAYS (DBW) FOR THE FY 2019/2020 SURRENDERED AND ABANDONED VESSEL EXCHANGE (SAVE) PROGRAM IN THE AMOUNT OF \$200,000 AND GRANTING INDEMNITY

12. [2020-0009](#) RESOLUTION AUTHORIZING THE GENERAL COUNSEL TO EXECUTE AMENDMENT NO. 2 TO THE AGREEMENT FOR EXPERT LEGAL SERVICES WITH KLEINFELDER, INC. INCREASING THE MAXIMUM AMOUNT BY \$90,000 FROM \$275,000 TO \$365,000, AMENDMENT NO. 3 TO THE AGREEMENT FOR EXPERT LEGAL SERVICES WITH WINDWARD ENVIRONMENTAL, LLC. INCREASING THE MAXIMUM AMOUNT BY \$60,000 FROM \$330,000 TO \$390,000, AND AMENDMENT NO. 1 TO THE AGREEMENT FOR LEGAL SERVICES WITH COLANTUONO, HIGHSMITH & WHATLEY, P.C. INCREASING THE MAXIMUM AMOUNT BY \$120,000 FROM \$175,000 TO \$295,000. FY 2020 EXPENDITURES ARE BUDGETED.
13. [2020-0019](#) RESOLUTION WAIVING BOARD OF PORT COMMISSIONERS (BPC) POLICY 018-A, SECTION 3 TO ALLOW THREE COMMISSIONERS TO SERVE AS FACILITATORS FOR THE MARITIME STAKEHOLDER FORUM DURING 2020
14. [2019-0486](#) RESOLUTION REJECTING ALL BIDS RECEIVED ON DECEMBER 19, 2019, FOR CONTRACT NO. 2019-34 FOR THE SAN DIEGO-CORONADO BAY BRIDGE ARTISTIC LIGHTING MOCK-UP TEST AND AUTHORIZING AGREEMENT NO. 10-2020MA WITH SOUTHERN CONTRACTING COMPANY IN THE AMOUNT OF \$744,692.00 FOR THE SAN DIEGO-CORONADO BAY BRIDGE ARTISTIC LIGHTING MOCK-UP TEST IN ACCORDANCE WITH BOARD POLICY NO. 110, SECTIONS II AND III. FY20 EXPENDITURES ARE BUDGETED AND WILL BE FUNDED FROM THE PUBLIC ART FUND AS NEEDED, WHICH WILL BE REIMBURSED/REPLENISHED FROM DONATIONS AND IN-LIEU PERCENT FOR ART CONTRIBUTIONS AS THEY ARE RECEIVED PURSUANT TO BPC POLICY NO. 608. FUNDS REQUIRED FOR FUTURE FISCAL YEARS WILL BE BUDGETED IN THE APPROPRIATE FISCAL YEAR, SUBJECT TO BOARD APPROVAL UPON ADOPTION OF THAT FISCAL YEAR'S BUDGET.

ACTION AGENDA

15. [2019-0519](#) PRESENTATION OF SERVICE AWARDS TO EMPLOYEES WITH 15 OR MORE YEARS OF SERVICE
16. [2020-0007](#) RESOLUTION AUTHORIZING THE DISTRICT TO ENTER INTO A "MEMORANDUM OF UNDERSTANDING REGARDING MAJOR

REGIONAL PROJECTS" WITH THE SAN DIEGO ASSOCIATION OF GOVERNMENTS, SAN DIEGO County Regional AIRPORT AUTHORITY, AND CITY OF SAN DIEGO

17. [2020-0015](#) PRESENTATION AND DIRECTION TO STAFF REGARDING TOPGOLF AND EAST HARBOR ISLAND - RECOMMENDED CONFIGURATION OF PUBLIC SPACE AND DEVELOPMENT SITES AS FOLLOW UP TO PREVIOUS BOARD DIRECTION
18. [2019-0489](#) REVIEW AND CONSIDERATION OF DRAFT PROPOSED BOARD AGENDA FOR THE MARCH 10, 2020 MEETING

OFFICER'S REPORT

19. [2020-0065](#) OFFICER'S REPORT

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

A) Change Order No. 1 to Contract No. 2018-19 with Bellingham Marine Industries, Inc. / Increases Contract by \$49,570.20

B) Change Order No. 1 to Contract No. 2019-20 with SoCal Building & Restoration, Inc. dba SoCal Building Group / \$22,000.00 Increase & 45 Calendar Day Time Extension thru 02/10/20

C) Change Order No. 2 to Contract No. 2019-20 with SoCal Building & Restoration, Inc. dba SoCal Building Group / Scope of Work Change Only

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 City of Imperial Beach for The Elkwood Parking Lot TUOP, for total amount \$1,358.00

B) Request for User Fee Waiver Form from City of Imperial Beach for The Palm Parking Lot TUOP, for total amount \$3,158.00

C) Request for User Fee Waiver Form from National University Polytechnic Institute for Commercial Diver Training, for total amount \$550.00

D) Request for User Fee Waiver Form from Rentunder Holding AB for Drive-In Boat Wash Demonstration Project, for total amount \$1,308.00

E) Request for User Fee Waiver Form from PNF-SDP, LLC dba Park 'N

Fly for Tideland Use and Occupancy Permit (TUOP) - Amendment No. 4,
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