



San Diego Unified Port District

3165 Pacific Hwy.
San Diego, CA 92101

Meeting Agenda Board of Port Commissioners

Tuesday, June 23, 2020

1:00 PM

Don L. Nay Port Administration Boardroom

******Pursuant to Governor Newsom's Executive Order N-29-20 pertaining to the convening of public meetings in response to the COVID-19 pandemic, the BOARD OF PORT COMMISSIONERS (BOARD) hereby provides notice that it will hold a regular meeting of the BOARD. The COMMISSIONERS will attend the meeting and participate remotely to the same extent as if they were present.**

Due to Governor Newsom's Executive Order, the Board Chambers will remain closed to the public.

**MEMBERS OF THE PUBLIC MAY VIEW THIS MEETING VIA LIVESTREAM at:
<https://portofsandiego.legistar.com/Calendar.aspx>**

REMOTE PUBLIC COMMENT IS AVAILABLE FOR THIS MEETING DOING ONE OF THE FOLLOWING

NO LATER THAN 11:00 AM ON TUESDAY, JUNE 23, 2020:

- 1. Call 619-736-2155 and leave a brief voicemail message (no longer than 3 minutes) that will be played during the meeting.**
- 2. Email a request to provide live comment to PublicRecords@portofsandiego.org to receive a link to participate in the meeting to provide live comments. ***
- 3. Submit written comments to PublicRecords@portofsandiego.org which will be forwarded to the Board and included in the agenda-related materials record for the meeting.**

*** The Port of San Diego is not responsible for the member of the public's internet connections or technical ability to participate in the meeting. It is highly recommended that you use voicemail rather than provide live comment.**

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.

A. Roll Call.

B. Closed Session Report Out.**C. Public Communications.**

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

D. Board Committee Reports.

- *Audit Oversight Committee*
- *Environmental Advisory Committee*
- *2020 Budget Impact Ad Hoc Committee*

E. Commissioners' Reports.

No actions may be taken on these items.

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

[2020-0230](#)

Approval of minutes for:

May 19, 2020 - CLOSED SESSION

May 19, 2020 - BPC MEETING

CONSENT AGENDA

1. [2019-0511](#) RESOLUTION SELECTING AND AUTHORIZING PURCHASE OF ANNUAL SUBSCRIPTION SERVICES AND SUPPORT FROM SHI INTERNATIONAL CORP. FOR ENTERPRISE VULNERABILITY MANAGEMENT FROM JULY 23, 2020 THROUGH JULY 22, 2021 FOR A COST OF \$44,251 AND AUTHORIZING SUBSEQUENT ANNUAL SUBSCRIPTIONS, WITH AN ESTIMATED FIVE-YEAR TOTAL COST OF OWNERSHIP OF \$221,022. THIS WORK HAS BEEN DEEMED AN OPERATIONAL NECESSITY. WITHOUT RENEWAL BY THE DISTRICT, AT ITS DISCRETION, THE AGREEMENT TERMINATES AUTOMATICALLY. FUNDS REQUIRED FOR THE FIRST YEAR HAVE BEEN BUDGETED IN FY20. FUNDS REQUIRED FOR FUTURE YEARS WILL BE BUDGETED IN THE APPROPRIATE FISCAL YEAR, SUBJECT TO BOARD APPROVAL.
2. [2020-0221](#) RESOLUTION SELECTING AND AUTHORIZING PURCHASE OF ANNUAL SUBSCRIPTION SERVICES AND SUPPORT FROM DIGITAL SCEPTER FOR A SECURITY ORCHESTRATION, AUTOMATION, AND RESPONSE (SOAR) PLATFORM FROM AUGUST 23, 2020 THROUGH AUGUST 22, 2021 FOR A COST OF \$75,000 AND AUTHORIZING SUBSEQUENT ANNUAL SUBSCRIPTIONS, IN AN AMOUNT NOT TO

EXCEED \$200,454 FOR THREE YEARS OF SERVICE, FUNDED 75% BY PORT SECURITY GRANT PROGRAM FY 2017 (EMW-2017-PU-00651). THIS WORK HAS BEEN DEEMED AN OPERATIONAL NECESSITY. FY2020 EXPENDITURES ARE BUDGETED IN THE INFORMATION TECHNOLOGY CAPITAL PROJECT. FUNDS REQUIRED FOR FUTURE YEARS WILL BE BUDGETED IN THE APPROPRIATE FISCAL YEAR, SUBJECT TO BOARD APPROVAL.

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

3. [2020-0093](#) RESOLUTION AUTHORIZING A SOLE SOURCE SERVICE AGREEMENT WITH VIGILANT SOLUTIONS FOR AUTOMATED LICENSE PLATE RECOGNITION SOFTWARE TO ENFORCE PARKING REGULATIONS AND SOFTWARE AS A SERVICE IMPLEMENTATION AND SUBSCRIPTION. AGREEMENT NOT TO EXCEED \$85,775 FOR TWO YEARS WITH THREE ONE-YEAR OPTIONS TO RENEW AND A FIVE-YEAR TOTAL COST OF OWNERSHIP OF \$177,275. FY2021 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. [2020-0094](#) RESOLUTION WAIVING BOARD OF PORT COMMISSIONERS POLICY NO. 110 AUTHORIZING A PURCHASE ORDER WITH GIMMAL LLC FOR GIMMAL RECORDS MANAGEMENT SOFTWARE LICENSING AND SERVICE AGREEMENT FOR IMPLEMENTATION SERVICES FOR A PILOT PROJECT FROM 06/24/2020 THROUGH 06/30/2021 WITH A MAXIMUM EXPENDITURE AMOUNT OF \$114,551. THIS PILOT PROJECT MAY LEAD TO SIGNIFICANTLY LOWER RECURRING COSTS OF PORT-WIDE RECORDS MANAGEMENT. FUNDS REQUIRED FOR FY20 ARE BUDGETED AND FUNDS REQUIRED FOR FY21 ARE INCLUDED IN THE RECENTLY ADOPTED PRELIMINARY FY21 BUDGET. THIS EXPENDITURE IS CONSIDERED ESSENTIAL
5. [2020-0100](#) RESOLUTION APPROVING CALENDAR YEAR 2020 ANNUAL WORK PLAN FOR THE ENVIRONMENTAL ADVISORY COMMITTEE PURSUANT TO THE BOARD OF PORT COMMISSIONERS (BPC) POLICY NO. 018, BOARD ADVISORY COMMITTEES
6. [2020-0219](#) RESOLUTION APPROVING CHANGE ORDER NO. 2 FOR \$33,830 AND A CONTRACT TIME EXTENSION OF 170 DAYS FOR CONTRACT NO. 2018-27, SWEETWATER BICYCLE PATH AND PROMENADE PROJECT, TO ALIGN PROJECT COMPLETION WITH THE ADJACENT COSTA VISTA RV RESORT PROJECT, WITH NO INCREASE TO THE

GRANT FUNDED BOARD APPROVED PROJECT BUDGET,
PURSUANT TO BPC POLICY NO.110

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

7. [2020-0188](#) RESOLUTION APPROVING THE AUDIT PLAN FOR FY20/21 PURSUANT TO BOARD OF PORT COMMISSIONERS (BPC) POLICY NO. 035 - POWERS AND FUNCTIONS OF THE PORT AUDITOR
8. [2020-0196](#) RESOLUTION AUTHORIZING THE REQUIRED ANNUAL ADOPTION OF BPC NO. 115, GUIDELINES FOR PRUDENT INVESTMENTS, WITH NO CHANGES FROM PRIOR YEAR
9. [2020-0218](#) ORDINANCE GRANTING AMENDMENT NO. 2 TO LEASE WITH SEAPORT ENTERTAINMENT, LLC TO MODIFY THE RENT PROVISIONS OF THE LEASE INCLUDING EXTENDING THE RENT COMMENCEMENT PERIOD FROM JULY 1, 2020 TO MAY 1, 2021 FOR A PROPOSED FULL-SERVICE RESTAURANT LOCATED AT SEAPORT VILLAGE AT 849 W. HARBOR DRIVE, SUITE E3, IN SAN DIEGO

ACTION AGENDA

10. [2020-0200](#) MONTHLY REPORTING OF FINANCIAL RESULTS AND DIRECTION TO STAFF
11. [2020-0223](#) PRESENTATION AND UPDATE ON THE REOPENING OF DISTRICT AMENITIES AND FACILITIES AND EFFORTS SUPPORTING TENANTS IN CONCERT WITH THE COUNTY OF SAN DIEGO ORDER OF THE HEALTH OFFICER AND EMERGENCY REGULATIONS AND DIRECTION TO STAFF
12. [2020-0224](#) RESOLUTION COMBINING AND MODIFYING THE TEMPORARY RENT DEFERRAL PROGRAM FOR QUALIFYING CONCESSION RENT TENANTS AND FIXED RENT TENANTS INTO THE EXTENDED AND COMBINED RENT DEFERRAL PROGRAM AND DIRECTION TO STAFF, AS NECESSARY

PUBLIC HEARING AGENDA

Any statute or regulation that permits a party or witness to participate in a hearing in person, a member of the public to be physically present at the place where a presiding officer conducts a hearing, or a party to object to a presiding officer conducting all or part of a hearing by telephone, television, or other electronic means, is suspended, provided that all of the following requirements are satisfied:

- a) Each participant in the hearing has an opportunity to participate in and to hear the entire proceeding while it is taking place and to observe exhibits;**
- b) A member of the public who is otherwise entitled to observe the hearing may observe the hearing using electronic means; and**
- c) The presiding officer satisfies all requirements of the Americans with Disabilities Act and Unruh Civil Rights Act.**

13.0 [2020-0194](#)

A) CONDUCT PUBLIC HEARING AND ADOPT AN ORDINANCE ADOPTING THE FISCAL YEAR 2021 FINAL BUDGET INCLUDING CHANGES FROM THE APPROVED PRELIMINARY BUDGET TO (1) ADD \$575,000 TO NON-PERSONNEL APPROPRIATED ITEM FOR STRATEGIC ACTIVATIONS AND ENHANCEMENTS FOR SEAPORT VILLAGE TO BE FUNDED FROM RESERVES, AND (2) TRANSFER \$150,000 FROM ORDINARY ANNUAL EXPENSE BUDGET TO THE EQUIPMENT OUTLAY AND OTHER CAPITAL PROJECTS BUDGET FOR CAPITAL LABOR RELATED TO THE COAST GUARD BUILD OUT LEASEHOLD IMPROVEMENT PROJECT AND SECURITY IMPROVEMENTS AT HARBOR POLICE DEPARTMENT (HPD) PROJECT

B) RESOLUTION WAIVING BPC POLICY NO. 730 - PORT ENVIRONMENTAL ADVISORY COMMITTEE POLICY AND NOT DEPOSIT THE FY 2021 ANNUAL SET ASIDE OF \$637,900 TO THE ENVIRONMENTAL FUND

C) RESOLUTION WAIVING BPC POLICY NO. 773 - MARITIME INDUSTRIAL IMPACT FUND AND NOT DEPOSIT THE FY 2021 ANNUAL SET ASIDE OF \$134,600 TO THE MARITIME INDUSTRIAL IMPACT FUND (MIIF)

D) RESOLUTION WAIVING BPC POLICY NO. 117 - OPERATING RESERVE POLICY, TO ALLOW THE USE OF OPERATING RESERVE TO PARTIALLY FUND THE FY 2021 BUDGET ONCE THE CUMULATIVE UNRESTRICTED RESOURCES ARE EXHAUSTED, HOWEVER THE OPERATING RESERVE BALANCE SHALL IN NO EVENT GO BELOW THE MINIMUM REQUIRED \$20M.

13.1 [2020-0184](#)

ORDINANCE AMENDING SALARY ORDINANCE NO. 2953 ENTITLED "AN ORDINANCE ESTABLISHING A SCHEDULE OF COMPENSATION

FOR OFFICERS AND EMPLOYEES OF THE SAN DIEGO UNIFIED PORT DISTRICT" AND RESOLUTION ESTABLISHING THE SAN DIEGO UNIFIED PORT DISTRICT (DISTRICT) DIRECTORY OF CLASSIFICATION SPECIFICATIONS FOR FISCAL YEAR 2020/2021

ACTION AGENDA CONTINUED

14. [2020-0131](#) MITSUBISHI CEMENT CORPORATION BULK CEMENT WAREHOUSE AND LOADING FACILITY PROJECT LOCATED IN WAREHOUSE C AT THE TENTH AVENUE MARINE TERMINAL, SAN DIEGO:
A) ADOPT RESOLUTION CERTIFYING THE FINAL SUBSEQUENT ENVIRONMENTAL IMPACT REPORT FOR THE "MITSUBISHI CEMENT CORPORATION AT WAREHOUSE C: BULK CEMENT WAREHOUSE AND LOADING FACILITY PROJECT," ADOPTING FINDINGS OF FACT AND STATEMENT OF OVERRIDING CONSIDERATIONS, ADOPTING MITIGATION MONITORING AND REPORTING PROGRAM, AND DIRECTING FILING OF THE NOTICE OF DETERMINATION;
B) ADOPT RESOLUTION GRANTING CONCEPT APPROVAL TO MITSUBISHI CEMENT CORPORATION FOR THE BULK CEMENT WAREHOUSE AND LOADING FACILITY PROJECT, CONDITIONED ON EXECUTION OF A LEASE OR DEFINITIVE AGREEMENT BETWEEN THE DISTRICT AND MITSUBISHI CEMENT CORPORATION;
C) ADOPT RESOLUTION AUTHORIZING ISSUANCE OF A NON-APPEALABLE COASTAL DEVELOPMENT PERMIT TO MITSUBISHI CEMENT CORPORATION FOR THE BULK CEMENT WAREHOUSE AND LOADING FACILITY PROJECT, CONDITIONED ON EXECUTION OF A LEASE OR DEFINITIVE AGREEMENT BETWEEN THE DISTRICT AND MITSUBISHI CEMENT CORPORATION
15. [2020-0197](#) REVIEW AND CONSIDERATION OF DRAFT PROPOSED BOARD AGENDA FOR THE JULY 14, 2020 MEETING

OFFICER'S REPORT

16. [2020-0222](#) OFFICER'S REPORT
- MONTHLY NOTIFICATION OF CHANGE ORDERS PURSUANT TO BPC POLICY NO. 110:
- A) Change Order No. 1 to Contract No. 2019-17 with Urban Corps of San Diego County / \$97,590.44 Increase & 10 Calendar Day Time Extension thru 06/24/20
- B) Change Order No. 1 to Contract No. 2019-45 with Cass Construction, Inc. dba Cass Arrieta / Increases Contract by \$4,664.30
- C) Change Order No. 1 to Contract No. 2019-04 with Bellingham Marine

Industries, Inc. / Increases Contract by \$109,940.52

D) Change Order No. 1 to Contract No. 2017-07 with SD Stature, Inc. / Increases Contract by \$10,285.86 & 27 Calendar Day Time Extension thru 06/22/20

E) Change Order No. 1 to Contract No. 2019-21 with Slater Waterproofing, Inc. / Decreases Contract by \$5,540.00 & 35 Calendar Day Time Reduction thru 05/13/20

F) Change Order No. 1 to Contract No. 2018-27 with 3-D Enterprises, Inc. / Increases Contract by \$10,613.25 & 120 Calendar Day Time Extension thru 07/05/20

G) Change Order No. 1 to Contract No. 2019-44 with SoCal Building, & Restoration, Inc. DBA SoCal Building Group / 39 Calendar Day Time Extension thru 06/30/20

MONTHLY NOTIFICATION OF COST RECOVERY USER FEE WAIVERS GRANTED BY THE EXECUTIVE DIRECTOR PURSUANT TO BPC POLICY NO. 106:

None to Report

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 Fifth Avenue Landing, LLC for Rental Period Beginning 05/07/20 thru 05/06/30

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 (#70907) with Seaport Entertainment, LLC. / Deletes and Replaces Section 8.1.1.