



San Diego Unified Port District

3165 Pacific Hwy.
San Diego, CA 92101

Meeting Agenda Board of Port Commissioners

Tuesday, October 6, 2020

1:00 PM

Virtual Meeting

******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, October 6, 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.

- *Environmental Advisory Committee*
- *Audit Oversight Committee*
- *Navy Pier 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**

[2020-0357](#) Approval of minutes for:

September 10, 2020 - CLOSED SESSION
September 10, 2020 - BPC MEETING

CONSENT AGENDA

1. [2020-0084](#) RESOLUTION AUTHORIZING A SOLE SOURCE SERVICE AGREEMENT OF FIVE YEARS FOR PARKING METER AND PAY STATION AS-NEEDED DATA SERVICES AND PURCHASE OF PARTS AND REPAIRS FROM IPS GROUP, INC. TO ALLOW FOR CONTINUED OPERATIONS OF THE DISTRICT'S PARKING METERS AND PAY STATIONS ON TIDELANDS. THE SOLE SOURCE SERVICE AGREEMENT IS FOR THE PERIOD OF NOVEMBER 1, 2020 TO OCTOBER 31, 2025, IN AN AMOUNT NOT TO EXCEED \$860,000, AND MAY BE TERMINATED UPON 30-DAY WRITTEN NOTICE. ALL FUNDS REQUIRED FOR FUTURE FISCAL YEARS WILL BE BUDGETED IN THE APPROPRIATE FISCAL YEAR, SUBJECT TO BOARD APPROVAL UPON ADOPTION OF EACH YEAR'S FISCAL BUDGET
2. [2020-0272](#) RESOLUTION AUTHORIZING AMENDMENT NO. 8 TO AGREEMENT WITH NMS MANAGEMENT, INC. FOR JANITORIAL SERVICES, INCREASING THE MAXIMUM AMOUNT PAYABLE UNDER THE AGREEMENT BY \$62,389 FOR A NEW MAXIMUM AMOUNT OF \$3,360,989 FOR ADDITIONAL AS NEEDED JANITORIAL SERVICES

DUE TO COVID-19 REQUIREMENTS AND ADDITIONAL REQUIREMENTS AT THE TENTH AVENUE MARINE TERMINAL. THIS SERVICE HAS BEEN DEEMED AN OPERATIONAL NECESSITY. THE AGREEMENT ALLOWS FOR EARLY TERMINATION BY THE EXECUTIVE DIRECTOR. ALL ADDITIONAL COVID-19 REQUIREMENTS FOR FISCAL YEAR 2021 ARE CURRENTLY UNBUDGETED AND WILL BE EXPENDED AGAINST DEPARTMENT NON-PERSONNEL EXPENSE (NPE) BUDGETS.

3. [2020-0273](#) RESOLUTION AUTHORIZING ACCEPTANCE OF GRANT FUNDS FOR THE CANINE EXPLOSIVE DETECTION TEAM PROGRAM FROM THE TRANSPORTATION SECURITY ADMINISTRATION IN THE AMOUNT OF \$1,136,250 FOR A PERIOD OF FOUR AND ONE HALF YEARS, AND EXECUTION OF A TRANSACTION AGREEMENT WITH TSA PURSUANT TO BPC POLICY NO 110, SECTION IV C1
4. [2020-0285](#) RESOLUTION APPOINTING RICARDO RODRIGUEZ TO THE SAN DIEGO PORT DISTRICT AUDIT OVERSIGHT COMMITTEE (AOC) FOR A TERM OF THREE YEARS COMMENCING DECEMBER 7, 2020
5. [2020-0290](#) RESOLUTION AUTHORIZING EXECUTION OF A MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY OF SAN DIEGO AND THE SAN DIEGO UNIFIED PORT DISTRICT IN ORDER TO PARTICIPATE IN THE URBAN AREA SECURITY INITIATIVE FY 19 GRANT PROGRAM, AND GRANTING INDEMNITY.
6. [2020-0291](#) ACTIONS RELATED TO THE FY20 PORT SECURITY GRANT PROGRAM:
 - A) RESOLUTION ACCEPTING THE FY20 PORT SECURITY GRANT PROGRAM (PSGP) AWARDS FOR A TOTAL AMOUNT OF \$1,012,500.00, REQUIRING A COST MATCH OF \$337,500.00, 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). ALL PROJECTS WILL BE EXECUTED IN FUTURE FISCAL YEARS AND DISTRICT'S MATCHING FUNDS WILL BE BUDGETED IN THE APPROPRIATE FISCAL YEAR, SUBJECT TO BOARD APPROVAL UPON ADOPTION OF EACH FISCAL YEAR'S BUDGET.
 - B) RESOLUTION APPROVING AN AMENDMENT TO THE FY 2019-2023 CAPITAL IMPROVEMENT PROGRAM (CIP) TO INCREASE THE SECURITY GATE PHYSICAL ENHANCEMENTS AT TENTH AVENUE MARINE TERMINAL PROJECT BUDGET BY \$450,000. GRANT FUNDS OF \$337,500 WILL BE FUNDED FROM THE PSGP PROGRAM. THE

REQUIRED DISTRICT MATCH OF \$112,500 WILL BE BUDGETED IN THE APPROPRIATE FISCAL YEAR SUBJECT TO BOARD APPROVAL UPON ADOPTION OF EACH FISCAL YEAR'S BUDGET.

7. [2020-0297](#) RESOLUTION APPROVING A PROCLAMATION IN RECOGNITION OF OCTOBER 2020 AS "CELEBRATION OF THE ARTS MONTH" IN SUPPORT OF NATIONAL ARTS AND HUMANITIES MONTH

8. [2020-0315](#) RESOLUTION AUTHORIZING AMENDMENT NO. 3 TO AGREEMENT WITH XEROX CORPORATION TO PROVIDE MANAGED PRINT SERVICES AND DOCUMENT PRODUCTION AND PUBLISHING, INCREASING THE MAXIMUM AMOUNT PAYABLE UNDER THE AGREEMENT BY \$386,000 FOR A NEW MAXIMUM AMOUNT PAYABLE UNDER THE AGREEMENT OF \$2,536,000 FOR CONTEMPLATED SERVICES THROUGH NOVEMBER 30, 2026. EXPENDITURES ARE BUDGETED IN THE INFORMATION TECHNOLOGY MANAGEMENT PROGRAM. 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.

9. [2020-0332](#) A) ORDINANCE GRANTING LEASE AMENDMENT NO. 2 TO OLD TOWN TROLLEY TOURS OF SAN DIEGO LOCATED AT 996-B NORTH HARBOR DRIVE, IN THE CITY OF SAN DIEGO, AMENDING THE RENT AND OPTION TERM PROVISIONS, AND OTHER PROVISIONS

B) ORDINANCE GRANTING LEASE AMENDMENT NO. 1 TO OLD TOWN TROLLEY TOURS OF SAN DIEGO LOCATED AT 1004-A NORTH HARBOR DRIVE, IN THE CITY OF SAN DIEGO, AMENDING THE RENT AND OPTION TERM PROVISIONS, AND OTHER PROVISIONS

10. [2020-0334](#) RESOLUTION AUTHORIZING AMENDMENT NO.1 TO AGREEMENT WITH DESIGN SPACE MODULAR BUILDINGS, INC. TO LEASE TEMPORARY OFFICE SPACE FOR DISTRICT STAFF AT THE TENTH AVENUE MARINE TERMINAL, EXTENDING THE TERM OF THE AGREEMENT TO NOVEMBER 14, 2022, WITH A 12-MONTH OPTIONAL TERM THAT SHALL TERMINATE ON NOVEMBER 14, 2023, INCREASING THE AGREEMENT AMOUNT BY \$190,273.32 TO A NEW NOT-TO-EXCEED AMOUNT OF \$364,552.91, INCLUDING THE GRANTED OPTIONAL TERM.

11. [2020-0342](#) RESOLUTION AUTHORIZING AN AGREEMENT WITH REVENUE SHARING FOR CHARGING STATION SERVICES WITH KIGT INC., BEGINNING ON OCTOBER 6, 2020 AND TERMINATING ON DECEMBER 5, 2025, FOR EIGHT ELECTRIC VEHICLE CHARGING STATIONS LOCATED AT SAN DIEGO CONVENTION CENTER

PARKING GARAGE, 111 W. HARBOR DRIVE, SAN DIEGO, CA 92101, RESULTING IN NO NET COST TO THE DISTRICT

12. [2020-0343](#) RESOLUTION AUTHORIZING AN AGREEMENT WITH REVENUE SHARING FOR CHARGING STATION SERVICES WITH BLINK CHARGING CO (DBA BLINK NETWORK LLC), AN ARIZONA LIMITED LIABILITY CORPORATION, BEGINNING ON OCTOBER 6, 2020 AND TERMINATING ON DECEMBER 5, 2025, FOR SEVEN ELECTRIC VEHICLE CHARGING STATIONS LOCATED AT 200 MARINA PARKWAY, SAN DIEGO CALIFORNIA 92101, RESULTING IN NO NET COST TO THE DISTRICT
13. [2020-0349](#) RESOLUTION SELECTING AND AUTHORIZING AN AGREEMENT WITH MALLORY SAFETY AND SUPPLY LLC FOR MESH DATA RADIO SYSTEM EXPANSION AND INSTALLATION SERVICES IN AN AMOUNT NOT TO EXCEED \$205,000, FOR A FIVE YEAR TOTAL COST OF OWNERSHIP OF \$XXX,XXX. FISCAL YEAR 2020 EXPENDITURES ARE FULLY FUNDED BY AN URBAN AREA SAFETY INITIATIVE GRANT AND BUDGETED IN THE INFORMATION TECHNOLOGY CAPITAL TECHNOLOGY MANAGEMENT PROGRAM. FUNDS REQUIRED FOR FUTURE FISCAL YEARS WILL BUDGETED IN THE APPROPRIATE FISCAL YEAR, SUBJECT TO BOARD APPROVAL UPON THE ADOPTION OF EACH FISCAL YEAR'S BUDGET

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

14. [2020-0350](#) RESOLUTION SELECTING AND AUTHORIZING AN AGREEMENT WITH MALLORY SAFETY AND SUPPLY FOR PUBLIC SAFETY COMMAND VEHICLE DATA RADIO SYSTEM AND INSTALLATION SERVICES IN AN AMOUNT NOT TO EXCEED \$142,000, FOR A FIVE YEAR TOTAL COST OF OWNERSHIP OF \$XXX,XXX. FISCAL YEAR 2020 EXPENDITURES ARE FULLY FUNDED BY AN URBAN AREA SAFETY INITIATIVE GRANT AND BUDGETED IN THE INFORMATION TECHNOLOGY CAPITAL TECHNOLOGY MANAGEMENT PROGRAM. FUNDS REQUIRED FOR FUTURE FISCAL YEARS WILL BUDGETED IN THE APPROPRIATE FISCAL YEAR, SUBJECT TO BOARD APPROVAL UPON THE ADOPTION OF EACH FISCAL YEAR'S BUDGET

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

ACTION AGENDA

15. [2020-0239](#) A) MONTHLY REPORTING OF FINANCIAL RESULTS AND DIRECTION TO STAFF

B) ADOPT RESOLUTION TO WAIVE BOARD OF PORT COMMISSIONER POLICY NO. 117 (BPC NO. 117) - OPERATING RESERVE POLICY TO BE BELOW THE REQUIRED FY 2021 BALANCE OF \$61.8M AND AUTHORIZE STAFF TO USE THE DIFFERENCE NOT TO EXCEED \$10.5M TO FUND THE FY 2021 PROJECTED DEFICIT

16. [2020-0347](#) PRESENTATION AND UPDATE ON THE NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION REGIONAL PLANNING ACTIVITIES TO INFORM SUSTAINABLE AQUACULTURE DEVELOPMENT IN THE SOUTHERN CALIFORNIA BIGHT
17. [2020-0344](#) RESOLUTION AUTHORIZING AN AGREEMENT UNDER THE BLUE ECONOMY INCUBATOR WITH PACIFIC OCEAN AQUAFARMS, LLC (POA) FOR THE DISTRICT TO ASSIST WITH THE NATIONAL ENVIRONMENTAL POLICY ACT (NEPA) REVIEW PROCESSES AND CONDITIONAL USE OF DISTRICT FACILITIES FOR POA'S PROPOSED PROJECT DEMONSTRATING SUSTAINABLE OFFSHORE AQUACULTURE IN FEDERAL WATERS FOR A 15 YEAR TERM WITH AN OPTION TO EXTEND FOR AN ADDITIONAL TEN YEARS AND THIS AGREEMENT HAS NO ASSOCIATED FUNDING FROM THE DISTRICT
18. [2020-0331](#) A) ORDINANCE GRANTING A LEASE TO MALIBU FARM SEAPORT VILLAGE INC. DBA MALIBU FARM FOR A FIRST-CLASS FULL-SERVICE RESTAURANT AT SEAPORT VILLAGE LOCATED AT 831 W. HARBOR DR., (SUITE C1) IN SAN DIEGO FOR A 10-YEAR TERM PLUS ONE 5-YEAR OPTION (FOR A TOTAL POTENTIAL TERM OF 15 YEARS)
B) RESOLUTION AUTHORIZING AMENDMENT NO. 3 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 ANNUAL MAXIMUM EXPENDITURE, PAYMENT PROCEDURE OF COMMISSIONS, AND COMPENSATION STRUCTURE, AND WAIVING BOARD OF PORT COMMISSIONERS POLICY NO. 114 PAYMENT OF COMMISSIONS FOR THE LEASING OF TIDELANDS
19. [2020-0288](#) RESOLUTION AUTHORIZING THE DISTRICT TO ENTER INTO A MEMORANDUM OF UNDERSTANDING BETWEEN THE SAN DIEGO UNIFIED PORT DISTRICT, THE SAN DIEGO ASSOCIATION OF GOVERNMENTS AND CALIFORNIA DEPARTMENT OF TRANSPORTATION REGARDING COOPERATIVE WORK ON IMPROVING ACCESSIBILITY, SUSTAINABILITY, AND ECONOMIC VITALITY TO THE PORT OF SAN DIEGO'S WORKING WATERFRONT WITHOUT COMPROMISING THE HEALTH OF LOCAL COMMUNITIES

20. [2020-0351](#) PRESENTATION ON THE PORT MASTER PLAN UPDATE (PMPU), INCLUDING UPDATES REFLECTING CURRENT STATUS PRIOR TO THE UPCOMING FOUR-WEEK PUBLIC REVIEW PERIOD FOR THE REVISED DRAFT PMPU
21. [2020-0355](#) ORDINANCE AMENDING ARTICLE 4, SECTION 4.37 - REGULATION OF SIX PAC CHARTER VESSELS, TO SECTION 4.37 - REGULATION OF CHARTER VESSEL OPERATIONS IN SAN DIEGO BAY AND DISTRICT TIDELANDS
22. [2020-0330](#) RESOLUTION AUTHORIZING A SERVICE AGREEMENT OF FIVE YEARS FOR BODY WORN CAMERAS AND AS-NEEDED DATA SERVICES FROM AXON ENTERPRISE, INC. AS AUTHORIZED BY COOPERATIVE AGREEMENT. THE SERVICE AGREEMENT IS FOR THE PERIOD OF NOVEMBER 1, 2020 TO OCTOBER 31, 2025, IN AN AMOUNT NOT TO EXCEED \$1,680,232.20 FUNDING OF THE FIRST YEAR REQUIRES SPECIAL AUTHORIZATION FROM THE BOARD TO USE \$187,660.26 OF RESERVE FUNDS. ALL FUNDS REQUIRED FOR FUTURE FISCAL YEARS WILL BE BUDGETED IN THE APPROPRIATE FISCAL YEAR, SUBJECT TO BOARD APPROVAL UPON ADOPTION OF EACH YEAR'S FISCAL BUDGET
23. [2020-0318](#) RESOLUTION ELECTING CHAIRPERSON, VICE CHAIRPERSON AND SECRETARY OF THE BOARD OF PORT COMMISSIONERS OF THE SAN DIEGO UNIFIED PORT DISTRICT FOR CALENDAR YEAR 2021
24. [2020-0228](#) REVIEW AND CONSIDERATION OF DRAFT PROPOSED BOARD AGENDA FOR THE NOVEMBER 10, 2020 MEETING

OFFICER'S REPORT

25. [2020-0362](#) OFFICER'S REPORT
- 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:
- None to Report
- 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:

A) Amendment No. 1 to Lease (#70513) with Del Sol Retail, LLC dba Del Sol & Cariloha / Amends Sections 4.1, 4.2 & 4.2.4 of Article 4 Related to Monthly Rent and Rent Relief, and Section 7 Regarding Lease Termination