



San Diego Unified Port District

3165 Pacific Hwy.
San Diego, CA 92101

Meeting Minutes

Board of Port Commissioners

Tuesday, June 12, 2018

1:00 PM

Don L. Nay Port Administration Boardroom

A. Roll Call.

Present: 7 - Commissioner Bonelli, Chairperson Castellanos, Commissioner Malcolm, Commissioner Merrifield, Commissioner Moore, Commissioner Valderrama, and Commissioner Zucchet

Excused: 0

Absent: 0

Officers Present: Coniglio, DeAngelis, Monson, Morales, and Russell

B. Closed Session Report Out.

Thomas A. Russell, General Counsel, announced that the Board considered the items on the Closed Session Agenda and stated that no reportable action was taken.

C. Pledge of Allegiance.

Commissioner Valderrama led the Pledge of Allegiance.

ACTION AGENDA

18. [2018-0282](#) CITY OF SAN DIEGO, FIFTH AVENUE LANDING, AND SAN DIEGO UNIFIED PORT DISTRICT - PROPERTY LOCATED AT FIFTH AVENUE LANDING AND MARINA PARK WAY, SAN DIEGO, CALIFORNIA:

RESOLUTION APPROVING, SUBJECT TO APPROVAL OF THE CITY OF SAN DIEGO, A PURCHASE AND SALE AGREEMENT (PSA) BY AND AMONG THE CITY OF SAN DIEGO (CITY), FIFTH AVENUE LANDING (FAL) AND THE SAN DIEGO UNIFIED PORT DISTRICT (DISTRICT) FOR: (1) THE DISTRICT TO PURCHASE FROM FAL ITS INTEREST IN THE PROPERTY LOCATED AT FIFTH AVENUE LANDING AND MARINA PARK WAY (SITE) FOR UP TO \$33.2 MILLION, SUBJECT TO TITLE CONDITIONS AND RECEIPT OF THE CITY'S PAYMENTS TO THE DISTRICT; THE CITY TO PURCHASE FROM THE DISTRICT LEASEHOLD INTEREST AND AN OPTION IN THE SITE FOR \$28.2 MILLION IN ANTICIPATION OF THE SAN DIEGO CONVENTION CENTER PHASE III EXPANSION SUBJECT TO THE PASSAGE OF THE "FOR A

BETTER SAN DIEGO" CITIZEN'S BALLOT MEASURE, (COLLECTIVELY, ALTERNATIVE A CLOSING), OR (2) IF THE ALTERNATIVE A CLOSING DOES NOT OCCUR, FOR THE DISTRICT TO ENTER INTO LEASE AMENDMENTS AND AGREEMENTS WITH FAL, SUBJECT TO CERTAIN TITLE CONDITIONS (COLLECTIVELY, ALTERNATIVE B CLOSING), AS FOLLOWS:

A. IF THE ALTERNATIVE A CLOSING OCCURS THE FOLLOWING SHALL BE DEEMED APPROVED:

1. ORDINANCE GRANTING TO THE CITY AMENDMENT NO. 2 TO AMENDED, RESTATED AND COMBINED LEASE OF PROPERTY LOCATED AT FIFTH AVENUE LANDING AND MARINA PARK WAY, SAN DIEGO, CALIFORNIA TO ASSIGN THE LEASEHOLD INTEREST TO THE CITY, AMEND THE LEASED PREMISES AND EXTEND THE TERM OF THE LEASE;
2. ORDINANCE GRANTING TO FAL AMENDMENT NO. 1 TO LEASE OF PROPERTY LOCATED AT FIFTH AVENUE LANDING AND MARINA PARK WAY, SAN DIEGO, CALIFORNIA TO RELOCATE THE PREMISES, REINSTATE SHADING CREDITS AND GRANT AN OPTION FOR EXPANDED FERRY SERVICE SUBJECT TO A RESERVATION OF DISCRETION;
3. RESOLUTION APPROVING AND AUTHORIZING (A) THE ASSIGNMENT AND ASSUMPTION OF THE AMENDED, RESTATED AND COMBINED (ARC) LEASE BY AND BETWEEN FAL AND DISTRICT (B) THE CONSENT TO A QUITCLAIM DEED FROM FAL TO THE DISTRICT FOR THE MARINA LANDSIDE AREA; AND (C) UPON DISTRICT ASSUMPTION OF THE ARC LEASE, RELEASE OF GUARANTORS EXCLUDING INDEMNITY AND HOLD HARMLESS OBLIGATIONS

B. IF THE ALTERNATIVE B CLOSING OCCURS THE FOLLOWING SHALL BE DEEMED APPROVED:

1. ORDINANCE GRANTING TO FAL AMENDMENT NO. 2 TO AMENDED, RESTATED AND COMBINED LEASE FOR PROPERTY LOCATED AT FIFTH AVENUE LANDING AND MARINA PARK WAY, SAN DIEGO, CALIFORNIA TO INCLUDE A PROCESS FOR NEGOTIATION OF FUTURE LEASES SUBJECT TO A RESERVATION OF DISCRETION AND EXTEND THE TERM BY THREE (3) YEARS; AND
2. ORDINANCE GRANTING TO FAL AMENDMENT NO. 1 TO LEASE OF PROPERTY LOCATED AT FIFTH AVENUE LANDING AND MARINA PARK WAY, SAN DIEGO, CALIFORNIA TO REINSTATE SHADING CREDITS

C. RESOLUTION APPROVING AND AUTHORIZING DISTRICT OPTION AND CITY OPTION AND AUTHORIZING MEMORANDUM OF DISTRICT OPTION AND MEMORANDUM OF CITY OPTION

D. RESOLUTION APPROVING AND AUTHORIZING A NEW INDEMNITY AGREEMENT BY AND BETWEEN THE DISTRICT, THE CITY AND FAL FOR THE BENEFIT OF THE DISTRICT AND THE CITY

E. ORDINANCE AMENDING THE FISCAL YEAR 2018 BUDGET BY ADDING \$5 MILLION TO THE NON-PERSONNEL APPROPRIATION FROM PREVIOUS YEARS' CUMULATIVE UNRESTRICTED RESOURCES

Shaun Sumner, Assistant Vice President, Real Estate & Development, addressed the Board with staff's report and presentation regarding Action Agenda Item 18 - File No. 2018-0282 (A copy of the staff report, presentations and any agenda-related materials are on file with the Office of the District Clerk).

Chairman Castellanos opened the item to public comment and invited San Diego Mayor Kevin Faulconer to speak.

The following members of the public addressed the Board with agenda-related comments: Keith Maddox, Trustee, San Diego & Imperial Counties Labor Council; Rick Bates, Unite Here Local 30; Robert Germann; Sharon Cloward, President, San Diego Port Tenants Association; Tom Lemmon, San Diego Building Trades; Carol Kim, San Diego Building Trades; Jaymie Bradford, Vice President/COO, San Diego Regional Chamber of Commerce; and Sophie Silvestri, Pasha Automotive Services.

Donna Morales, District Clerk announced that additional agenda-related information was received by the Commissioners after the publication of the agenda for today's meeting on this item.

Commissioner Merrifield, Commissioner Malcolm, Commissioner Moore, Commissioner Zucchet, Commissioner Valderrama, and Chairman Castellanos provided comments and asked clarifying questions. Rebecca Harrington, Senior Deputy General Counsel; Thomas A. Russell, General Counsel; and Kevin Reisch, Chief Deputy City Attorney, City of San Diego, responded.

On a motion by Commissioner Merrifield, seconded by Commissioner Zucchet, the Board adopted Resolution 2018-113, Ordinance 2914, Ordinance 2915, Resolution 2018-114, Ordinance 2916, Ordinance 2917, Resolution 2018-115, Resolution 2018-116, and Ordinance 2918. The motion carried by the following vote:

Yeas: 7 - Bonelli, Castellanos, Malcolm, Merrifield, Moore, Valderrama, and Zucchet

Nays: 0

Excused: 0

Absent: 0

Abstain: 0

Recused: 0

Commissioner Malcolm and Commissioner Zucchet left the dais at 2:22 pm for the remainder of the Board meeting.

D. Public Communications.

The following members of the public addressed the Board with non agenda-related comments: Sharon Cloward, President, San Diego Port Tenants Association; and Don Wood.

E. Commissioners' Reports.

Commissioner Merrifield reported on the annual California Energy Commission-Ports Energy Collaborative meeting at the Port of Los Angeles on June 7, 2018. Commissioner Merrifield explained that during the meeting they took a tour of the Port of Los Angeles and saw electric vehicles that work as well as diesel powered vehicles, the vehicles hold the power long enough to have a working shift. Each major California port currently has one, or more, electrification projects in progress.

F. President's Report.

No President's Report for June.

G. District Clerk's Announcements.

Donna Morales, District Clerk, offered that copies of agenda-related materials submitted after the publication of the agenda were available at the Clerk's desk.

Additionally, Ms. Morales reported, as required by the Brown Act and as directed by the Board of Port Commissioners, that on today's agenda is an item taking final action to amend the employment agreement of the Port Auditor of the San Diego Unified Port District that will modify his salary. Additional information can be found in the agenda prepared for that item. Ms. Morales also reported that staff requested to continue Action Agenda Item 23 - File No. 2018-0168 and Action Agenda Item 24 - File No. 2018-0212.

On a motion by Commissioner Valderrama, seconded by Commissioner Bonelli, the Board approved the requested docket changes. The motion carried by the following vote:

Yeas: 5 - Bonelli, Castellanos, Merrifield, Moore, and Valderrama

Nays: 0

Excused: 2 - Malcolm, and Zucchet

Absent: 0

Abstain: 0

Recused: 0

CONSENT AGENDA

On a motion by Commissioner Bonelli, seconded by Commissioner Merrifield, the Board adopted the Consent Agenda as follows: Resolution 2018-095; Resolution 2018-096; Resolution 2018-097; Ordinance No. 2913; Resolution 2018-098; Resolution 2018-099; Resolution 2018-100; Resolution 2018-101; Resolution 2018-102; Resolution 2018-103; Resolution 2018-104; Resolution 2018-105; Resolution 2018-106; Resolution 2018-107; Resolution 2018-108; Resolution 2018-109; Resolution 2018-110; Resolution 2018-111; and Resolution 2018-112. The motion carried by the following vote:

Yeas: 5 - Bonelli, Castellanos, Merrifield, Moore, and Valderrama

Nays: 0

Excused: 2 - Malcolm, and Zucchet

Absent: 0

Abstain: 0

Recused: 0

1. [2017-0508](#) RESOLUTION AUTHORIZING THE DISTRICT TO ENTER INTO AN AGREEMENT WITH THE COUNTY OF SAN DIEGO TO RECEIVE LAW ENFORCEMENT/HOMELAND SECURITY GRANT "OPERATION STONEGARDEN" FUNDS IN THE AMOUNT OF \$150,000 FOR FEDERAL FY 2017 AND GRANTING INDEMNITY TO THE COUNTY OF SAN DIEGO

On a motion by Commissioner Bonelli, seconded by Commissioner Merrifield, the Board adopted Resolution 2018-095 as part of the Consent Agenda.

2. [2017-0543](#) RESOLUTION WAIVING BOARD OF PORT COMMISSIONERS POLICY NO. 110 II (E) AND AUTHORIZE A SOLE SOURCE AGREEMENT WITH ARES SECURITY CORPORATION DBA THE MARINER GROUP FROM JULY 1, 2018 UNTIL JUNE 30, 2021, FOR COMMANDBRIDGE MAINTENANCE AND SUPPORT FOR AN AMOUNT NOT TO EXCEED \$210,576 AND A FIVE-YEAR TOTAL COST OF OWNERSHIP OF \$646,665. FY 2019 EXPENDITURES FOR MAINTENANCE AND SUPPORT ARE BUDGETED. ALL FUNDS REQUIRED FOR FUTURE FISCAL YEARS WILL BE REQUESTED PER POLICY OR BUDGETED IN THE APPROPRIATE FISCAL YEAR SUBJECT TO BOARD APPROVAL UPON THE ADOPTION OF EACH FISCAL YEAR'S BUDGET

On a motion by Commissioner Bonelli, seconded by Commissioner Merrifield, the Board adopted Resolution 2018-096 as part of the Consent Agenda.

3. [2018-0057](#) RESOLUTION AUTHORIZING AMENDMENT NO. 5 TO AGREEMENT WITH NMS MANAGEMENT, INC. FOR JANITORIAL SERVICES, INCREASING THE MAXIMUM AMOUNT PAYABLE UNDER THE AGREEMENT BY \$321,306.72 FOR A NEW MAXIMUM AMOUNT OF \$3,218,600. FY 2018 EXPENDITURES ARE 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

On a motion by Commissioner Bonelli, seconded by Commissioner Merrifield, the Board adopted Resolution 2018-097 as part of the Consent Agenda.

4. [2018-0122](#) ORDINANCE AMENDING SAN DIEGO UNIFIED PORT DISTRICT CODE, ARTICLE 8, SECTION 8.15 - PARKING REGULATIONS - ENFORCEMENT TO ADD SUB-SECTION (E) A PARKING CITATION PAYMENT PLAN ALLOWING INDIGENT PERSONS TO PAY FOR PARKING CITATIONS ON A PAYMENT PLAN PURSUANT TO CALIFORNIA VEHICLE CODE SECTION 40220

On a motion by Commissioner Bonelli, seconded by Commissioner Merrifield, the Board adopted Ordinance 2913 as part of the Consent Agenda.

5. [2018-0132](#) RESOLUTION AUTHORIZING AN AGREEMENT WITH THE LIVING COAST DISCOVERY CENTER TO BE FUNDED BY THE ENVIRONMENTAL FUND, PURSUANT TO BOARD POLICY NO. 730 - THE PORT ENVIRONMENTAL ADVISORY COMMITTEE POLICY, FOR THE ENDANGERED RIDGWAY'S RAIL PROPAGATION PROGRAM IN AN AMOUNT NOT TO EXCEED \$80,000 FOR FOUR YEARS WITH \$22,000 IN MATCHING FUNDS. 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

On a motion by Commissioner Bonelli, seconded by Commissioner Merrifield, the Board adopted Resolution 2018-098 as part of the Consent Agenda.

6. [2018-0162](#) RESOLUTION AUTHORIZING AGREEMENTS WITH ICF JONES & STOKES, TIERRA DATA, INC., AND ENVIRONMENTAL SCIENCE ASSOCIATES TO PROVIDE AS-NEEDED NATURAL RESOURCES SERVICES FOR A TOTAL AGGREGATE AMOUNT PAYABLE UNDER THE AGREEMENT NOT TO EXCEED \$300,000 FOR A PERIOD OF THREE YEARS BEGINNING JULY 1, 2018 AND ENDING JUNE 30, 2021. 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

On a motion by Commissioner Bonelli, seconded by Commissioner Merrifield, the Board adopted Resolution 2018-099 as part of the Consent Agenda.

7. [2018-0171](#) RESOLUTIONS SELECTING AND AUTHORIZING AGREEMENTS WITH:

- A) AECOM TECHNICAL SERVICES, INC.
- B) BAE URBAN ECONOMICS, INC.
- C) CIVITAS, INC.
- D) CUSHMAN & WAKEFIELD WESTERN, INC.
- E) ECONOMIC & PLANNING SYSTEMS, INC.
- F) HR&A ADVISORS, INC.
- G) ILLUMINAS CONSULTING, LLC
- H) JONES LANG LASALLE AMERICAS, INC.
- I) KEYSER MARSTON ASSOCIATES, INC.
- J) LONDON MOEDER ADVISORS
- K) MARISOLVE
- L) MAURICE ROBINSON & ASSOCIATES, LLC
- M) PARAGON PARTNERS LTD.
- N) PRO FORMA ADVISORS, LLC
- O) RASMUSON APPRAISAL SERVICES
- P) ROBERT CHARLES LESSER & CO. DBA RCLCO
- Q) GLENN A. RICK ENGINEERING & DEVELOPMENT CORPORATION
DBA RICK
ENGINEERING CO.
- R) STREAM REALTY PARTNERS, LP
- S) THE DORE GROUP, INC.
- T) XPERA, INC DBA XPERA GROUP

TO PROVIDE AS-NEEDED REAL ESTATE CONSULTING SERVICES FOR A TOTAL AGGREGATE AMOUNT PAYABLE UNDER THE AGREEMENTS NOT TO EXCEED \$3,100,000 FOR A PERIOD OF UP TO THREE YEARS BEGINNING JULY 1, 2018 AND ENDING JUNE 30, 2021; ALL FUNDS FOR FUTURE FISCAL YEARS WILL BE BUDGETED IN THE APPROPRIATE FISCAL YEAR, SUBJECT TO BOARD APPROVAL UPON ADOPTION OF EACH FISCAL YEAR'S BUDGET

On a motion by Commissioner Bonelli, seconded by Commissioner Merrifield, the Board adopted Resolution 2018-100 as part of the Consent Agenda.

8. [2018-0183](#) RESOLUTION AUTHORIZING THE REQUIRED ANNUAL ADOPTION OF BPC POLICY NO. 115, GUIDELINES FOR PRUDENT INVESTMENTS, WITHOUT ANY RECOMMENDED CHANGES TO THE CURRENT BPC POLICY NO. 115

On a motion by Commissioner Bonelli, seconded by Commissioner Merrifield, the Board adopted Resolution 2018-101 as part of the Consent Agenda.

9. [2018-0185](#) ACTIONS RELATED TO THE RESILIENCY IN TERMINAL OPERATIONS PROJECT AT TENTH AVENUE MARINE TERMINAL

A) RESOLUTION AUTHORIZING ACCEPTANCE OF GRANT FUNDS IN THE AMOUNT OF \$4,985,272 FROM THE CALIFORNIA ENERGY COMMISSION (CEC) TO PARTIALLY FUND THE PORT OF SAN DIEGO - RESILIENCY IN TERMINAL OPERATIONS PROJECT LOCATED AT TENTH AVENUE MARINE TERMINAL (TAMT) TO DEMONSTRATE BUSINESS CASE FOR ADVANCED MICROGRIDS IN SUPPORT OF CALIFORNIA'S ENERGY AND GREENHOUSE GAS POLICIES PROGRAM; AUTHORIZING STAFF TO ENTER INTO A GRANT AGREEMENT WITH CEC WHICH INCLUDES INDEMNITY PROVISIONS; AND ALLOCATING MATCH IN THE AMOUNT OF \$4,427,973. DISTRICT MATCH FUNDS INCLUDE PLANNED MAJOR MAINTENANCE, EQUIPMENT OUTLAY AND STAFF COSTS. FUNDS REQUIRED FOR FUTURE YEARS WILL BE BUDGETED IN THE APPROPRIATE FISCAL YEAR, SUBJECT TO BOARD APPROVAL UPON ADOPTION OF EACH ANNUAL BUDGET.

B) RESOLUTION APPROVING AN AMENDMENT TO THE FY 2019-2023 FIVE-YEAR CAPITAL IMPROVEMENT PROGRAM (CIP) TO ADD THE MICROGRID INFRASTRUCTURE AT TAMT PROJECT AND INCREASE THE CIP APPROPRIATION BY \$5,400,000, WITH \$4,505,275 TO BE REIMBURSED BY THE CEC, AND THE REMAINING \$894,725 TO BE FUNDED FROM THE DISTRICT'S OPERATIONAL EXPENSES AS CAPITAL LABOR.

On a motion by Commissioner Bonelli, seconded by Commissioner Merrifield, the Board adopted Resolution 2018-102 and Resolution 2018-103 as part of the Consent Agenda.

10. [2018-0189](#) RESOLUTION WAIVING BPC POLICY NO. 110, SECTION II.B, AND AUTHORIZING AN AGREEMENT WITH ALPHA PROJECT FOR THE HOMELESS TO PROVIDE OUTREACH AND INTERVENTION SERVICES FOR THE HOMELESS POPULATION ALONG TIDELANDS, IN AN AMOUNT NOT TO EXCEED \$1,400,000.00 FOR A PERIOD OF FIVE YEARS BEGINNING JULY 1, 2018. FY 2019 EXPENDITURES ARE 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

On a motion by Commissioner Bonelli, seconded by Commissioner Merrifield, the Board adopted Resolution 2018-104 as part of the Consent Agenda.

11. [2018-0197](#) RESOLUTION AUTHORIZING AMENDMENT NO. 2 TO THE AS-NEEDED TEMPORARY STAFFING SERVICES AGREEMENT WITH AMERIT CONSULTING, INC., INCREASING THE AGREEMENT AMOUNT BY \$342,300.00, FOR A MAXIMUM AMOUNT NOT TO EXCEED \$1,532,300. FY 2019 EXPENDITURES, IF NEEDED, ARE 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
- On a motion by Commissioner Bonelli, seconded by Commissioner Merrifield, the Board adopted Resolution 2018-105 as part of the Consent Agenda.**
12. [2018-0214](#) RESOLUTION AUTHORIZING AN AGREEMENT WITH THE SAN DIEGO SYMPHONY ORCHESTRA ASSOCIATION FOR SPONSORSHIP OF THE 2018 BAYSIDE SUMMER NIGHTS CONCERT SERIES IN A NOT-TO-EXCEED AMOUNT OF \$265,842 IN DISTRICT SERVICES. ALL FUNDS REQUIRED FOR FY2019 WILL BE BUDGETED IN THAT FISCAL YEAR, SUBJECT TO BOARD APPROVAL UPON ADOPTION OF THAT FISCAL YEAR'S BUDGET
- On a motion by Commissioner Bonelli, seconded by Commissioner Merrifield, the Board adopted Resolution 2018-106 as part of the Consent Agenda.**
13. [2018-0215](#) RESOLUTION AUTHORIZING AN AGREEMENT WITH LINKEDIN FROM JUNE 12, 2018 UNTIL JUNE 11, 2021, FOR SOCIAL MEDIA RECRUITING SERVICES FOR AN AMOUNT NOT TO EXCEED \$141,000 AND A 5-YEAR TOTAL COST OF OWNERSHIP OF \$235,000. 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
- On a motion by Commissioner Bonelli, seconded by Commissioner Merrifield, the Board adopted Resolution 2018-107 as part of the Consent Agenda.**
14. [2018-0231](#) ENVIRONMENTAL MITIGATION LAND MANAGEMENT GRANT PROGRAM FUNDED BY SAN DIEGO ASSOCIATION OF GOVERNMENTS
- A) RESOLUTION AUTHORIZING THE ACCEPTANCE OF GRANT FUNDING, IF AWARDED, FROM THE SAN DIEGO ASSOCIATION OF GOVERNMENTS ENVIRONMENTAL MITIGATION LAND MANAGEMENT GRANT PROGRAM FOR THREATENED AND ENDANGERED SPECIES STEWARDSHIP AT THE D STREET FILL IN THE AMOUNT OF \$75,400 AND;
- B) RESOLUTION AUTHORIZING THE EXECUTIVE DIRECTOR OR DESIGNEE TO NEGOTIATE AND ENTER INTO AN AGREEMENT WITH THE SAN DIEGO ASSOCIATION OF GOVERNMENTS FOR GRANT FUNDING, IF AWARDED, IN THE AMOUNT OF \$75,400, FOR A PERIOD

OF 18 MONTHS BEGINNING ON OR AROUND DECEMBER 1, 2018,
AND ENDING ON OR AROUND JUNE 1, 2020

On a motion by Commissioner Bonelli, seconded by Commissioner Merrifield, the Board adopted Resolution 2018-108 and Resolution 2018-109 as part of the Consent Agenda.

15. [2018-0233](#) RESOLUTION APPROVING A FY 2018 BUDGET TRANSFER OF \$800,000 FROM SAVINGS IN NON-PERSONNEL EXPENSE APPROPRIATION TO THE PERSONNEL EXPENSE APPROPRIATION PURSUANT TO BOARD OF PORT COMMISSIONERS POLICY NO. 90
- On a motion by Commissioner Bonelli, seconded by Commissioner Merrifield, the Board adopted Resolution 2018-110 as part of the Consent Agenda.
16. [2018-0239](#) RESOLUTION APPROVING AMENDMENT TO THE EMPLOYMENT AGREEMENT FOR THE PORT AUDITOR
- On a motion by Commissioner Bonelli, seconded by Commissioner Merrifield, the Board adopted Resolution 2018-111 as part of the Consent Agenda.
17. [2018-0244](#) RESOLUTION AUTHORIZING THE GENERAL COUNSEL TO EXECUTE AMENDMENT NO. 2 TO THE AGREEMENT FOR LEGAL SERVICES WITH PERKINS COIE, LLP INCREASING THE MAXIMUM AMOUNT PAYABLE BY \$50,000 FROM \$170,000 TO \$220,000, AND AMENDMENT NO. 2 TO THE AGREEMENT FOR LEGAL SERVICES WITH KELLEY DRYE & WARREN LLP INCREASING THE MAXIMUM AMOUNT PAYABLE BY \$13,000 FROM \$175,000 TO \$188,000; FY 2018 EXPENDITURES ARE BUDGETED
- On a motion by Commissioner Bonelli, seconded by Commissioner Merrifield, the Board adopted Resolution 2018-112 as part of the Consent Agenda.

APPROVAL OF MINUTES

[2018-0232](#) Approval of minutes for:
April 24, 2018 - SPECIAL MEETING - JOINT MEETING WITH CITY OF CHULA VISTA
May 1, 2018- SPECIAL MEETING - CLOSED SESSION
May 8, 2018 - CLOSED SESSION
May 8, 2018 - REGULAR BPC MEETING

On a motion by Commissioner Valderrama, seconded by Commissioner Bonelli, the Board approved the minutes. The motion carried by the following vote:

Yeas: 5 - Bonelli, Castellanos, Merrifield, Moore, and Valderrama

Nays: 0

Excused: 2 - Malcolm, and Zucchet

Absent: 0

Abstain: 0

Recused: 0

ACTION AGENDA

19. [2018-0190](#) INFORMATIONAL UPDATE ON THE SAN DIEGO ASSOCIATION OF GOVERNMENTS' REGIONAL TRANSPORTATION PLAN AND SUSTAINABLE COMMUNITIES STRATEGY

Commissioner Bonelli addressed the Board regarding Agenda Item 19 - File No. 2018-0190 and then turned the presentation over to Charles Stoll, Director of Land Use and Transportation Planning, San Diego Association of Governments (SANDAG), to speak about the SANDAG 2019-2050 Regional Transportation Plan. Mr. Stoll provided an overview of the process, elements of the plan, and timeline and next steps to develop the plan.

Commissioner Merrifield, and Commissioner Bonelli, provided comments and asked clarifying questions. Mr. Stoll responded on behalf of SANDAG.

20. [2018-0196](#) PRESENTATION ON THE 2017 COPPER LOAD REDUCTION EFFORTS RELATED TO THE SHELTER ISLAND YACHT BASIN TOTAL MAXIMUM DAILY LOAD

Karen Holman, Director of Environmental Protection, addressed the Board with staff's report and presentation regarding Action Agenda Item 20 - File No. 2018-0196 (A copy of the staff report, presentations and any agenda-related materials are on file with the Office of the District Clerk). Ms. Holman then turned the presentation over to Kelly Tait, Senior Environmental Specialist, Environmental Protection Program, Ms. Tait shared the results of the 2017 Annual Monitoring Program, and next steps for the Total Maximum Daily Load Program.

The following members of the public addressed the Board with agenda-related comments: Deborah Pennell, Chair, Shelter Island TMDL Group; John Adriany, SIMLG, San Diego Port Tenants Association; and Sharon Cloward, President, San Diego Port Tenants Association.

Commissioner Bonelli, Commissioner Merrifield, Commissioner Valderrama, and Chairman Castellanos provided comments and asked clarifying questions. Karen Holman responded on behalf of staff.

21. [2018-0187](#) PRESENTATION AND UPDATE ON THE SAN DIEGO OCEAN PLANNING PARTNERSHIP: EARLY LEARNINGS FROM STAKEHOLDER INPUT

Jason Giffen, Assistant Vice President, Planning & Green Port, addressed the Board with staff's report and presentation regarding Action Agenda Item 21 - File No. 2018-0187 (A copy of the staff report, presentations and any agenda-related materials are on file with the Office of the District Clerk). Mr. Giffen then turned the presentation over to Lesley Nishihira, Director, Planning, to provide anticipated timeline, milestones, and preliminary responses from the Focused Stakeholder Meetings. Ms. Nishihira then turned the presentation over to Lily Tsukayama, Assistant Planner, Planning, to discuss the second group of questions, and next steps.

*The following member of the public addressed the Board with agenda-related comments:
Peter Halmay, President, San Diego Fishermen's Working Group.*

*Commissioner Merrifield, Commissioner Moore, Commissioner Valderrama, and
Chairman Castellanos provided comments and asked clarifying questions. Jason Giffen
responded on behalf of staff.*

**22. [2018-0249](#) INFORMATIONAL PRESENTATION ON THE DESTINATION MARKETING
CAMPAIGN**

*Job Nelson, Assistant Vice President, External Relations, addressed the Board with
staff's report and presentation regarding Action Agenda Item 22 - File No. 2018-0249 (A
copy of the staff report, presentations and any agenda-related materials are on file with
the Office of the District Clerk). Mr. Nelson then turned the presentation over to Jenifer
Barsell, Director, Marketing & Communications, to provide the objectives for the
campaign, and the campaign development process. Ms. Barsell then turned the
presentation over to Revekka Balancier, Manager, Marketing & Communications, to
present the creative development, the media and marketing plan elements and examples,
and initial response results. Ms. Balancier then turned the presentation back to Mr.
Nelson to discuss the financial results, and next steps of the campaign.*

*The following member of the public addressed the Board with agenda-related comments:
Sharon Cloward, President, San Diego Port Tenants Association.*

*Commissioner Merrifield, Commissioner Moore, Commissioner Valderrama, and
Chairman Castellanos provided comments and asked clarifying questions. Job Nelson,
and Jenifer Barsell responded on behalf of staff.*

**23. [2018-0168](#) PRESENTATION AND DIRECTION TO STAFF ON THE PORT MASTER
PLAN UPDATE - POLICY DISCUSSION CONSIDERING PAID
ADVERTISING IN SPECIFIC APPLICATIONS:
A) BUILDING WRAPS WITHIN AN ADVERTISING DISTRICT
B) DIGITAL INFORMATIONAL AND WAYFINDING SIGNAGE**

The Item was continued to a future Board meeting.

**24. [2018-0212](#) ORDINANCE AMENDING SAN DIEGO UNIFIED PORT DISTRICT CODE,
ARTICLE 8, SECTION 8.32 TO CONTINUE PILOT PROGRAM
REGULATING BUILDING WRAPS ON QUALIFYING BUILDINGS
LOCATED IN A COMMERCIAL DISTRICT WITHIN THE DISTRICT'S
JURISDICTION IN THE CITY OF SAN DIEGO FOR AN ADDITIONAL ONE
YEAR PERIOD COMMENCING JUNE 17, 2018, AND ENDING JUNE 17,
2019, ADD A SUNSET PROVISION AND CORRECT TYPOGRAPHICAL
ERRORS**

This Item was continued to a future Board meeting.

25. [2018-0182](#) REVIEW AND CONSIDERATION OF DRAFT PROPOSED BOARD AGENDA FOR THE JULY 17, 2018 MEETING

On a motion by Commissioner Bonelli, seconded by Commissioner Moore, the Board adopted the draft agenda for July 17, 2018. The motion carried by the following vote:

Yeas: 5 - Bonelli, Castellanos, Merrifield, Moore, and Valderrama

Nays: 0

Excused: 0

Absent: 2 - Malcolm, and Zucchet

Abstain: 0

Recused: 0

PUBLIC HEARING AGENDA

26. A) [2018-0201](#) CONDUCT PUBLIC HEARING AND ADOPT AN ORDINANCE ADOPTING THE FISCAL YEAR 2019 FINAL BUDGET

Robert DeAngelis, CFO/Treasurer, addressed the Board with staff's report and presentation regarding Action Agenda Item 26.A) - File No. 2018-0201 and Action Agenda Item 26.B) - File No. 2018-0178 (A copy of the staff report, presentations and any agenda-related materials are on file with the Office of the District Clerk).

Commissioner Bonelli, Vice Chairman, opened the Public Hearing. No public came forward to speak.

Commissioner Merrifield and Commissioner Valderrama provided comments and asked clarifying questions. Robert DeAngelis responded on behalf of staff.

On a motion by Commissioner Valderrama, seconded by Commissioner Merrifield, the Board adopted Ordinance 2919. The motion carried by the following vote:

Yeas: 5 - Bonelli, Castellanos, Merrifield, Moore, and Valderrama

Nays: 0

Excused: 2 - Malcolm, and Zucchet

Absent: 0

Abstain: 0

Recused: 0

26. B) [2018-0178](#) ORDINANCE AMENDING SALARY ORDINANCE NO. 2906 AND RESOLUTION ESTABLISHING THE SAN DIEGO UNIFIED PORT DISTRICT (DISTRICT) DIRECTORY OF CLASSIFICATION SPECIFICATIONS FOR FY 2018/2019

On a motion by Commissioner Merrifield, seconded by Commissioner Valderrama, the Board adopted Ordinance 2920 and Resolution 2018-117. The motion carried by the following vote:

Yeas: 5 - Bonelli, Castellanos, Merrifield, Moore, and Valderrama

Nays: 0

Excused: 2 - Malcolm, and Zucchet

Absent: 0

Abstain: 0

Recused: 0

OFFICER'S REPORT

27. [2018-0276](#) OFFICER'S REPORT

Monthly Notification of Change Orders Pursuant to BPC Policy No. 110:

A) Change Order No. 2 to Contract No. 2017-62 with 5 North Media / 5 Calendar Day Time Extension thru 04/08/18

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 JAMR Properties, LLC dba San Diego Park, Shuttle & Fly for Amendment No. 2 to Tideland Use and Occupancy Permit (TUOP) with JAMR Properties, LLC, for total amount \$500.00

B) Request for User Fee Waiver Form from National Oceanic and Atmospheric Administration (NOAA) for Installation of High-Speed Telecom Line for Reuben Lasker at TAMT, for total amount \$658.00

C) Request for User Fee Waiver Form from City of Imperial Beach for City of Imperial Beach - Tideland Use and Occupancy Permit (TUOP) for Elkwood Parking Lot, for total amount \$1,358.00

D) Request for User Fee Waiver Form from City of Imperial Beach for 4th of July Fireworks Event, for total amount \$500.00

E) Request for User Fee Waiver Form from City of Imperial Beach for Dunes Park Fitness Equipment, for total amount \$500.00

Monthly Notification of Rent Reviews Completed 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 (#64559) with Harvest Meat Company, Inc.
/ Amends Description of Leased Premises, and Section 3 Regarding Rent

*Secretary, Board of Port Commissioners
San Diego Unified Port District*

ATTEST:

Clerk of the San Diego Unified Port District