



San Diego Unified Port District

3165 Pacific Hwy.
San Diego, CA 92101

Meeting Minutes

Board of Port Commissioners

Wednesday, July 24, 2019

1:00 PM

Pacific Daylight Time
Don L. Nay Port Administration Boardroom

Adjourned Regular Meeting
Teleconference Location
10:00 AM - Hawaii Standard Time
Residence Inn Maui-Wailea, Molokini Room
75 Wailea Ike, Wailea, Maui, Hawaii 96753

A. Roll Call.

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

Excused: 0

Absent: 0

Officers Present: Coniglio, DeAngelis, Medina, 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 Commissioner Castellanos recused himself and did not participate in Closed Session Item 4 - File Number 2019-0280. No reportable action was taken.

C. Pledge of Allegiance.

Commissioner Malcolm led the Pledge of Allegiance.

D. Public Communications.

The following member(s) of the public addressed the Board with non agenda-related comments: Matt Everingham, Board Member, San Diego Fishermen's Working Group.

E. Commissioners' Reports.

No Commissioners' reports were provided.

F. Board Committee Reports.

Commissioner Valderrama reported on the Maritime Stakeholder Forum. Commissioner Valderrama explained that the Forum met on June 25, during which they discussed the Community Air Protection Program AB 617 with members of the Port Tenants Association, and discussed opportunities for collaboration to improve air quality around the waterfront with the Environmental Health Coalition.

Commissioner Valderrama also provided a report on the Accessibility Advisory Committee. Commissioner Valderrama explained that the Committee met in June and received updates on the Portside Pier Restaurant Redevelopment project, and the internal evaluation efforts on the shared dockless mobility devices on Tidelands, as well as reviewed the 2019 Accessibility Committee Work Plan and Projects.

G. President's Report.

Randa Coniglio, President/CEO invited Jeff Wohler, Chairman of the San Diego Harbor Police Foundation, to the podium. Mr. Wohler reported on recent events supported by the Foundation which were: the first annual Fish With A Cop - 27 students from Grace W. Perkins Elementary went on a half-day ocean fishing trip with 30 Police Officers; and Harbor Police In Action - several hundred people attended and were able to watch the capabilities demonstration by Harbor Police.

Ms. Coniglio then announced that the Port of San Diego is a member of Green Marine which is an internationally recognized maritime trade association and certifier of maritime sustainability programs for Ports, shippers, and terminal operators. In June staff attended the Greentech 2019 conference in Cleveland, Ohio, and was recognized for achieving top marks for environmental leadership in 7 of the organization's 8 sustainability categories during the Port's first year of participation.

Ms. Coniglio then reported on the Picnic in the Park event on May 18. Ms. Coniglio explained that the Waterfront Arts & Activation department put together a free event at Cesar Chavez Park which included live music, dance performances, games, art activities, food, and giveaways. Over 500 people attended this event. Ms. Coniglio then introduced a short video of the event.

Ms. Coniglio also spoke about the pop-up art museum Wonderspaces exhibit at the B Street Cruise Ship Terminal. The exhibit includes over thirteen unique artistic experiences ranging from room-sized interactive art installations to virtual reality experiences and kinetic sound-based sculptures. Ms. Coniglio then introduced a promotional video for the event.

Ms. Coniglio also reported that the first permitted event under the Port's management of the National City Aquatic Center took place on June 30. The name of the event was Boodle Fight San Diego, and was hosted by a local Filipino organization whose mission is to unite the community using art, music, and cuisine, by creating a fully immersive food experience where people eat in the traditional Filipino "Kamayan" style with their hands. Ms. Coniglio then introduced a promotional video produced by the organization.

H. District Clerk's Announcements.

Donna Morales, District Clerk, announced that additional agenda-related materials were received after the publication of the agenda for Consent Agenda Item 8 - File No. 2019-0165, and that copies were available at the Clerk's desk.

Ms. Morales then reported that staff requested to continue Consent Agenda Item 3 - File No. 2019-0249.

On a motion by Commissioner Malcolm, seconded by Commissioner Castellanos, the Board accepted the requested docket changes. 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

APPROVAL OF MINUTES

[2019-0269](#) Approval of minutes for:

June 18, 2019 - CLOSED SESSION

June 18, 2019 - BPC MEETING

On a motion by Commissioner Castellanos, seconded by Commissioner Zucchet, the Board approved the minutes. 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

CONSENT AGENDA

On a motion by Commissioner Castellanos, seconded by Commissioner Malcolm, the Board adopted the Consent Agenda as follows: Resolution 2019-087; Resolution 2019-088; Resolution 2019-089; Resolution 2019-090; Resolution 2019-091; Resolution 2019-092; Resolution 2019-093; Ordinance 2947; and Ordinance 2948. 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

1. [2019-0202](#) RESOLUTION APPROVING CALENDAR YEAR 2019 ANNUAL WORK PLAN FOR THE ACCESSIBILITY ADVISORY COMMITTEE PURSUANT TO THE BOARD OF PORT COMMISSIONERS POLICY NO. 018, BOARD ADVISORY COMMITTEES

On a motion by Commissioner Castellanos, seconded by Commissioner Malcolm, the Board adopted Resolution 2019-087 as part of the Consent Agenda.

2. [2019-0207](#) RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AWARDED CONTRACT NO. 2018-27 TO 3-D ENTERPRISES, INC. IN THE AMOUNT OF \$4,297,000.00 FOR THE SWEETWATER BICYCLE PATH AND PROMENADE PROJECT, CHULA VISTA, CALIFORNIA, AS AUTHORIZED BY THE BOARD IN THE FY 2019-2023 CAPITAL IMPROVEMENT PROGRAM, REIMBURSABLE THROUGH THE CALIFORNIA NATURAL RESOURCES AGENCY'S URBAN GREENING PROGRAM, GRANT AGREEMENT NUMBER U29130-0

On a motion by Commissioner Castellanos, seconded by Commissioner Malcolm, the Board adopted Resolution 2019-088 as part of the Consent Agenda.

3. [2019-0249](#) RESOLUTION AUTHORIZING A SOLE SOURCE AGREEMENT TO COCHRAN MARINE, LLC FOR THE PERIOD OF AUGUST 1, 2019 TO JUNE 30, 2022 TO CONTINUE CRUISE SHIP SHORE POWER CONNECTION, COMMISSIONING, AND MAINTENANCE SERVICES SUPPORTING THE PROPRIETARY SHORE POWER SYSTEM AT B STREET AND BROADWAY PIERS IN AN AMOUNT NOT TO EXCEED \$910,000.

FUNDS FOR THE FIRST YEAR OF THIS EXPENDITURE OF \$246,015 ARE INCLUDED IN THE APPROVED FY 2020 BUDGET. FUNDS REQUIRED FOR FUTURE FISCAL YEARS WILL BE BUDGETED FOR IN THE APPROPRIATE 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

This item was continued to a future Board meeting.

4. [2019-0219](#) 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 FOR FY 2018 AND GRANT INDEMNITY TO THE COUNTY OF SAN DIEGO
- On a motion by Commissioner Castellanos, seconded by Commissioner Malcolm, the Board adopted Resolution 2019-089 as part of the Consent Agenda.
5. [2019-0224](#) RESOLUTION CONSENTING TO A SUBLEASE BETWEEN LFN DEVELOPERS, LLC, A DELAWARE LIMITED LIABILITY COMPANY, AND MONIKER HOSPITALITY, LLC, A CALIFORNIA LIMITED LIABILITY COMPANY, TO OPERATE AN EVENT VENUE AT THE SPRINGHILL SUITES/RESIDENCE INN AT LANE FIELD NORTH FOR A TEN-YEAR AND FOUR-MONTH TERM, WITH CONDITIONS
- On a motion by Commissioner Castellanos, seconded by Commissioner Malcolm, the Board adopted Resolution 2019-090 as part of the Consent Agenda.
6. [2019-0231](#) EMERGENCY REPAIR OF THE FLOATING UPWELLER SYSTEM AT TUNA HARBOR
- RESOLUTION BY A 4/5 VOTE AUTHORIZING CONTINUED ACTION FOR THE EMERGENCY REPAIR OF THE FLOATING UPWELLER SYSTEM (FLUPSY) AT TUNA HARBOR
- On a motion by Commissioner Castellanos, seconded by Commissioner Malcolm, the Board adopted Resolution 2019-091 as part of the Consent Agenda.
7. [2019-0244](#) RESOLUTION APPROVING PROCLAMATION IN RECOGNITION OF JULY 2019 AS PARKS AND RECREATION MONTH.
- On a motion by Commissioner Castellanos, seconded by Commissioner Malcolm, the Board adopted Resolution 2019-092 as part of the Consent Agenda.
8. [2019-0165](#) RESOLUTION AUTHORIZING AN AMENDMENT TO THE AGREEMENT WITH SAP PUBLIC SERVICES, INC., FOR SOFTWARE END-USER LICENSES, TO INCREASE THE ANNUAL SOFTWARE MAINTENANCE EXPENDITURE BY AN AMOUNT OF \$108,581 PER YEAR TO AN AMOUNT NOT TO EXCEED \$180,884; AND AUTHORIZING A NEW AGREEMENT WITH SAP PUBLIC SERVICES, INC. FOR CONSULTING SERVICES IN AN AMOUNT NOT TO EXCEED \$650,000, IN ACCORDANCE WITH BPC POLICY NO. 110 II.H, WITH A FIVE-YEAR TOTAL COST OF OWNERSHIP OF THE SAP SYSTEM OF \$4,371,117 (WHICH INCLUDES ALL CURRENT SAP RELATED AGREEMENTS) FY2019 EXPENDITURES ARE BUDGETED IN THE INFORMATION TECHNOLOGY DEPARTMENT PROFESSIONAL SERVICES COST ACCOUNT. 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 Castellanos, seconded by Commissioner Malcolm, the Board adopted Resolution 2019-093 as part of the Consent Agenda.

9. [2019-0257](#) ORDINANCE AMENDING THE FY2020 BUDGET BY INCREASING THE "EQUIPMENT OUTLAY AND OTHER CAPITAL OUTLAY PROJECTS" APPROPRIATIONS BY \$400,000 FOR DESIGN AND ENVIRONMENTAL REVIEW OF PROPOSED IMPROVEMENTS TO BROADWAY PIER AND THE PORT PAVILION, TO BE FUNDED FROM THE CUMULATIVE UNRESTRICTED RESOURCES

On a motion by Commissioner Castellanos, seconded by Commissioner Malcolm, the Board adopted Ordinance 2947 as part of the Consent Agenda.

10. [2019-0260](#) ORDINANCE AMENDING THE FISCAL YEAR (FY) 2020 BUDGET INCREASING THE FY 2020 EQUIPMENT OUTLAY AND OTHER CAPITAL PROJECTS APPROPRIATION BY \$3 MILLION FOR TENANT IMPROVEMENT ALLOWANCES AT SEAPORT VILLAGE, WITH \$3 MILLION TO BE FUNDED FROM CUMULATIVE UNRESTRICTED RESOURCES

On a motion by Commissioner Castellanos, seconded by Commissioner Malcolm, the Board adopted Ordinance 2948 as part of the Consent Agenda.

ACTION AGENDA

11. [2018-0489](#) ORDINANCE GRANTING A 15-YEAR LEASE WITH THREE 10-YEAR OPTIONS AND ONE 5-YEAR OPTION TO EXTEND THE TERM OF THE LEASE FOR A TOTAL OF UP TO 50 YEARS TO THE SAN DIEGO SYMPHONY ORCHESTRA ASSOCIATION FOR THE BAYSIDE PERFORMANCE PARK LOCATED IN EMBARCADERO MARINA PARK SOUTH IN SAN DIEGO

Tony Gordon, Director, Real Estate, addressed the Board with staff's report and presentation regarding Action Agenda Item 11 - File No. 2018-0489 (A copy of the staff report, presentations and any agenda-related materials are on file with the Office of the District Clerk). Mr. Gordon then turned the presentation to Sean Jones, Asset Manager, Real Estate, to discuss the staff recommendations, ground lease terms, the operations plan, and next steps.

The following member(s) of the public addressed the Board with agenda-related comments: Dave Snyder, Board Chair, San Diego Symphony; Martha Gilmer, President/CEO, San Diego Symphony; and Richard Ledford, President/CEO, Ledford Enterprises Inc.

Commissioner Merrifield, Commissioner Castellanos, Commissioner Malcolm, Commissioner Zucchet, Commissioner Valderrama, Chairman Bonelli, and Vice Chair Moore provided comments and asked clarifying questions. Martha Gilmer, San Diego Symphony, responded.

On a motion by Commissioner Merrifield the Board adopted Ordinance 2949. 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

- 12.** [2019-0254](#) INFORMATIONAL PRESENTATION FROM THE NONPROFIT INSTITUTE AT THE UNIVERSITY OF SAN DIEGO ON THE EQUINOX PROJECT'S 2019 SAN DIEGO REGIONAL QUALITY OF LIFE DASHBOARD, WHICH MEASURES AND BENCHMARKS REGIONAL TRENDS IN SAN DIEGO COUNTY AS A MEANS FOR TURNING RESEARCH INTO ACTION TO HELP ACHIEVE A HEALTHIER ENVIRONMENT, STRONGER ECONOMY, AND INFORMED CIVIC ENGAGEMENT

Renee Yarmy, Program Manager, Energy & Sustainability, addressed the Board with staff's report and presentation regarding Action Agenda Item 12 - File No. 2019-0254 (A copy of the staff report, presentations and any agenda-related materials are on file with the Office of the District Clerk). Ms. Yarmy then turned the presentation to Emily Young, Executive Director, The Nonprofit Institute, to provide overview of the Equinox Project's Quality of Life Dashboard. Dr. Young then turned to presentation to Christiana DeBenedict, Director of Environment Leadership Initiatives, The Nonprofit Institute, to discuss a few of the indicators from the Dashboard.

The following member(s) of the public addressed the Board with agenda-related comments: None.

Commissioner Malcolm and Commissioner Valderrama, provided comments and asked clarifying questions. Lisa Walker, Research Assistant, Caster Family Center for Nonprofit and Philanthropic Research, responded.

- 13.** [2019-0197](#) RESOLUTION AUTHORIZING AMENDMENT NO. 1 TO AGREEMENT WITH STAY CLASSY SAN DIEGO, LLC FOR SPONSORSHIP OF A FESTIVAL ON THE DOWNTOWN SAN DIEGO WATERFRONT, ADDING \$150,000 IN FUNDING, AND ASSIGNING ALL RIGHTS AND OBLIGATIONS OF STAY CLASSY SAN DIEGO, LLC TO WONDERLUST EVENTS, LLC. FY 2020 EXPENDITURES ARE BUDGETED.

Jim Hutzelman, Manager, Business Development & Recreation Services, Waterfront Arts & Activation, addressed the Board with staff's report and presentation regarding Action Agenda Item 13 - File No. 2019-0197 (A copy of the staff report, presentations and any agenda-related materials are on file with the Office of the District Clerk).

The following member(s) of the public addressed the Board with agenda-related comments: None.

Commissioner Merrifield, Commissioner Castellanos, Commissioner Valderrama,

Commissioner Malcolm, Chairman Bonelli, and Vice Chair Moore provided comments and asked clarifying questions. Jim Hutzelman, Yvonne Wise, Director, Waterfront Arts & Activation, Commissioner Valderrama, and Ernie Hahn, Stay Classy San Diego, responded.

Commissioner Malcolm made a motion to continue this item to the August Board meeting, and requested that staff bring back line item expense information, how Port funds are going to be spent, and a fiscal economic analysis on the impact of the event. Commissioner Castellanos seconded the motion. 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

14. [2019-0228](#) RESOLUTION AUTHORIZING AGREEMENT UNDER THE BLUE ECONOMY INCUBATOR WITH ECONCRETE INC. FOR A 3-YEAR PILOT PROJECT TO DEMONSTRATE A POTENTIAL BIO-ENHANCING CONCRETE SOLUTION FOR MARINE INFRASTRUCTURE FOR A TOTAL AMOUNT NOT TO EXCEED \$200,000. FUNDS FOR THE CURRENT FISCAL YEAR 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

Jason Giffen, Assistant Vice President, Planning & Green Port, addressed the Board with staff's report and presentation regarding Action Agenda Item 14 - File No. 2019-0228 (A copy of the staff report, presentations and any agenda-related materials are on file with the Office of the District Clerk).

The following member(s) of the public addressed the Board with agenda-related comments: None

Commissioner Merrifield, Commissioner Malcolm, Commissioner Castellanos, and Chairman Bonelli, provided comments and asked clarifying questions. Jason Giffen, and Simon Kann, Deputy General Counsel, responded.

Commissioner Malcolm, made a motion to approve the agreement and modify the total not to exceed amount to \$241,550; Chairperson Bonelli seconded the motion, the Board thereby adopted Resolution 2019-094. 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 left the dais at 3:06 pm and did not return for the remainder of the meeting.

15. [2019-0198](#) REVIEW AND CONSIDERATION OF DRAFT PROPOSED BOARD AGENDA FOR THE AUGUST 13, 2019 MEETING

On a motion by Commissioner Valderrama, seconded by Commissioner Castellanos, the Board approved the proposed Board agenda for August. The motion carried by the following vote:

Yeas: 6 - Bonelli, Castellanos, Merrifield, Moore, Valderrama, and Zucchet

Nays: 0

Excused: 1 - Malcolm

Absent: 0

Abstain: 0

Recused: 0

OFFICER'S REPORT

16. [2019-0258](#) MONTHLY NOTIFICATION OF CHANGE ORDERS PURSUANT TO BPC POLICY NO. 110:

A) Change Order No. 1 to Contract No. 2018-23 with Clear Blue Energy Corp. / Increases Contract by \$41,589.46

B) Change Order No. 1 to Contract No. 2018-10 with Chambers, Inc. dba Roof Construction / Decreases Contract by \$78,248.37

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 Stay Open San Diego, LLC for Stay Open San Diego Right of Entry License Agreement, 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

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

ATTEST:

Clerk of the San Diego Unified Port District