



San Diego Unified Port District

3165 Pacific Hwy.
San Diego, CA 92101

Meeting Minutes

Board of Port Commissioners

Tuesday, February 11, 2020

1:00 PM

Don L. Nay Port Administration Boardroom

A. Roll Call.

Present: 5 - Commissioner Bonelli, Commissioner Castellanos, Commissioner Merrifield, Chairperson Moore, and Commissioner Zucchet
Excused: 2 - Commissioner Malcolm, and Commissioner Valderrama
Absent: 0

Officers Present: Coniglio, DeAngelis, Morales, and Russell

B. Pledge of Allegiance.

Commissioner Castellanos led the Pledge of Allegiance.

C. Closed Session Report Out.

Thomas A. Russell, General Counsel, announced that the Board considered the items on the Closed Session Agenda with the exception of Consent Agenda Item 10 - File No. 2020-0060 which will be continued to a future Board meeting. Mr. Russell added that no reportable action was taken.

Mr. Russell then left and turned his seat at the dais to Ellen Gross, Assistant General Counsel for the remainder of the meeting.

D. Public Communications.

The following member(s) of the public addressed the Board with non agenda-related comments: Kate Evans; and Maya Tahiramani, Vice President, San Diego Refrigerated Services.

E. Board Committee Reports.

No Board Committee reports were provided.

F. Commissioners' Reports.

Commissioner Merrifield reported that he, along with Randa Coniglio, President/CEO, traveled to Sacramento to meet with Vice Chair Janea Scott of the California Energy Commission. This meeting provided an opportunity to discuss the upcoming Ports Energy Collaborative meeting, which the Port of San Diego is hosting on February 27, to talk about desired accomplishments for that meeting as well as accomplishments for future Ports Collaborative meetings. One of the desired subjects includes an electric rate

structure discussion with the California Public Utilities Commission in hopes to incentivize electrification at the Port to support green activities.

Commissioner Merrifield added that during their trip to Sacramento they were fortunate to have a meeting with the Lieutenant Governor to discuss the Tijuana River Valley funding to secure as much of the \$300 million USMCA funding as possible.

Commissioner Merrifield then provided a report on the U.S. Coast Guard Blue Technology Center of Expertise ribbon-cutting ceremony. Commissioner Merrifield explained that this ceremony was held to recognize the opening of the new center located on the UC San Diego Scripps Institution of Oceanography campus. This center is an outcome of the federal Save Our Seas Act of 2018, which was led by Congressman John Garamendi of California's 3rd District. This center will provide guidance and opportunities for innovators of blue technologies, and the ability to demonstrate new capabilities to Coast Guard decision-makers.

Commissioner Bonelli announced that he wanted to take the opportunity to thank Chair Stephen Padilla of the California Coastal Commission, for attending the Board of Port Commissioner's annual retreat in January. Commissioner Bonelli explained that Chair Padilla provided many poignant comments, and expressed a desire to develop a strong rapport between the Port of San Diego and the California Coastal Commission.

G. President's Report.

Randa Coniglio, President/CEO, announced that she has five items to share today and then invited Mike LaFleur, Vice President of Maritime, to the podium to present the first item. Mr. LaFleur introduced Port partner, Pasha Group, and invited George Pasha, President and CEO, to the podium. Mr. Pasha provided brief history of the Pasha Group and the current operations at the Port of San Diego. Mr. Pasha highlighted their business partners and important milestones over the past 30 years which includes their 7 million dollar investment into the facilities at the Port's National City Marine Terminal. Mr. Pasha also highlighted their efforts regarding environmental stewardship such as using electric vehicles to move inventory, installing EV charging stations, and using solar-power at the terminal. Mr. Pasha also announced that they have partnered with Porsche to transport and process Porsche vehicles (as well as other brands such as Lamborghini, Alpha Romeo, Fiat Chrysler, et al.) which involves development of a 7 million dollar state-of-the-art facility at the terminal which will be used to prepare vehicles for delivery to the dealers. Mr. Pasha stated that he looks forward to working with the Port to continue to grow and support terminal operations.

Ms. Coniglio next invited Zach Birmingham, Senior Environmental Specialist, Energy, to the podium to discuss the High Tech High Internship program at the Port. Mr. Birmingham explained that High Tech High sends their students out into the business community for a month long internship to learn what it is like to be in a professional environment. The Port's Energy Team was able to host two mentees from this program to foster their interest in the ocean and environmental science fields, and to inform them about potential careers at the Port. Mr. Birmingham then invited the two students, Elle Davis and Bergen Richter, to the podium to introduce themselves and share how their perspective regarding the Port changed from the beginning to the end of their internship.

Ms. Coniglio then invited Karen Holman, Director of Environmental Protection, to the podium to provide an in-water hull cleaning ordinance development update. Ms. Holman explained that the Port is continuing the process to develop an ordinance that will help the environment and boating. Port staff will be holding a stakeholder meeting in early March to discuss an approach that will fill the data gaps related to in-water hull cleaning.

Ms. Holman stated that during the review period, staff will not be recommending any ordinance revisions and that the current ordinance adopted in 2012 is still in effect. All information regarding this process is available to the public on the Port's website (portofsandiego.org).

Ms. Coniglio then shared that she had the privilege to speak on a panel at the State Lands Commission meeting in Sacramento to provide Port input on the State Lands Commission's next 5-year strategic plan. Ms. Coniglio explained that she raised four major principles during her testimony which included: State Lands and Ports are partners; and environmental goals and economic growth are not mutually exclusive. Ms. Coniglio expressed the importance of the value for the Port to spend time in Sacramento as this is where decisions are made that impact the Port most.

Ms. Coniglio then shared the Port's celebration of National Wear Red Day to raise awareness about heart health. Ms. Coniglio explained that the Human Resources team traveled around the departments to educate and advocate regarding heart disease prevention, and the General Services team has lit up the Administration Building with red lights throughout the month of February to remind the public that it is American Heart Month.

H. District Clerk's Announcements.

Donna Morales, District Clerk, announced that staff requested to pull the following items from the Consent Agenda to the Action Agenda: Consent Agenda Item 4 - File No. 2019-0500 and Consent Agenda Item 6 - File No. 2019-0503.

Ms. Morales then reported that staff requested to continue the following item: Consent Agenda Item 8 - File No. 2020-0020.

Additionally, Ms. Morales reported that the following item no longer requires Board action: Consent Agenda Item 10 - File No. 2020-0062.

On a motion by Commissioner Zucchet, seconded by Commissioner Castellanos, the Board accepted the requested docket changes. The motion carried by the following vote:

Yeas: 4 - Bonelli, Castellanos, Moore, and Zucchet

Nays: 0

Excused: 3 - Malcolm, Merrifield, and Valderrama

Absent: 0

Abstain: 0

Recused: 0

APPROVAL OF MINUTES

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

January 9, 2020 - BPC MEETING

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

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

Nays: 0

Excused: 2 - Malcolm, and Valderrama

Absent: 0

Abstain: 0

Recused: 0

CONSENT AGENDA

On a motion by Commissioner Castellanos, seconded by Commissioner Zucchet, the Board adopted the Consent Agenda as follows: Resolution 2020-007; Resolution 2020-008; Resolution 2020-009; Resolution 2020-010; Resolution 2020-014; Resolution 2020-018; Ordinance 2970; Resolution 2020-019; Resolution 2020-020; Resolution 2020-021; and Resolution 2020-022. The motion carried by the following vote:

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

Nays: 0

Excused: 2 - Malcolm, and Valderrama

Absent: 0

Abstain: 0

Recused: 0

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.

On a motion by Commissioner Castellanos, seconded by Commissioner Zucchet, the Board adopted Resolution 2020-007 and Resolution 2020-008 as part of the Consent Agenda.

2. [2019-0479](#) RESOLUTION RESCINDING BOARD OF PORT COMMISSIONERS POLICY NO. 451: USE OF THE DISTRICT'S PORTABLE STAGE

On a motion by Commissioner Castellanos, seconded by Commissioner Zucchet, the Board adopted Resolution 2020-009 as part of the Consent Agenda.

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

On a motion by Commissioner Castellanos, seconded by Commissioner Zucchet, the Board adopted Resolution 2020-010 as part of the Consent Agenda.

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.

On a motion by Commissioner Castellanos, seconded by Commissioner Zucchet, the Board adopted Resolution 2020-014 as part of the Consent Agenda.

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.

On a motion by Commissioner Castellanos, seconded by Commissioner Zucchet, the Board adopted Resoluiton 2020-018 as part of the Consent Agenda.

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.

This item was continued 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

On a motion by Commissioner Castellanos, seconded by Commissioner Zucchet, the Board adopted Ordinance 2970 as part of the Consent Agenda.

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.

Board action 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

On a motion by Commissioner Castellanos, seconded by Commissioner Zucchet, the Board adopted Resolution 2020-019 as part of the Consent Agenda.

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.

On a motion by Commissioner Castellanos, seconded by Commissioner Zucchet, the Board adopted Resolution 2020-020 as part of the Consent Agenda.

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

On a motion by Commissioner Castellanos, seconded by Commissioner Zucchet, the Board adopted Resolution 2020-021 as part of the Consent Agenda.

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.

On a motion by Commissioner Castellanos, seconded by Commissioner Zucchet, the Board adopted Resolution 2020-022 as part of the Consent Agenda.

ACTION AGENDA

15. [2019-0519](#) PRESENTATION OF SERVICE AWARDS TO EMPLOYEES WITH 15 OR MORE YEARS OF SERVICE

Vanessa Lopez, Human Resources Technician, addressed the Board with staff's report and presentation regarding Action Agenda Item 15 - File No. 2019-0519 (A copy of the

staff report, presentations and any agenda-related materials are on file with the Office of the District Clerk). Ms. Lopez then turned the presentation to Randa Coniglio, President/CEO. Ms. Coniglio introduced and acknowledged tenure of Alan MacNabb II, Lead Maintenance Mechanic, General Services, for his 25 years of service.

Commissioner Zucchet provided comments.

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

Job Nelson, Chief Policy Strategist, addressed the Board with staff's report and presentation regarding Action Agenda Item 16 - File No. 2020-0007 (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 to Coleen Clementson, Director of Planning and Land Use, SANDAG, to discuss the outcomes of the committee and next steps. Ms. Clementson then turned the presentation back to Mr. Nelson to summarize the MOU and staff recommendations.

The following member(s) of the public addressed the Board with agenda-related comments: Adrian Granda, Deputy Director Government Affairs, Mayor Faulconer's Office, City of San Diego; and Matt Harris, Director, Government Relations, San Diego County Regional Airport Authority.

Commissioner Merrifield, Commissioner Bonelli, Commissioner Castellanos, Commissioner Zucchet, and Chair Moore provided comments.

On a motion by Commissioner Bonelli, seconded by Commissioner Castellanos, the Board adopted Resolution 2020-023. The motion carried by the following vote:

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

Nays: 0

Excused: 2 - Malcolm, and Valderrama

Absent: 0

Abstain: 0

Recused: 0

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

Jason Giffen, Vice President, Planning, Environment, and Government Relations, addressed the Board with staff's report and presentation regarding Action Agenda Item 17 - File No. 2020-0015 (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 to Scott Jordan, Civitas, to discuss possible land use for the east Harbor Island parcels and positioning of the potential Top Golf site. Mr. Jordan then turned the

presentation to James Hammel, Program Manager, Real Estate, to discuss the Topgolf Exclusive Negotiating Agreement, key milestones, and staff recommendations.

The following member(s) of the public addressed the Board with agenda-related comments: Sharon Cloward, President, San Diego Port Tenants Association; Ryan Karlsgodt, Unite Here Local 30; and Uri Feldman, Sunroad Enterprises.

Chair Moore, Commissioner Merrifield, Commissioner Zucchet, Commissioner Castellanos, and Commissioner Bonelli provided comments and asked clarifying questions. Lesley Nishihira, Director, Planning, Matt Smith, Director of Real Estate, Topgolf, Chief Mark Stainbrook, Harbor Police, Randa Coniglio, President/CEO, and Rebecca Harrington, Senior Deputy General Counsel, responded.

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 AWARDING 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.

This item was pulled from the Consent Agenda.

Simon Kann, Deputy General Counsel, addressed the Board with staff's report and presentation regarding Agenda Item 4 - File No. 2019-0500 (A copy of the staff report, presentations and any agenda-related materials are on file with the Office of the District Clerk). Mr. Kann provided a suggested format that would give all parties an opportunity to speak to this item.

Chair Moore called Arthur Hernandez, Jr., TC Construction Company, to provide testimony on Item 4A as protestor.

Robert Lynch, McMahon Lynch Law Firm, counsel and representative for MVC Enterprises, was called to provide rebuttal to protest.

Commissioner Merrifield, Chair Moore, Commissioner Castellanos, Commissioner Zucchet, Commissioner Bonelli, provided comments and asked clarifying questions. Shirley Hirai, Equal Opportunity Manager, Mr. Kann, Mr. Lynch, Mr. Hernandez, and Christopher McGrath, Program Manager, Engineering-Construction, responded.

Mr. Lynch was invited to provide a response to Board comments.

Commissioner Castellanos made a motion on Item 4A to sustain the bid protest from TC Construction Company, Inc. against MVC Enterprises Inc., Commissioner Merrifield seconded the motion. Commissioner Zucchet made a friendly

amendment to include in the motion that the basis for sustaining the protest is the Board considers MVC Enterprises bid non-responsive based on the plain language of the bid. Commissioner Castellanos accepted the amendment. The Board thereby adopted Resolution 2020-011. The motion carried by the following vote:

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

Nays: 0

Excused: 2 - Malcolm, and Valderrama

Absent: 0

Abstain: 0

Recused: 0

Chair Moore invited Eagle Paving Company, Inc. to speak to Item 4B to provide testimony regarding bid protest against TC Construction Company, Inc., but no representatives were present.

Chair Moore then asked if anyone from the public wished to speak to this item. No members of the public came forward.

Mr. Hernandez, Jr., TC Construction Company, Inc. was called to provide rebuttal to the protest from Eagle Paving Company, Inc.

Commissioner Merrifield made a motion on Item 4B to adopt a resolution rejecting the bid protest from Eagle Paving Company, Inc. against TC Construction Company, Inc. Commissioner Castellanos seconded the motion. The Board thereby adopted Resolution 2020-012. The motion carried by the following vote:

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

Nays: 0

Excused: 2 - Malcolm, and Valderrama

Absent: 0

Abstain: 0

Recused: 0

Commissioner Merrifield called for a motion to adopt Item 4C as modified to adopt a resolution approving plans and specifications and awarding Contract No. 2019-15 to TC Construction, Inc. in the amount of \$789,700.00 (Bid Schedules A and B) for the construction of the Pavement Improvements at Shelter Island Parking Lots project, as authorized by the Board in the FY19/20 Major Maintenance program. Commissioner Castellanos seconded the motion. The motion carried by the following vote:

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

Nays: 0

Excused: 2 - Malcolm, and Valderrama

Absent: 0

Abstain: 0

Recused: 0

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 AWARDING 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.

This item was pulled from the Consent Agenda.

Christopher Burt, Deputy General Counsel, General Counsel's Office, addressed the Board with staff's report and presentation regarding Agenda Item 6 - File No. 2019-0503 (A copy of the staff report, presentations and any agenda-related materials are on file with the Office of the District Clerk).

Chair Moore invited William Crowe, Attorney, Carlton & Alberola, representative for ERC Roofing and Waterproofing, to provide testimony on Item 6B regarding bid protest against Urban Corps of San Diego County.

Chair Moore invited Urban Corps of San Diego County to provide rebuttal to bid protest but no representatives were present.

Commissioner Zucchet, Chair Moore, Commissioner Merrifield provided comments and asked clarifying questions. Mr. Burt and Mr. Crowe responded.

On a motion by Commissioner Castellanos, seconded by Commissioner Zucchet, the Board adopted Item 6B, Resolution 2020-016 rejecting bid protest from ERC Roofing & Waterproofing against Urban Corps of San Diego County. The motion carried by the following vote:

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

Nays: 0

Excused: 2 - Malcolm, and Valderrama

Absent: 0

Abstain: 0

Recused: 0

On a motion by Commissioner Zucchet, seconded by Commissioner Castellanos, the Board adopted Items 6A and 6C as presented, thereby adopting Resolution 2020-015 and Resolution 2020-017. The motion carried by the following vote:

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

Nays: 0

Excused: 2 - Malcolm, and Valderrama

Absent: 0

Abstain: 0

Recused: 0

18. [2019-0489](#) REVIEW AND CONSIDERATION OF DRAFT PROPOSED BOARD AGENDA FOR THE MARCH 10, 2020 MEETING

On a motion by Commissioner Bonelli, seconded by Commissioner Castellanos, the Board adopted the proposed agenda for March. The motion carried by the following vote:

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

Nays: 0

Excused: 2 - Malcolm, and Valderrama

Absent: 0

Abstain: 0

Recused: 0

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

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

ATTEST:

Clerk of the San Diego Unified Port District