



# San Diego Unified Port District

3165 Pacific Hwy.  
San Diego, CA 92101

## Meeting Minutes

### Board of Port Commissioners

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Tuesday, April 14, 2020

1:00 PM

Don L. Nay Port Administration Boardroom

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#### A. Roll Call.

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

**Excused:** 0

**Absent:** 0

#### 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. Public Communications.

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

#### D. Board Committee Reports.

*Chair Moore reported on the Audit Oversight Committee. Chair Moore explained that the Committee met and received a review of the annual work plan for the Committee, which was recommended to the Board for approval; external committee member Ivan Sotomayor's reappointment for a three year term was recommended to the Board for approval; Acting Port Auditor Mark Yielding presented items regarding external auditor's Macias Gini and O'Connell (MGO) required engagement letter and proposed annual fee for performing the FY19/20 financial audit and single audit, a status report on audit activities related to the District's audit plan for FY20, and the status of hotline reports received through the District's Ethics Hotline received after the December 12th Committee meeting.*

#### E. Commissioners' Reports.

*No reports were provided.*

#### F. President's Report.

*No report was provided.*

#### G. District Clerk's Announcements.

*Donna Morales, District Clerk, announced that additional agenda related information was received by the Commissioners after the publication of the agenda for the following item: File No. 2019-0464.*

*Ms. Morales then reported that staff requested to continue the following items: Agenda Item 12 - File No. 2020-0132, Agenda Item 13 - File No. 2020-0133, Agenda Item 14 - File No. 2020-0134, Agenda Item 15 - File No. 2020-0135, Agenda Item 16 - File No. 2020-0136, Agenda Item 17 - File No. 2020-0137, Agenda Item 18 - File No. 2020-0138, Agenda Item 19 - File No. 2020-0140, Agenda Item 20 - File No. 2020-0158, Agenda Item 21 - File No. 2020-0165, Agenda Item 22 - File No. 2020-0174, and Agenda Item 23 - File No. 2020-0146.*

**On a motion by Commissioner Valderrama, seconded by Commissioner Castellanos, the Board accepted the requested docket changes for Agenda Items 12-22 and moved to hold a separate vote for Agenda Item 23. 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**

[2020-0175](#) Approval of minutes for:

March 10, 2020 - CLOSED SESSION

March 10, 2020 - BPC MEETING

*Commissioner Bonelli requested that the minutes for the March 10, 2020 Closed Session Meeting be amended to note that he arrived at 10:15 A.M.*

**On a motion by Commissioner Malcolm, seconded by Commissioner Valderamma, the Board adopted the minutes as amended. 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 Valderrama, seconded by Commissioner Malcolm, the Board adopted the Consent Agenda as follows: Resolution 2020-035; Ordinance 2971; Resolution 2020-036; Resolution 2020-037; Resolution 2020-038;**

**Resolution 2020-039; Resolution 2020-040; Resolution 2020-041; Ordinance 2972; Resolution 2020-042. 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. [2019-0464](#) RESOLUTION SELECTING AND AUTHORIZING AN AGREEMENT WITH KONE INC. FOR ELEVATOR AND ESCALATOR MAINTENANCE SERVICES FROM JULY 1, 2020 THROUGH JUNE 30, 2025 FOR A FIRST-YEAR COST OF \$87,000 WITH A MAXIMUM EXPENDITURE OF \$462,000. THIS SERVICE HAS BEEN DEEMED AN OPERATIONAL NECESSITY. THE AGREEMENT ALLOWS FOR A 30-DAYS TERMINATION BY THE EXECUTIVE DIRECTOR. FUNDS REQUIRED FOR THE FIRST YEAR WILL BE INCLUDED IN THE STAFF RECOMMENDED PRELIMINARY FUTURE FISCAL YEAR 2021 BUDGET.

On a motion by Commissioner Valderrama, seconded by Commissioner Malcolm, the Board adopted Resolution 2020-035 as part of the Consent Agenda.
2. [2020-0028](#) ORDINANCE APPROVING SUBSTANTIALLY AND FOR A PERIOD UP TO TWO (2) YEARS THE FORM OF A 40-YEAR NON-EXCLUSIVE EASEMENT TO THE CITY OF CHULA VISTA FOR STREET AND UTILITY PURPOSES LOCATED IN THE CITY OF CHULA VISTA, WITH CONDITIONS

On a motion by Commissioner Valderrama, seconded by Commissioner Malcolm, the Board adopted Ordinance 2971 as part of the Consent Agenda.
3. [2020-0073](#) RESOLUTION APPROVING THE 2020 ANNUAL WORK PLAN FOR THE AUDIT OVERSIGHT COMMITTEE PURSUANT TO BOARD OF PORT COMMISSIONERS (BPC) POLICY NO. 776, PORT AUDIT OVERSIGHT COMMITTEE POLICY

On a motion by Commissioner Valderrama, seconded by Commissioner Malcolm, the Board adopted Resolution 2020-036 as part of the Consent Agenda.
4. [2020-0078](#) RESOLUTION REAPPOINTING IVAN SOTOMAYOR TO THE SAN DIEGO UNIFIED PORT DISTRICT AUDIT OVERSIGHT COMMITTEE (AOC) FOR A SECOND TERM OF THREE YEARS DURATION COMMENCING MARCH 1, 2020

On a motion by Commissioner Valderrama, seconded by Commissioner Malcolm, the Board adopted Resolution 2020-037 as part of the Consent Agenda.

5. [2020-0085](#) RESOLUTION CONSENTING TO ASSIGNMENT AND ASSUMPTION OF HEALTH BENEFITS BROKER SERVICES AGREEMENT NO. 31-2017SN FROM WILLIS TOWERS WATSON INSURANCE SERVICES WEST, INC. TO HUB INTERNATIONAL INSURANCE SERVICES, INC. DUE TO AN ACQUISITION
- On a motion by Commissioner Valderrama, seconded by Commissioner Malcolm, the Board adopted Resolution 2020-038 as part of the Consent Agenda.
6. [2020-0086](#) RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AWARDED CONTRACT NO. 2018-21R TO DE LA FUENTE CONSTRUCTION, INC. IN THE AMOUNT OF \$206,777.00 FOR THE SAND REPLENISHMENT AT KELLOGG BEACH PROJECT, AS AUTHORIZED BY THE BOARD IN THE FY 2020 MAJOR MAINTENANCE PROGRAM AND OBLIGATED AS A RESULT OF GRANT FUNDING RECEIVED PURSUANT TO THE PASSAGE OF ASSEMBLY BILL 3101 IN SEPTEMBER 1978
- On a motion by Commissioner Valderrama, seconded by Commissioner Malcolm, the Board adopted Resolution 2020-039 as part of the Consent Agenda.
7. [2020-0099](#) RESOLUTION AUTHORIZING AMENDMENT NO. 2 TO AGREEMENT WITH XEROX CORPORATION TO PROVIDE MANAGED PRINT SERVICES AND DOCUMENT PRODUCTION AND PUBLISHING, AND AFTER ORIGINALLY CONTEMPLATING AN INCREASE OF \$800,000, INCREASING THE MAXIMUM AMOUNT PAYABLE UNDER THE AGREEMENT BY THE LESSER AMOUNT OF \$350,000 FOR A NEW MAXIMUM AMOUNT PAYABLE UNDER THE AGREEMENT OF \$2,150,000 FOR SERVICES THROUGH NOVEMBER 30, 2021. 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.
- On a motion by Commissioner Valderrama, seconded by Commissioner Malcolm, the Board adopted Resolution 2020-040 as part of the Consent Agenda.
8. [2020-0104](#) RESOLUTION AUTHORIZING ISSUANCE OF A NON-APPEALABLE COASTAL DEVELOPMENT PERMIT TO THE DISTRICT FOR THE CHULA VISTA BAYFRONT SWEETWATER PARK PROJECT
- On a motion by Commissioner Valderrama, seconded by Commissioner Malcolm, the Board adopted Resolution 2020-041 as part of the Consent Agenda.
9. [2020-0108](#) ORDINANCE GRANTING AN AMENDED, RESTATED AND COMBINED LEASE WITH BARTELL HOTELS, A CALIFORNIA LIMITED PARTNERSHIP, DBA HILTON SAN DIEGO AIRPORT, TO UPDATE LEASE PROVISIONS, AND EXTEND THE TERM BY 10 YEARS

On a motion by Commissioner Valderrama, seconded by Commissioner Malcolm, the Board adopted Ordinance 2972 as part of the Consent Agenda.

10.     [2020-0124](#)     RESOLUTION AUTHORIZING THE EXECUTIVE DIRECTOR TO GRANT INDEMNITY ANNUALLY TO SELECTED BOND COMPANIES IN CONNECTION WITH A REQUIRED BOND FOR ESTABLISHMENT OF A FOREIGN TRADE ZONE AT THE SAN DIEGO UNIFIED PORT DISTRICT TENTH AVENUE MARINE TERMINAL

On a motion by Commissioner Valderrama, seconded by Commissioner Malcolm, the Board adopted Resolution 2020-042 as part of the Consent Agenda.

12.     [2020-0132](#)     RESOLUTION APPROVING CALENDAR YEAR 2020 ANNUAL WORK PLAN FOR THE ACCESSIBILITY ADVISORY COMMITTEE PURSUANT TO THE BOARD OF PORT COMMISSIONERS POLICY NO. 018, BOARD ADVISORY COMMITTEES

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.**

13.     [2020-0133](#)     RESOLUTION SELECTING AND AUTHORIZING AN AGREEMENT WITH LOGICALIS FOR NETWORK WIRELESS EQUIPMENT, IN AN AMOUNT NOT TO EXCEED \$250,000. EXPENDITURES FOR FISCAL YEAR 2020 ARE BUDGETED

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.**

14.     [2020-0134](#)     RESOLUTION SELECTING AND AUTHORIZING AN AGREEMENT WITH DIGITAL SCEPTER FOR A SECURITY ORCHESTRATION, AUTOMATION AND RESPONSE (SOAR) PLATFORM AND SYSTEM IMPLEMENTATION SERVICES IN AN AMOUNT NOT TO EXCEED <<\$\$\$,\$\$\$>> FOR THREE YEARS OF SERVICE, FUNDED 75% BY PORT SECURITY GRANT PROGRAM FY 2017 (EMW-2017-PU-00651) FOR A FIVE YEAR TOTAL COST OF OWNERSHIP OF <<\$\$\$,\$\$\$>>. FY2020 EXPENDITURES ARE BUDGETED IN THE INFORMATION TECHNOLOGY CAPITAL PROJECT. 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.

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.**

15.     [2020-0135](#)     RESOLUTION SELECTING AND AUTHORIZING AGREEMENTS WITH GIMMAL LLC. FOR:
- 1)RECORDS AND INFORMATION MANAGEMENT AUTOMATION SOFTWARE LICENSES IN AN AMOUNT NOT TO EXCEED \$52,362, AND
- 2) IMPLEMENTATION SERVICES IN AN AMOUNT NOT TO EXCEED \$66,240, AND
- 3) SHAREPOINT BEST PRACTICES IN AN AMOUNT NOT TO EXCEED \$41,670,
- FOR A FIVE-YEAR TOTAL COST OF OWNERSHIP OF \$502,200. FISCAL YEAR 2020 EXPENDITURES ARE 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.
- This item was continued to a future board meeting.**
16.     [2020-0136](#)     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.
- This item was continued to a future board meeting.**
17.     [2020-0137](#)     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

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.**

18.     [2020-0138](#)     RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AWARDING CONTRACT NO. 2019-23 TO FORDYCE CONSTRUCTION, INC. IN THE AMOUNT OF \$548,646.00 FOR THE PORT PAVILION IMPROVEMENTS FOR ADDITIONAL OCCUPANCY PROJECT AS AUTHORIZED BY THE BOARD IN THE FY2020 EQUIPMENT OUTLAY AND OTHER CAPITAL OUTLAY PROJECTS 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.**

19.     [2020-0140](#)     RESOLUTION ADOPTING A LINE ITEM BUDGET IN AN AMOUNT NOT TO EXCEED \$XXX,XXX IN SPONSORSHIP FUNDING AND NOT TO EXCEED \$X,XXX,XXX IN WAIVED DISTRICT SERVICES TO SUPPORT XX EVENTS THROUGH THE PORT OF SAN DIEGO FY21 TIDELANDS ACTIVATION PROGRAM; FUNDS REQUIRED FOR FY21 WILL BE BUDGETED IN THAT FISCAL YEAR, SUBJECT TO BOARD APPROVAL UPON ADOPTION OF THAT 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.**

20.     [2020-0158](#)     RESOLUTION AUTHORIZING AGREEMENT FOR PURCHASE OF FIVE YEARS OF ANNUAL SUBSCRIPTION SERVICES AND SUPPORT FROM SHI INTERNATIONAL CORP. FOR ENTERPRISE VULNERABILITY MANAGEMENT SUBSCRIPTION FROM APRIL 15, 2020 THROUGH APRIL 14, 2025 FOR AN AMOUNT NOT TO EXCEED \$212,566 FOR THE INITIAL FIVE YEAR TERM AND AUTHORIZING ADDITIONAL SUBSCRIPTION AND SUPPORT RENEWAL FOR FUTURE YEARS. 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.**

21. [2020-0165](#) RESOLUTION AUTHORIZING A SOLE SOURCE SERVICE AGREEMENT WITH VIGILANT SOLUTIONS FOR A MOBILE PARKING REGULATION ENFORCEMENT AUTOMATED LICENSE PLATE RECOGNITION 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. FY2020 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.

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.**

11. [2020-0144](#) COVID-19
- A. RESOLUTION REVIEWING THE PROCLAIMED LOCAL EMERGENCY PURSUANT TO BOARD OF PORT COMMISSIONERS POLICY NO. 777, EMERGENCY MANAGEMENT;
  - B. RESOLUTION DESIGNATING DISTRICT'S AGENTS FOR REQUESTING DISASTER ASSISTANCE FROM THE STATE OF CALIFORNIA;
  - C. RESOLUTION AMENDING BOARD OF PORT COMMISSIONERS POLICY NO. 777, EMERGENCY MANAGEMENT, TO UPDATE CERTAIN POSITION TITLES AND TIMEFRAMES.

*This item was pulled from the Consent Agenda for additional discussion per Commissioner Merrifield's request. Commissioner Bonelli, Commissioner Merrifield, Chair Moore, and Commissioner Zucchet provided comments and asked clarifying questions. Simon Kann, Deputy General Counsel V, Office of the General Counsel; Matthew Brown, Homeland Security Program Manager, Harbor Police Department; and Thomas Russell, General Counsel, Office of the General Counsel, responded.*

**On a motion by Commissioner Merrifield, seconded by Commissioner Bonelli, the Board adopted Resolution 2020-043, Resolution 2020-044, and Resolution 2020-045 with the direction that an item containing updates on the state of emergency related to COVID-19 and the resulting economic situation be placed on all future Board of Port Commissioners agendas for the duration of the state of emergency. 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

## **PUBLIC HEARING AGENDA**

22. [2020-0174](#) CONDUCT A PUBLIC HEARING AND ADOPT A RESOLUTION AUTHORIZING ISSUANCE OF AN APPEALABLE COASTAL DEVELOPMENT PERMIT TO SAN DIEGO COMIC CONVENTION AND THE SAN DIEGO CONVENTION CENTER CORPORATION FOR PUBLIC ACCESS DURING COMIC-CON INTERNATIONAL: SAN DIEGO (COMIC-CON) FOR A TERM OF THREE (3) YEARS

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.**

## **ACTION AGENDA**

23. [2020-0146](#) PRESENTATION ON OPPORTUNITY FOR DEVELOPMENT OF SHIPYARD REPAIR FACILITY AT NATIONAL CITY MARINE TERMINAL AND DIRECTION TO STAFF

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

*Commissioner Bonelli, Commissioner Castellanos, Commissioner Malcolm, Commissioner Merrifield, Chair Moore, and Commissioner Valderamma provided comments.*

*The following member(s) of the public addressed the Board with agenda-related comments: David Alvarez, Austal USA; Clarissa Falcon, Falcon Strategies.*

**On a motion by Commissioner Valderrama, seconded by Commissioner Merrifield, The Board continued this item to the May Board meeting and directed staff to return with an analysis of the proposed and potential sites.**

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

**Nays:** 0

**Excused:** 0

**Absent:** 0

**Abstain:** 0

**Recused:** 0

24. [2020-0002](#) REVIEW AND CONSIDERATION OF DRAFT PROPOSED BOARD AGENDA FOR THE MAY 19, 2020 MEETING

On a motion by Commissioner Zucchet, seconded by Commissioner Valderrama, the Board adopted the proposed agenda for May. 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

## **OFFICER'S REPORT**

### **25.     [2020-0173](#)     OFFICER'S REPORT**

MONTHLY NOTIFICATION OF CHANGE ORDERS PURSUANT TO BPC POLICY NO. 110:

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 Paradise Creek Educational Park, Inc. for Bundle Fee for Routine Review, for total amount \$500.00 B) Request for User Fee Waiver Form from Regents of the University of California - Scripps Institution of Oceanography for Wave and Ground Water Monitoring, 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

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

ATTEST:

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*Clerk of the San Diego Unified Port District,*