



San Diego Unified Port District

3165 Pacific Hwy.
San Diego, CA 92101

Meeting Minutes

Board of Port Commissioners

Tuesday, February 6, 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, Russell, Morales, and Monson.

B. Closed Session Report Out.

Thomas A. Russell, General Counsel, announced that the Board considered the items on the Closed Session Agenda and that Commissioner Moore recused herself from any participation on Closed Session Item 4 - File No. 2018-0045. With regards to Closed Session Item 5 - File No. 2018-0035 and Closed Session Item 6 - File No. 2018-0044, the Board commenced discussion but will continue these items after the conclusion of this meeting. No reportable action was taken.

C. Pledge of Allegiance.

Commissioner Moore led the Pledge of Allegiance.

D. Public Communications.

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

E. Commissioners' Reports.

Commissioner Malcolm reported on his trip to the Association of Pacific Ports 2018 Winter Conference in January where he attended a Port Financing seminar which provided information regarding government funding resources, another seminar discussing public/private partnerships, and other informative sessions.

Chairman Castellanos reported that Ronald Powell, Program Manager, Government & Civic Relations, received the Distinguished Journalism Award at the Voice & Viewpoint 58th Anniversary Gala for his 32 years of work as a professional journalist. Chairman

Castellanos explained that as a journalist, Mr. Powell reported on issues affecting minority communities such as barriers to contracting, labor issues, housing, and commercial development, which had a great impact by shedding light on discrimination and inequality.

F. President's Report.

Randa Coniglio, President/CEO, recognized Dole Fresh Fruit, and presented a plaque "In Grateful Appreciation for Outstanding Service, Leadership, Dedication and Commitment to the Port of San Diego" for being a valued client, and being operationally accommodating by working with Maritime staff to ensure efficient U.S. military cargo operations last year. Barrett "Barry" A. Jung, Vice President, accepted the award on behalf of Dole Fresh Fruit.

Ms. Coniglio then announced that the Port has been acknowledged by the San Diego Regional Clean Cities Coalition with a Green Fleet Leadership Award. Ms. Coniglio invited Phil Gibbons, Program Manager, Energy & Sustainability, to provide introduction. Mr. Gibbons provided overview of Clean Cities Program and introduced Kevin Wood, San Diego Regional Clean Cities Coalition, and Susan Freedman, SANDAG (San Diego Association of Governments), to present the award.

Ms. Coniglio then announced the Port participated in the annual American Heart Association's "Go Red" movement which is an annual event to raise awareness about heart health. Ms. Coniglio explained that the Port showed support by wearing red. Human Resources staff visited every department with a "heart cart" providing heart healthy snacks, and the Administration Building was lit in red to remind the community.

G. District Clerk's Announcements.

Donna Morales, District Clerk, reported that staff requested to continue: Consent Agenda Item 2 - File No. 2018-023; Consent Agenda Item 3 - File No. 2018-0024; Consent Agenda Item 10 - File No. 2018-0025; Public Hearing Item 14 - File No. 2018-0014; and Action Agenda Item 17 - File No. 2018-0046. Additionally, Ms. Morales announced that Consent Agenda Item No. 4 B - File No. 2018-0578 no longer required Board action.

On a motion by Commissioner Malcolm, seconded by Commissioner Valderrama, the Board approved 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

CONSENT AGENDA

Chairman Castellanos requested that Consent Item 6 - File No. 2017-0585 be pulled from the Consent Agenda.

On a motion by Commissioner Zucchet, seconded by Commissioner Bonelli, the Board adopted the Consent Agenda as follows: January 9, 2018 Closed Session minutes; January 9, 2018 Special Meeting Minutes; Resolution 2018-026; Resolution 2018-027, Resolution 2018-029; Resolution 2018-030; Resolution 2018-031; Resolution 2018-032; Resolution 2018-033; Resolution 2018-034; and Resolution 2018-035. 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. [2018-0027](#) Approval of minutes for:
January 9, 2018 - CLOSED SESSION
January 9, 2018 - SPECIAL BPC MEETING

On a motion by Commissioner Zucchet, seconded by Commissioner Bonelli, the Board approved the minutes as part of the Consent Agenda.
2. [2018-0023](#) SOUTH CAMPUS DEMOLITION PHASE 4B IN CHULA VISTA:
A) ORDINANCE AMENDING THE FY 17/18 BUDGET INCREASING THE FY 17/18 CAPITAL IMPROVEMENT PROGRAM APPROPRIATION FOR THE CHULA VISTA BAYFRONT SOUTH CAMPUS PAVEMENT AND FOUNDATION DEMOLITION PROJECT BY \$X,XXX,XXX TO BE FUNDED FROM RESTRICTED RESERVES RECEIVED FROM LEGAL SETTLEMENTS
B) RESOLUTION APPROVING AN AMENDMENT TO THE FY 2014-2018 5-YEAR CAPITAL IMPROVEMENT PROGRAM TO INCREASE THE CHULA VISTA BAYFRONT SOUTH CAMPUS PAVEMENT AND FOUNDATION DEMOLITION PROJECT BUDGET BY \$X,XXX,XXX PURSUANT TO BPC POLICY NO. 90 AND NO. 120

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

This Consent Item was continued to a future Board meeting.

3. [2018-0024](#) RESOLUTION AUTHORIZING AMENDMENT NO. 1 TO AGREEMENT WITH MARINE GROUP BOAT WORKS, LLC, FOR FULL SERVICE IMPOUNDED VESSEL SERVICES, INCREASING THE MAXIMUM AMOUNT PAYABLE UNDER THE AGREEMENT BY \$374,000 FOR A NEW MAXIMUM AMOUNT OF \$974,000

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

This Consent Item was continued to a future Board meeting.

4. [2017-0578](#) AS-NEEDED CURRENT PLANNING ENVIRONMENTAL REVIEW CONSULTING SERVICES

A) RESOLUTION SELECTING AND AUTHORIZING AGREEMENTS WITH AECOM TECHNICAL SERVICES INC.; ASCENT ENVIRONMENTAL; CHAMBERS GROUP, INC.; DUDEK; ENVIRONMENTAL SCIENCE ASSOCIATES; HARRIS & ASSOCIATES; HELIX ENVIRONMENTAL PLANNING, INC.; AND ICF JONES & STOKES, INC. FOR AS-NEEDED ENVIRONMENTAL REVIEW CONSULTING SERVICES FOR DISTRICT PROJECTS FOR A TOTAL AGGREGATE AMOUNT PAYABLE UNDER THE AGREEMENTS NOT TO EXCEED \$1,500,000 FOR A PERIOD OF THREE YEARS; FY 2018 EXPENDITURES, IF NEEDED, ARE BUDGETED

B) RESOLUTION SELECTING AND ESTABLISHING A LIST OF QUALIFIED CONSULTING FIRMS: AECOM TECHNICAL SERVICES INC.; ASCENT ENVIRONMENTAL; CHAMBERS GROUP, INC.; DUDEK; ENVIRONMENTAL SCIENCE ASSOCIATES; HARRIS & ASSOCIATES; HELIX ENVIRONMENTAL PLANNING, INC.; AND ICF JONES & STOKES, INC. TO POTENTIALLY PROVIDE ENVIRONMENTAL REVIEW CONSULTING SERVICES FOR TENANT-SPONSORED PROJECTS FOR A PERIOD OF THREE YEARS

On a motion by Commissioner Zucchet, seconded by Commissioner Bonelli, the Board adopted Resolution 2018-026 for Item A as part of the Consent Agenda.

5. [2017-0580](#) RESOLUTION ADOPTING CHULA VISTA BAYFRONT DESIGN GUIDELINES DATED DECEMBER 28, 2017

On a motion by Commissioner Zucchet, seconded by Commissioner Bonelli, the Board adopted Resolution 2018-027 as part of the Consent Agenda.

7. [2017-0588](#) RESOLUTION AUTHORIZING PROCUREMENT OF FIVE YEARS OF ANNUAL SUBSCRIPTION SERVICES AND SUPPORT FROM LOGIKCULL INC. FOR ELECTRONIC DISCOVERY SYSTEM AND SERVICES FOR USE IN HANDLING PUBLIC RECORDS REQUESTS, LITIGATION DISCOVERY, AND INVESTIGATIONS NOT TO EXCEED

\$744,000, FOR A 5-YEAR TOTAL COST OF OWNERSHIP NOT TO EXCEED \$744,000 AND AUTHORIZING ADDITIONAL SUBSCRIPTION AND SUPPORT RENEWAL FOR FUTURE YEARS AT THE EXECUTIVE DIRECTOR'S DISCRETION WITH ANNUAL COSTS NOT TO EXCEED 10% MORE THAN PREVIOUS YEAR COSTS PURSUANT TO BOARD POLICY NO. 110 SECTIONS II.F AND II.U; FY 2018 expenditures are budgeted

On a motion by Commissioner Zucchet, seconded by Commissioner Bonelli, the Board adopted Resolution 2018-029 as part of the Consent Agenda.

8. [2017-0626](#) RESOLUTION SELECTING AND AUTHORIZING AN AGREEMENT WITH KPMG LLP FOR AS-NEEDED INTERNAL AUDIT SERVICES FOR AN AMOUNT NOT TO EXCEED \$300,000 FOR A PERIOD OF THREE YEARS; FY 2018 EXPENDITURES, IF NEEDED, ARE BUDGETED

On a motion by Commissioner Zucchet, seconded by Commissioner Bonelli, the Board adopted Resolution 2018-030 as part of the Consent Agenda.

9. [2017-0630](#) RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AWARDING CONTRACT NO. 2017-53 TO TL VETERANS CONSTRUCTION INC. IN THE AMOUNT OF \$218,000 FOR THE REPAINTING OF PASSENGER BOARDING FACILITIES AT B STREET PIER CRUISE SHIP TERMINAL, AS AUTHORIZED BY THE BOARD IN THE FY17/18 MAJOR MAINTENANCE BUDGET PROGRAM

On a motion by Commissioner Zucchet, seconded by Commissioner Bonelli, the Board adopted Resolution 2018-031 as part of the Consent Agenda.

10. [2018-0025](#) RESOLUTION AUTHORIZING AMENDMENT NO. 1 TO THE AGREEMENT WITH KTU+A FOR CHULA VISTA PARKS DESIGN SERVICES TO INCREASE THE AGREEMENT AMOUNT BY \$300,000 INCREASING THE AGGREGATE TOTAL OF THE AGREEMENT FROM \$100,000 TO \$400,000, WITHIN THE EXISTING APPROVED PROJECT BUDGET

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

This Consent Item was continued to a future Board meeting.

11. [2018-0015](#) RESOLUTION AUTHORIZING AMENDMENT NO. 4 TO AGREEMENT 235-2016SN WITH MOZAIK SOLUTIONS, INCREASING THE MAXIMUM AMOUNT PAYABLE UNDER THE AGREEMENT BY \$266,219.00 FOR A NEW MAXIMUM AMOUNT OF \$574,895.50, REIMBURSABLE THROUGH THE PORT SECURITY GRANT PROGRAM, AND EXTENDING THE AGREEMENT TERM THROUGH DECEMBER 31, 2020; FY 2018 EXPENDITURES, IF NEEDED, ARE BUDGETED

On a motion by Commissioner Zucchet, seconded by Commissioner Bonelli, the Board adopted Resolution 2018-032 as part of the Consent Agenda.

12. [2018-0021](#) RESOLUTION AUTHORIZING THE GENERAL COUNSEL TO EXECUTE AMENDMENT NO. 4 TO THE AGREEMENT FOR LEGAL SERVICES WITH ANDERSON KILL P.C. INCREASING THE MAXIMUM AMOUNT PAYABLE BY \$500,000 FROM \$700,000 TO \$1,200,000 AND EXTENDING THE TERM THROUGH DECEMBER 31, 2018, AND AMENDMENT NO. 3 TO THE AGREEMENT FOR LEGAL SERVICES WITH BROWN AND WINTERS INCREASING THE MAXIMUM AMOUNT PAYABLE BY \$325,000 FROM \$725,000 TO \$1,050,000 AND EXTENDING THE TERM THROUGH DECEMBER 31, 2018, AND AMENDMENT NO. 1 TO THE AGREEMENT FOR LEGAL SERVICES WITH BEST, BEST & KRIEGER INCREASING THE MAXIMUM AMOUNT PAYABLE BY \$106,100 FROM \$120,900 TO \$227,000; FY 2018 expenditures are budgeted

On a motion by Commissioner Zucchet, seconded by Commissioner Bonelli, the Board adopted Resolution 2018-033 as part of the Consent Agenda.

13. [2018-0022](#) RESOLUTION AUTHORIZING AGREEMENT FOR AMENDMENT OF EXCLUSIVE NEGOTIATING AGREEMENT AMENDMENT NO. 3 WITH RIDA CHULA VISTA, LLC TO EXTEND THE NEGOTIATING PERIOD TO AUGUST 16, 2018

On a motion by Commissioner Zucchet, seconded by Commissioner Bonelli, the Board adopted Resolution 2018-034 as part of the Consent Agenda.

PUBLIC HEARING AGENDA

14. [2018-0014](#) ORDINANCE AMENDING DISTRICT CODE 4.09 OF THE SAN DIEGO UNIFIED PORT DISTRICT CODE - REGULATION OF VESSELS - G STREET MOLE MOORING; TO IMPLEMENT COMMERCIAL FISHING INDUSTRY BEST PRACTICES INCLUDING: LIABILITY INSURANCE REQUIREMENT, U.S. COAST GUARD SAFETY VESSEL INSPECTIONS, REGULATION FOR LIVE-ABOARD, VERIFICATION OF FISH RECEIPTS, CREDIT CHECKS, AND SECURITY DEPOSITS

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

This Public Hearing Item was continued to a future Board meeting.

ACTION AGENDA

6. [2017-0585](#) RESOLUTION SELECTING AND AUTHORIZING AGREEMENTS WITH:
- A) AECOM TECHNICAL SERVICES, INC.
 - B) CARDNO, INC.
 - C) CHEN RYAN ASSOCIATES, INC.
 - D) CIVITAS, INC.

- E) DUDEK
- F) ENVIRONMENTAL SCIENCE ASSOCIATES
- G) HDR ENGINEERING, INC.
- H) ICF JONES & STOKES, INC.
- I) KTU&A
- J) MICHAEL BAKER INTERNATIONAL, INC.
- K) NEXUSPLAN, INC.
- L) RECON ENVIRONMENTAL, INC.
- M) RICK ENGINEERING CO.
- N) UDP INTERNATIONAL, LLC

TO PROVIDE AS-NEEDED LONG RANGE PLANNING AND ENVIRONMENTAL REVIEW SERVICES FOR A TOTAL AGGREGATE AMOUNT NOT TO EXCEED \$4,000,000 FOR A PERIOD OF THREE YEARS AND FOUR MONTHS FROM MARCH 1, 2018 TO JUNE 30, 2021; FY 2018 EXPENDITURES, IF NEEDED, ARE BUDGETED

This item was moved from the Consent Agenda.

On a motion by Commissioner Malcolm, seconded by Commissioner Moore, the Board adopted Resolution 2018-028. The motion carried by the following vote:

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

Nays: 0

Excused: 0

Absent: 0

Abstain: 0

Recused: 1 - Castellanos

15. [2017-0425](#) PRESENTATION BY THE COUNTY OF SAN DIEGO AND RESOLUTION AUTHORIZING THE SAN DIEGO UNIFIED PORT DISTRICT TO BECOME A PARTNER IN THE "LIVE WELL SAN DIEGO" HEALTHY LIVING VISION AND PROGRAM

Greg Cox, Supervisor, San Diego County Board of Supervisors, addressed the Board with the County's presentation regarding Action Agenda Item 15 -File No. 2017-0425 (A copy of the staff report, presentations and any agenda related materials are on file with the Office of the District Clerk). Mr. Cox then introduced Nick Macchione, Health and Human Services, County of San Diego, to discuss the Live Well San Diego Program.

Commissioner Merrifield and Commissioner Moore offered varied comments.

On a motion by Commissioner Moore, seconded by Commissioner Merrifield, the Board adopted Resolution 2018-035. 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

16. [2018-0007](#) INFORMATIONAL PRESENTATION FROM WORLD TRADE CENTER SAN DIEGO (WTCSD) ON THE WTCSD 2017 WORKPLAN OUTCOMES AND ANNUAL REPORT

Bella Heule, Vice President, Public Policy, addressed the Board with staff's report and presentation regarding Action Agenda Item 16 - File No. 2018-0007 (A copy of the staff report, presentations and any agenda related materials are on file with the Office of the District Clerk). Ms. Heule then turned the presentation over to Nikia Clarke, Executive Director, World Trade Center, to provide an annual update and present the proposed 2018 Workplan.

Commissioner Merrifield and Chairman Castellanos offered varied comments.

17. [2018-0046](#) PRESENTATION AND UPDATE ON THE SAN DIEGO OCEAN PLANNING PARTNERSHIP, A COLLABORATIVE PARTNERSHIP BETWEEN THE CALIFORNIA STATE LANDS COMMISSION AND SAN DIEGO UNIFIED PORT DISTRICT

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

This Action Item was continued to a future Board meeting.

18. [2018-0038](#) REVIEW AND CONSIDERATION OF DRAFT PROPOSED BOARD AGENDA FOR THE MARCH 13, 2018 MEETING

On a motion by Commissioner Valderrama, seconded by Commissioner Bonelli, the Board adopted the draft agenda for March 13, 2018. 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**19. [2018-0030](#) MONTHLY NOTIFICATION REPORTS**

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

- A) Change Order No. 1 to Contract No. 2017-27 with Crew Builders, Inc. / Increases Contract by \$10,008.00
- B) Change Order No. 2 to Contract No. 2017-27 with Crew Builders, Inc. / \$2,719.00 Increase & 181 Calendar Day Time Extension thru 06/30/18
- C) Change Order No. 2 to Contract No. 2016-10 with Conan Construction, Inc. / \$75,140.55 Increase & 60 Calendar Day Time Extension thru 12/28/17

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 Retunder Holdings AB for Drive-In Boat Wash Demonstration Project, for total amount \$1,308.00
- B) Request for User Fee Waiver Form from Envision Solar International, Inc. for EV ARC Charging Stations, for total amount \$1,208.00

Monthly Notification of Rent Reviews Completed Administratively Pursuant to BPC Policy No. 355 as Amended on January 10, 2017:

- A) Rent Review Letter with Point Loma Marina, LLC dba The Wharf for Rental Period Beginning 06/01/17 thru 05/31/27
- B) Rent Review Letter with Intrepid Landing, LLC (Marina) for Rental Period Beginning 07/01/17 thru 06/30/27
- C) Rent Review Letter with Intrepid Landing, LLC (Commercial) for Rental Period Beginning 07/01/17 thru 06/30/27

Monthly Notification of Encumbrances 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