San Diego Unified Port District

3165 Pacific Hwy.
San Diego, CA 92101

Meeting Minutes

Board of Port Commissioners

Tuesday, October 9, 2018 | **1:00 PM** | **Don L. Nay Port Administration Boardroom**

A. Roll Call.

Present: 5 - Commissioner Bonelli, Chairperson Castellanos, Commissioner Merrifield, Commissioner Valderrama, and Commissioner Zucchet

Excused: 2 - Commissioner Malcolm, and Commissioner Moore

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. With respect to Agenda Item 5 - File No. 2018-0451 Commissioner Castellanos recused himself and did not participate in the item. No reportable action was taken.

C. Pledge of Allegiance.

Commissioner Merrifield led the Pledge of Allegiance.

D. Public Communications.

The following members of the public addressed the Board with non agenda-related comments: Ray Ashley, President/CEO, San Diego Maritime Museum; Yehudi Gaffen, Partner, Protea Properties; and Bjarke Ingels, Bjarke Ingels Group (BIG).

Commissioner Merrifield and Chairman Castellanos provided comments.

E. Commissioners' Reports.

Commissioner Zucchet, Commissioner Merrifield and Chairman Castellanos reported out on their trip to Washington D.C. as part of the annual San Diego Regional Chamber of Commerce's "One Region, One Voice, Mission to Washington D.C."delegation. Highlights included a security briefing at the Pentagon and a tour of the White House; a meeting with NOAA (National Oceanic and Atmospheric Agency) to discuss the Port's Blue Economy initiatives and projects; a meeting with the Department of the Navy to discuss sea level rise and resiliency; and a meeting with the Department of Transportation regarding the potential of future funding for major projects.

Commissioner Bonelli spoke about the San Diego Forward Network Concepts survey currently being conducted by SANDAG (San Diego Association of Governments) as part of their regional transportation plan update 2019 - 2050. There are three big transportation pieces in this survey: transit, highway/local streets, and technology. This survey provides the public an opportunity to give input in the development of the plan and shaping the future of transportation in our region. Commissioner Bonelli provided the link to the survey (SDForward.com/survey) and informed everyone that the survey ends October 31, 2018.

F. President's Report.

Randa Coniglio, President/CEO began with a tribute to honor the memory of Jack Dietenhofer, Terminal Manager for SSA at Tenth Avenue Marine Terminal. Ms. Coniglio then invited Joel Valenzuela, Director, Maritime, to the podium to say a few words and present a plaque to Mr. Dietenhofer's family recognizing his many contributions to the Port during his 27 years working at the Marine Terminal.

Ms. Coniglio then announced that the Port received a Gold Tier Diamond Award for Excellence in Commuter Programs as part of SANDAG's iCommute Diamond Award Program. The Port was recognized for instituting practices that encourage alternative forms of transportation to and from work.

Also, the Port received two merit awards for documents produced for the Pond 20 Wetland Mitigation Bank entitlement process from the San Diego Association of Environmental Professionals. The first award was for the South San Diego Bay Wetlands Mitigation Bank Prospectus for Outstanding Innovation in Green Planning and Design, the second was for the Pond 20 Wetland Delineation Report for an Outstanding Technical Report.

Ms. Coniglio also announced that on September 28 the Port teamed with the San Diego Audubon Society to conduct a cleanup of the Pond 20 area. Over 500 pounds of trash was removed. This was an outstanding wrap-up of the Port's annual Green Port Month.

Ms. Coniglio then spoke about the September 13 official grand opening of the Port's newest waterfront hotel, the InterContinental. Ms. Coniglio thanked the development team: Shaun Sumner, Tony Gordon, Stephanie Shook, James Hammel, Wileen Manois, Robert Amezquita, and Dave Catalino for their hard work. A short video was then presented.

G. District Clerk's Announcements.

Donna Morales, District Clerk, reported that staff requested to continue the following items: Consent Agenda Item 1 - File No. 2018-0473; Consent Agenda Item 2 - File No. 2018-0335; and Action Item 14 - File No. 2018-0472.

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

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

Nays: 0

Excused: 2 - Malcolm, and Moore

Absent: 0

Abstain: 0

Recused: 0

APPROVAL OF MINUTES

2018-0456 Approval of minutes for:
August 27, 2018 - SPECIAL CLOSED SESSION
September 12, 2018 - CLOSED SESSION
September 12, 2018 - REGULAR BPC MEETING

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

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

Nays: 0

Excused: 2 - Malcolm, and Moore

Absent: 0

Abstain: 1 - Valderrama

Recused: 0

CONSENT AGENDA

Consent Agenda Item 8 - File No. 2018-0444 was pulled to Action Agenda.

On a motion by Commissioner Bonelli, seconded by Commissioner Zucchet, the Board adopted the remaining Consent Agenda Items, thereby adopting Resolution 2018-153; Resolution 2018-154; Resolution 2018-155; Resolution 2018-156; Resolution 2018-157; Ordinance 2931; and Resolution 2018-158. The motion carried by the following vote:

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

Nays: 0

Excused: 2 - Malcolm, and Moore

Absent: 0

Abstain: 0

Recused: 0

1. 2018-0473 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: VERIFICATION OF FISH LANDING RECEIPTS; MARINE INSURANCE LIABILITY REQUIREMENTS

FOR NEW PERMITEES AND INTRANSIT COMMERCIAL FISHERMET

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.

2. 2018-0335 A) RESOLUTION AUTHORIZING AMENDMENT NO.1 TO THE AS-NEEDED AGREEMENTS WITH TUCKER SADLER ARCHITECTS, INC. AND SILLMAN WRIGHT ARCHITECTS FOR ARCHITECTURAL AND ADA CODE COMPLIANCE REVIEW SERVICES, INCREASING THE AGGREGATE TOTAL BY $250,000 FROM $500,000 TO $750,000 WITH NO INCREASE REQUIRED TO THE FY2019 BUDGET.
B) RESOLUTION AUTHORIZING AMENDMENT NO.1 TO THE AS-NEEDED AGREEMENTS WITH KTU+A AND SCHMIDT DESIGN GROUP, INC. FOR LANDSCAPE ARCHITECTURE SERVICES INCREASING THE AGGREGATE TOTAL BY $300,000 FROM $200,000 TO $500,000 WITH NO INCREASE REQUIRED TO THE FY2019 BUDGET.

This item was continued to a future Board meeting.

3. 2018-0414 RESOLUTION APPROVING PROCLAMATION IN RECOGNITION OF OCTOBER 2018 AS "CELEBRATION OF THE ARTS MONTH" IN SUPPORT OF NATIONAL ARTS AND HUMANITIES MONTH.

On a motion by Commissioner Bonelli, seconded by Commissioner Zucchet, the Board adopted Resolution 2018-153 as part of the Consent Agenda.

4. 2018-0418 RESOLUTION AUTHORIZING AMENDMENT NO. 3 TO AGREEMENT WITH WOOD ENVIRONMENTAL & INFRASTRUCTURE SOLUTIONS, INC., AND AMENDMENT NO. 2 TO AGREEMENTS WITH DUDEK, AND WESTON SOLUTIONS, INC. FOR AS-NEEDED ENVIRONMENTAL ANALYTICAL SERVICES, INCREASING THE AGREEMENTS' AMOUNT BY $600,000 WHICH INCREASES THE AGGREGATE TOTAL OF THE AGREEMENTS FROM $1,170,000 TO 1,770,000 AND EXTENDING THE AGREEMENTS' EXPIRATION DATES FROM APRIL 11, 2020 TO JULY 31, 2020; FY 2019 EXPENDITURES, IF NEEDED, ARE BUDGETED. FUNDS REQUIRED FOR FUTURE FISCAL YEARS WILL BE BUDGETED IN APPROPRIATE FISCAL YEAR, SUBJECT TO BOARD APPROVAL UPON ADOPTION OF EACH FISCAL YEAR'S BUDGET

On a motion by Commissioner Bonelli, seconded by Commissioner Zucchet, the Board adopted Resolution 2018-154 as part of the Consent Agenda.

5. 2018-0419 RESOLUTION GRANTING INDEMNITY PURSUANT TO A CONSTRUCTION MAINTENANCE AGREEMENT WITH THE SAN DIEGO AND ARIZONA EASTERN RAILWAY COMPANY FOR THE SAN DIEGO UNIFIED PORT DISTRICT'S IMPLEMENTATION OF THE

SWEETWATER BICYCLE PATH AND PROMENADE PROJECT AND E STREET AT-GRADE CROSSING IN CHULA VISTA.

On a motion by Commissioner Bonelli, seconded by Commissioner Zucchet, the Board adopted Resolution 2018-155 as part of the Consent Agenda.

6. 2018-0428 RESOLUTION AUTHORIZING A SINGLE SOURCE AGREEMENT, IN ACCORDANCE WITH BOARD POLICY 110 II.H, FROM JANUARY 1, 2019 UNTIL DECEMBER 31, 2021 WITH CARPI & CLAY, INC. FOR FEDERAL LEGISLATIVE CONSULTING SERVICES FOR AN AMOUNT NOT TO EXCEED $375,000. 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

On a motion by Commissioner Bonelli, seconded by Commissioner Zucchet, the Board adopted Resolution 2018-156 as part of the Consent Agenda.

7. 2018-0430 RESOLUTION CONSENTING TO A SUBLEASE BETWEEN LFS DEVELOPMENT, LLC, AND HOTEL CIRCLE CONVENIENCE, LLC, FOR A TEN-YEAR TERM WITH ONE FIVE-YEAR OPTION, WITH CONDITIONS

On a motion by Commissioner Bonelli, seconded by Commissioner Zucchet, the Board adopted Resolution 2018-157 as part of the Consent Agenda.

9. 2018-0462 ORDINANCE AMENDING ARTICLE 10 OF THE SAN DIEGO UNIFIED PORT DISTRICT CODE, STORMWATER MANAGEMENT AND DISCHARGE CONTROL, TO MAKE EDITORIAL AND CLARIFYING CHANGES IN CONFORMANCE WITH SAN DIEGO REGIONAL WATER QUALITY CONTROL BOARD ORDER NO. R9-2013-0001 (MUNICIPAL PERMIT)

On a motion by Commissioner Bonelli, seconded by Commissioner Zucchet, the Board adopted Ordinance 2931 as part of the Consent Agenda.

10. 2018-0470 RESOLUTION AUTHORIZING PURCHASE ORDER NOT TO EXCEED $500,000 AND SERVICE AGREEMENT NOT TO EXCEED $250,000 FOR INITIAL PURCHASE, IMPLEMENTATION, LICENSING, AND MAINTENANCE OF NETWORK SECURITY EQUIPMENT AND SYSTEM WITH A FIVE YEAR TOTAL COST OF OWNERSHIP OF $750,000. FY2019 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 Bonelli, seconded by Commissioner Zucchet, the Board adopted Resolution 2018-158 as part of the Consent Agenda.

ACTION AGENDA

8. 2018-0444 ORDINANCE GRANTING AN AMENDED, RESTATED AND COMBINED LEASE WITH BARTELL HOTELS, A CALIFORNIA LIMITED PARTNERSHIP, TO COMBINE THE BEST WESTERN ISLAND PALMS AND ISLAND PALMS WEST LEASES, UPDATE LEASE PROVISIONS, AND EFFECTIVELY EXTEND THE TERM OF THE BEST WESTERN ISLAND PALMS LEASE BY 9 YEARS AND 5 MONTHS FOR AN EXTENSION FEE OF $1.4 MILLION

This item was pulled from consent.

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

Chairman Castellanos, and Commissioner Merrifield provided comments.

On a motion by Commissioner Valderrama, seconded by Commissioner Merrifield, the Board adopted Ordinance 2930. The motion carried by the following vote:

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

Nays: 0

Excused: 2 - Malcolm, and Moore

Absent: 0

Abstain: 0

Recused: 0

11. 2018-0416 PRESENTATION AND UPDATE ON THE SAN DIEGO OCEAN PLANNING PARTNERSHIP: WEB MAPPING APPLICATION PREVIEW

Jason Giffen, Assistant Vice President, Planning & Green Port, addressed the Board with staff's report and presentation regarding Action Agenda Item 11 - File No. 2018-0416 (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 Maren Farnum, California State Lands Commission, to discuss the unique partnership between the Port and the California State Lands Commission as well as the public engagement efforts. Ms. Farnum then turned the presentation to Heather Kramp, Assistant Planner, Environmental Conservation, to discuss the data collection efforts and the web mapping application. Ms. Kramp then turned the presentation over to Chris Packer, California State Lands Commission, to provide a preview of the web mapping application. Mr. Packer then turned the presentation over to Lily Tsukayama, Assistant Planner, Planning, to discuss the timeline for the public release of the web mapping application.

Commissioner Merrifield and Chairman Castellanos provided comments and asked clarifying questions. Ms. Tsukayama, Mr. Packer, Ms. Farnum, and Mr. Giffen, responded on behalf of staff and State Lands Commission.

12. 2018-0289 PRESENTATION OF THE SAN DIEGO UNIFIED PORT DISTRICT EQUAL OPPORTUNITY PROGRAM ANNUAL REPORT FOR FISCAL YEAR 17/18

Shirley Hirai, Manager, Equal Opportunity, addressed the Board with staff's report and presentation regarding Action Agenda Item 12 - File No. 2018-0289 (A copy of the staff report, presentations and any agenda-related materials are on file with the Office of the District Clerk).

Commissioner Bonelli, Commissioner Valderrama, Commisisoner Merrifield, and Chairman Castellanos provided comments and asked clarifying questions. Ms. Hirai responded on behalf of staff.

13. 2018-0429 RESOLUTION ADOPTING THE 2018-2022 SAN DIEGO UNIFIED PORT DISTRICT LEGISLATIVE PLATFORM

Job Nelson, Assistant Vice President, External Relations, addressed the Board with staff's report and presentation regarding Action Agenda Item 13 - File No. 2018-0429 (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 David Yow, Legislative Policy Administrator, Government & Civic Relations to outline the legislative platform. Mr. Yow began with clarifying for the record that the incorrect date range for the COMPASS Strategic Plan was listed on the fourth bullet point in the Executive Summary on the agenda sheet, and the correct date range is 2012-2017. Mr. Yow then continued with discussing the legislative outline.

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

Commissioner Bonelli, and Chairman Castellanos, provided comments and asked clarifying questions. Mr. Nelson responded on behalf of staff.

On a motion by Commissioner Zucchet, seconded by Commissioner Bonelli, the Board adopted Resolution 2018-159. The motion carried by the following vote:

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

Nays: 0

Excused: 2 - Malcolm, and Moore

Absent: 0

Abstain: 0

Recused: 0

14. 2018-0472 RESOLUTION ELECTING CHAIRPERSON, VICE CHAIRPERSON AND SECRETARY OF THE BOARD OF PORT COMMISSIONERS OF THE SAN DIEGO UNIFIED PORT DISTRICT FOR CALENDAR YEAR 2019

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. 2018-0370 REVIEW AND CONSIDERATION OF DRAFT PROPOSED BOARD AGENDA FOR THE NOVEMBER 6, 2018 MEETING

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

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

Nays: 0

Excused: 2 - Malcolm, and Moore

Absent: 0

Abstain: 0

Recused: 0

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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,