



Legislation Details (With Text)

File #: 2019-0357 **Version:** 1 **Name:**

Type: Action Item **Status:** Passed

File created: 9/4/2019 **In control:** Board of Port Commissioners

On agenda: 10/8/2019 **Final action:** 10/8/2019

Title: A) RESOLUTION APPROVING AN AMENDMENT TO THE FISCAL YEAR 2019-2023 CAPITAL IMPROVEMENT PROGRAM TO ADD THE IMPERIAL BEACH PIER ENHANCEMENTS PROJECT; TO CANCEL THE COMFORT STATION AND STREET END IMPROVEMENTS AT BEACH AVENUE PROJECT; AND TRANSFER REMAINING PROJECT FUNDS OF \$1,859,462.90 FROM THE COMFORT STATION AND STREET END IMPROVEMENTS AT BEACH AVENUE PROJECT TO THE IMPERIAL BEACH PIER ENHANCEMENTS PROJECT

B) RESOLUTION APPROVING AN AMENDMENT TO THE FISCAL YEAR 2019-2023 CAPITAL IMPROVEMENT PROGRAM TO ADD THE SECURITY GATE PHYSICAL ENHANCEMENTS AT TENTH AVENUE MARINE TERMINAL PROJECT WITH A TOTAL BUDGET OF \$463,980; WITH \$347,985 TO BE FUNDED BY A DEPARTMENT OF HOMELAND SECURITY PORT SECURITY GRANT AND \$115,995 TO BE FUNDED BY THE DISTRICT'S CUMULATIVE UNRESTRICTED RESOURCES

C) RESOLUTION APPROVING AN AMENDMENT TO THE FISCAL YEAR 2019-2023 CAPITAL IMPROVEMENT PROGRAM TO ADD THE SECURITY GATE PHYSICAL ENHANCEMENTS AT B STREET CRUISE TERMINAL PROJECT WITH A TOTAL BUDGET OF \$128,040; WITH \$96,030 TO BE FUNDED BY A DEPARTMENT OF HOMELAND SECURITY PORT SECURITY GRANT AND \$32,010 TO BE FUNDED BY THE DISTRICT'S CUMULATIVE UNRESTRICTED RESOURCES

D) RESOLUTION APPROVING AN AMENDMENT TO THE FISCAL YEAR 2019-2023 CAPITAL IMPROVEMENT PROGRAM TO INCREASE CAPITAL LABOR BY \$350,000 TO BE FUNDED BY THE DISTRICT'S CUMULATIVE UNRESTRICTED RESOURCES

E) ORDINANCE AMENDING THE Fiscal Year 2020 BUDGET INCREASING THE CAPITAL IMPROVEMENT PROGRAM APPROPRIATION BY \$942,020

Sponsors:

Indexes:

Code sections:

Attachments: 1. 8. 2019-0357 A Draft Resolution, 2. 8. 2019-0357 B Draft Resolution, 3. 8. 2019-0357 C Draft Resolution, 4. 8. 2019-0357 D Draft Resolution, 5. 8. 2019-0357 E Draft Ordinance

Date	Ver.	Action By	Action	Result
10/8/2019	1	Board of Port Commissioners	adopted	

DATE: October 8, 2019

SUBJECT: CAPITAL IMPROVEMENT PROGRAM

A) RESOLUTION APPROVING AN AMENDMENT TO THE FISCAL YEAR 2019-2023 CAPITAL IMPROVEMENT PROGRAM TO ADD THE IMPERIAL BEACH PIER ENHANCEMENTS PROJECT; TO CANCEL THE COMFORT STATION AND STREET END IMPROVEMENTS AT BEACH AVENUE PROJECT; AND TRANSFER REMAINING PROJECT FUNDS OF \$1,859,462.90 FROM THE COMFORT STATION AND STREET END IMPROVEMENTS AT

BEACH AVENUE PROJECT TO THE IMPERIAL BEACH PIER ENHANCEMENTS PROJECT

- B) RESOLUTION APPROVING AN AMENDMENT TO THE FISCAL YEAR 2019-2023 CAPITAL IMPROVEMENT PROGRAM TO ADD THE SECURITY GATE PHYSICAL ENHANCEMENTS AT TENTH AVENUE MARINE TERMINAL PROJECT WITH A TOTAL BUDGET OF \$463,980; WITH \$347,985 TO BE FUNDED BY A DEPARTMENT OF HOMELAND SECURITY PORT SECURITY GRANT AND \$115,995 TO BE FUNDED BY THE DISTRICT'S CUMULATIVE UNRESTRICTED RESOURCES**
- C) RESOLUTION APPROVING AN AMENDMENT TO THE FISCAL YEAR 2019-2023 CAPITAL IMPROVEMENT PROGRAM TO ADD THE SECURITY GATE PHYSICAL ENHANCEMENTS AT B STREET CRUISE TERMINAL PROJECT WITH A TOTAL BUDGET OF \$128,040; WITH \$96,030 TO BE FUNDED BY A DEPARTMENT OF HOMELAND SECURITY PORT SECURITY GRANT AND \$32,010 TO BE FUNDED BY THE DISTRICT'S CUMULATIVE UNRESTRICTED RESOURCES**
- D) RESOLUTION APPROVING AN AMENDMENT TO THE FISCAL YEAR 2019-2023 CAPITAL IMPROVEMENT PROGRAM TO INCREASE CAPITAL LABOR BY \$350,000 TO BE FUNDED BY THE DISTRICT'S CUMULATIVE UNRESTRICTED RESOURCES**
- E) ORDINANCE AMENDING THE FISCAL YEAR 2020 BUDGET INCREASING THE CAPITAL IMPROVEMENT PROGRAM APPROPRIATION BY \$942,020**

EXECUTIVE SUMMARY:

The Capital Improvement Program (CIP) Staff Committee has reviewed and recommends the Board consider the following requests: cancellation of an existing project in Imperial Beach (IB); addition of an unplanned project in IB and reprioritization of CIP funds; and addition of two Department of Homeland Security - Port Security Grant projects, grant funds, and District's match and capital labor funds to the CIP. This recommendation is pursuant to Board Policies No. 120 and 80 which authorizes the Board to consider out of cycle project requests.

Imperial Beach Information

The Comfort Station and Street End Improvements at Beach Avenue project is currently part of the District's FY 2019-2023 CIP. At the IB City Council meeting on August 21, 2019, District staff received feedback from city council that the Comfort Station project be cancelled due to lack of community support. Additionally, it was requested that the remaining amount of CIP funding associated with that project be reprogrammed for usage in the initiative to make aesthetic enhancements to the Imperial Beach Pier.

The balance of the CIP funding for the Comfort Station & Street End Improvements at Beach Avenue project is \$1,859,462.90. Approval of this agenda item will reprogram this funding for a series of aesthetic enhancements on the IB Pier.

Port Security Grant Information

The Port Security Grants Program (PSGP) is a Department of Homeland Security (DHS) - Federal Emergency Management Agency (FEMA) grant program that provides federal funds to support

maritime transportation infrastructure security activities. The PSGP purpose is to help protect critical port infrastructure from terrorism, enhance maritime domain awareness, improve port-wide maritime security risk management, and maintain or re-establish maritime security mitigation protocols that support port recovery and resiliency capabilities. The Tenth Avenue Marine Terminal (TAMT) Security Gate and B Street Cruise Ship Terminal Security Gate Enhancement projects advance these goals by hardening access control points to these facilities.

In August, DHS/FEMA announced that the District was allocated \$651,743 for four projects in the PSGP 2019 funding round. Staff is recommending that two of those projects be added to the CIP: The TAMT Security Gate and B Street Cruise Ship Terminal Security Gate Enhancement projects. Adding these two projects to the CIP will increase the total CIP budget by \$592,020, with \$444,015 funded by DHS/FEMA, and \$148,005 funded by the District's Cumulative Unrestricted Resources.

The projects will be executed through a combination of District staff, consultants, and contractors. The grant will fund a portion of the consultant and contractor costs, but does not include District staff costs. The CIP designates funds to account for staff time, capital labor. The estimate of capital labor for each project is \$175,000 funded by the District's cumulative unrestricted resources.

RECOMMENDATION:

Adopt a resolution to amend the fiscal year 2019-2023 Capital Improvement Program to add the Imperial Beach Pier Enhancements Project; to cancel the Comfort Station and Street End Improvements at Beach Avenue Project; and transfer remaining project funds from the Comfort Station and Street End Improvements at Beach Avenue Project to the Imperial Beach Pier Enhancements Project

Adopt a resolution to amend the fiscal year 2019-2023 Capital improvement Program to add the Security Gate Physical Enhancements at Tenth Avenue Marine Terminal Project with a total budget of \$463,980; with \$347,985 to be funded by a Department of Homeland Security Port Security Grant and \$115,995 to be funded by the District's Cumulative Unrestricted Resources.

Adopt a resolution to amend the fiscal year 2019-2023 Capital Improvement Program to add the Security Gate Physical Enhancements at B Street Cruise Terminal Project with a total budget of \$128,040; with \$96,030 to be funded by a Department of Homeland Security Port Security Grant and \$32,010 to be funded by the District's Cumulative Unrestricted Resources.

Adopt a resolution to amend the fiscal year 2019-2023 Capital Improvement Program to increase capital labor by \$350,000 to be funded by the District's Cumulative Unrestricted Resources.

Adopt an ordinance to amend the fiscal year 2020 budget increasing the Capital Improvement Program appropriation by \$942,020.

FISCAL IMPACT:

Approval of item A has no fiscal impact to the FY 2020 approved budget since the \$1,859,462.90 of remaining funds in the Comfort Station and Street End Improvements at Beach Avenue project will be transferred to the Imperial Beach Pier Enhancements Project.

Approval of items B, C, D, and E will increase the FY 2020 Budget CIP appropriation by \$942,020

from a total of \$32.5M to \$33.4M by adding \$444,015 from the FY 2019 Port Security Grant Program, and \$498,005 from Cumulative Unrestricted Resources.

COMPASS STRATEGIC GOALS:

This agenda item supports the following Strategic Goal(s).

- A Port that the public understands and trusts.
- A thriving and modern maritime seaport.
- A vibrant waterfront destination where residents and visitors converge.

DISCUSSION:

Capital Improvement Program Information

The Capital Improvement Program (CIP) Staff Committee has reviewed and recommends the Board consider the following requests: cancellation of an existing project in Imperial Beach (IB); addition of an unplanned project in IB and reprioritization of CIP funds; and addition of two Department of Homeland Security - Port Security Grant projects, grant funds, and District's match and capital labor funds to the CIP. This recommendation is pursuant to Board Policies No. 120 and 80 which authorizes the Board to consider out of cycle project requests.

Imperial Beach Information

The Comfort Station and Street End Improvements at Beach Avenue project is currently part of the District's FY 2019-2023 CIP. At the IB City Council meeting on August 21, 2019, District staff received feedback from city council that the Comfort Station project be cancelled due to lack of community support. Additionally, it was requested that the remaining amount of CIP funding associated with that project be reprogrammed for usage in the initiative to make aesthetic enhancements to the Imperial Beach Pier.

The balance of the CIP funding for the Comfort Station & Street End Improvements at Beach Avenue project is \$1,859,462.90. Approval of this agenda item, will reprogram these funds for a series of aesthetic enhancements on the IB Pier. It is envisioned that the enhancements will be implemented in phases. Preliminary enhancements will address maintenance and upgrades at the IB Pier, including painting, graphics on the lifeguard tower, restroom and restaurant, as well as signage markers, benches, fishing improvements and drinking foundation. The estimated cost of these enhancements totals \$300,000 and is anticipated to be completed in three to twelve months. Secondary enhancements will include more complex enhancements that require additional design, permitting and construction. The estimated cost for these enhancements is approximately \$1,550,000. Prior to any recommendation for improvements, preliminary engineering will be performed to finalize scope.

Port Security Grant Information

The Port Security Grants Program (PSGP) is a Department of Homeland Security (DHS) - Federal Emergency Management Agency (FEMA) grant program that provides federal funds to support maritime transportation infrastructure security activities. The PSGP purpose is to help protect critical

port infrastructure from terrorism, enhance maritime domain awareness, improve port-wide maritime security risk management, and maintain or re-establish maritime security mitigation protocols that support port recovery and resiliency capabilities. The District and the Harbor Police have active projects funded with PSGP funds from fiscal years 2015-2019. The District has benefited from this program by using grant funds to purchase equipment, fund disaster and recovery training, and implement infrastructure projects that increase facility security. The TAMT Security Gate and B Street Cruise Ship Terminal Security Gate Enhancement projects advance these goals by hardening access control points to these facilities.

In May 2019, the US DHS released the FY19 Notice of Funding Opportunity for PSGP. The District and the Harbor Police Department are considered two entities for the PSGP and may submit separate grant applications. Each applicant is invited to submit a total of five projects for consideration. In August, DHS/FEMA announced that the District was allocated \$651,743 for four projects and the Harbor Police Department was allocated \$750,000 for three projects. Staff is recommending adding two of the District's projects to the CIP: The TAMT Security Gate and B Street Cruise Ship Terminal Security Gate Enhancement projects. Doing so will increase the total CIP budget by \$592,020, with \$444,015 funded by DHS/FEMS, and \$148,005 funded by the District's cumulative unrestricted resources. The projects will be executed through a combination of District staff, consultants, and contractors. The grant will fund the consultant and contractor costs, but does not include District staff costs. The CIP designates funds to account for staff time, capital labor. The estimate of capital labor for each project is \$175,000 funded by the District's cumulative unrestricted resources.

General Counsel's Comments:

The Office of the General Counsel has reviewed the agenda sheet, as presented to it, and approves it as to form and legality.

Environmental Review:

The proposed Board actions, including without limitation, resolutions amending the fiscal year 2019-2023 Capital Improvement Program to add three projects and an ordinance amending the fiscal year 2020 budget, do not constitute a "project" under the definition set forth in California Environmental Quality Act (CEQA) Guidelines Section 15378 because no direct or indirect changes to the physical environment would occur. CEQA requires that the District adequately assess the environmental impacts of projects and reasonably foreseeable activities that may result from projects prior to the approval of the same. Any project developed as a result of Board's actions that requires the District or the Board's discretionary approval resulting in a physical change to the environment will be analyzed in accordance with CEQA prior to such approval. CEQA review may result in the District, in its sole and absolute discretion, requiring implementation of mitigation measures, adopting an alternative, including without limitation, a "no project alternative" or adopting a Statement of Overriding Consideration, if required. The proposed Board actions in no way limit the exercise of this discretion. Therefore, no further CEQA review is required.

In addition, the proposed Board actions comply with Sections 21 and 35 of the Port Act, which allow for the Board to pass resolutions and to do all acts necessary and convenient for the exercise of its powers. The Port Act was enacted by the California Legislature and is consistent with the Public Trust Doctrine. Consequently, the proposed Board actions are consistent with the Public Trust Doctrine.

The proposed Board actions do not allow for “development,” as defined in Section 30106 of the California Coastal Act, or “new development,” pursuant to Section 1.a. of the District’s Coastal Development Permit (CDP) Regulations because they will not result in, without limitation, a physical change, change in use or increase the intensity of uses. Therefore, issuance of a Coastal Development Permit or exclusion is not required. However, development within the District requires processing under the District’s CDP Regulations. Future development, as defined in Section 30106 of the Coastal Act, will remain subject to its own independent review pursuant to the District’s certified CDP Regulations, PMP, and Chapters 3 and 8 of the Coastal Act. The Board’s actions in no way limits the exercise of the District’s discretion under the District’s CDP Regulations. Therefore, issuance of a CDP or exclusion is not required at this time.

Equal Opportunity Program:

Not applicable.

PREPARED BY:

Christopher McGrath
Program Manager, Engineering-Construction