



Legislation Details (With Text)

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File created: 11/4/2019 **In control:** Board of Port Commissioners
On agenda: 1/9/2020 **Final action:** 1/9/2020
Title: PURCHASE, INSTALLATION, AND MAINTENANCE OF ENHANCED AIR FILTRATION SYSTEMS AT BARRIO LOGAN'S PERKINS ELEMENTARY SCHOOL FUNDED BY THE DISTRICT'S MARITIME INDUSTRIAL IMPACT FUND

A) RESOLUTION AUTHORIZING AN AGREEMENT BETWEEN THE DISTRICT AND THE SAN DIEGO UNIFIED SCHOOL DISTRICT TO PURCHASE, INSTALL, AND MAINTAIN ENHANCED AIR FILTRATION SYSTEMS AT PERKINS ELEMENTARY SCHOOL FOR \$488,165 IN ACCORDANCE WITH BOARD POLICY N0. 773, THE MARITIME INDUSTRIAL IMPACT FUND

B) ORDINANCE AMENDING THE FY2020 BUDGET ADDING \$188,165 FROM THE MARITIME INDUSTRIAL IMPACT FUND TO THE NON-PERSONNEL EXPENSE ITEM

Sponsors:

Indexes:

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Attachments: 1. 12. 2019-0445 Attachment A, 2. 12. 2019-0445 Attachment B, 3. 12. 2019-0445A Draft Resolution, 4. 12. 2019-0445B Draft Ordinance

Date	Ver.	Action By	Action	Result
1/9/2020	1	Board of Port Commissioners	adopted	Pass

DATE: January 9, 2020

SUBJECT:

PURCHASE, INSTALLATION, AND MAINTENANCE OF ENHANCED AIR FILTRATION SYSTEMS AT BARRIO LOGAN'S PERKINS ELEMENTARY SCHOOL FUNDED BY THE DISTRICT'S MARITIME INDUSTRIAL IMPACT FUND

A) RESOLUTION AUTHORIZING AN AGREEMENT BETWEEN THE DISTRICT AND THE SAN DIEGO UNIFIED SCHOOL DISTRICT TO PURCHASE, INSTALL, AND MAINTAIN ENHANCED AIR FILTRATION SYSTEMS AT PERKINS ELEMENTARY SCHOOL FOR \$488,165 IN ACCORDANCE WITH BOARD POLICY N0. 773, THE MARITIME INDUSTRIAL IMPACT FUND

B) ORDINANCE AMENDING THE FY2020 BUDGET ADDING \$188,165 FROM THE MARITIME INDUSTRIAL IMPACT FUND TO THE NON-PERSONNEL EXPENSE ITEM

EXECUTIVE SUMMARY:

On July 6, 2010, the District established the Maritime Industrial Impact Fund in recognition that certain communities may be subject to disproportionate adverse impacts and constraints as a result of the presence of maritime industry and terminals. The fund may be used to pay for projects to

mitigate off-tidelands impacts from the District's maritime terminals and maritime industry. The District and the San Diego Unified School District have a mutual desire to provide an enhanced air filtration system at Perkins Elementary School, located near the Port's Tenth Avenue Marine Terminal, in Barrio Logan. The school district would have used standard filters as part of its installation of a new heating, ventilation, and air conditioning system (HVAC) at the school, but the District's contribution would pay for enhanced air filtration. To help provide cleaner air for students at the school, Port staff is proposing that the Board of Port Commissioners approve the expenditure of \$488,165 from the Port's Maritime Industrial Impact Fund to pay for an enhanced air filtration system and an agreement with the San Diego Unified School District. The Board previously approved the spending of \$300,000 for the fiscal year 2020 budget for estimated project costs that were actually \$488,165. This item will authorize the expenditure and amend the District's budget to reflect the funding outlay.

RECOMMENDATION:

- A. Adopt a resolution authorizing an agreement between the District and the San Diego Unified School District to purchase, install, and maintain enhanced air filtration systems at Perkins Elementary School for \$488,165 in accordance with Board Policy No. 773, the Maritime Industrial Impact Fund;
- B. Adopt an ordinance amending the FY2020 Budget adding \$188,165 from the Maritime Industrial Impact Fund to the Non-Personnel Expense item.

FISCAL IMPACT:

The fiscal impact is \$488,165 from the District's Maritime Industrial Impact Fund, of which \$300,000 is available in the approved FY2020 Budget and this item proposes to add \$188,165 to the FY2020 Budget from the fund.

COMPASS STRATEGIC GOALS:

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

- A Port that the public understands and trusts.
- A Port with a healthy and sustainable bay and its environment.
- A Port that is a safe place to visit, work and play.

DISCUSSION:

On July 6, 2010, the District established the Maritime Industrial Impact Fund to pay for projects that offset the adverse impacts and constraints on communities located near District marine terminals and the maritime industry within the jurisdiction of the Port of San Diego.

Perkins Elementary School, 1770 Main Street, is located in Barrio Logan, a San Diego community adjacent to the Port's Working Waterfront, which includes the Port's Tenth Avenue Marine Terminal and several maritime-related tenant businesses.

In recent years, a state environmental health program calculated that high levels of air pollutants, including diesel and airborne toxins, combined with such factors as poverty and high asthma rates,

made Barrio Logan the 99th worst of more than 8,000 census tracts in California for airborne pollution risks.

The San Diego County Air Pollution Control District has conducted ground level air monitoring to determine the sources of air pollution among numerous possibilities. They include emissions from around-the-clock traffic from Interstate 5 and other freeways, industrial businesses in the “mixed-use” Barrio Logan community, and the Working Waterfront.

The Port has taken a number of actions to limit air emissions, including establishing a designated truck route to divert diesel trucks from neighborhood streets. Port staff contends that, although there are many diverse sources responsible for air quality issues in Barrio Logan, the proposed project at Perkins Elementary complies with the San Diego Unified Port District Act and qualifies for the Maritime Industrial Impact Fund.

Paying for the installation of an enhanced air filtration systems is a reasonable expenditure for the Port to make to mitigate some of the air quality issues at the school. This agenda item will authorize an agreement with the San Diego Unified School District for the purpose of purchasing air filtration systems and amend the District’s budget to reflect the expenditure.

Port staff began talks with the San Diego Unified School District staff in 2018 concerning the inclusion of enhanced air filtration systems as part of a larger school district project to install a new HVAC network at Perkins. The school district would have installed standard filtration with the new HVAC, but has agreed to use District funding to upgrade to an enhanced air filtration system. (Attachment A)

The HVAC work includes single-story buildings that include Kindergarten, the Media Center, Administration, and Multi-purpose rooms, as well as a two-story building of classrooms.

Port staff initially budgeted \$300,000 in the fiscal year 2020 budget for costs of the enhanced filtration system, but the scope of work actually totaled \$488,165. The cost breakdown is provided in the Perkins Elementary School Enhanced Filtration Report. (Attachment B)

Port staff is requesting the Board to approve the agreement with the San Diego Unified Scholl District and a budget amendment of \$188,165 from the Maritime Industrial Impact Fund to cover the full cost.

Once installed and operational, the San Diego Unified School District has agreed to inspect, maintain, and replace air filters in compliance with manufacturer recommendations for at least three years at no additional cost to the Port. The school district expects the installation of the new (HVAC) systems to be completed in February 2020.

The enhanced filtration is part of a \$3.9 million San Diego Unified School District HVAC project at Perkins Elementary.

General Counsel’s Comments:

The Office of the General Counsel has reviewed and approved this agenda, the proposed agreement, and resolution and ordinance, as presented, as to form an legality.

Environmental Review:

The proposed Board action, including without limitation, a resolution authorizing expenditure from the MIIF, does not constitute a “project” under the definition set forth in California Environmental Quality Act (CEQA) Guidelines Section 15378 because it would not have a potential to result in a direct or indirect physical change in the environment and is, therefore, not subject to CEQA. No further action under CEQA is required.

The proposed Board action complies 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 action is consistent with the Public Trust Doctrine.

The proposed Board action does 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 Regulations. Therefore, issuance of a Coastal Development Permit or exclusion is not required.

Equal Opportunity Program:

Not applicable.

PREPARED BY:

Ronald Powell
Program Manager, Government & Civic Relations

Attachment(s):

Attachment A:	Agreement for District Contribution to Perkins Elementary School
Attachment B:	Perkins Elementary School Enhanced Filtration Report
	December 10, 2019