



**SAN DIEGO UNIFIED PORT DISTRICT
BOARD OF PORT COMMISSIONERS
MEETING AGENDA**

April 7, 2009

1:00 p.m.

Don L. Nay Port Administration Building
3165 Pacific Highway
San Diego, California

PLEASE COMPLETE A "REQUEST TO SPEAK" FORM PRIOR TO THE COMMENCEMENT OF THE MEETING AND SUBMIT IT TO THE DISTRICT CLERK.

Starred Items (*) are considered to be routine, and will be acted upon with one vote. If you wish for an item to be removed from the Consent Agenda, submit your request to the District Clerk prior to the commencement of the meeting.

Agendas are available in alternative formats upon request. If you require assistance or auxiliary aids in order to participate at public meetings, please contact Office of the District Clerk at publicrecords@portofsandiego.org or (619) 686-6206 within 24 hours of the meeting.

Any disclosable public records related to an open session item on a regular meeting agenda and distributed by the San Diego Unified Port District to all or a majority of the Board of Port Commissioners, including those records distributed less than 72 hours prior to that meeting, are available for public inspection at the Office of the District Clerk, 3165 Pacific Highway, San Diego, California during normal business hours.

1. Pledge of Allegiance.
2. Roll Call
3. Approval of minutes for March 3, 2009 special and regular meetings.
4. Public Communications (3 minutes each). No actions may be taken on these items.

CONSENT AGENDA

- * 5. Resolution Authorizing a Use Agreement with San Diego Metropolitan Transit System (MTS) for use of MTS existing data infrastructure (dark fiber optics and roof access at Mills Building) and granting indemnity to MTS.

CONSENT AGENDA (continued)

- * 6. Phone And Network Equipment
 - A) Resolution Selecting and Authorizing an Agreement with Nexus IS, Inc. for the acquisition and installation of Phone and Network Equipment for the purpose of upgrading the District's Technology Infrastructure.
 - B) Resolution Authorizing a Lease-Purchase Agreement between the San Diego Unified Port District and Key Government Finance (KGF), Inc. and granting indemnity to KGF for the lease-purchase of Phone and Network Equipment and Integration Services over a five year period with annual payments not to exceed \$592,767.50, and total expenditure, including principal and interest, not to exceed \$2,963,837.50.
- * 7. Resolution Waiving BPC Policy No. 110 III.(A)(3) and Authorizing a Purchase Agreement for the period July 1, 2009 to June 30, 2010 with the SoCo Group Inc., to purchase regular gasoline and diesel in an amount not to exceed \$353,900.00 including all taxes and freight.
- * 8. Resolution Authorizing Change Order No. 4 to Contract No. 2007-26 with Randall Construction , Inc. for Tidelands Comfort Station Refurbishment at Various Locations; Chula Vista, Coronado, Imperial Beach, National City and San Diego, California in an amount not to exceed \$108,488.02 and 69 calendar day extension through January 5, 2010.
- * 9. Resolution Authorizing Change Order No. 5 to Contract No. 2007-02 with Remedial Civil Constructor, Inc. dba RCC for the Tuna Boat Basin Seawall and Revetment Repairs in the amount not to exceed \$81,000.
- * 10. Resolution Selecting and Authorizing Agreement with EHM Architecture, Inc. for as-needed Americans with Disabilities Act (ADA) and Architectural Design Services for an aggregate amount not to exceed \$240,000 over a three-year period.
- * 11. Resolution Authorizing First Amendment to Agreement with URS Corporation, a Nevada Corporation doing business in California as URS Corporation Americas, for \$150,000 for a new total not to exceed amount of \$450,000.
- * 12. Resolution Adopting Revisions to Board of Port Commissioners (BPC) Policy No. 380 – Sportfishing.
- * 13. Ordinance Granting Amendment No. 1 to Option Agreement with Bartell Hotels, LP, dba Holiday Inn Bayside extending option term by 18-Months to November 30, 2010.

CONSENT AGENDA (continued)

- * 14. Ordinance Granting Amendment No. 2 to Weyerhaeuser Company Lease for property located in National City, adjusting the written notice requirement for Lessee's Option to extend term of lease.
Engineering
- * 15. Resolution Authorizing a Purchase Agreement with Theodore Robbins Ford for the acquisition of ten (10) police sedans (new and unused goods) for an amount not to exceed \$ 245,340.39.
- * 16. Resolution Authorizing Agreement with _____ for Compressed Natural Gas (CNG) Vehicle Leasing Services for District fleet for an amount not to exceed \$125,000.
The Board will consider staff's request to continue this item to a future Board meeting.
- * 17. Resolution Authorizing Agreement with (Name), for the Acquisition of eight (8) trucks (new and unused goods) for an amount not to exceed \$(amount).
Board Action No Longer Required

PUBLIC HEARING/ACTION AGENDA

- 18. North Embarcadero Visionary Plan Phase 1 Coastal Access Features Project:
 - A) Conduct a Public Hearing and Adopt Resolution Finding that the NEVP Phase 1 Coastal Access Features Project is within the scope of the North Embarcadero Visionary Plan Master Environmental Impact Report.
 - B) Conduct A Public Hearing and Adopt Resolution Authorizing Issuance of an Appealable Coastal Development Permit.**The Board will consider staff's request to continue this item to a future Board meeting.**
- 19. San Diego Convention Center Public Parking Facility
 - A) Conduct Public Hearing on Proposed Modification of Parking Rates at San Diego Convention Center Public Parking Facility.
 - B) Ordinance Establishing Proposed Modified Parking Rates at San Diego Convention Center Public Parking Facility.

PUBLIC HEARING/ACTION AGENDA (continued)

20. San Diego Symphony
 - A) Staff Presentation on Proposed Tidelands Use & Occupancy Permit for the 2009 San Diego Symphony Summer Pops Series at Embarcadero Marina Park South.
 - B) Conduct Public Hearing and Adopt Resolution Finding that the 2009 Symphony Summer Pops Embarcadero Marina Park South Tidelands Use and Occupancy Permit is in Substantial Conformance with the Final Subsequent Mitigated Negative Declaration Adopted by the board on March 13, 2007.

21. Conduct Public Hearing and Adopt Resolution Amending Board of Port Commissioners (BPC) Policy No. 452, Permit Fees for the use of the District's Public Parks, changing the fees for special events permits.

PRESENTATION/ACTION AGENDA

22. Discussion of Administration of District's Retirement System and direction to staff.

23. Presentation and direction to staff concerning Contractor Health Care Benefits.

ACTION AGENDA

24. Presentation of Proposed Strategies for providing New Marketing and Public Relations Opportunities and Temporary Financial Assistance to Port District Tenants and direction to staff on the following:
 - A) Resolution Waiving BPC Policy No. 609 and authorizing transfer of \$150,000 from the Public Art Fund to the FY 08/09 District Operating Budget.
 - B) Ordinance Amending the FY 08/09 District Operating Budget increasing it by \$150,000 for a total District Operating Budget of \$147,446,400.
 - C) Resolution Establishing Temporary Financial Relief Program for Qualifying Tenants allowing deferral of certain Lease Required Rental Payments.

25. Resolution Amending Memorandum of Agreement with the San Diego Air Pollution Control District to allow funding the District's Clean Truck Program without matching funds from the State of California Proposition 1B, Goods Movement Emission Reduction Program.

26. Resolution Amending Resolution 2008-65 Establishing FY08-09 Financial Assistance Program Funding and Waiving BPC Policy No. 025 to reallocate funds previously authorized for the Chula Vista Chamber of Commerce in the amount of \$30,000 to the Chula Vista Visitor Information Center.

ACTION AGENDA (continued)

27. Discussion of State Legislation of Interest to the Port of San Diego, Status Report and possible direction to staff if any.
No Action requested and/or required by the Board.
28. Review and Consideration of Proposed Board Agenda for Meeting of May 5, 2009.

CONSENT AGENDA (continued)

29. North Embarcadero Bay Tour Operators - Resolutions Authorizing Individual Exclusive Negotiating Agreements with:
 - A) Eddie and Troy's Excellent Adventure dba Next Level Sailing
 - B) Hornblower Yachts, Inc. dba Hornblower Cruises and Events
 - C) Star & Crescent Boat Company dba San Diego Harbor Excursion
30. Resolution Selecting and Authorizing an Agreement with Engineering Partners, Inc. for Professional Civil and Electrical Design Services for the Shore Power System at B Street and Broadway Pier for an amount not to exceed \$252,000.
31. Resolution Directing Staff to proceed with completing a Programmatic Environmental Impact Report for the Chula Vista Bayfront Master Plan.
32. Resolution Accepting the recommendation from the Environmental Advisory Committee to Authorize the submission of a Grant Application under the American Recovery and Reinvestment Act Funding for the National Clean Diesel Funding Assistance Program for the Installation of Shore Power Infrastructure at the Tenth Avenue Marine Terminal while still pursuing Shore Power at the Cruise Ship Terminal.

OFFICER'S REPORT

33. Monthly Notification of Change Orders Pursuant to BPC Policy 110:
 - A) Change Order No. 3 for \$0.00 with 0 Calendar Days to Contract No. 2007-48 with Frank & Son Paving, Inc. for Pavement Maintenance at Various Locations, Imperial Beach and San Diego, CA.
 - B) Change Order No. 3 for \$92,262.02 with 46 Calendar Days to Contract No. 2007-26 with Randall Construction, Inc. for Tideland Comfort Station Refurbishment Various Location: Chula Vista, Coronado, Imperial Beach, National City and San Diego, California.
 - C) Change Order No. 1 for \$0.00 with 14 Calendar Days to Contract No. 2008-25 with Koch-Armstrong General Engineering, Inc. for Harbor Island Driveway Repairs, San Diego, California.
 - D) Change Order No. 10 for \$0.00 with 0 Calendar Days to Contract No. 2006-05 with R.E. Staite Engineering, Inc. for Pepper Park Boat Launching Facility Improvements, National City, California.
 - E) Change Order No. 6 for (\$15,978.83) with 0 Calendar Days to Contract No. 2007-14 with Alpha Mechanical Heating and Air Conditioning, Inc. for Administration Building Boiler and Chiller Repair, San Diego, California.
 - F) Change Order No. 1 for \$5,517.00 with 4 Calendar Days to Contract No. 2007-30 with 3-D Enterprises, Inc. for North Gate Improvements Tenth Avenue Marine Terminal San Diego, California.

OTHER MATTERS

34. President's Report.
35. Board Committee Reports
36. Commissioner Comments. No actions may be taken on these items.