



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

May 5, 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 the April 7, 2009 special and regular meetings.
4. Public Communications (3 minutes each). No actions may be taken on these items.

CONSENT AGENDA

- * 5. Resolution Granting Indemnity to Wells Fargo Bank for Merchant Processing Services Agreement.

CONSENT AGENDA (continued)

- * 6. Resolution Adopting the FY 09/10 Preliminary Budget and setting the date for Public Hearing on the budget as June 9, 2009.
- * 7. Resolution Authorizing an Agreement with the City of Coronado for Police, Fire, and Emergency Medical Services in an amount not to exceed \$632,094 for Fiscal Year 2010, \$651,057 for Fiscal Year 2011, and \$670,589 for Fiscal Year 2012, for a total amount not to exceed \$1,953,740 for the three-year period July 1, 2009 To June 30, 2012.
- * 8. Resolution Proclaiming Support of National Small Business Week, May 17 - 22, 2009.
- * 9. Resolution Exercising 1st Option and Approving Funding for this option year of the Agreement with Katz & Associates in an amount not to exceed \$300,000.
- * 10. Recommendation of Port Scholarship Advisory Committee to Award Three Scholarships Port totaling \$5,000.
- * 11. Proclamation Honoring the 150th Anniversary of the Opening of the Port of Yokohama.
- * 12. Proclamation Recognizing Friday, May 15, 2009, as Bike to Work Day.
- * 13. Resolution Selecting and Authorizing an Agreement with Service Bureau, a division of SANDAG, for a Port of San Diego Economic and Fiscal Impact Analysis in an amount not to exceed \$175,000.
- * 14. Proclamation of the Board of Port Commissioners Supporting National Public Works Week, May 17-23, 2009.
- * 15. Resolution Adopting Plans and Specifications and Awarding Contract No. 2007-03 to Hazard Construction Company for FY10 - Pavement Maintenance at TAMT, NCMT and National City, San Diego and National City, California, in the amount of \$993,902.

CONSENT AGENDA (continued)

- * 16. Resolution Adopting Plans and Specifications and Awarding Contract No. 2008-03 to Davis & Adams Construction, Inc. for Administration Building Annex Restrooms Improvements in the amount of \$320, 000.
- * 17. Ordinance Granting Amendment No. 1 to Lease with Pier 32 Marina Group, LLC deleting ability to add .08-acre "Parcel 3" to leased premises.
- * 18. Ordinance Granting Amendment No. 1 to Lease with Bartell Hotels, LP dba Hilton Garden Inn to change description of hotel expansion improvements.
- * 19. Ordinance Granting Amendment No. 1 to Option with Sunroad Harbor Island, Inc. to extend the term of the option by 18 months until June 2011.
- * 20. Pacific Gateway Ltd. dba San Diego Marriott Hotel and Marina
 - A) Resolution Consenting to Assignment of certain leasehold interests within Pacific Gateway Ltd. dba San Diego Marriott Hotel & Marina.
 - B) Resolution Consenting to Assignment of certain leasehold interests within Pacific Gateway Ltd.'s Sublessee, CCMH San Diego, L.L.C.
 - C) Resolution Consenting to Second Amended and Restated Lease Agreement between Pacific Gateway, Ltd., Lessee and CCMH San Diego, L.L.C, Sublessee with conditions.
 - D) Resolution Consenting to Encumbrance of Pacific Gateway Ltd. Leasehold by a \$175 million trust deed in favor of Pacific Life Insurance Company, with conditions.
 - E) Resolution Consenting to Third Amended and Restated Management Agreement between Pacific Gateway Ltd. and Marriott International, Inc., with conditions
- * 21. Ordinance Granting Amendment No. 5 to Reciprocal License Agreement with the United States of America acting through the Department of the Navy for Non-Exclusive Parking located at the Northwest Corner of Harbor Drive and Pacific Highway, extending term for one year.
- * 22. Resolution Authorizing Exclusive Negotiating Agreement with Eddie and Troy's Excellent Adventure, LLC dba Next Level Sailing.
- * 23. Resolution Authorizing Amendment No. 3 to Agreement with MJE Marketing Services, Inc. to authorize an additional \$200,000 funding for period three, FY 08/09, for an amount not to exceed \$1,600,000 over the three year period from January 1, 2007 through December 31, 2009 for Marketing and Advertising Services, Media Purchase and Placement and Tenant Support Program Development.

CONSENT AGENDA (continued)

- * 24. Resolution Adopting Plans and Specifications, Awarding Contract No. 2008-11 to (Company Name) for North Harbor Drive Realignment, San Diego, California, in the amount of \$XX,XXX.XX.
The Board will consider staff's request to continue this item to a future Board meeting.

- * 25. Resolution Approving a 50 kw photo voltaic system for the General Services building for \$500,000 with funding from the Environmental Fund and \$97,258 in matching funds from the California Solar Initiative.
The Board will consider staff's request to continue this item to a future Board meeting.

PRESENTATION/ACTION AGENDA

- 26. Presentation of Service Awards to Employees with 15 or more years of service.

PUBLIC HEARING/ACTION AGENDA

- 27. Pier 32 National City Marina Project: Conduct Public Hearing and Adopt Resolution Authorizing Issuance of an Amendment to an Appealable Coastal Development Permit # CDP-2006-02.
Board Action No Longer Required.

ACTION AGENDA

- 28. Broadway Pier Shore Power Project
 - A) Resolution Authorizing an Equipment Purchase Agreement with Cochran, Inc. for Shore Power Electrical Equipment for shore power electrical equipment for the Shore Power System at B Street and Broadway Piers for the amount of \$2,658,395.93, and Granting Indemnity to Escrow Agent.
 - B) Resolution Authorizing Agreement with San Diego Gas and Electric for 12KV primary electric service at B Street and Broadway Piers Shore Power Project in an amount not-to-exceed \$1,964,261 and agreeing to indemnify San Diego Gas and Electric for providing the electric service.

- 29. Resolution Adopting the Financial Assistance Advisory Committee's Recommendations for funding the Port of San Diego Financial Assistance Program for Fiscal Year 2009-2010 in an amount not to exceed \$212,297.

30. State Legislation of Interest and Resolution to support Senate Bill 346 by Senator Kehoe, D-San Diego, in order to regulate Chemicals of Concern, including copper, found in brake pads because of the deleterious effect in stormwater runoff.
31. Review and Consideration of Proposed Board Agenda for Meeting of June 9, 2009.
32. Resolution Authorizing a Construction Phase Consultant Services Agreement with Cochran, Inc. in the amount of \$203,028, for the B Street Pier and Broadway Pier Shore Power Project.
The Board will consider staff's request to continue this item to a future Board meeting.

CONSENT AGENDA (continued)

33. Resolution Authorizing Change Order No. 3 to Contract No. 2009-04 with Statewide Stripes, Inc. in the amount of \$14,150, for a total contract amount of \$43,060.

OFFICER'S REPORT

34. Monthly Notification of Change Orders Pursuant to BPC Policy 110:
 - A) Change Order No. 6 for \$13,496.00 with 0 Calendar Days to Contract No. 2007-24 with R.E. Staite Engineering, Inc. for Fender Pile Replacement for FY08 and FY09 Various Locations, San Diego and National City, California.
 - B) Change Order No. 1 for \$0.00 with 45 Calendar Days to Contract No. 2008-22 with Sim J. Harris, Inc. for Kellogg Beach Sand Replacement, San Diego, California.
 - C) Change Order No. 2 for \$1,483.27 with 0 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. 1 for \$4,872.55 with 0 Calendar Days to Contract No. 2008-29 with PAL General Engineering for Tidelands, Various Locations, Preventative Pavement Maintenance FY2009, San Diego, California.
 - E) Change Order No. 1 for \$14,142.00 with 10 Calendar Days to Contract No. 2008-17R with Gordon-Prill San Diego, Inc. for Harbor Police Administration Facility Improvements, San Diego, California.

OTHER MATTERS

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

Note:

For those planning to attend the Board meeting, parking is available in the Port Administration Building parking lot. Overflow parking can be accommodated to the west of the Port Administration Building in the Port District Employee/Visitor parking.

For the agenda online and more information about the Commissioners' names and city representation, and future Board meeting dates, please visit our website at www.portofsandiego.org.

As a courtesy to all who attend these public meetings, please turn all cell phones to off or vibrate before entering the Board Room.