



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

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

CONSENT AGENDA

- * 5. Resolution Appointing John Gandy as Chairperson of the Personnel Advisory Board from September 18, 2009 to September 17, 2010.
- * 6. Resolution Declaring Items of Equipment to be Surplus to the needs of the Port District and Authorizing their Sale or Disposal in accordance with BPC Policy No. 111.

CONSENT AGENDA (continued)

- * 7. Resolution Authorizing Amendment No. 3 to Agreement with Marine Group Boat Works for Vessel Related Services increasing the agreement by \$140,000 for a new agreement total of \$680,000.
- * 8. Resolution Selecting and Authorizing Agreement with Alpha Mechanical Service for HVAC Maintenance Services for an aggregate amount not to exceed \$445,270 over a three (3) year period.
- * 9. Resolution Selecting and Authorizing Agreement with Merkel and Associates, Inc. for Professional Environmental and Civil Design Services on the Chula Vista Wildlife Reserve Restoration and Enhancement Project in an amount not to exceed \$133,539.
- * 10. Resolution Authorizing a Purchase Agreement with Oldcastle Precast, Inc. for the acquisition of twenty (20) Pre-cast Concrete Fender Pilings (new and unused goods) for an amount not to exceed \$171,453.75.
- * 11. Resolution Adopting Plans and Specifications and Awarding Contract No. 2008-32 to NEWest Construction Company for Imperial Beach Fishing Pier Repair in the amount of \$639,860.
- * 12. Resolution Clarifying the changes made to the Capital Development Program at the July 7, 2009 Board Meeting.
- * 13. Resolution Granting Indemnity to San Diego Gas & Electric for San Diego Unified Port District participation in the 2009 Sustainable Communities Program for the Broadway Cruise Ship Terminal.
- * 14. Resolution Consenting to Assignment of Ownership Interest within Bartell Hotels, a California Limited Partnership dba Holiday Inn Bayside.
- * 15. Humphrey's Half Moon Inn and Suites
 - A) Resolution Consenting to Assignment of Ownership Interest within Bartell Hotels, a California Limited Partnership dba Humphrey's Half Moon Inn and Suites.
 - B) Ordinance Granting Amendment No. 1 to Lease with Bartell Hotels, a California Limited Partnership dba Humphrey's Half Moon Inn and Suites updating lease provisions.
- * 16. Resolution Consenting to \$8,500,000 Encumbrance of San Diego Yacht Club's Leasehold in favor of Union Bank of California.
- * 17. Ordinance Granting Amendment No. 1 to Lease with Driscoll, Inc. dba Kettenburg Marine to extend construction period to December 31, 2010.

CONSENT AGENDA (continued)

- * 18. Ferry Landing Associates, LLC
 - A) Resolution Consenting to a 15-Year Sublease from Ferry Landing Associates, LLC to Star and Crescent Boat Company dba San Diego Harbor Excurion.
 - B) Resolution Consenting to Encumbrance of Ferry Landing Associates, LLC Leasehold Estate by \$1,685,000 Trust Deed in favor of California Bank & Trust.

- * 19. Ordinance Granting a 14-Year and 4-Month Easement to San Diego Gas & Electric Company for Electrical Utilities at Quay Avenue, National City for the period from September 1, 2009 to December 31, 2023.

- * 20. Ordinance Granting an 8-Year Easement to San Diego Gas & Electric Company for Electrical Utilities at Belt Street and on Leasehold of Continental Maritime of San Diego, Inc. for the Period September 1, 2009 to August 31, 2017.

- * 21. Resolution Granting Concept Approval for CP Kelco U.S., Inc. for proposed Sound Attenuation Wall.

- * 22. Resolution Authorizing Exclusive Negotiating Agreement with Wallenius Wilhelmsen Logistics Americas, LLC.

- * 23. Resolution Waiving BPC Policy No. 360 and Authorizing Exclusive Negotiating Agreement with Cembra San Diego, LLC.

- * 24. Resolution Establishing Rent for Shelter Island, Inc., dba Tom Ham's Lighthouse for the period from October 1, 2005 through September 30, 2010.

- * 25. Ratification of Settlement in the amount of \$150,000 in the Matter of *Powell v. San Diego Unified Port District*, San Diego Superior Court Case No. GIC 879731.

- * 26. Resolution Selecting and Authorizing an Agreement for as needed Information Technology Auditing and Consulting Service for an amount not to exceed \$225,000 for the period September 1, 2009 to June 30, 2012.
The Board will consider staff's request to continue this item to a future Board meeting.

- * 27. Resolution Authorizing Amendment No. 1 to the Agreement with Enterprise Fleet Management for hybrid vehicle leasing services increasing the agreement amount by \$2,500 for a new agreement total of \$298,665.
The Board will consider staff's request to continue this item to a future Board meeting.

PRESENTATION/ACTION AGENDA

28. Presentation of Proclamation to Rear Admiral Len Hering Sr., U.S. Navy, to honor and acknowledge his contribution to the District's Overarching Regional Port and Seaport Security Strategy in his role as Commander, Navy Region Southwest.
29. Presentation of Proclamation to Chief Tracy Jarman, San Diego Fire Department, to honor and acknowledge her positive public safety contributions to the Port of San Diego Regional Community.
30. Presentation by the Working Waterfront Group on the Coalition's Accomplishments during its first five years and the Coalition's Future Priorities.
31. Presentation on Proposed Hotel and Phase III Convention Center Expansion Project.
The Board will consider staff's request to continue this item to a future Board meeting.

PUBLIC HEARING/ACTION AGENDA

32. 2701 North Harbor Drive Demolition Project (Former Teledyne Ryan Facility)
 - A) Conduct Public Hearing and Adopt Resolution Certifying Final Environmental Impact Report for the "2701 North Harbor Drive Demolition Project"; Adopt Findings of Fact and Statement of Overriding Considerations; Adopt Mitigation Monitoring and Reporting Program; and, Direct the filing of Notice of Determination.
 - B) Conduct Public Hearing and Adopt Resolution Authorizing issuance of a non-appealable Coastal Development Permit.
 - C) Resolution Selecting and Authorizing Agreement with Jacobs Project Management Company for Construction and Project Management Services for the TDY Site Demolition Project, San Diego, California in an amount not to exceed \$946,300

ACTION AGENDA

33. Tenth Avenue Marine Terminal Warehouse Site
 - A) Preliminary Project Review for the Tenth Avenue Marine Terminal Warehouse Site Demolition and Paving, Office Relocation, and New Truck Scale.
 - B) Direction to Staff to proceed with Environmental Review for the Tenth Avenue Marine Terminal Warehouse Site Demolition and Paving, Office Relocation and New Truck Scale.
34. Discussion of State Legislation of interest to the Port of San Diego, Status Report and possible direction to Staff, if any.
35. Review and Consideration Proposed Board Agenda for Meeting of September 1, 2009.

NOTIFICATION OF SETTLEMENT

36. Landmark Insurance Company (AIG).

OFFICER'S REPORT

37. Monthly Notification of Change Orders Pursuant to BPC Policy 110:
 - A) Change Order No. 10 for (\$22,027.19) with 0 Calendar Days to Contract No. 2007-31 with Reyes Construction, Inc. for Palm Avenue Street End Improvements.
 - B) Change Order No. 3 for \$68.00 with 0 Calendar Days to Contract No. 2008-30 with George A. Dominguez for B Street Pier CST Modular Restroom Installation, San Diego, California.
 - C) Change Order No. 2 for (\$19,088.00) with 0 Calendar Days to Contract No. 2008-09 with Bergelectric Corporation for Landside Closed Circuit Television (CCTV) System with Lighting and Fixed Arrays (CCTV) System San Diego and National City, California.
 - D) Change Order No. 5 for \$12,795.00 with 9 Calendar Days to Contract No. 2007-30 with 3-D Enterprises, Inc. for North Gate Improvements Tenth Avenue Marine Terminal San Diego, California.
 - E) Change Order No. 1 for \$1,232.28 with 12 Calendar Days to Contract No. 2008-03 with Davis & Adams Construction, Inc. for Administration Building Annex Restrooms Improvements, San Diego, California.
 - F) Change Order No. 1 for \$1,346.55 with 8 Calendar Days to Contract No. 2008-23 with Davis & Adams Construction, Inc. for TAMT Transit Shed 1 and 2 Restroom Upgrade Project 10th Avenue Marine Terminal San Diego, California.

OTHER MATTERS

38. President's Report.
39. Board Committee Reports
40. 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.