



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

November 3, 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 October 6, 2009 special and regular meetings.
4. Public Communications (3 minutes each). No actions may be taken on these items.

CONSENT AGENDA

- * 5. Ordinance Granting a 10 Year Non-Exclusive Easement to CoxCom, Inc. dba Cox Communications San Diego for telecommunications facilities to serve the USS Midway Museum located in the vicinity of Broadway, Harbor Drive, and Navy Pier.

CONSENT AGENDA (continued)

- * 6. Resolution Authorizing Amendment No. 4 to Memorandum of Understanding/Business Agreement with the United States of America Department of the Navy for potential acquisition of its leasehold interest in 1220 Pacific Highway.
- * 7. Ordinance Granting a 20 Year Easement to Pacific Bell Telephone Company dba AT&T California for Communications Facilities to service the Harbor Police Administration Building at 3380 North Harbor Drive.
- * 8. Ordinance Granting Amendment No. 2 to Lease with Bartell Hotels dba Island Palms West to modify the security deposit lease paragraph.
- * 9. Fisherman's Landing Corporation
 - A) Ordinance Granting a Twenty Year Lease to Fisherman's Landing Corporation, with conditions.
 - B) Resolution Consenting to Encumbrance of Fisherman's Landing Corporation Leasehold in the amount of \$947,565 in favor of Regents Bank, N.A., with conditions.
- * 10. United Sportfishers of San Diego, Inc.
 - A) Ordinance Granting a Twenty Year Lease to United Sportfishers of San Diego, Inc., dba H&M Landing, with conditions.
 - B) Resolution Consenting to Encumbrance of United Sportfishers of San Diego, Inc., dba H&M Landing's Leasehold in the amount of \$650,000 in favor of Point Loma Community Bank, with conditions.
- * 11. Point Loma Sportfishing Association
 - A) Ordinance Granting a Twenty Year Lease to Point Loma Sportfishing Association of San Diego, Inc., with conditions.
 - B) Resolution Consenting to Encumbrance of Point Loma Sportfishing Association of San Diego, Inc.'s Leasehold in the amount of \$300,000 in favor of Point Loma Community Bank, with conditions.
- * 12. Ordinance Granting a Six Year and Four Month Tideland Use and Occupancy Permit to Scott Street Parking, Inc., with three options of thirteen years and eight months, to extend for a total term of twenty years.
- * 13. Resolution Consenting to Assignment of ownership interests within Point Loma Marina, LLC.
- * 14. Resolution Granting Indemnity to Metropolitan Transit Systems (MTS) under a Telecommunications License Agreement for use of the Catalina Standpipe Communications Facilities.

CONSENT AGENDA (continued)

- * 15. Ordinance Granting Amendment No. 6 to the Spinnaker Option Agreement to extend term with Fifth Avenue Landing, LLC.
- * 16. Resolution Adopting Plans and Specifications and Awarding Contract No. 2008-05 to PAL Engineering, Inc. for the National City Marine Terminal Pave Southwest Perimeter Project in the amount of \$288,699.
- * 17. Resolution Authorizing a Second Amendment to the Agreement with Leni Schwendinger to increase the maximum amount payable under the agreement by \$350,000 for the design, fabrication and installation of the public artwork for the Broadway Cruise Ship Terminal for a total amount not to exceed \$418,000 in accordance with the previously approved project budget.
- * 18. Resolution Appointing Chris Zapata to the Port's Public Art Committee for a three year term as the representative for the City of National City.
- * 19. Resolution Selecting and Authorizing a 42 Month Engineering Agreement with Moffatt & Nichol Blaylock for professional engineering services for the Tenth Avenue Marine Terminal Shore Power Project in San Diego, California for an amount not to exceed \$367,250.
- * 20. Resolution Rejecting Low Bids from WEI Industrial, Global Power Group, and DWI Power Systems as Non-Responsive and Authorizing a Purchase Agreement with Hawthorne Power Systems for the acquisition of two portable emergency electrical generators for the Cruise Ship Terminals, Tenth Avenue Marine Terminal, and National City Marine Terminal for an amount not to exceed \$294,213.58.
- * 21. Resolution Selecting and Authorizing a two (2) year Agreement with PCI for pavement marking and striping at various tidelands locations in an amount not to exceed \$180,000.
- * 22. Resolution Authorizing the Extension of the District's Pool of Investment Banking and Underwriting Firms for a period not to exceed three years.
- * 23. 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.
- * 24. Resolution Approving four Environmental Fund Projects for an amount not to exceed \$303,758.

CONSENT AGENDA (continued)

- * 25. Resolution Authorizing Agreements with Tetra Tech EM Incorporated and Haley & Aldrich, Inc. to provide environmental investigation services on an as needed basis for an aggregate amount not to exceed \$1,400,000 (\$466,666 aggregate amount a year for a period of three years).
- * 26. Resolution Selecting and Authorizing Agreements with AMEC Earth & Environmental, Inc.; Weston Solutions, Inc.; and Merkel & Associates, to provide as needed sample collection and laboratory analysis for a total amount not to exceed \$375,000 for three years.
- * 27. Resolution Granting Indemnity to the National Polytechnic College of Science (NPCS) for any damage or injury claim arising from the Harbor Police Department (HPD) Dive Team's use of the NPCS's dive pool facility.
- * 28. Resolution Authorizing staff to Accept the \$1,000,000 Award allocated to the San Diego Unified Port District by the Department of Homeland Security, Federal Emergency Management Agency in its Fiscal Year 2009 American Recovery and Reinvestment Act Port Security Grant Program.
The Board will consider staff's request to continue this item to a future Board meeting.

PRESENTATION AGENDA

- 29. Update on Implementation of Court Settlement with Homeowners of 501 and 505 First Street, Coronado.

ACTION AGENDA

30. Point Loma Marina
 - A) Resolution Consenting to 10 Year Sublease from Point Loma Marina, LLC to JFAT, LLC dba Jimmy's Famous American Tavern, with two 5 year options to extend.
 - B) Resolution Granting Approval to Point Loma Marina, LLC for Proposed Restaurant Tenant Improvement Project.
31. Resolution Authorizing a Special Conditions 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 \$1,950,000 and indemnifying San Diego Gas and Electric for providing the electrical service.
32. Resolution Electing Chair, Vice-Chair and Secretary of the Board of Port Commissioners to serve for Calendar Year 2010.
33. Review and Consideration of Proposed Board Agenda for Meeting of December 1, 2009.
34. Resolution Authorizing the Capital Development Project Reference No. 11 Funds in the total amount of \$251,000 be utilized to design and construct water feature(s) as part of the Broadway Cruise Ship Terminal Project.

OFFICER'S REPORT

35. Monthly Notification of Change Orders Pursuant to BPC Policy No. 110:
 - A) Change Order No. 9 for \$0.00 and 6 Calendar Days to Contract No. 2008-17R with Gordon-Prill San Diego, Inc. for Harbor Police Administration Facility Improvements, San Diego, California.
 - B) Change Order No. 2 for \$4,040.00 and 6 Calendar Days & Change Order No. 3 for \$38,346.00 and 0 Calendar Days to Contract No. 2007-03 with Hazard Construction Company, Inc. for FY10 Pavement Maintenance TAMT, NCMT, & National City, San Diego and National City, California.
 - C) Change Order No. 4 for \$6,847.00 and 3 Calendar Days to Contract No. 2008-03 with Davis & Adams Construction, Inc. for Administration Building Annex Restrooms Improvements, San Diego, California.
 - D) Change Order No. 7 for (\$72.85) and 0 Calendar Days to Contract No. 2007-26 with Randall Construction, Inc. for Tideland Comfort Station Refurbishment Various Locations: Chula Vista, Coronado, Imperial Beach, National City and San Diego, California.
 - E) Change Order No. 1 for \$34,178.00 and 30 Calendar Days to Contract No. 2008-16 with 3-D Enterprises, Inc. for Tenth Avenue Marine Terminal and National City Marine Terminal Lighting Improvements, San Diego and National City, California.

OTHER MATTERS

36. President's Report.
37. Board Committee Reports
38. 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.