



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

December 1, 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 November 3, 2009 special and regular meetings.
4. Public Communications (3 minutes each). No actions may be taken on these items.

CONSENT AGENDA

- * 5. Resolution Approving Amended and Restated San Diego Unified Port District (SDUPD) Retirement Plan and Trust.
- * 6. Resolution Authorizing a Letter of Intent with Point Loma Marina, LLC., for an annual contribution towards a parking solution.

CONSENT AGENDA (continued)

- * 7. Resolution Consenting to Sublease from USS Midway Museum to Midway Partners, LLC dba Fantail Cafe.
- * 8. Resolution Consenting to a Sublease from Fifth Avenue Landing, LLC to Star & Crescent Boat Company dba San Diego Harbor Excursion.
- * 9. Ordinance Granting Amendment No. 12 to Seaport Village Operating Co., LLC Option Agreement for Redevelopment of the Old Police Headquarters to extend the option term for six months through June 30, 2010.
- * 10. Resolution Establishing Rent for Anthony's Fish Grotto of La Mesa for the period February 1, 2010 to January 31, 2015.
- * 11. Resolution Establishing Rent for California Yacht Marina - Chula Vista, LLC for the period from July 1, 2009 to June 30, 2014.
- * 12. Resolution Consenting to Assignment of ownership interests within Point Loma Marina, LLC.
- * 13. Ruocco Park
 - A) Resolution Granting Concept Approval for the proposed Ruocco Park.
 - B) Resolution Authorizing Amendment No. 1 to professional services agreement with ONA, Inc. in the amount of \$76,370 for a new not to exceed amount of \$616,825.
- * 14. Resolution Rejecting the low bid of K.D. Stahl Construction Group, Inc. as non-responsive and Adopting Plans and Specifications and Awarding Contract No. 2009-05 to Coastal Air, Inc. for Administration Building third floor wellness facility in the amount of \$291,979.
- * 15. Resolution Authorizing Amendment No. 5 to Agreement with Bermello Ajamil and Partners, Inc. for additional professional services for the Broadway Pier Cruise Ship Terminal improvements and increasing the not to exceed amount by \$261,281 for a new not to exceed amount of \$3,423,788.
- * 16. Resolution Granting Indemnity to San Diego Gas and Electric for net energy metering interconnection for the Broadway Pier Cruise Ship Terminal photovoltaic system.
- * 17. 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 \$1,964,261 and indemnifying San Diego Gas and Electric.

CONSENT AGENDA (continued)

- * 18. Resolution Selecting and Authorizing a Three (3) Year Agreement with Aztec Landscaping, Incorporated for janitorial services at various District locations for an amount not to exceed \$1,185,897.21.
- * 19. 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.
- * 20. Resolution Authorizing Acceptance of Transportation Security Administration (TSA) Grant Award Modification 3 for the Harbor Police Department (HPD) Explosives Detection Canine Team Program per BPC Policy No. 109 in the amount of \$52,500.
- * 21. Resolution Authorizing a Three Year Agreement and Acceptance of indemnity language with the County of San Diego to receive grant funds in the amount of \$277,034 for "Operation Stonegarden".
- * 22. Resolution Authorizing an Agreement with the City of San Diego for police, fire, and emergency medical services in an amount not to exceed \$2,282,278 for the period beginning July 1, 2009 and ending June 30, 2012.
- * 23. Resolution Authorizing Agreement and Granting Indemnity to San Diego Gas and Electric for San Diego Unified Port District participation in the Energy Efficiency Partnership Program.
- * 24. Resolution Waiving BPC Policy No. 110 and Authorizing an Agreement with Robert Patton to manage endangered species and other critical habitat at the D Street Fill for a total amount not to exceed \$162,000 for five years.
- * 25. A-8 Anchorage Marine Debris Removal
 - A) Resolution Selecting and Authorizing Agreement with Pacific Tugboat Services for the removal of marine debris in the A-8 Anchorage in an amount not to exceed \$248,464.
 - B) Resolution Authorizing Acceptance of \$200,000 from the State Water Resources Control Board for debris removal in the A-8 Anchorage.

CONSENT AGENDA (continued)

- * 26. Restoration and Enhancement of Chula Vista Wildlife Reserve
 - A) Resolution Considering the Mitigated Negative Declaration and Environmental Assessment/Initial Study prepared by the California Coastal Conservancy and United States Fish and Wildlife Service and authorize staff to file the Notice of Determination.
 - B) Resolution Authorizing the Issuance of a Non-Appealable Coastal Development Permit.
 - C) Resolution Authorizing Acceptance of \$294,641 in grant funding from the California Coastal Conservancy and granting indemnity to the Coastal Conservancy.

- * 27. Resolution Selecting and Authorizing Agreement with PBS&J for environmental review consulting services for the Tenth Avenue Marine Terminal Building Demolition and Office Relocation Project for an amount not to exceed \$188,000 for a term of 13 months.
The Board will consider staff's request to continue this item to a future Board meeting.

- * 28. Resolution Selecting and Authorizing Agreement with _____ for Environmental Review Consulting Services for the North Embarcadero Port Master Plan Amendment for an amount not to exceed \$_____.
The Board will consider staff's request to continue this item to a future Board meeting.

PRESENTATION AGENDA (TIME CERTAIN: 1:30 P.M.)

28.1 Presentation from the San Diego Convention Center Corporation on their proposed Hotel Project and Phase III Expansion of the San Diego Convention Center.

Information only, no action required.

PRESENTATION/ACTION AGENDA

- 29. Presentation of District Employee of the Third (3rd) Quarter 2009.

- 30. Presentation of Proclamation to BMW Oracle Racing recognizing their positive impact on tenant and local businesses and wishing them success in the 2010 America's Cup.

PRESENTATION/ACTION AGENDA (continued)

31. Presentation by staff regarding options for incremental improvements to the "B" Street Cruise Ship Terminal and Authorization to advertise a Request for Qualifications (RFQ) to seek an Architectural/Engineering Consultant to develop plans and specifications for the incremental improvements.
The Board will consider staff's request to continue this item to a future Board meeting.
32. Presentation of the District's Equal Opportunity Program Annual Report for Fiscal Year 2009.
- 33-34. Non-Copper Based Antifouling Paints
 - A) Update on efforts furthering the Development of New Non-Copper Based Antifouling Paints.
 - B) Resolution Declaring District's Commitment to take actions to reduce Copper Concentrations in San Diego Bay.

ACTION AGENDA

35. Proposed Relocation and Redevelopment Project for Star & Crescent Boat Company dba San Diego Harbor Excursion:
 - A) Preliminary Project Review and Direction to Staff to proceed with Environmental Review.
 - B) Ordinance Granting an Option Agreement for a 20 Year Lease, with two options to extend of five years each.
36. Proposed Relocation and Development Project for Hornblower Yachts, Inc. dba Hornblower Cruises and Events:
 - A) Preliminary Project Review and direction to staff to proceed with Environmental Review.
 - B) Ordinance Granting an Option Agreement for a 20 Year Lease.
37. Resolution Authorizing Amendment No. 1 to Memorandum of Understanding between San Diego Unified Port District, San Diego Convention Center Corporation and Fifth Avenue Landing, LLC to extend the term.
38. 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.

ACTION AGENDA (continued)

39. Resolution Appointing Robert J. "Rocky" Spane as Commissioner Emeritus effective January 3, 2010.
40. Review and Consideration of Proposed Board Agenda for Meeting of January 5, 2010.

CONSENT AGENDA (continued)

- * 41. Resolution Authorizing Amendment to Agreement with CB Urban Development for the provision of consulting services relative to the development of the Chula Vista Bayfront by increasing the amount of funding by \$132,850 for a total of \$290,000.
- * 42. Resolution Amending the San Diego Unified Port District Directory of Classifications for FY 2009 - 2010 to modify A1700-UE05 - Director, Maritime Operations job description.

OFFICER'S REPORT

43. Monthly Notification of Change Orders Pursuant to BPC Policy No. 110:
 - A) Change Order No. 5 for \$2,320.00 and 8 Calendar Days to Contract No. 2008-03 with Davis & Adams Construction, Inc. for Administration Building Annex Restrooms Improvements, San Diego, California.
 - B) Change Order No. 6 for \$5,380.00 and 14 Calendar Days to Contract No. 2008-03 with Davis & Adams Construction, Inc. for Administration Building Annex Restrooms Improvements, San Diego, California.

OTHER MATTERS

- 44. President's Report.
- 45. Board Committee Reports
- 46. 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.