

**MINUTES  
BOARD OF PORT COMMISSIONERS  
SAN DIEGO UNIFIED PORT DISTRICT**

The regular meeting of the Board of Port Commissioners of the San Diego Unified Port District was called to order by Chairman Bixler at 1:00 p.m., Tuesday, February 12, 2008, in the Board Room at 3165 Pacific Highway, San Diego, California.

**ROLL CALL**

Agenda Item 1.

Present: COMMISSIONERS Bixler, Black, Cushman, Najera, Rios, Spane, and Valderrama;  
OFFICERS Bennett, Liner and McEntee.

Absent: None.

Excused: None.

**CLOSED SESSION**

Chairman Bixler reported out that the Board received information and gave direction and there was nothing further to report regarding items 4 and 6 from the Closed Session Agenda. Chairman Bixler explained the Board would continue with the balance of the Closed Session agenda items following the 1 p.m. Board Meeting. Chairman Bixler also announced that the results of the Capital Development Program Workshop would be announced through public communication media releases and in information posted to the District website.

**PLEDGE OF ALLEGIANCE**

Agenda Item 1. Chairman Bixler led the Pledge of Allegiance.

**APPROVAL OF MINUTES**

Agenda Item 2. On motion of Commissioner Valderrama, seconded by Commissioner Cushman, the Board approved the minutes submitted for the special meeting of January 8, 2008, by the following vote: Yeas-Bixler, Black, Cushman, Najera, Rios, Spane, Valderrama; Nays-None; Excused-None; Absent-None.

## **PUBLIC COMMENTS**

Agenda Item 3. Marti Kranzberg addressed the Board and stated her support of action agenda item 26, a resolution approving a proposal to partner with Caltrans for the development of an artist lighting design alternative for the lighting of the San Diego-Coronado Bay Bridge and direction to staff.

Chairman Bixler announced that the District was providing simultaneous Spanish speaking translation services via wireless headsets during the February 12, 2008 meeting.

## **CONSENT AGENDA**

Commissioner Valderrama requested clarification regarding consent agenda item 18, Ordinance amending San Diego Unified Port District Code Article 8, Section 8.18 prohibiting camping and the storage of personal property on Tidelands. Duane Bennett, Port Attorney, explained that the Attorney's Office recommended the update of an ordinance that addressed camping on Port Tidelands, to bring the ordinance into conformance with the current California Supreme Court standard.

On motion of Commissioner Black, seconded by Commissioner Rios, the Board, with a single vote, adopted consent agenda items 5, 6, 7, 8, 9, 12, 14, 15, 16, 17, and 18 (**Resolutions 2008-18** through and including **2008-22**; **Resolution 2008-23**, **Ordinances 2484** through and including **2488**) by the following vote: Yeas-Bixler, Black, Cushman, Najera, Rios, Spane, Valderrama; Nays-None; Excused-None; Absent-None; Abstained-None.

Agenda Item 5. **Resolution 2008-18**, Authorizing Acceptance of Transportation Security Administration (TSA) Grant Award Modification 16 for the Harbor Police Department (HPD) Explosives Detection Canine Team Program per BPC Policy No. 109, was adopted as part of the consent agenda.

Agenda Item 6. **Resolution 2008-19**, Appointing Cathy R. Lewitt as Chairperson of the Personnel Advisory Board from February 16, 2008 to September 18, 2008, was adopted as part of the consent agenda.

Agenda Item 7. **Resolution 2008-20**, Resolution Extending the duration of the enhanced Military Leave Policy for all Classified and Unclassified Employees through March 31, 2010, was adopted as part of the consent agenda.

Agenda Item 8. **Resolution 2008-21**, Selecting and Authorizing Negotiations with Boyle Engineering Corporation for professional engineering services for the Extension of H Street, in Chula Vista, California in an amount not-to-exceed \$249,999, was adopted as part of the consent agenda.

Agenda Item 9. **Resolution 2008-22**, Authorizing First Amendment to the Agreement with Environ International Corporation to provide professional services for Technical Air Quality Consulting Services increasing the not to exceed amount by \$150,000 for the first year of the agreement, was adopted as part of the consent agenda.

Agenda Item 12. **Resolution 2008-23**, Consenting to Sublease from Point Loma Marina, LLC to Fraser Yachts California dba Fraser Yachts, was adopted as part of the consent agenda.

Agenda Item 14. **Ordinance 2484**, Granting a new 39-Year and 1-Month Subsurface Water Easement to Sweetwater Authority in National City, was adopted as part of the consent agenda.

Agenda Item 15. **Ordinance 2485**, Granting a new 39-Year and 1-Month Subsurface Sewer Easement to Pier 32 Marina Group, LLC in National City, was adopted as part of the consent agenda.

Agenda Item 16. **Ordinance 2486**, Granting a new 39-Year and 1-Month Subsurface Telecommunication Easement to Pacific Bell Telephone Company, dba AT&T California in National City, was adopted as part of the consent agenda.

Agenda Item 17. **Ordinance 2487**, Amending San Diego Unified Port District Code Article 4, Section 4.38 Regulating Vessels in the A-1 (La Playa), A-5 (Glorietta Bay), and A-9 (Cruiser's) Anchorages, was adopted as part of the consent agenda.

Agenda Item 18. **Ordinance 2488**, Amending San Diego Unified Port District Code Article 8, Section 8.18 Prohibiting Camping and the Storage of Personal Property on Tidelands, was adopted as part of the consent agenda.

Agenda Item 19. **Item Continued** - Resolution Adopting Plans and Specifications and Awarding Contract No. 2007-03 to \_\_\_\_ for Fiscal Year 2008 Pavement Maintenance at the Tenth Avenue Marine Terminal, San Diego, California, and the National City Marine Terminal, National City, California in the amount of \$ \_\_\_\_.

Agenda Item 20ABC. Items Continued - BARTELL HOTELS DBA CASA DEL MAR  
A) Resolution Approving Proposed Public Art. B) Resolution Consenting to Encumbrance of Bartell Hotels Leasehold Estate in the amount of \$12 million for the construction period, followed by a \$15.9 million take-out loan. C) Resolution Consenting to Second Amendment to Sublease between Bartell Hotels and Cahuenga Associates II.

Agenda Item 21. Board Action No Longer Required - Adopting Plans and Specifications and Awarding Contract No. 2007-32 to \_\_\_\_\_ for administration building fifth floor office improvements, San Diego, California, in an amount not to exceed \$\_\_\_\_\_.

Chairman Bixler explained that due to his membership in the Coronado Yacht Club he would abstain from voting and he requested that Vice-Chair Cushman lead the Commissioners in their consideration of action agenda items 10 and 11. Chairman Bixler left the dais. On motion of Commissioner Valderrama, seconded by Commissioner Black, the Board, with a single vote, adopted consent agenda items 10 and 11 (**Ordinances 2482** and **2483**) by the following vote: Yeas-Black, Cushman, Najera, Rios, Spane, Valderrama; Nays-None; Excused-None; Absent-None; Abstained-Bixler.

Chairman Bixler returned to the dais. Chairman Bixler announced that consent agenda item 13, Resolution Authorizing Amendment No. 2 to extend the term of the Letter of Intent by and among the District, the City of Chula Vista, the Redevelopment Agency of the City of Chula Vista and Gaylord Entertainment Company through "May 31, 2008, had been pulled for a public comment.

Steve Miller, Chula Vista firefighter, addressed the Board regarding his concerns from the delays in the Chula Vista Bayfront project, and the proposed Letter of Intent by and among the District, the City of Chula Vista, the Redevelopment Agency of the City of Chula Vista and Gaylord Entertainment Company.

Chairman Bixler requested that Port Attorney, Duane Bennett, address Mr. Miller's comments. Mr. Bennett announced that the issues related to the Gaylord Development had been a subject of discussion in Closed Session; however, consent agenda item 13, regarding the letter of intent was an open session item and was not discussed in Closed Session. Mr. Bennett further responded that in many complex projects there are times when issues must come before the Board and decisions must be made, and the matters under consideration in Closed Session required that the Board make several critical decisions related to the Gaylord project. He further stated that none of the discussion in the Closed Session related to agenda item 13, which was under consideration in open session. Mr. Bennett concluded his remarks stating that

there are a number of negotiation points that still required discussion and resolution prior to the project moving forward.

On motion of Commissioner Cushman, seconded by Commissioner Najera, the Board approved **Resolution 2008-13**, authorizing Amendment No. 2 to extend the term of the Letter of Intent by and among the District, the City of Chula Vista, the Redevelopment Agency of the City of Chula Vista and Gaylord Entertainment Company through May 31, 2008, by the following vote: Yeas-Bixler, Black, Cushman, Najera, Rios, Spane, Valderrama; Nays-None; Excused-None; Absent-None; Abstained-None.

Chairman Bixler announced that consent agenda items 19 and 20 would be continued to a future Board meeting and consent agenda item 21 no longer required Board action. On motion of Commissioner Cushman, seconded by Commissioner Valderrama, the Board approved continuing consent agenda items 19, 20 and 21, by the following vote: Yeas-Bixler, Black, Cushman, Najera, Rios, Spane, Valderrama; Nays-None; Excused-None; Absent-None; Abstained-None.

Chairman Bixler announced that the Board would hear the presentation/action agenda items in the following order: item 22AB, item 25, item 26, item 23, and items 27 through and including 32. Commissioner Bixler announced that items 24 would be continued and item 28 would be pulled.

## **PRESENTATION/ACTION AGENDA**

### **SHELTER ISLAND MARINE SALES AND SERVICES SITE.**

Agenda Item 22AB. Christine Richards, Senior Asset Manager, Real Estate, addressed the Board with a staff report regarding the Shelter Island Marine Sales and Services Site proposals. (A copy of the staff report and presentation are on file in the Office of the District Clerk.)

Ms. Richards introduced John Ziebarth, of Ziebarth Associates Architecture and Planning. Mr. Ziebarth introduced the two managing principles for Boat House Equities, David Phillips and Robert Bilbro, and continued by addressing the Board with the presentation for Boat House Equities, LLC.

Commissioner Cushman stated, for the record, that he had been a member of the Marlin Club for over 40 years and he had never been an officer or director. Commissioner Cushman explained that based on the materials received by the Board and that both proposers were including The Marlin Club in their projects, he did not feel his membership would influence his consideration of the proposals for the project.

Ms. Richards introduced Mike McDade, who addressed the Board with a presentation on behalf of Island Partners, LLC. Mr. McDade introduced the majority owner and team leader Anthony Hsieh who addressed the Board. Mr. McDade introduced Joel King, of W. J. King Architecture, who continued with the presentation.

Ms. Richards continued the staff presentation with a comparison of the two proposers and concluded her presentation with the staff recommendation and requested direction to staff from the Board.

The following individuals addressed the Board regarding the item: Em Black regarding the proposals design impact to the San Diego Yacht Club water parcel and the navigation channel; Harold O'Neal, Custom Marine Electronics, expressed his support of the Island Partners proposal; and Charles Been, President, San Diego Marlin Club, expressed his support of the Island Partners proposal.

Chairman Bixler requested and received clarification regarding Mr. Been's statements to support the Island Partners proposal, on behalf of the Marlin Club. Mr. Been further explained that Boat House Equities had met with the Marlin Club one time and Island Partners had met with the Marlin Club numerous times to address their concerns, and in December 2007, the Marlin Club's Board of Directors voted to support the Island Partners' proposal.

Commissioner discussion ensued. Commissioner Cushman acknowledged the merits of both proposals, and specifically acknowledged the "one in – one out" proposed parking lot design shown in the Boat House Equities proposal. Commissioner Cushman requested and received confirmation from Ms. Richards that staff had not seen lenders commitments from either of the proposers. Commissioner Cushman proposed that with two strong proposals under consideration, staff request best and final offers from both proposers and return to the Board in thirty days.

Commissioner Black stated that she did not wish to delay the project any further and expressed her support of the Island Partners architectural concept and their approach to the project. Commissioner Black made a motion to support the staff recommendation requesting an authorization to enter in to a 60-Day Exclusive Negotiating Agreement to negotiate an Option Agreement and Lease for the Marine Sales and Service Site to Island Partners, LLC.

Commissioner Spane expressed his concerns regarding the vessels in the navigation channel fairway. Commissioner Spane requested the District utilize the necessary resources to resolve the matter. Commissioner Spane stated that project

should be LEED (Leadership in Energy and Environmental Design) certified and expressed the need to maximize the available parking spaces. Commissioner Spane concluded his comments stating that, in light of the fair competition of the process and based on the staff recommendation, he seconded Commissioner Black's motion.

Chairman Bixler made the following comments regarding the proposals: he also liked the parking lot configuration in the Boat House Equities proposal and felt it would benefit the pedestrian traffic; he requested clarification regarding the management of the parking lot usage; he agreed with the need to address the navigation channel fairway and; he complimented both applicants on their willingness to consider LEED certification. Chairman Bixler stated he did not support Commissioner Black's motion and supported Commissioner Cushman's suggestion to send the matter back to staff for thirty days to negotiate best and final offers.

Commissioner Valderrama acknowledged the merits of both proposals. Commissioner Valderrama explained he supported staff returning in thirty days with a best and final proposal from each proposer.

Commissioner Rios commented on the differences in the proposals, and specifically explored the extensive property area devoted to landscaping. Commissioner Rios concluded her remarks stating that she supported Commissioner Cushman's suggestion to return in thirty days with best and final offers from each proposer.

Commissioner Najera thanked the proposers for their efforts, and for providing two excellent designs, and acknowledged the challenges faced by the Commissioners to select one. Commissioner Najera explained he liked the aesthetics of Island Partners concept, and appreciated the design and additional parking that the Boat House Equities offered. Commissioner Najera supported Commissioner Cushman's suggestion to return in thirty days with best and final offers from each proposer.

Commissioner Black explained that, in her assessment, both of the proposals were very similar in many aspects. She outlined the differences that included: additional landscaping enhanced the public promenade and quality of life; additional green spaces would mitigate for storm water run-off; and more dock and dine opportunities were reasons enough to forego a thirty day delay. She reaffirmed her support of moving forward with the staff recommendation to select Island Partners.

The motion failed for lacked of a majority, by the following vote: Yeas-Black, Spane; Nays-Bixler, Cushman, Najera, Rios, Valderrama; Excused-None; Absent-None; Abstained-None.

On a motion by Commissioner Cushman, Seconded by Commissioner Rios, the Board requested the two Proposer return at the March 4, 2007 Board meeting with firm and final offers, by the following vote: Yeas-Bixler, Cushman, Najera, Rios, Valderrama; Nays-Black, Spane; Excused-None; Absent-None.

Mr. McDade requested clarification and direction from the Board regarding their comments regarding the balance of vegetation/landscaping and parking requirements. Chairman Bixler explained that staff would review the matter and anticipated a decision would be made at the March Board meeting.

Commissioner Cushman left the dais at 2:19 p.m. and returned at 2:25 p.m.

## **ACTION AGENDA**

### **PRELIMINARY PROJECT REVIEW FOR MARITIME MUSEUM ASSOCIATION OF SAN DIEGO'S PROPOSED ADDITION OF A FLOATING DOCK TO THE LEASEHOLD AND DIRECTION TO STAFF**

Agenda Item 25. Kristine Love, Asset Manager, Real Estate, addressed the Board and presented staff recommendations regarding approval of the Maritime Museum Association of San Diego's proposed addition of a floating dock to the leasehold and requested direction to staff. Ms. Love introduced Dr. Ray Ashley, President of the Maritime Museum, who addressed the Board regarding the proposed addition. (A copy of the staff report and presentation are on file in the Office of the District Clerk.).

Commissioner discussion ensued. Commissioner Spane acknowledged the work of the Maritime Museum. Commissioner Spane questioned if there was cause for concern that the types of expansions into the Bay, such as the one proposed and others could hamper the future of recreational sailing on San Diego Bay? Dr. Ashley explained that while the proposal did represent a build out into the Bay, the configuration proposed was the optimal use of the Bay and any additional vessels, other than those in the proposal, would be a liability to the museum and would not attract additional visitors. Dr. Ashley also stated that the build out would provide for dock and dine opportunities for local vessels, and because the addition does not extend to the pier head line it would not affect the progress of vessel navigation. Ms. Love also explained that the floating dock would retain their vessel designation and could be moved if required by the Navy or the Coast Guard.

Commissioner Cushman stated the Maritime Museum was a wonderful asset and made a motion to direct staff to commence all necessary environmental processes at the expense of the Maritime Museum, to return at a latter time with a lease amendment to modify the description of the premises, and to proceed for a short term tideland use and occupancy permit to the Maritime Museum for the use of the floating dock to accommodate the Festival of Sail event to take place in August of 2008. Commissioner Spane seconded the motion.

On a motion by Commissioner Cushman, seconded by Commissioner Spane, the Board directed staff to commence all necessary environmental processes at the expense of the Maritime Museum, to return at a latter time with a lease amendment to modify the description of the premises, and to proceed for a short term tideland use and occupancy permit to the Maritime Museum for the use of the floating dock to accommodate the Festival of Sail event to take place in August of 2008, by the following vote: Yeas-Bixler, Black, Cushman, Najera, Rios, Spane, Valderrama; Nays-None; Excused-None; Absent-None; Abstained-None.

**RESOLUTION APPROVING A PROPOSAL TO PARTNER WITH CALTRANS FOR THE DEVELOPMENT OF AN ARTIST LIGHTING DESIGN ALTERNATIVE FOR THE LIGHTING OF THE SAN DIEGO-CORONADO BAY BRIDGE AND DIRECTION TO STAFF**

Agenda Item 26. Catherine Sass, Public Art Director, addressed the Board and presented the staff recommendation regarding the development of an Artist Lighting Design Alternative for the lighting of the San Diego-Coronado Bay Bridge and requested direction to staff. (A copy of the staff report is on file in The Office of the District Clerk.) Commissioner Rios made a motion to direct staff to move forward with the proposal. Chairman Bixler requested and received confirmation that the three members of the public, who had submitted speaking requests, had planned to speak in favor of the project and in light of the Board's recommendation to move forward with the project did not wish to speak.

On a motion by Commissioner Rios, seconded by Commissioner Spane the Board adopted **Resolution 2008-25**, approving a proposal to partner with Caltrans for the Development of an Artist Lighting Design Alternative for the lighting of the San Diego-Coronado Bay Bridge, by the following vote: Yeas-Bixler, Black, Cushman, Najera, Rios, Spane, Valderrama; Nays-None; Excused-None; Absent-None.

Commissioner Spane left the dais and left the Boardroom at 2:43 p.m.

Chairman Bixler announced that there were a number of members of the public who wished to comment on the upcoming item and the District would be providing a simultaneous translation in Spanish of the staff report and Commissioner discussion via wireless headsets, and any public comments from Spanish speaking members of the public would be translated into English.

## **PRESENTATION/ACTION AGENDA**

### **PRESENTATION ON THE DRAFT CLEAN AIR PROGRAM, REQUEST FOR DIRECTION TO STAFF TO PROCEED ON DEVELOPING EMISSION CONTROL MEASURES, AND PRESENTATION ON THE DEVELOPMENT OF A TRUCK PROGRAM**

Agenda Item 23. Michelle White, Senior Environmental Specialist, Environmental Services, addressed the Board with a presentation on the Draft Clean Air Program, the development of a truck program and requested direction to staff to proceed on developing emission control measures. (A copy of the staff report and presentation are on file in the Office of the District Clerk.)

Dan Wilkens, Executive Vice President, acknowledged the support of the Environmental Health Coalition for their efforts in collecting the truck data, which assisted District staff in their analysis, and facilitated the timely presentation of the truck program to the Board. Mr. Wilkens stated that earlier in the morning session, during the February 8, 2008 Capital Development Program Workshop the Board authorized \$1.5 million dollars to fund a study to analyze the feasibility and implementation for shore power (cold ironing) at any and all terminals under the jurisdiction of the District. Mr. Wilkens acknowledged Mr. Frank Urtasun, with SDG&E, for his efforts facilitating the discussions with SDG&E regarding shore power on behalf of the District.

Commissioner Rios left the dais at 2:50 p.m. and returned at 2:58 p.m.

Commissioner Najera left the dais at 3:00 p.m. and returned at 3:04 p.m.

The following individuals addressed the Board with varying viewpoints regarding this item: Patti Krebs, Industrial Environmental Association; Kathleen Sullivan, American Lung Association; Jose Medina, National City – Old Town Neighborhood Council; Manuel Andrade, Mid-City CAN – Tobacco Free Mid-City Project; Diane Takvorian, Environmental Health Coalition; Joy Williams, Environmental Health Coalition; Lorena Chavez, Environmental Health Coalition; Tony LoPresti, Environmental Health Coalition;

Christina Casgar, SANDAG; Jay Powell, City Heights Community Development Corporation; Lorena Gonzalez, San Diego Imperial County Labor Council; Bill Hall, Working Waterfront Group; and Frank Urtasun, Sempra Energy.

Mr. Wilkens explained that approximately six (6) years ago the Board requested staff look at strengthening the relationships between the District and the community of Barrio Logan and those communities adjacent to the National City Marine terminals. Mr. Wilkens explained that staff began to look at ways to divert truck traffic off Chavez Parkway and through a partnership with the District, Caltrans, SANDAG and the City of San Diego that work had ultimately come to pass, and now the trucks are diverted onto 28<sup>th</sup> Street as they enter and leave the terminal. Mr. Wilkens explained that the final goal is to have trucks directly access the freeway and the \$150,000,000 funding for that project would come, in part, from Proposition 1B funding. Mr. Wilkens further explained that for every dollar funded with Proposition 1B grant monies, there is a one-dollar match required from the local agencies. Mr. Wilkens stated that it was his understanding that the Proposition 1B funds designated for Clean Air are administered by the California Air Resources Board (CARB) and have the same dollar for dollar match requirement. Mr. Wilkens stated that District staff continues its efforts to work and partner with the stakeholders in the local neighborhoods. Mr. Wilkens stated that as staff implements the Clean Air Plan, they are requesting time to establish the specifics of the plan and to address concerns of the threat of any potential lawsuits, thus avoiding similar situations experienced at the Port of Long Beach and Los Angeles when a mandatory plan was implemented.

Commissioner discussion ensued. Chairman Bixler requested that David Merk, Director, Environmental Services, send a copy of the public comments regarding SR15 transit to representatives at SANDAG. Chairman Bixler stated that while he had no objections to the Clean Air Program's goals, he did state his concerns regarding stepping too far ahead of the regulatory bodies, and that mandatory implementation may open the District to unnecessary lawsuits.

Commissioner Najera concurred with Chairman Bixler's comments and also thanked staff for their hard work. Commissioner Najera acknowledged the members of the community for speaking out on the issue. Commissioner Najera explained that he also supported a voluntary implementation plan and suggested the incentive for participation, prior to the regulatory mandates, was in offering an opportunity for matching funds as a means to assist local businesses in managing the related expenditures.

Commissioner Black stated that her preference was for a Clean Air Plan with a mandated implementation schedule and she expressed her concerns that the corporate partners considering participating in shore power would not support a voluntary implementation program.

Commissioner Valderrama stated that while he could not presently support a mandatory program, he was in support of staff's request for more time to analyze and present the specific information regarding mandatory implementation.

Commissioner Rios made a motion to support the staff recommendations to move forward and return with additional information. Commissioner Cushman seconded the motion. Mr. Wilkens summarized that staff was to move forward on the four controlled technology approaches and staff may return to the Board, with an approach to each technology, independent of the others. Mr. Wilkens stated that staff would bring back information regarding the truck retrofit and replacement program in March within the context of the Proposition 1B (CARB) funding and provide an analysis of the legal implications of mandatory vs. voluntary implementation.

Chairman Bixler requested that staff examine the lawsuits filed against ports that had already implemented mandatory programs, and determine the primary concern with the proposed regulations as stated by the trucking companies in their filings. Chairman Bixler requested and received confirmation from Mr. Merk that staff has contacted San Diego area trucking companies regarding the truck retrofit and replacement program. Chairman Bixler requested staff have specific conversations with the trucking companies to understand their concerns and discuss the opportunities for concurrence in implementation.

Mr. Wilkens also stated staff would report on the lawsuits as requested by Chairman Bixler and prepare and present timelines per a request from Commissioner Najera. Mr. Wilkens confirmed that the Proposition 1B funding truck retrofit and replacement component would return to the Board for consideration at the March 4, 2008 Board meeting.

Commissioner Najera requested staff provide implementation time lines regarding the Clean Air Plan. Mr. Merk acknowledged the request and explained staff would provide preliminary time lines for the Clean Air Plan and the District's Sustainability Plan in March.

On motion of Commissioner Rios, seconded by Commissioner Cushman, the Board directed staff to continue the development of the four emission control measures,

including the truck retrofit and replacement program, and being an additional stakeholder and community outreach process, by the following vote: Yeas-Bixler, Cushman, Najera, Rios, Valderrama; Nays-Black; Excused-Spane; Absent-None; Abstained-None.

Commissioner Cushman requested and received clarification from Commissioner Black regarding her vote on the motion. Commissioner Black explained that the motion, as stated, did not have the level of commitment to a mandatory implementation schedule that she favored.

#### **MARITIME BUSINESS PLAN STATUS REPORT: PRESENTATION ON STAKEHOLDER OUTREACH RESULTS AND ACCEPTANCE OF MARITIME BUSINESS PLAN**

Agenda Item 24. Chairman Bixler announced the items would be continued to a future Board meeting.

#### **ACTION AGENDA**

#### **REVIEW AND CONSIDERATION OF PROPOSED BOARD AGENDA FOR MEETING OF MARCH 4, 2008**

Agenda Item 27. Dan Wilkens, Executive Vice President requested that items 9 and 17 be removed from the proposed agenda.

On motion of Commissioner Cushman, seconded by Commissioner Valderrama, the Board approved the placement of the proposed agenda of March 4, 2008 with the exclusion of items 9 and 17, by the following vote: Yeas-Bixler, Black, Cushman, Rios, Valderrama; Nays-None; Excused-Spane; Absent-None; Abstained-None.

#### **SUNROAD ASSET MANAGEMENT**

Agenda Item 28A. Ordinance Granting an Option Agreement with Sunroad Asset Management, Inc. for a New 30-Year Lease.

Agenda Item 28B. Resolution Granting Approval to Sunroad Asset Management, Inc. for Proposed Restaurant Renovation.

Chairman Bixler announced the items would be continued to a future Board meeting.

**OFFICER'S REPORT**

Agenda Item 29. In accordance with BPC Policy 110, the following change orders, executed by the Executive Director, were reported:

- a) Change Order No. 30 for \$0.00 and 14 Calendar Days to Contract No. 2005-20 with Reyes Construction Inc. for Former Navy Pier Rehabilitation, San Diego, California.
- b) Change Order No. 31 for \$0.00 and 20 Calendar Days to Contract No. 2005-20 with Reyes Construction Inc. for Former Navy Pier Rehabilitation, San Diego, California.
- c) Change Order No. 8 for \$0.00 and 59 Calendar Days to Contract No. 2006-11 with R.E. Staite Engineering, Inc. for Fender Pile Replacement for FY07 and FY08, Various Locations, San Diego and National City, California.
- d) Change Order No. 3 for \$0.00 and 30 Calendar Days to Contract No. 2006-13 with 3D Enterprises, Inc. for Cannery Worker Tribute, San Diego, California.
- e) Change Order No. 25 for \$6,705.14 and 0 Calendar Days to Contract No. 2004-21 with Traylor Bros., Inc. dba Traylor Pacific for Sediment Remediation and Aquatic Enhancement, Former Campbell Shipyard Site, San Diego, California.
- f) Change Order No. 1 for (\$273.44) and 0 Calendar Days to Contract No. 2006-05 with R.E. Staite Engineering, Inc. for Pepper Park Boat Launching Facility Improvements, National City, California.
- g) Change Order No. 2 for \$39,608.66 and 0 Calendar Days to Contract No. 2006-05 with R.E. Staite Engineering, Inc. for Pepper Park Boat Launching Facility Improvements, National City, California.
- h) Change Order No. 3 for \$15,456.34 and 0 Calendar Days to Contract No. 2006-05 with R.E. Staite Engineering, Inc. for Pepper Park Boat Launching Facility Improvements, National City, California.
- i) Change Order No. 4 for \$3,374.40 and 0 Calendar Days to Contract No. 2006-05 with R.E. Staite Engineering, Inc. for Pepper Park Boat Launching Facility Improvements, National City, California.
- j) Change Order No. 5 for \$17,815.61 and 0 Calendar Days to Contract No. 2006-05 with R.E. Staite Engineering, Inc. for Pepper Park Boat Launching Facility Improvements, National City, California.
- k) Change Order No. 6 for \$19,450.90 and 0 Calendar Days to Contract No. 2006-05 with R.E. Staite Engineering, Inc. for Pepper Park Boat Launching Facility Improvements, National City, California.

## **PRESIDENT'S REPORT**

Agenda Item 30. None.

## **BOARD COMMITTEE REPORTS**

Agenda Item 31. None.

## **COMMISSIONER COMMENTS**

Agenda Item 32. Chairman Bixler requested that the Board members attending a conference on behalf of the District prepare a brief written report regarding the conference and include any recommendations for action.

Chairman Bixler noted that there were no additional items on the open session agenda for discussion, whereupon he announced the Board would reconvene to closed session.

## **CLOSED SESSION**

Agenda Item 4.

CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION

Pursuant to Subdivision (a) of Government Code Section 54956.9:

SDUPD vs. Argonaut Insurance Company, et al.  
San Diego Superior Court No. GIC 874394

Agenda Item 5.

CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION

Pursuant to Subdivision (a) of Government Code Section 54956.9:

Furgatch v. SDUPD, et al.  
San Diego Superior Court No. GIC 775242 and GIC 784923

Agenda Item 6.

CONFERENCE WITH REAL PROPERTY NEGOTIATOR  
Government Code Section 54956.8

Property: Approximately 30 Acres West of Marina Parkway  
and South of G Street, Chula Vista

Negotiating Parties: Bennett Westbrook, Gaylord Entertainment  
Randa Coniglio, SDUPD

Under Negotiation: Price and Terms

Agenda Item 7.

CONFERENCE WITH REAL PROPERTY NEGOTIATOR  
Government Code Section 54956.8

Property: Old Police Headquarters located at the southeast corner of  
Pacific Highway and Harbor Drive, and Seaport Village,  
849 W. Harbor Drive, San Diego

Negotiating Parties: Bruce Walton, Seaport Village Operating Co., LLC, by its  
Managing Member, Terramar Retail Centers, LLC  
Karen Weymann, SDUPD

Under Negotiation: Price and Terms

Agenda Item 8.

CONFERENCE WITH REAL PROPERTY NEGOTIATOR  
Government Code Section 54956.8

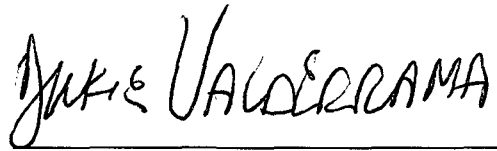
Property: Fifth Avenue Landing/Spinnaker Site, South side of  
Convention Way and East of Marina Park Way, San Diego

Negotiating Parties: Raymond Carpenter and Arthur Engel,  
Fifth Avenue Landing  
Karen Weymann, SDUPD

Under Negotiation: Price and Terms

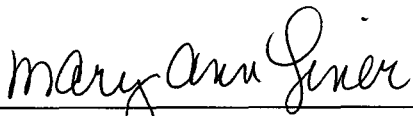
There were no formal or reportable actions, pursuant to Government Code Section 54950 et seq. to report from the Closed Session.

At the conclusion of the Closed Session Chairman Bixler adjourned the meeting.



Secretary, Board of Port Commissioners  
San Diego Unified Port District

ATTEST:



Clerk of the San Diego Unified Port District