

RESOLUTION 2015-102

RESOLUTION AUTHORIZING AN AGREEMENT WITH AND GRANTING INDEMNITY TO THE CITY OF SAN DIEGO FOR REIMBURSEMENT TO THE SAN DIEGO UNIFIED PORT DISTRICT FOR LANDSCAPING AND IRRIGATION SERVICES ALONG NORTH HARBOR DRIVE

WHEREAS, the San Diego Unified Port District (District) is a public corporation created by the legislature in 1962 pursuant to Harbors and Navigation Code Appendix 1, (Port Act); and

WHEREAS, Section 21 of the Port Act authorizes the Board of Port Commissioners (BPC) to pass all necessary ordinances and resolutions for the regulation of the District; and

WHEREAS, historically, the District has maintained the landscaping along North Harbor Drive between the Estuary Bridge and Laurel Street and within the City of San Diego right-of-way through multi and one-year agreements with the City which did not provide reimbursement for the work and have since expired; and

WHEREAS, approximately two years ago, staff opened a dialogue with the City of San Diego (City) to negotiate a new agreement that provides compensation to the District and is fair and reasonable to both the City and the District; and

WHEREAS, the City and the District have concluded negotiations and prepared an agreement for landscape and irrigation maintenance services along North Harbor Drive (Agreement); and

WHEREAS, this Agreement will provide reimbursement to the District for performance of landscape and irrigation maintenance work on median islands, parkways, parks and other landscaped areas along North Harbor Drive within the City right-of-way between the Estuary Bridge and Laurel Street; and

WHEREAS, if approved, the Agreement term will be one-year with four one-year extensions for a total of five years with a total of \$1,000,000 in payments made to the District; and


WHEREAS, the City required the District indemnify the City for damage or negligent acts of the District or its contractors which is reasonable as the District or its contractors will be doing the actual work; and

WHEREAS, the terms and conditions of the indemnity are reasonable pursuant to the terms and conditions of the Agreement.

NOW, THEREFORE, BE IT RESOLVED by the Board of Port Commissioners of the San Diego Unified Port District, as follows:

That the Executive Director or her designated representative is hereby authorized on behalf of the San Diego Unified Port District to enter into an agreement with and granting indemnity to the City of San Diego for the reimbursement of landscape maintenance work along North Harbor Drive between the Estuary Bridge and Laurel Street and within the City of San Diego right-of-way.

APPROVED AS TO FORM AND LEGALITY:
GENERAL COUNSEL



By: ~~Assistant~~ Deputy

PASSED AND ADOPTED by the Board of Port Commissioners of the San Diego Unified Port District, this 8th day of September, 2015, by the following vote:

AYES: Bonelli, Castellanos, Malcolm, Merrifield, Moore, Nelson, and Valderrama.

NAYS: None.

EXCUSED: None.

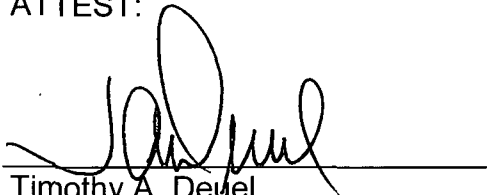
ABSENT: None.

ABSTAIN: None.



Dan Malcolm, Chairman
Board of Port Commissioners

ATTEST:



Timothy A. Deuel
District Clerk

