

RESOLUTION 2019-091

**RESOLUTION BY A FOUR-FIFTHS (4/5) VOTE
AUTHORIZING CONTINUED EMERGENCY ACTION
FOR THE FOR THE EMERGENCY REPAIR OF
FLUPSY AT TUNA HARBOR**

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 I (Act); and

WHEREAS, on June 20, 2017, the Board authorized an agreement through the District's Blue Economy Incubator with San Diego Bay Aquaculture (SDBA), LLC for a 5-year pilot project to demonstrate shellfish aquaculture nursery operations using a FLoating UPweller System (FLUPSY) (Resolution 2017-085); and

WHEREAS, as part of the agreement, the District purchased the FLUPSY and installed it at the end of Dock #2 at Tuna Harbor; and

WHEREAS, it remains the District's asset/property, and SDBA is responsible for operating it as a shellfish nursery; and

WHEREAS, due to a recent series of strong storm events and intense wake action from the bay, one of the two guide piles securing the FLUPSY at the end of Dock 2 at Tuna Harbor was found to have been leaning from its vertical position and lost its ability to properly anchor the system; and

WHEREAS, in order to prevent further damage and provide a secure support system to the FLUPSY for nurturing oysters, the Executive Director declared an emergency at the Board meeting on April 9, 2019 to authorize immediate execution of contracts to provide investigation, design, and repair to the damaged piling support system; and

WHEREAS, the declaration of the emergency waived the necessity of formal bidding procedures as required by the State of California Public Contract; and

WHEREAS, the Engineering on-call marine structural consultant, Triton Engineers, has completed the structural investigation and the design of construction documents for the piling system repair on May 9, 2019; and

WHEREAS, an emergency construction Contract with Marathon Construction, Incorporation was executed for the repair for the FLUPSY on May 24, 2019; and

WHEREAS, the emergency construction over water is covered by the U.S. Army Corps of Engineers General Permit #72; and

WHEREAS, the District's engineering staff has been working closely with the Aquaculture & Blue Tech Team to minimize the impact to the FLUPSY operations during construction; and

WHEREAS, the site construction is anticipated to begin on June 10, 2019 and complete on or before August 8, 2019; and

WHEREAS, on May 14, 2019, the Board approved a resolution ratifying the emergency action taken by the Executive Director, authorized continued action for the emergency repair of the FLUPSY at Tuna Harbor, and approved an emergency budget transfer of \$220,000 from the District's Personnel Expense appropriation to the Expense Major Maintenance appropriation within the FY2019 budget to fully fund this emergency project; and

WHEREAS, On June 18, 2019, the Board approved a resolution of authorizing continued action for the emergency repair of the FLUPSY at Tuna Harbor; and

WHEREAS, the Board is required to review the emergency action and determine that continued action is needed in accordance with Public Contract Code Sections 22035 and 22050 and District Resolution 2000-03; and

WHEREAS, District staff recommends the Board authorize continuing the emergency action.

NOW THEREFORE, BE IT RESOLVED that the Board of Port Commissioners of the San Diego Unified Port District, have determined that there is a need to continue the emergency action, and hereby authorizes continued action for the emergency repair of FLUPSY at Tuna Harbor.

APPROVED AS TO FORM AND LEGALITY:
GENERAL COUNSEL


By: Assistant/Deputy

2019-091

PASSED AND ADOPTED by the Board of Port Commissioners of the San Diego Unified Port District, this 24th day of July 2019, by the following vote:


AYES: Bonelli, Castellanos, Malcolm, Merrifield, Moore, Valderrama, and Zucchet

NAYS: None.

EXCUSED: None.

ABSENT: None.

ABSTAIN: None.



Garry J. Bonelli, Chairman
Board of Port Commissioners

ATTEST:



Donna Morales
District Clerk

(Seal)