

**DRAFT****RESOLUTION 20xx-xxx****RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AWARDING BASE BID SCHEDULE AND ADDITIVE BID SCHEDULE NO. 1 OF CONTRACT NO. 2025-02 TO DICK MILLER, INC IN THE AMOUNT OF \$1,791,975 FOR THE SPLASH PAD AT PORTWOOD PIER PLAZA PROJECT AT IMPERIAL BEACH, CALIFORNIA, AS AUTHORIZED BY THE BOARD IN THE FY 2022 ECONOMIC RECOVERY PROGRAM APPROPRIATION**

**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**, the Board of Port Commissioners (BPC) adopted BPC Policy No. 110 to establish a policy governing the processing and administration of public projects, consulting and service agreements, the purchasing of supplies, materials, and equipment, and grants; and

**WHEREAS**, the Splash Pad at Portwood Pier Plaza is a project providing a splash pad playground with water jets at the Portwood Pier Plaza within an existing park setting with amenities like children's playground, landscaping, shops, restaurants, restroom facilities, and showers to serve the community and visitors using the beach and enjoying the scenic views from the nearby pier; and

**WHEREAS**, this project will further assist in activating the waterfront in this area; and

**WHEREAS**, the project design started in 2024 and progressed with close coordination with the City of Imperial Beach (City) management and staff; and

**WHEREAS**, the District prepared a Discretionary Permit application for the project, which was processed by the City's Community Development Department; and

**WHEREAS**, the project site is off Tidelands and is leased to the District; and

**WHEREAS**, the City took the lead on the CEQA process and the required permits; and

**WHEREAS**, the project site and other leased improvements in the area are maintained through a maintenance agreement with the City; and

20xx-xxx

**WHEREAS**, the maintenance agreement will be amended to incorporate the new splash pad playground facility; and

**WHEREAS**, the Base Bid work for this project provides for the removal of the existing playground surface and construction of a new splash pad with enhanced color concrete surface and water jets, utility services for the mechanical and electrical equipment, site improvements including seat wall, landscaping, and lighting; and

**WHEREAS**, the project also provides accessibility improvements, including adjusting slopes for sidewalks and the installation of accessible showers; and

**WHEREAS**, a steel mechanical equipment enclosure room includes steel side panels with infused colored art pictures and drawings; and.

**WHEREAS**, the project also includes an Additive Bid item to provide integrated lighting with water jets illuminating the water streams at night when the jets are activated and in use; and

**WHEREAS**, the construction contract was advertised on September 16, 2025; and

**WHEREAS**, construction bids were opened on October 23, 2025; and

**WHEREAS**, two bidders responded with bids in the amounts of \$1,597,975 and \$2,168,833 for the Base Bid work; and

**WHEREAS**, the two bidders included the additive bid schedules in the amounts of \$194,000 and \$265,000, respectively; and

**WHEREAS**, the lowest responsive and responsible bid was received from Dick Miller Inc., for the Base Bid and Additive Bid work in the total amount of \$1,791,975; and

**WHEREAS**, approval of this agenda item will authorize a construction contract for \$1,791,975 and allow a 10% construction contingency pursuant to BPC Policy No. 110; and

**WHEREAS**, the Splash Pad at Portwood Pier Plaza at Imperial Beach is a part of the previously approved ERP utilizing the American Rescue Plan Act (ARPA) funds received from the State of California's Coronavirus Fiscal Recovery Fund of 2021; and

**WHEREAS**, the Splash Pad at Portwood Pier Plaza project at Imperial Beach is funded through the approved FY 2022 ERP Capital Outlay budget, in the amount of \$1,800,000; and

20xx-xxx

**WHEREAS**, the proposed BPC action is categorically exempt pursuant to California Environmental Quality Act (CEQA) Guidelines Section 15302 (Replacement or Reconstruction) and Sections 3.b (1) of the District's Guidelines for Compliance with CEQA; and

**WHEREAS**, the Categorical Exemption listed above is appropriate for the proposed BPC Action because the BPC Action approves plans and specifications for a District sponsored project outside of Port Tideland where the lead agency, the City of Imperial Beach, will replace a playground with a splash pad in the same site as the existing structure and will serve the same purpose; and

**WHEREAS**, on May 21, 2025, the City Council of the City of Imperial Beach held a public hearing and provided a resolution approving the project, a Regular Coastal Permit, and a Categorical Exemption pursuant to CEQA Guidelines Section 15302 Class 2 (Replacement or Reconstruction).

**WHEREAS**, the District has determined none of the six exceptions to the use of a categorical exemption apply to this project (CEQA Guidelines Section 15300.2); and

**WHEREAS**, the proposed BPC action is considered excluded development pursuant to Section 8.b of the District's Coastal Development Permit Regulations because the action would consist of approving plans and specifications for a District sponsored project outside of Port Tideland where the lead agency, the City of Imperial Beach has already issued a Coastal Permit to replace a playground with a splash pad in the same site as the existing structure; and

**WHEREAS**, the replacement will involve negligible or no expansion of use beyond that previously existing and would not involve the removal of mature, scenic trees; and

**WHEREAS**, the proposed BPC actions complies with Section 87(a)(5) of the Port Act, which allows for the construction, reconstruction, repair, maintenance, and operation of public buildings, public assembly and meeting places, convention centers, parks, playgrounds, bathhouses and bathing facilities, recreation and fishing piers, public recreation facilities, including, but not limited to, public golf courses, and for all works, buildings, facilities, utilities, structures, and appliances incidental, necessary, or convenient for the promotion and accommodation of any of those uses; and

**WHEREAS**, the Port Act was enacted by the California Legislature and is consistent with the Public Trust Doctrine; and consequently, the proposed Project is consistent with the Public Trust Doctrine; and

20xx-xxx

**WHEREAS**, staff recommends that the District and BPC approve plans and specifications and authorize the award of an Economic Recovery Program (ERP) Project construction contract to Dick Miller Inc., for the work in the amount of \$1,791,975 for the construction of the Splash Pad at Portwood Pier Plaza Project at Imperial Beach.

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

1. The BPC finds the facts recited above are true and further finds that this BPC has jurisdiction to consider, approve and adopt the subject of this Resolution.

2. Based on the entire record available to the BPC and the findings set forth in this Resolution, the BPC finds that the action, including without limitation a resolution approving plans and specifications and awarding a contract to Dick Miller Inc., does not require further environmental review pursuant to California Environmental Quality Act (CEQA) Guidelines Section 15302 (Replacement or Reconstruction) and Section 3.b (1) of the District's Guidelines for Compliance with CEQA.

3. Based on the entire record available to the BPC and the findings set forth in this Resolution, the Executive Director or their designated representative is hereby authorized and directed on behalf of the San Diego Unified Port District to enter into Base Bid Schedule and Additive Bid Schedule No. 1 for Contract No. 2025-02 with Dick Miller Inc. in the amount of \$1,791,975 for the Splashpad at Portwood Pier Plaza Project in Imperial Beach, as authorized by the BPY in the FY 2022 economic recovery program appropriation

APPROVED AS TO FORM AND LEGALITY:  
GENERAL COUNSEL

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By: Assistant/Deputy General Counsel

PASSED AND ADOPTED by the Board of Port Commissioners of the San Diego Unified Port District, this 9th day of December 2025, by the following vote: