



San Diego Unified Port District

3165 Pacific Hwy.
San Diego, CA 92101

Meeting Minutes

Board of Port Commissioners

Friday, October 9, 2020

2:00 PM

Virtual Meeting

Adjourned Regular Meeting

A. Roll Call.

Present: 7 - Commissioner Bonelli, Commissioner Castellanos, Commissioner Malcolm, Commissioner Merrifield, Chairperson Moore, Commissioner Valderrama, and Commissioner Zucchet

Excused: 0

Absent: 0

Officers Present: Coniglio, DeAngelis, Medina, Morales, and Russell

B. Public Communications.

Chair Moore began by explaining that the Board experienced technical difficulties on Tuesday, October 6, 2020, at the regular meeting with the live streaming to the public. A recording of the meeting has been posted on the Port's website, as usual, and will remain there for reference. At that meeting the Board heard informational presentations from fellow commissioners and the Port's CEO, and also took public comment. Chair Moore then asked if there any new public comment was received, Donna Morales, District Clerk, responded that the Port received one new comment.

The following member(s) of the public addressed the Board with non agenda-related comments: Chris Palmer, Senior Public Affairs Field Coordinator, California Special Districts Association

C. Ratification of Items from October 6 Adjourned Regular Meeting

Chair Moore announced that since the public was not able to view the meeting live, the Board will be ratifying the items voted on at the October 6, 2020 Board of Port Commissioners' meeting, in the abundance of caution.

On a motion by Commissioner Castellanos, seconded by Commissioner Bonelli, the Board ratified the items. The motion carried by the following vote:

Yeas: 7 - Bonelli, Castellanos, Malcolm, Merrifield, Moore, Valderrama, and Zucchet

Nays: 0

Excused: 0

Absent: 0

Abstain: 0

Recused: 0

Continuation of items per staff's request: Consent Item 13 - File No. 2020-0349; Consent Item 14 - File No. 2020-0350; Action Item 16 - File No. 2020-0347; Action Item 17 - File No. 2020-0344

Continuation of items per San Diego Port Tenant's Request: Action Item 21 - File No. 2020-0355

Approval of Minutes: September 10, 2020 Closed Session Minutes; September 10, 2020 BPC Meeting Minutes

Approval of Consent Items 1 through 12

D. Closed Session Report Out.

Thomas A. Russell, General Counsel, announced that during the Closed Session on October 6, 2020, the Board considered the items on the published Closed Session Agenda, and stated that no reportable action was taken on those items.

E. District Clerk's Announcements.

Donna Morales, District Clerk, announced that the agenda-related items received for the October 6, 2020 meeting will be part of the record, and no additional agenda-related items were received.

ACTION AGENDA

15. [2020-0239](#) A) MONTHLY REPORTING OF FINANCIAL RESULTS AND DIRECTION TO STAFF

B) ADOPT RESOLUTION TO WAIVE BOARD OF PORT COMMISSIONER POLICY NO. 117 (BPC NO. 117) - OPERATING RESERVE POLICY TO BE BELOW THE REQUIRED FY 2021 BALANCE OF \$61.8M AND AUTHORIZE STAFF TO USE THE DIFFERENCE NOT TO EXCEED \$10.5M TO FUND THE FY 2021 PROJECTED DEFICIT

Robert DeAngelis, Chief Financial Officer, addressed the Board with staff's report and presentation regarding Action Agenda Item 15 - File No. 2020-0239 (A copy of the staff report, presentations and any agenda-related materials are on file with the Office of the District Clerk).

The following member(s) of the public addressed the Board with agenda-related comments: None

Commissioner Merrifield, Commissioner Bonelli, Commissioner Malcolm, Commissioner Valderrama, and Chair Moore, asked clarifying questions and provided comments. Mr. DeAngelis responded.

On a motion by Commissioner Castellanos, seconded by Commissioner Malcolm, the Board adopted Resolution 2020-093. The motion carried by the following vote:

Yeas: 7 - Bonelli, Castellanos, Malcolm, Merrifield, Moore, Valderrama, and Zucchet

Nays: 0

Excused: 0

Absent: 0

Abstain: 0

Recused: 0

18. [2020-0331](#) A) ORDINANCE GRANTING A LEASE TO MALIBU FARM SEAPORT VILLAGE INC. DBA MALIBU FARM FOR A FIRST-CLASS FULL-SERVICE RESTAURANT AT SEAPORT VILLAGE LOCATED AT 831 W. HARBOR DR., (SUITE C1) IN SAN DIEGO FOR A 10-YEAR TERM PLUS ONE 5-YEAR OPTION (FOR A TOTAL POTENTIAL TERM OF 15 YEARS)
- B) RESOLUTION AUTHORIZING AMENDMENT NO. 3 TO THE AGREEMENT WITH R.I. PROPERTIES, INC., DBA RETAIL INSITE (RETAIL INSITE) FOR COMMERCIAL REAL ESTATE BROKER SERVICES FOR SEAPORT VILLAGE TO AMEND THE ANNUAL MAXIMUM EXPENDITURE, PAYMENT PROCEDURE OF COMMISSIONS, AND COMPENSATION STRUCTURE, AND WAIVING BOARD OF PORT COMMISSIONERS POLICY NO. 114 PAYMENT OF COMMISSIONS FOR THE LEASING OF TIDELANDS

Anthony Gordon, Director, Real Estate, addressed the Board with staff's report and presentation regarding Action Agenda Item 18 - File No. 2020-0331 (A copy of the staff report, presentations and any agenda-related materials are on file with the Office of the District Clerk). Mr. Gordon then turned the presentation over to Alexa Paulus, Asset Manager, to provide overview of Seaport Village leasing activity, overview of Malibu Farm plans for Seaport Village, proposed lease terms, and the opening timeline for Malibu Farm.

The following member(s) of the public addressed the Board with agenda-related comments: None

Commissioner Malcolm, Commissioner Castellanos, Commissioner Merrifield, Commissioner Bonelli, Commissioner Valderrama, Commissioner Zucchet, and Chair Moore, provided comments.

On a motion by Commissioner Zucchet, seconded by Commissioner Castellanos, the Board adopted Ordinance 2983, and Resolution 2020-094. The motion carried by the following vote:

Yeas: 7 - Bonelli, Castellanos, Malcolm, Merrifield, Moore, Valderrama, and Zucchet

Nays: 0

Excused: 0

Absent: 0

Abstain: 0

Recused: 0

19. [2020-0288](#) RESOLUTION AUTHORIZING THE DISTRICT TO ENTER INTO A MEMORANDUM OF UNDERSTANDING BETWEEN THE SAN DIEGO UNIFIED PORT DISTRICT, THE SAN DIEGO ASSOCIATION OF GOVERNMENTS AND CALIFORNIA DEPARTMENT OF TRANSPORTATION REGARDING COOPERATIVE WORK ON IMPROVING ACCESSIBILITY, SUSTAINABILITY, AND ECONOMIC VITALITY TO THE PORT OF SAN DIEGO'S WORKING WATERFRONT WITHOUT COMPROMISING THE HEALTH OF LOCAL COMMUNITIES

Job Nelson, Chief Policy Strategist, addressed the Board with staff's report and presentation regarding Action Agenda Item 19 - File No. 2020-0288 (A copy of the staff report, presentations and any agenda-related materials are on file with the Office of the District Clerk). Mr. Nelson then turned the presentation over to Stephen Shafer, Principal, Economics and Policy, to provide an overview of the project. Mr. Shafer then turned the presentation over to Laura Wagner, Management Analyst, Government & Civic Relations, to discuss the goals of the memorandum of understanding between San Diego Unified Port District, the San Diego Association of Governments and the California Department of Transportation, next steps, and recommended action. Ms. Wagner then turned the presentation over to Coleen Clementson, SANDAG Director of Regional Planning. Ms. Clementson then turned the presentation to Jacqueline Appleton-Deane, Program Manager CalTrans District 11. Ms. Appleton-Deane then turned the presentation back to Ms. Wagner. Ms. Wagner then read a letter of support received from San Diego City Councilmember Vivian Moreno, who was unable to attend due to a scheduling conflict.

The following member(s) of the public addressed the Board with agenda-related comments: Danny Serrano, Campaign Director, Environmental Health Coalition.

Commissioner Bonelli, Commissioner Valderrama, Commissioner Castellanos, Commissioner Malcolm, Commissioner Merrifield, and Chair Moore, asked clarifying questions and provided comments. Mr. Nelson responded.

On a motion by Commissioner Valderrama, seconded by Commissioner Merrifield, the Board adopted Resolution 2020-095. The motion carried by the following vote:

Yeas: 7 - Bonelli, Castellanos, Malcolm, Merrifield, Moore, Valderrama, and Zucchet

Nays: 0

Excused: 0

Absent: 0

Abstain: 0

Recused: 0

20. [2020-0351](#) PRESENTATION ON THE PORT MASTER PLAN UPDATE (PMPU), INCLUDING UPDATES REFLECTING CURRENT STATUS PRIOR TO THE UPCOMING FOUR-WEEK PUBLIC REVIEW PERIOD FOR THE REVISED DRAFT PMPU

Lesley Nishihira, Director, Planning, addressed the Board with staff's report and presentation regarding Action Agenda Item 20 - File No. 2020-0351 (A copy of the staff report, presentations and any agenda-related materials are on file with the Office of the District Clerk).

The following member(s) of the public addressed the Board with agenda-related comments: Janet Rogers, Embarcadero Coalition.

Commissioner Castellanos, Commissioner Malcolm, Commissioner Zucchet, Commissioner Bonelli, Commissioner Valderrama, and Chair Moore, provided comments and asked clarifying questions. Ms. Nishihira, Chair Moore, and Jason Giffen, Vice President, Planning, Environment and Government Relations, responded.

22. [2020-0330](#) RESOLUTION AUTHORIZING A SERVICE AGREEMENT OF FIVE YEARS FOR BODY WORN CAMERAS AND AS-NEEDED DATA SERVICES FROM AXON ENTERPRISE, INC. AS AUTHORIZED BY COOPERATIVE AGREEMENT. THE SERVICE AGREEMENT IS FOR THE PERIOD OF NOVEMBER 1, 2020 TO OCTOBER 31, 2025, IN AN AMOUNT NOT TO EXCEED \$1,680,232.20 FUNDING OF THE FIRST YEAR REQUIRES SPECIAL AUTHORIZATION FROM THE BOARD TO USE \$187,660.26 OF RESERVE FUNDS. ALL FUNDS REQUIRED FOR FUTURE FISCAL YEARS WILL BE BUDGETED IN THE APPROPRIATE FISCAL YEAR, SUBJECT TO BOARD APPROVAL UPON ADOPTION OF EACH YEAR'S FISCAL BUDGET

Mark Stainbrook, Chief of Harbor Police, addressed the Board with staff's report and presentation regarding Action Agenda Item 22 - File No. 2020-0330 (A copy of the staff report, presentations and any agenda-related materials are on file with the Office of the District Clerk).

The following member(s) of the public addressed the Board with agenda-related comments: None

Commissioner Zucchet, Commissioner Bonelli, Commissioner Castellanos, Commissioner Merrifield, and Chair Moore provided comments.

On a motion by Commissioner Zucchet, seconded by Commissioner Bonelli, the Board adopted Resolution 2020-096. The motion carried by the following vote:

Yeas: 7 - Bonelli, Castellanos, Malcolm, Merrifield, Moore, Valderrama, and Zucchet

Nays: 0

Excused: 0

Absent: 0

Abstain: 0

Recused: 0

23. [2020-0318](#) RESOLUTION ELECTING CHAIRPERSON, VICE CHAIRPERSON AND SECRETARY OF THE BOARD OF PORT COMMISSIONERS OF THE SAN DIEGO UNIFIED PORT DISTRICT FOR CALENDAR YEAR 2021

Chair Moore nominated Commissioner Zucchet as Chair, Commissioner Malcolm as Vice Chair, and Commissioner Castellanos as Secretary.

On a motion by Chair Moore, seconded by Commissioner Valderrama, the Board adopted Resolution 2020-097 and elected Michael Zucchet as Chair, Dan Malcolm as Vice Chair, and Rafael Castellanos as Secretary. The motion carried by the following vote:

Yeas: 7 - Bonelli, Castellanos, Malcolm, Merrifield, Moore, Valderrama, and Zucchet

Nays: 0

Excused: 0

Absent: 0

Abstain: 0

Recused: 0

24. [2020-0228](#) REVIEW AND CONSIDERATION OF DRAFT PROPOSED BOARD AGENDA FOR THE NOVEMBER 10, 2020 MEETING

Commissioner Bonelli remarked that he would like to explore the possibility of having an informational item added to a future agenda to invite the new owners of the Manchester Pacific Gateway to discuss their plans for the site.

On a motion by Commissioner Castellanos, seconded by Commissioner Zucchet, the Board adopted the proposed agenda for November. The motion carried by the following vote:

Yeas: 7 - Bonelli, Castellanos, Malcolm, Merrifield, Moore, Valderrama, and Zucchet

Nays: 0

Excused: 0

Absent: 0

Abstain: 0

Recused: 0

*Secretary, Board of Port Commissioners
San Diego Unified Port District*

ATTEST:

Clerk of the San Diego Unified Port District