



**BOARD OF PORT COMMISSIONERS MEETING
APRIL 19, 2023**

Ventura Harbor
GATEWAY TO THE CHANNEL ISLANDS NATIONAL PARK

- Call to Order
- Pledge of Allegiance
- Roll Call

ADMIN AGENDA

ADMIN AGENDA

**Adoption of the
April 19, 2023 Agenda**

**Approval of the Minutes of
April 5, 2023
Regular Meetings**

PUBLIC COMMUNICATION ADMIN AGENDA ITEMS NOT ON TODAY'S AGENDA

00 : 03 : 00

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TimeUp Reminder (Optional):

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None

- Closed Session Report
- Board Communications
- Staff and General Manager Reports

ADMIN AGENDA

Adjourn and Convene as Board of Directors of the VPD Public Facilities Corp

PUBLIC FACILITIES CORPORATION MEETING

AGENDA

I. Call to Order

II. Roll Call

III. Public Comment

*IV. Adoption of Resolution No. 130 Approving the Dissolution of the Ventura Port District
Public Facilities Corporation*

V. Adjourn

Reconvene the Regular Meeting of the Ventura Port District Board of Port Commissioners

CONSENT AGENDA

- A) Approval of Out-of-Town Travel Requests
- B) Adoption of Resolution No. 3469 Accepting the Work of Garland/DBS, Inc. for the 1567 Buildings B and C and Building 1591 Reroofing Project
- C) Approval of the 2023 Lifeguard Services Contract
- D) Termination of Current Office Lease Agreement with Andres S. Fernandez, LLC dba The 805 Bar & Grilled Cheese and The Copa Cubana for 1567 Spinnaker Drive #205
- E) Approval of New Retail Lease Agreement with Tina O'Brien dba Mermaid Gallery
- F) Approval of New Retail Lease Agreement with Anne Trainoff dba Silhouettes by the Beach

PUBLIC COMMUNICATION CONSENT AGENDA ITEMS

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TimeUp Reminder (Optional): --

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ACCEPTANCE OF FISCAL YEAR 2021-2022 AUDIT

RECOMMENDATION:

That the Board of Port Commissioners accept the Basic Financial Statements and Supplementary Information with Independent Auditor's Report for the Year Ended June 30, 2022, prepared by Clifton Larson Allen, LLP.

STANDARD AGENDA ITEM 1

Report by:

Gloria Adkins, Accounting Manager

Nitin Patel, Principal,

Clifton Larson Allen, LLP

PUBLIC COMMUNICATION STANDARD AGENDA ITEM 1

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TimeUp Reminder (Optional):

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**ADOPTION OF RESOLUTION NO. 3470 APPROVING
A NOTICE OF PROPOSED ORDINANCE FOR
AMENDMENT NO. 7 TO THE EXISTING PARCEL 20
MASTER LEASE AND AN AMENDMENT TO
ASSIGNMENT AND OPTION AGREEMENT
BETWEEN THE VENTURA PORT DISTRICT AND
DEREKTOR MARINE HOLDINGS FOR A NEW 50-
YEAR MASTER LEASE FOR PARCEL 20**

RECOMMENDATION:

That the Board of Port Commissioners adopt Resolution No. 3470 authorizing the Ventura Port District to publish a Notice of Proposed for Amendment No. 7 to the existing Parcel 20 Master Lease and an Amendment to the Assignment and Option Agreement between the Ventura Port District and Derektor Marine Holdings for a new 50-Year Master Lease for Parcel 20.

**STANDARD
AGENDA
ITEM
2**

**Report by:
Brian D. Pendleton, General Manager**

- City of Ventura intends to break ground on VenturaWaterPure (VWP) by Fall 2023
- VWP needs temporary construction & permanent easements on Parcel 20
- The master tenant of Parcel 20 is Derecktor Marine Holdings (DMH)
 - Current master lease expires 2029
 - 5-year option for new 50-year lease (30 year + 20-year option) expires in 2025
- Due to VWP easement needs, DMH requested District consider an amendment to the 5-year option.
- VWP will result in:
 - Construction on and around the Premises
 - Temporary closures of various areas within the Premises and certain adjacent streets during construction,
 - Building and development restrictions due to potential permanent easements through the Premises in favor of the City, and other unknown impacts

- Proposed amendments will modify and/or eliminate milestones for DMH to exercise the 5-year option.
- Current conditions that must be met for DMH to exercise the 5-year option and implement the new 50-year lease include:
 1. Completion of the California Environmental Quality Act (CEQA) environmental review process for the proposed development project.
 2. Approval of the proposed development project by the Board of Port Commissioners, following the CEQA process.
 3. Completion of project entitlements for the proposed development project (i.e. approvals by the City, Coastal Commission, and all other governing agencies).
 4. Completion of City building plan check.
 5. Demonstration of financing to complete project construction.

- Proposed Amendments to Conditions :
 - Condition 1 retained re: CEQA retained
 - Condition 2 retained re: District approval of project
 - Condition 3 modified such that City determines DMH has submitted a complete application for a Coastal Development Permit (CDP)
 - Condition 4 eliminated re: building plan check
 - Condition 5 would be modified:
 - DMH provide to District evidence that:
 - Adequate financing is likely to be available for the construction of the improvements
 - DMH has the financial ability to carry out and complete the improvements

- Approval Requirements:
 - Current lease and 5-year option for the 50-year lease exceeds ten (10) years
 - Board action required
 - California Harbors and Navigations Code Section 6270
 - Authorize and direct staff to publish a notice of its intent to adopt an Ordinance
- If the Board of Port Commissioners adopt Resolution No. 3470 authorizing the District to publish a Notice of Proposed Ordinance for:
 - Amendment Number 7 to the existing Master Lease
 - Option Agreement for 50-Year Lease in a newspaper of general circulation
- Board consider adoption of Ordinance on May 3, 2023
- Amendments will become effective immediately thereafter

PUBLIC COMMUNICATION STANDARD AGENDA ITEM 2

Snooze Options: [30 Seconds](#) | [1 Minute](#) | [5 Minutes](#) | [10 Minutes](#)

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TimeUp Reminder (Optional): --

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**ADOPTION OF RESOLUTION NO. 3471 APPROVING
THE UPDATES TO THE BOARD OF PORT
COMMISSIONERS PROTOCOLS AND POLICIES
MANUAL AND RESCIND RESOLUTION NO. 3422**

RECOMMENDATION:

That the Board of Port Commissioners adopt Resolution No. 3471 approving the updates to the Board of Port Commissioners Protocols and Policies Manual and rescind Resolution No. 3422.

**STANDARD
AGENDA
ITEM
3**

**Report by:
Jessica Rauch, Clerk of the Board**

CHANGES

- Combined Guiding Principles and 5-Year Objectives Section into 1 and made generic since they can change
- Added a social media and cellphone usage section
- Removed reference to Policy Resolutions as Policies are revised from time to time
- Updated website references
- Updated the title of Chairman to Chair to make more DEI friendly
- Added sentence to cancelled meetings
- Cleaned up Order of Business to include Legal Counsel Report under Staff & GM report

PUBLIC COMMUNICATION STANDARD AGENDA ITEM 3

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Duration: 00 03 00

TimeUp Reminder (Optional): --

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**ADOPTION OF RESOLUTION NO. 3472 APPROVING
THE FINANCIAL STATEMENTS AND CHECKS FOR
OCTOBER 2022 THROUGH DECEMBER 2022**

RECOMMENDATION:

That the Board of Port Commissioners adopts Resolution No. 3472 to:

- a) Accept the financial statements for the Quarter ending December 31, 2022; and
- b) Review the payroll and regular checks for October through December 2022.

**STANDARD
AGENDA
ITEM
4**

**Report by:
Gloria Adkins, Accounting Manager**

PUBLIC COMMUNICATION STANDARD AGENDA ITEM 4

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Duration: 00 03 00

TimeUp Reminder (Optional): --

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VENTURA
PORT DISTRICT

Established 1952

ADJOURNMENT
NEXT MEETING MAY 3, 2023

Ventura Harbor

GATEWAY TO THE CHANNEL ISLANDS NATIONAL PARK