



VENTURA PORT DISTRICT BOARD OF PORT COMMISSIONERS

Chris Stephens, Chairman
Michael Blumenberg, Vice Chairman
Brian Brennan, Secretary
Jackie Gardina, Commissioner
Everard Ashworth, Commissioner

Brian D. Pendleton, General Manager
Todd Mitchell, Business Operations Manager
Andy Turner, Legal Counsel
Jessica Rauch, Clerk of the Board

PORT COMMISSION AGENDA

REGULAR MEETING
WEDNESDAY, APRIL 7, 2021

TELECONFERENCE
5 TELECONFERENCE LOCATIONS

VENTURA PORT DISTRICT OFFICE
1603 ANCHORS WAY DRIVE
VENTURA, CA 93001

CLOSED SESSION – 6:00PM

REGULAR MEETING – 7:00PM

IN ACCORDANCE WITH THE CALIFORNIA GOVERNOR'S EXECUTIVE STAY AT HOME ORDER AND THE COUNTY OF VENTURA HEALTH OFFICER DECLARED LOCAL HEALTH EMERGENCY AND BE WELL AT HOME ORDER RESULTING FROM THE NOVEL CORONAVIRUS, THE VENTURA PORT DISTRICT ADMINISTRATION BUILDING IS CLOSED TO THE PUBLIC. THIS MEETING IS BEING HELD IN ACCORDANCE WITH THE STATE EMERGENCY SERVICES ACT, THE GOVERNOR'S EMERGENCY DECLARATION, AND THE GOVERNOR'S EXECUTIVE ORDER NO. 25-20 ISSUED ON MARCH 12, 2020 TO ALLOW ATTENDANCE BY MEMBERS OF THE PORT COMMISSION BY TELECONFERENCE IN FULL COMPLIANCE WITH THE BROWN ACT.

PUBLIC PARTICIPATION OPTIONS

WATCH THE MEETING LIVE

Join a Zoom meeting LIVE:

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SUBMIT PUBLIC COMMENT VIA EMAIL

If you do not wish to speak live but would like to submit a written comment on a specific agenda item, please do so via email by 4:00PM on the day of the meeting. Please submit your comment to the Clerk of the Board at jrauch@venturaharbor.com.

When sending an email, please indicate in the subject line, the agenda item number (i.e. General Public Comment or Consent Item A). Written comments should be no more than 1000 characters in length. Written comments will be distributed to the Commissioners and will be posted as a supplemental packet on the District's website at <https://venturaharbor.com/board-meetings-minutes/>.

PROVIDE PUBLIC COMMENT LIVE AT THE MEETING USING ZOOM

To speak on a specific agenda item during the live Zoom meeting, please fill out the Public Comment Slip and email the Clerk of the Board at jrauch@venturaharbor.com by 4:00PM on the day of the meeting so you can participate appropriately. You can use one (1) comment slip for multiple items.

If you decide to speak during the meeting and did not fill out a Public Comment slip, attendees can dial *9 if on the phone or use the 'raise hand' function in Zoom.

CLOSED SESSION – 6:00PM

CALL TO ORDER: *By Chairman Chris Stephens.*

ROLL CALL: *By the Clerk of the Board.*

PUBLIC COMMUNICATIONS (3 minutes)

*The Public Communications period is set aside to allow public testimony on items only on the Closed Session Agenda. Each person may address the Commission for up to three minutes or at the discretion of the Chair. Attendees can dial *9 or use the 'raise hand' function in Zoom if they would like to speak during public comment periods.*

CONVENE IN CLOSED SESSION – 6:00PM

CLOSED SESSION AGENDA

1. Conference with Real Property Negotiators - Per Government Code Section 54956.8:

- a) Property: **1559 Spinnaker Drive #104**
- Negotiating Parties: Brian D. Pendleton, Todd Mitchell, Andy Turner
Ghassan Trad & Wafaa Alwarda dba Harbor Market & Liquor
- Under Negotiation: **Terms of New Retail Lease Agreement**

2. Conference with Legal Counsel - Existing Litigation per Government Code Section 54956.9(d)(1): RDPH Properties, Inc. vs. Ventura Port District; Ventura Co. Sup. Court Case No. 56-2020-00546511-CU-WM-VTA. (verbal report)

3. Public Employee Performance Evaluation per Government Code Section 54957(b)(1):

- a) Brian D. Pendleton, General Manager - Annual Review

ADJOURNMENT

OPEN SESSION – 7:00PM

CALL TO ORDER: *By Chairman Chris Stephens.*

PLEDGE OF ALLEGIANCE: *By Chairman Chris Stephens.*

ROLL CALL: *By the Clerk of the Board.*

ADOPTION OF AGENDA (3 minutes)

Consider and approve, by majority vote, minor revisions to agenda items and/or attachments and any item added to or removed/continued from the Port Commission's agenda. Administrative Reports relating to this agenda and materials related to an item on this agenda submitted after distribution of the agenda packet are available for public review at the Port District's office located at 1603 Anchors Way Drive, Ventura, CA during business hours as well as on the District's website - www.venturaharbor.com.

APPROVAL OF MINUTES (3 minutes)

The Minutes of the March 17, 2021 Regular Meeting will be considered for approval.

PUBLIC COMMUNICATIONS (3 minutes)

*The Public Communications period is set aside to allow public testimony on items not on today's agenda. Each person may address the Commission for up to three minutes or at the discretion of the Chair. Attendees can dial *9 or use the 'raise hand' function in Zoom if they would like to speak during public comment periods.*

CLOSED SESSION REPORT (3 minutes)

Closed Sessions are not open to the public pursuant to the Brown Act. Any reportable actions taken by the Commission during Closed Session will be announced at this time.

BOARD COMMUNICATIONS (5 minutes)

Port Commissioner's may present brief reports on port issues, such as seminars, meetings and literature that would be of interest to the public and/or Commission, as a whole. Port Commissioner's must provide a brief summary and disclose any discussions he or she may have had with any Port District Tenants related to Port District business.

STAFF AND GENERAL MANAGER REPORTS (5 minutes)

Ventura Port District Staff and General Manager will give the Commission updates on important topics or items of general interest if needed.

LEGAL COUNSEL REPORT (5 minutes)

Legal Counsel will report on progress of District assignments and any legislative or judicial matters.

CONSENT AGENDA: (5 minutes)

Matters appearing on the Consent Calendar are expected to be non-controversial and will be acted upon by the Board at one time, without discussion, unless a member of the Board or the public requests an opportunity to address any given item. Approval by the Board of Consent Items means that the recommendation is approved along with the terms set forth in the applicable staff reports.

A) Termination of Current Office Lease Agreement with Annette Cortez dba idobooks4u

Recommended Action: Roll Call Vote.

That the Board of Port Commissioners approve a termination of an Office Lease Agreement, dated August 1, 2019, between the Ventura Port District dba Ventura Harbor Village and Annette Cortez dba idobooks4u for the premises located at 1583 Spinnaker Drive #212, consisting of approximately 374 square feet.

B) Approval of New Office Lease Agreement for Randy Patrick dba Mindful Wealth Planners LLC

Recommended Action: Roll Call Vote.

That the Board of Port Commissioners approve a new Office Lease Agreement between the Ventura Port District dba Ventura Harbor Village and Randy Patrick dba Mindful Wealth Planners LLC for space located at 1583 Spinnaker Drive #212 consisting of approximately 374 square feet for a four (4) year term with two (2) options each for two (2) additional years.

STANDARD AGENDA:

1) Adoption of Resolution No. 3411 Extending Thanks and Gratitude to Manson Construction Company

Recommended Action: Roll Call Vote.

That the Board of Port Commissioners adopt Resolution No. 3411 extending thanks and gratitude to Manson Construction Company for their responsiveness and timely work of the inner harbor dredging.

2) Approval of First Amendment to a Professional Services Agreement with Rincon Consultants, Inc. for Dredging Support Services

Recommended Action: Roll Call Vote.

That the Board of Port Commissioners approve the First Amendment to a Professional Services Agreement with Rincon Consultants, Inc. in the amount of \$25,000 for maintenance dredging environmental consulting and monitoring services.

3) Approval of First Amendment to a Professional Services Agreement with Dudek for Environmental and Administrative Support Consulting Services related to the Ventura Shellfish Enterprise Project

Recommended Action: Roll Call Vote.

That the Board of Port Commissioners approve the First Amendment to a Professional Services Agreement with Dudek in the additional amount of \$30,000 for FY20-21 in support of the 2018 CA Sea Grant tasks and implementation of Board direction on March 17, 2021 associated with the Ventura Shellfish Enterprise project.

4) Approval of First Amendment to a Professional Services Agreement with K&L Gates for Legal Consulting Services related to the Ventura Shellfish Enterprise Project

Recommended Action: Roll Call Vote.

That the Board of Port Commissioners approve the First Amendment to a Professional Services Agreement with K&L Gates LLP in the additional amount of \$35,000 for FY2020-2021 in support of the 2018 CA Sea Grant tasks and implementation of Board direction on March 17, 2021 associated with the Ventura Shellfish Enterprise project.

5) Ventura Port District Operations Update as it Relates to COVID-19

Recommended Action: Informational. (Verbal Report)

That the Board of Port Commissioners receive an update on:

- a) The COVID-19 Ventura Harbor Rental Abatement and Deferment Program; and,
- b) Status of Ventura Port District operations.

ADJOURNMENT

This agenda was posted on Friday, April 2, 2021 by 5:00 p.m. at the Port District Office and online at www.venturaharbor.com - Port District Business - Meetings and Agendas.

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In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact the Ventura Port District at (805) 642-8538 or the California Relay Service at 711 or (800) 855-7100. Notification 72 hours prior to the meeting will enable the District to make reasonable arrangements to ensure accessibility. (28 CFR 35.102.35.104 ADA Title II)



VENTURA
PORT DISTRICT
Established 1952

BOARD OF PORT COMMISSIONERS

APRIL 7, 2021

APPROVAL OF MINUTES

MARCH 17, 2021 REGULAR MEETING

VENTURA PORT DISTRICT

BOARD OF PORT COMMISSIONERS MINUTES OF MARCH 17, 2021



CLOSED SESSION

CALL TO ORDER:

The Ventura Board of Port Commissioners Regular Closed Session Meeting was called to order by Chairman Chris Stephens at 6:45PM at the Ventura Port District Administration Office, 1603 Anchors Way Drive, Ventura, CA 93001 and via Zoom meeting.

ROLL CALL:

Commissioners Present:

Chris Stephens, Chairman
Michael Blumenberg, Vice Chairman
Brian Brennan, Secretary via teleconference
Jackie Gardina via teleconference
Everard Ashworth via teleconference

Commissioners Absent:

None.

Port District Staff:

Brian Pendleton, General Manager
Todd Mitchell, Business Operations Manager
Jessica Rauch, Clerk of the Board

Legal Counsel:

Andy Turner via teleconference

PUBLIC COMMUNICATIONS: None. Closed at 6:46PM.

CONVENED TO CLOSED SESSION AT 6:46PM.

ADJOURNMENT: Closed Session was adjourned at 6:50PM.

OPEN SESSION

ADMINISTRATIVE AGENDA:

CALL TO ORDER:

The Ventura Board of Port Commissioners Regular Open Session Meeting was called to order by Chairman Chris Stephens at 7:01PM at the Ventura Port District Administration Office, 1603 Anchors Way Drive, Ventura, CA 93001 and via Zoom Meeting.

PLEDGE OF ALLEGIANCE: By General Manager, Brian D. Pendleton.

ROLL CALL:

Commissioners Present:

Chris Stephens, Chairman
Michael Blumenberg, Vice Chairman
Brian Brennan, Secretary via teleconference
Jackie Gardina via teleconference
Everard Ashworth via teleconference

Commissioners Absent:

None.

Port District Staff:

Brian Pendleton, General Manager
Todd Mitchell, Business Operations Manager
Jessica Rauch, Clerk of the Board
John Higgins, Harbormaster via teleconference
Joe Gonzalez, Capital Improvements Manager via teleconference
Jennifer Talt-Lundin, Marketing Manager via teleconference
Gloria Adkins, Accounting Manager via teleconference
Dave Werneburg, Marina Manager via teleconference

Legal Counsel:

Andy Turner via teleconference

ADOPTION OF AGENDA

ACTION: Commissioner Brennan moved to adopt the March 17, 2021 agenda.

Commissioner Gardina seconded. The vote was as follows:

AYES: Commissioner Stephens, Brennan, Gardina, Ashworth, Blumenberg
NOES: None.

Motion carried 5-0.

APPROVAL OF MINUTES

The Minutes of the March 3, 2021 Regular Meeting were considered as follows:

ACTION: Commissioner Blumenberg moved to approve the minutes of the March 3, 2021 Regular Meeting.

Commissioner Gardina seconded. The vote was as follows:

AYES: Commissioner Stephens, Brennan, Gardina, Ashworth, Blumenberg
NOES: None.

Motion carried 5-0.

PUBLIC COMMUNICATIONS: Tom Derektor announced that Wet Wednesdays will be returning in April and the Commission should change their meetings to a different day.

CLOSED SESSION REPORT: Mr. Turner stated that the Board met in closed session; discussed and reviewed all items on the closed session agenda. The Board gave direction to staff as how to proceed. No action was taken that is reportable under The Brown Act.

BOARD COMMUNICATIONS: Commissioner Brennan appreciated Tom Derektor's comments and mentioned the County's second business grant opportunity.

STAFF AND GENERAL MANAGER REPORTS: Mr. Pendleton shared the 2020 milestones for the 2nd Annual Tenant Celebration that occurred on March 4th.

LEGAL COUNSEL REPORT: None.

CONSENT AGENDA:

A) Approval of Office Lease Agreement Amendments No. 7 and 8 for GSA National Park Service

Recommended Action: Roll Call Vote.

That the Board of Port Commissioners approve Lease Amendments No. 7 and 8 to add an additional five (5) year option to the existing lease and to execute the option at Block A and Block D between the Ventura Port District dba Ventura Harbor Village and GSA / National Park Service for the premises located at 1431 Spinnaker Drive and 1691 Spinnaker Drive #204, 206, 208, 101B and 103.

PUBLIC COMMENT: None.

ACTION: Commissioner Brennan moved to approve Lease Amendments No. 7 and 8 to add an additional five (5) year option to the existing lease and to execute the option at Block A and Block D between the Ventura Port District dba Ventura Harbor Village and GSA / National Park Service for the premises located at 1431 Spinnaker Drive and 1691 Spinnaker Drive #204, 206, 208, 101B and 103.

Commissioner Ashworth seconded. The vote was as follows:

AYES: Commissioner Stephens, Brennan, Gardina, Blumenberg

NOES: None.

Motion carried 5-0.

STANDARD AGENDA:

1) Adoption of Resolution No. 3410 Extending and Concurrently Ending the COVID-19 Ventura Harbor Rental Abatement and Deferment Program

Recommended Action: Roll Call Vote.

That the Board of Port Commissioners:

1. Adopt Resolution No. 3410 further extending and concurrently ending the COVID-19 Ventura Harbor Rental Abatement and Deferment Program (Covid-19 Program) effective June 30, 2021; and,

2. Approve the Deferred Rental Repayment Schedule for Harbor Tenants who have or will participate in the Covid-19 Program and/or City Ordinance 2020-024 (Temporary Eviction Moratorium) in the following manner:
 - a. A minimum of 40% of rent deferred due to the COVID-19 pandemic shall be repaid by December 31, 2021
 - b. The remaining (up to 60%) rent deferred shall be repaid by June 30, 2022 by making equal, monthly payments on the same day monthly rent is due beginning with the January 2022 rent payment.

Report by Brian D. Pendleton, General Manager.

PUBLIC COMMENT: Sam Sadove stated that tenants need more time and flexibility and the due date for the remaining 60% should be extended to December 31, 2022. Michael Wagner, owner of Andria's Seafood Restaurant agreed with Mr. Sadove's comments and the remaining 60% should be extended to December 2022. Closed at 7:24PM.

- ACTION:** **Commissioner Ashworth moved to:**
1. **Adopt Resolution No. 3410 further extending and concurrently ending the COVID-19 Ventura Harbor Rental Abatement and Deferment Program (Covid-19 Program) effective June 30, 2021; and,**
 2. **Approve the Deferred Rental Repayment Schedule for Harbor Tenants who have or will participate in the Covid-19 Program and/or City Ordinance 2020-024 (Temporary Eviction Moratorium) in the following manner:**
 - a. **A minimum of 40% of rent deferred due to the COVID-19 pandemic shall be repaid by December 31, 2021**
 - b. **The remaining (up to 60%) rent deferred shall be repaid by June 30, 2022 by making equal, monthly payments on the same day monthly rent is due beginning with the January 2022 rent payment.**

Vice-Chairman Blumenberg seconded. The vote was as follows:

AYES: Commissioner Stephens, Brennan, Gardina, Ashworth, Blumenberg
NOES: None.

Motion carried 5-0.

2) Emergency Declaration to Dredge the Inner Harbor and Stub Channel

Recommended Action: Roll Call Vote.

That the Board of Port Commissioners:

- a) Review the conditions giving rise to the Declaration of Emergency set forth in Resolution No. 3409;
- b) Receive a report as to the actions taken in response to the emergency; and
- c) Find and determine that the emergency has been abated and the dredging is complete.

Report by Brian D. Pendleton, General Manager.

PUBLIC COMMENT: Sam Sadove gave kudos to staff for getting this done, however, he mentioned that its concerning that the District pays more for this task when it is the City barranca runoff that causes this. Closed at 7:37PM.

ACTION: Vice-Chairman Blumenberg moved to receive a report as to the actions taken in response to the emergency and found and determined that the emergency has been abated and the dredging is complete.

Commissioner Brennan seconded. The vote was as follows:

AYES: Commissioner Stephens, Brennan, Gardina, Ashworth, Blumenberg
NOES: None.

Motion carried 5-0.

3) Ventura Shellfish Enterprise Next Steps

Recommended Action: Roll Call Vote.

That the Board of Port Commissioners direct the General Manager to:

- a) Provide support for the establishment of a Southern California Aquaculture Opportunity Area proximate to Ventura Harbor by NOAA;
 - a. Provide all studies, reports, data gathered as part of the VSE project to NOAA;
 - b. Complete all tasks required for completion of the Ventura Port District's Sea Grant as may be amended in concurrence with California Sea Grant by August 31st, 2021
- b) Formally withdraw Ventura Port District applications for the VSE project from the U.S. Army Corps of Engineers and California Coastal Commission;
 - a. Seek opportunities to collaborate with the aquaculture industry to establish sustainable aquaculture farms that can land product in Ventura Harbor;
 - b. Authorize continued advocacy efforts at federal, state and local levels for the establishment of sustainable aquaculture farms in the Santa Barbara Channel proximate to Ventura Harbor.

Report by Brian D. Pendleton, General Manager.

PUBLIC COMMENT: Linda Krop, Chief Counsel for the Environmental Defense Center agrees with staff's recommendations. Sam Sadove stated that he has supported the concept of the shellfish project and also supports staff recommendations. However, there continues to a number of issues that include 1) NOAA not having jurisdiction over aquaculture, 2) the LAFCo issue and 3) recouping of costs. Rae Fuhrman, CEO and Founder of Stingray Sensing is working to develop a low-cost monitoring system for bivalve and seaweed farms, which may help in aquaculture permitting. Closed at 7:57PM.

ACTION: Commissioner Ashworth moved to direct the General Manager to:

- 1) Provide support for the establishment of a Southern California Aquaculture Opportunity Area proximate to Ventura Harbor by NOAA;
 - a. Provide all studies, reports, data gathered as part of the VSE project to NOAA;
 - b. Complete all tasks required for completion of the Ventura Port District's Sea Grant as may be amended in concurrence with California Sea Grant by August 31st, 2021

- 2) **Formally withdraw Ventura Port District applications for the VSE project from the U.S. Army Corps of Engineers and California Coastal Commission on August 31st, 2021;**
 - a. **Seek opportunities to collaborate with the aquaculture industry to establish sustainable aquaculture farms that can land product in Ventura Harbor;**
 - b. **Authorize continued vigorous advocacy efforts at federal, state and local levels for the establishment of sustainable aquaculture farms in the Santa Barbara Channel proximate to Ventura Harbor.**

Commissioner Brennan seconded. The vote was as follows:

**AYES: Commissioner Stephens, Brennan, Gardina, Ashworth, Blumenberg
NOES: None.**

Motion carried 5-0.

4) Ventura Port District Operations Update as it Relates to COVID-19

Recommended Action: Informational. (Verbal Report)

That the Board of Port Commissioners receive an update on:

- a) The COVID-19 Ventura Harbor Rental Abatement and Deferment Program; and,
- b) Status of Ventura Port District operations.

Report by Brian D. Pendleton, General Manager.

PUBLIC COMMENT: None. Closed at 8:40PM.

ACTION: The Board of Port Commissioners received an update on COVID-19 related items.

ADJOURNMENT: The meeting was adjourned in honor of Harbor Patrolman Paul Korber at 8:27PM.

The next meeting is Wednesday, April 7, 2021.

Brian Brennan, Secretary



VENTURA
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BOARD OF PORT COMMISSIONERS

APRIL 7, 2021

CONSENT AGENDA ITEM A

**TERMINATION OF CURRENT OFFICE
LEASE AGREEMENT WITH ANNETTE
CORTEZ DBA IDOBOOKS4U**

**VENTURA PORT DISTRICT
BOARD COMMUNICATION**

CONSENT AGENDA ITEM A
Meeting Date: April 7, 2021

TO: Board of Port Commissioners
FROM: Brian D. Pendleton, General Manager
Todd Mitchell, Business Operations Manager
SUBJECT: Termination of Current Office Lease Agreement with Annette Cortez dba idobooks4u at 1583 Spinnaker Dr. #212

RECOMMENDATION:

That the Board of Port Commissioners approve a termination of an Office Lease Agreement, dated August 1, 2019, between the Ventura Port District dba Ventura Harbor Village and Annette Cortez dba idobooks4u for the premises located at 1583 Spinnaker Drive #212, consisting of approximately 374 square feet.

SUMMARY:

Due to the impacts of COVID-19, Ms. Cortez has not utilized the space for her business and wishes to terminate her lease prior to the July 30 expiration. As the District has identified another interested renter, staff is recommending early termination.

Her joint tenancy with Marilyn Ryemon at the Ultimate Escape Rooms is unaffected by this transaction.

LONG-TERM GOALS:

- Goal 3: Economic Vitality
 - Increase economic development, vitality, and diversity of the District through effective leasing and marketing strategies.

5-YEAR OBJECTIVES:

- Objective V: Harbor Village
 - Maintain and improve Harbor Village infrastructure and enhance the overall visitor experience
 - 2: Leasing/Property Management Action Plan

BACKGROUND:

Annette Cortez began a lease for her business in August 2019 to provide IRS registered tax preparations and bookkeeping services assisting taxpayers and small businesses with taxes in the surrounding communities. Due to the impacts of COVID-19, Ms. Cortez has not utilized the space for her business and wishes to terminate her lease early.

FISCAL IMPACT:

Early termination of the lease has no direct fiscal impacts as a new tenant has been identified and is ready to move in.

ATTACHMENTS:

None.



VENTURA
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BOARD OF PORT COMMISSIONERS

APRIL 7, 2021

CONSENT AGENDA ITEM B

**APPROVAL OF NEW OFFICE LEASE
AGREEMENT FOR RANDY PATRICK
DBA MINDFUL WEALTH PLANNERS
LLC**

**VENTURA PORT DISTRICT
BOARD COMMUNICATION**

CONSENT AGENDA ITEM B
Meeting Date: April 7, 2021

TO: Board of Port Commissioners
FROM: Brian D. Pendleton, General Manager
Todd Mitchell, Business Operations Manager
SUBJECT: Approval of New Office Lease Agreement for Randy Patrick dba Mindful Wealth
Planners LLC at 1583 Spinnaker Drive #212

RECOMMENDATION:

That the Board of Port Commissioners approve a new Office Lease Agreement between the Ventura Port District dba Ventura Harbor Village and Randy Patrick dba Mindful Wealth Planners LLC for space located at 1583 Spinnaker Drive #212 consisting of approximately 374 square feet for a four (4) year term with two (2) options each for two (2) additional years.

SUMMARY:

Staff has negotiated a lease with Randy Patrick dba Mindful Wealth Planners LLC for an office space at 1583 Spinnaker Drive #212.

LONG-TERM GOALS:

- Goal 3: Economic Vitality
 - Increase economic development, vitality, and diversity of the District through effective leasing and marketing strategies.

5-YEAR OBJECTIVES:

- Objective V: Harbor Village
 - Maintain and improve Harbor Village infrastructure and enhance the overall visitor experience
 - 2: Leasing/Property Management Action Plan

BACKGROUND:

Mindful Wealth Planners LLC is an independent financial planning firm that focuses on wealth management and insurance planning. As part of their process, they help clients identify their values and goals, as these are key in the decision-making process.

FISCAL IMPACT:

This new lease reflects current market rental rates for offices in the complex. There will be step increases annually in base rent, with CPI increase for the option years. Tenant improvements to the space include installing fiber optic connection as well as one wall and door to reconfigure to standard reception-with-two-offices layout.

ATTACHMENTS:

None.



BOARD OF PORT COMMISSIONERS

APRIL 7, 2021

STANDARD AGENDA ITEM 1

ADOPTION OF RESOLUTION No. 3411
EXTENDING THANKS AND GRATITUDE TO
MANSON CONSTRUCTION COMPANY

**VENTURA PORT DISTRICT
BOARD COMMUNICATION**

STANDARD AGENDA ITEM 1
Meeting Date: April 7, 2021

TO: Board of Port Commissioners
FROM: Brian D. Pendleton, General Manager
Todd Mitchell, Business Operations Manager
SUBJECT: Adoption of Resolution No. 3411 Extending Thanks and Gratitude to Manson
Construction Company

RECOMMENDATION:

That the Board of Port Commissioners adopt Resolution No. 3411 extending thanks and gratitude to Manson Construction Company for their responsiveness and timely work of the inner harbor dredging.

SUMMARY:

At the March 17, 2021 Board meeting, Commissioner Ashworth requested staff acknowledge the efforts of Manson Construction in their ongoing collaboration with the District regarding the performance of both the federal and inner harbor dredging. In particular, the excellent cooperation during the performance of the inner harbor dredging in 2021, which required Manson to delay demobilization until the tidal conditions allowed the H.R. Morris cutterhead dredge to enter and begin dredging the stub channel. This action required significant logistical changes for the contractor to conduct, which were readily undertaken. This is an example of the great collaboration the District has experienced in working with Manson for over twenty years.

LONG-TERM GOALS:

- Goal 1: Safety & Navigation
 - Maintain and enhance a safe and navigable harbor
 - (a) Securing funding for dredging the Harbor entrance through the Army Corps of Engineers in coordination with agencies and our elected officials
 - (b) Dredging the Inner Harbor and preserving infrastructure;
 - (c) Providing superior Harbor Patrol, Maintenance, and related District services;
 - (d) Preserving and enhancing infrastructure, equipment, and facilities for a modernized, efficient and safe working harbor.

5-YEAR OBJECTIVES:

- Objective D: Harbor Dredging
 - Ensure that annual dredging occurs at the federal Harbor entrance and as needed in the inner Harbor
 - 3: Ventura Port District Dredging

BACKGROUND:

Manson Construction is an experienced strategic partner for performing all types of in water and over-water work on infrastructure projects. As a dedicated heavy civil marine and dredging contractor, their team of experts are well versed with permitting and work restrictions, regulations, and communication protocols that are unique to a marine environment versus landside and upland construction. Manson Construction has been the selected dredging contractor by the US Army Corps of Engineers for performing the federal dredging of the entrance channel and sand trap. Manson has been selected for this work for many years and in the performance of the federal work, has several times been hired by the Ventura Port District to conduct the inner harbor dredging immediately upon completion as it is a significant cost savings.

As the local sponsor for the federal dredging project, the Ventura Port District works closely with the Corps and with Manson regarding the logistics of dredging, including providing direction on ideal

sand placement locations to ensure the nourishment of Surfer's Knoll Beach and therefore the protection of District and City infrastructure behind it. The consistent level of cooperation and partnership with Manson over more than twenty years is being recognized with this Resolution.

FISCAL IMPACT:

None.

ATTACHMENTS:

Attachment 1 – Resolution No. 3411



RESOLUTION NO. 3411

**RESOLUTION OF THE BOARD OF PORT COMMISSIONERS
OF THE VENTURA PORT DISTRICT EXTENDING THANKS AND GRATITUDE TO MANSON
CONSTRUCTION COMPANY FOR THEIR RESPONSIVENESS AND TIMELY WORK OF THE
INNER HARBOR DREDGING**

WHEREAS, on March 3, 2021, the Board of Port Commissioners adopted Resolution No. 3409, declaring an emergency and authorizing the General Manager to pursue an emergency dredging permit for the inner harbor and stub channel;

WHEREAS, this emergency was necessary to maintain safe navigability between the inner Harbor and the Keys;

WHEREAS, the most expedient and least impactful to the environment would be to employ Manson Construction Company who was already executing the federal dredging of the Ventura Harbor entrance channel and sand trap on behalf of the US Army Corps of Engineers;

WHEREAS, the Board of Port Commissioners and Ventura Port District express their gratitude for the responsive and timely work of Manson Construction Company's personnel while conducting both the Federal and inner Harbor dredging;

WHEREAS, the Ventura Port District would like to recognize the efforts of Manson Construction and, in particular, the collaboration of Max Oviedo, Larry Hall, Steven Marquez, and Captain Bud Miles for ensuring the project went as planned – achieving the expected outcomes with no public complaints or safety issues;

WHEREAS, the federal entrance channel, sand trap and inner harbor stub channel dredging and demobilization are now complete.

NOW, THEREFORE, BE IT RESOLVED that the Board of Port Commissioners, by adoption of this Resolution No. 3411 hereby thanks Manson Construction Company for their professional performance of the work and dedication to this project.

PASSED, APPROVED AND ADOPTED by the Board of Port Commissioners, this 7th day of April 2021, by the following vote:

AYES:
NOES:
ABSENT:

ATTACHMENT 1

Chris Stephens, Chairman

ATTEST:

Brian Brennan, Secretary



BOARD OF PORT COMMISSIONERS

APRIL 7, 2021

STANDARD AGENDA ITEM 2

APPROVAL OF FIRST AMENDMENT TO A
PROFESSIONAL SERVICES AGREEMENT WITH
RINCON CONSULTANTS, INC. FOR DREDGING
SUPPORT SERVICES

TO: Board of Port Commissioners
FROM: Brian D. Pendleton, General Manager
Todd Mitchell, Business Operations Manager
SUBJECT: Approval of First Amendment to a Professional Services Agreement with Rincon Consultants, Inc. for Dredging Support Services

RECOMMENDATION:

That the Board of Port Commissioners approve the First Amendment to a Professional Services Agreement with Rincon Consultants, Inc. in the amount of \$25,000 for maintenance dredging environmental consulting and monitoring services.

SUMMARY:

The proposed First Amendment to Professional Service Agreements (PSA) with Rincon Consultants, Inc. are to supplement the environmental consulting, permit processing, and project management support that was required for the emergency harbor dredging activities undertaken in March 2021, including additional permitting as well as additional monitoring. This amendment increases the original PSA amount of \$30,924 to \$55,924. Due to the Board's Declaration of Emergency, the General Manager was authorized to expend funds as necessary to address the emergency.

BACKGROUND:

Ventura Port District requires the support of an outside consultant on an annual basis to complete the environmental monitoring and reporting coincident with the outer and inner harbor dredging programs. This contract expands the services to provide consulting expertise to the Business Operations Manager.

Unlike in the federal entrance channel and sand trap, the responsibility for dredging the inner harbor is that of the District. The City of Ventura shares responsibility to ensure connectivity to the Ventura Keys. Due to the determination that performing dredging of the inner harbor stub channel was an emergency, additional consulting services were required. In addition, additional water quality monitoring and lab testing was required as part of the dredging program, which was performed by Rincon.

Lastly, a standard provision of the District's Coastal Development Permit requires annual beach monitoring. To comply with a request from the California Coastal Commission, Rincon Consultants performed beach transects at the material placement site before and after the dredging program (both federal and inner harbor).

This contract is separate from another Rincon Consultants contract to prepare and submit permit amendment applications to regulatory agencies regarding modification of the permits to allow for inner harbor dredging regardless of the state of the Santa Clara River. That contract is not being modified and that work continues.

FISCAL IMPACTS:

The use of outside contractors to provide consulting expertise on an as-needed basis was anticipated to be a savings of over \$60,000 in FY20-21, however additional consultant services were required at a cost of \$25,000 resulting in a net savings of \$35,000.

ATTACHMENTS:

None.



BOARD OF PORT COMMISSIONERS

APRIL 7, 2021

STANDARD AGENDA ITEM 2

APPROVAL OF FIRST AMENDMENT TO A
PROFESSIONAL SERVICES AGREEMENT WITH
DUDEK FOR ENVIRONMENTAL AND
ADMINISTRATIVE SUPPORT CONSULTING
SERVICES RELATED TO THE VENTURA
SHELLFISH ENTERPRISE PROJECT

**VENTURA PORT DISTRICT
BOARD COMMUNICATION**

STANDARD AGENDA ITEM 3
Meeting Date: April 7, 2021

TO: Board of Port Commissioners
FROM: Brian D. Pendleton, General Manager
SUBJECT: Approval of First Amendment to a Professional Services Agreement with Dudek for Environmental and Administrative Support Consulting Services related to the Ventura Shellfish Enterprise Project

RECOMMENDATION:

That the Board of Port Commissioners approve the First Amendment to a Professional Services Agreement with Dudek in the additional amount of \$30,000 for FY20-21 in support of the 2018 CA Sea Grant tasks and implementation of Board direction on March 17, 2021 associated with the Ventura Shellfish Enterprise project.

SUMMARY:

The proposed First Amendment to Professional Service Agreement (PSA) with Dudek is for CA Sea Grant environmental and administrative support services for the 2018 NOAA Sea Grant associated with the Ventura Shellfish Enterprise (VSE) project. The Amendment is for an additional amount of \$30,000. This Amendment increases the original PSA amount of \$75,000 to \$105,000 for FY20-21 utilizing Port District funding.

LONG-TERM GOALS:

- Goal 1: Safety & Navigation
 - Maintain and enhance a safe and navigable harbor
 - a: Securing funding for dredging the Harbor entrance through the Army Corps of Engineers in coordination with agencies and our elected officials
- Goal 2: Commercial & Recreational Boating & Fishing
 - Support and promote commercial and recreational boating and fishing

5-YEAR OBJECTIVES:

- Objective F: Commercial Fishing
 - Support current commercial fishing industry central to Ventura's premier working waterfront through: stakeholder engagement, diversification, and infrastructure improvements
 - 3: VSE Project Grant Utilization
- Objective D: Harbor Dredging
 - Ensure that annual dredging occurs at the federal Harbor entrance and as needed in the inner Harbor
 - 1: Support and advocate for congressional funding to the Army Corps of Engineers in support of the Harbor's annual dredging program

BACKGROUND:

On March 17, 2021, the Board directed the General Manager to provide support for the establishment of a Southern California Aquaculture Opportunity Area proximate to Ventura Harbor by NOAA; provide all studies, reports, data gathered as part of the VSE project to NOAA; complete all tasks required for completion of the Ventura Port District's Sea Grant as may be amended in concurrence with California Sea Grant by August 31st, 2021; formally withdraw Ventura Port District applications for the VSE project from the U.S. Army Corps of Engineers and California Coastal Commission on August 31st, 2021; seek opportunities to collaborate with the aquaculture industry to establish sustainable aquaculture farms that can land product in Ventura Harbor; and, authorize continued vigorous advocacy efforts at federal,

state and local levels for the establishment of sustainable aquaculture farms in the Santa Barbara Channel proximate to Ventura Harbor.

For a detailed discussion of the project origins, goals, objectives, grant history, team members and volunteer partners please see the Board Report dated July 17, 2019 Ventura Shellfish Enterprise Status Report. The report can be found at the District's website at <https://venturaharbor.com/board-meetings-minutes-archive/>.

The VPD is the recipient of a NOAA 2018 California Sea Grant (2018 CA Sea Grant) sub-award of \$266,660. The 2018 CA Sea Grant is a two-year grant, with the following deliverables:

Task 4 - Permit Assignment Strategy

Task 5 - Environmental Review

Task 6 - Shellfish Sanitation

Task 7 - Grower/Producer Compliance Training Program and Information Dissemination

Task 8 - Project Summary

The 2018 CA Sea Grant is a two-year period on a one-plus-one yearly basis. The Year 1 grant period was from September 1, 2018 to August 31, 2019 and the VPD received \$169,860, which the Board approved on November 14, 2018. The Year 2 grant period was from September 1, 2019 to August 31, 2020 and the VPD received \$96,800 which the Board approved on November 20, 2019. The total two-year sub-award is \$266,660. The VPD received a 1-year, no-cost extension to complete the tasks through August 31, 2021.

To begin implementation of the Board's action on March 17, 2021, staff (with support of the project and consultant team), has been in close communication with NOAA and CA Sea Grant. Additional meetings with state and federal regulators are being scheduled. As a result, some remaining activities within the tasks identified above will be revised to reflect mutually beneficial outcomes in support of the advancement of sustainable aquaculture. This discussion in ongoing and staff will report back to the Board as more details become available.

FISCAL IMPACTS:

The Board approved an additional \$40,000 in the FY20-21 mid-year budget on February 3, 2021 for Dudek consultant services to supplement 2018 CA Sea Grant funding. The proposed \$30,000 for the First Amendment to the PSA with Dudek represents a \$10,000 cost savings from that amount.

The 2018 CA Sea Grant sub-award is \$266,660. The Port District's required cost match for the 2018 CA Sea Grant is \$272,210. This cost match is achieved through volunteer contributions of time by Ashworth Leininger Group (ALG), Coastal Marine Biolabs (CMB), The Cultured Abalone (TCA) and District staff plus direct costs incurred by the Port District. As of December 31, 2020, the cost share obligations were met and exceeded.

The accounting of grant funds, Port District costs and volunteer hours are documented through quarterly financial reports prepared for Board consideration and approval. The most recent report for the period ending December 31, 2020 was included in the quarterly financial report provided to the Board on March 3, 2021, and also provided as an attachment to the March 17, 2021 Board Report.

ATTACHMENTS:

None.



BOARD OF PORT COMMISSIONERS

APRIL 7, 2021

STANDARD AGENDA ITEM 4

APPROVAL OF FIRST AMENDMENT TO A
PROFESSIONAL SERVICES AGREEMENT WITH
K&L GATES FOR LEGAL CONSULTING
SERVICES RELATED TO THE VENTURA
SHELLFISH ENTERPRISE PROJECT

**VENTURA PORT DISTRICT
BOARD COMMUNICATION**

STANDARD AGENDA ITEM 4
Meeting Date: April 7, 2021

TO: Board of Port Commissioners
FROM: Brian D. Pendleton, General Manager
SUBJECT: Approval of First Amendment to a Professional Services Agreement with K&L Gates LLP for Legal Consulting Services related to the Ventura Shellfish Enterprise Project

RECOMMENDATION:

That the Board of Port Commissioners approve the First Amendment to a Professional Services Agreement with K&L Gates LLP in the additional amount of \$35,000 for FY2020-2021 in support of the 2018 CA Sea Grant tasks and implementation of Board direction on March 17, 2021 associated with the Ventura Shellfish Enterprise project.

SUMMARY:

The proposed First Amendment to Professional Service Agreement (PSA) with K&L Gates LLP is for CA Sea Grant legal support services for the 2018 NOAA Sea Grant associated with the Ventura Shellfish Enterprise (VSE) project. The Amendment is for an additional amount of \$35,000. This Amendment increases the original PSA amount of \$75,000 to \$110,000 for FY20-21 utilizing Port District funding.

LONG-TERM GOALS:

- Goal 1: Safety & Navigation
 - Maintain and enhance a safe and navigable harbor
 - a: Securing funding for dredging the Harbor entrance through the Army Corps of Engineers in coordination with agencies and our elected officials
- Goal 2: Commercial & Recreational Boating & Fishing
 - Support and promote commercial and recreational boating and fishing

5-YEAR OBJECTIVES:

- Objective F: Commercial Fishing
 - Support current commercial fishing industry central to Ventura's premier working waterfront through: stakeholder engagement, diversification, and infrastructure improvements
 - 3: VSE Project Grant Utilization
- Objective D: Harbor Dredging
 - Ensure that annual dredging occurs at the federal Harbor entrance and as needed in the inner Harbor
 - 1: Support and advocate for congressional funding to the Army Corps of Engineers in support of the Harbor's annual dredging program

BACKGROUND:

On March 17, 2021, the Board directed the General Manager to provide support for the establishment of a Southern California Aquaculture Opportunity Area proximate to Ventura Harbor by NOAA; provide all studies, reports, data gathered as part of the VSE project to NOAA; complete all tasks required for completion of the Ventura Port District's Sea Grant as may be amended in concurrence with California Sea Grant by August 31st, 2021; formally withdraw Ventura Port District applications for the VSE project from the U.S. Army Corps of Engineers and California Coastal Commission on August 31st, 2021; seek opportunities to collaborate with the aquaculture industry to establish sustainable aquaculture farms that can land product in Ventura Harbor; and, authorize continued vigorous advocacy efforts at federal, state and local levels for the

establishment of sustainable aquaculture farms in the Santa Barbara Channel proximate to Ventura Harbor.

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Task 8 - Project Summary

The 2018 CA Sea Grant is a two-year period on a one-plus-one yearly basis. The Year 1 grant period was from September 1, 2018 to August 31, 2019 and the VPD received \$169,860, which the Board approved on November 14, 2018. The Year 2 grant period was from September 1, 2019 to August 31, 2020 and the VPD received \$96,800 which the Board approved on November 20, 2019. The total two-year sub-award is \$266,660. The VPD received a 1-year, no-cost extension to complete the tasks through August 31, 2021.

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FISCAL IMPACTS:

The Board approved an additional \$40,000 in the FY20-21 mid-year budget on February 3, 2021 for K&L Gates LLP for legal consultant services to supplement 2018 CA Sea Grant funding. The proposed \$35,000 for the First Amendment to the PSA with KL Gates represents a \$5,000 cost savings from that amount.

The 2018 CA Sea Grant sub-award is \$266,660. The Port District's required cost match for the 2018 CA Sea Grant is \$272,210. This cost match is achieved through volunteer contributions of time by Ashworth Leininger Group (ALG), Coastal Marine Biolabs (CMB), The Cultured Abalone (TCA) and District staff plus direct costs incurred by the Port District. As of December 31, 2020, the cost share obligations were met and exceeded.

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ATTACHMENTS:

None.