

# VENTURA PORT DISTRICT

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## BOARD OF PORT COMMISSIONERS MINUTES OF DECEMBER 18, 2019

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### CLOSED SESSION

#### **CALL TO ORDER:**

The Ventura Board of Port Commissioners Regular Closed Session Meeting was called to order by Chairman Chris Stephens at 5:34PM at the Ventura Port District Administration Office, 1603 Anchors Way Drive, Ventura, CA 93001.

#### **ROLL CALL:**

##### **Commissioners Present:**

Chris Stephens, Chairman  
Brian Brennan, Vice Chairman (arrived at 5:37PM)  
Jackie Gardina, Secretary  
Everard Ashworth (arrived at 5:35PM)  
Michael Blumenberg

##### **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  
Elsa Sham

**PUBLIC COMMUNICATIONS:** None.

**CONVENED TO CLOSED SESSION AT 5:35PM.**

**ADJOURNMENT:** Closed Session was adjourned at 6:59PM.

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### 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 7:05PM at the Ventura Port District Administration Office, 1603 Anchors Way Drive, Ventura, CA 93001.

**PLEDGE OF ALLEGIANCE:** By Todd Mitchell.

## **ROLL CALL:**

### **Commissioners Present:**

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

### **Commissioners Absent:**

None

### **Port District Staff:**

Brian Pendleton, General Manager  
Todd Mitchell, Business Operations Manager  
Gloria Adkins, Accounting Manager  
Dave Werneburg, Marina Manager  
John Higgins, Harbormaster  
Joe Gonzalez, Facilities Manager  
Robin Baer, Property Manager  
Jennifer Talt-Lundin, Marketing Manager  
Richard Parsons, Consultant  
Jessica Rauch, Clerk of the Board

### **Legal Counsel:**

Andy Turner  
Elsa Sham

## **ADOPTION OF AGENDA**

**ACTON:** Commissioner Ashworth moved, seconded by Commissioner Gardina and carried by a vote of 5-0 to adopt the December 18, 2019 agenda, with the following revision to Consent Item D's recommendation:

### **D) Approval of 2016 Approved Minutes Revisions**

#### **Recommended Action: Voice Vote.**

That the Board of Port Commissioners approve the revisions to the September 14, 2016 regular meeting minutes, October 5, ~~2019~~ 2016 special meeting closed session and open session minutes, October 12, 2016 regular meeting minutes and November 9, 2016 regular meeting minutes.

## **APPROVAL OF MINUTES**

The Minutes of the November 20, 2019 Regular Meeting were considered as follows:

**ACTION:** Commissioner Ashworth moved, seconded by Commissioner Gardina and carried by a vote of 5-0 to approve the November 20, 2019 Regular Meeting Minutes.

**PUBLIC COMMUNICATIONS:** Rochelle Cooper, owner of Just 4 Dreamers, thanked the Commission and staff for the holiday decor funding for the new Christmas decorations, which are the prettiest they have been in 15 years.



**CLOSED SESSION REPORT:** Mr. Turner stated that the Board met in closed session; discussed and reviewed all items on the closed session agenda. Staff was given instructions on how to proceed as appropriate on these matters and there was no action taken that is reportable under The Brown Act.

**BOARD COMMUNICATIONS:** Commissioner Brennan attended the Parade of Lights over the weekend and asked who picks up the debris on the beach from the fireworks. Commissioner Blumenberg reported that he toured Ventura West Marina and Coastal Marine Biolabs and that his end of the year work party will be at the Boatyard Pub.

**DEPARTMENTAL AND GENERAL MANAGERS REPORTS:** Mr. Pendleton announced the Employee Years of Service 2019 milestones and reported on the Sunday awards banquet for the Parade of Lights. Ms. Talt-Lundin, Marketing Manager reported on the weekend's events. Ms. Baer, Property Manager reported that Lemon & Lei and Top This Chocolate have been doing well. She also reported that the current vacant spaces are being marketed and staff is hoping for a first quarter opening of Frenchies Nail Salon. Mr. Parsons reported that the appropriation bill is moving forward with healthy work plan funding for FY20-21.

**LEGAL COUNSEL REPORT:** Mr. Turner reported on a litigation matter where a subcontractor of Portside has named the Port District as a defendant under the lease. Portside is obligated to pick up our defense and they are doing so.

#### **CONSENT AGENDA:**

##### **A) Approval of Out of Town Travel Requests**

Recommended Action: Voice Vote.

That the Board of Port Commissioners approve the following out of town travel requests for:

- A) Business Operations Manager, Todd Mitchell to attend the CMANC Winter Meeting in San Pedro, CA;
- B) Consultant, Richard Parsons to attend the CMANC Winter Meeting in San Pedro, CA; and
- C) Commissioner Brian Brennan to attend the CMANC Winter Meeting in San Pedro, CA.

**ACTION:** Commissioner Brennan moved, seconded by Commissioner Blumenberg and carried by a vote of 5-0 to approve the out of town travel requests for Business Operations Manager, Todd Mitchell to attend the CMANC Winter Meeting in San Pedro, CA; Consultant, Richard Parsons to attend the CMANC Winter Meeting in San Pedro, CA; and Commissioner Brian Brennan to attend the CMANC Winter Meeting in San Pedro, CA.

##### **B) Annual Reserve Policy Review**

Recommended Action: Voice Vote.

That the Board of Port Commissioners accept the current Ventura Port District Reserve Policy, Resolution No. 3225, dated August 28, 2013.

**ACTION:** Commissioner Brennan moved, seconded by Commissioner Blumenberg and carried by a vote of 5-0 to accept the current Ventura Port District Reserve Policy, Resolution No. 3225, dated August 28, 2013.

##### **C) Annual Investment Policy Review**

Recommended Action: Voice Vote.

That the Board of Port Commissioners accept the current Ventura Port District Investment Policy, Resolution No. 3345, dated January 10, 2018.



**ACTION:** Commissioner Brennan moved, seconded by Commissioner Blumenberg and carried by a vote of 5-0 to accept the current Ventura Port District Investment Policy, Resolution No. 3345, dated January 10, 2018.

**D) Approval of 2016 Approved Minutes Revisions**

Recommended Action: Voice Vote.

That the Board of Port Commissioners approve the revisions to the September 14, 2016 regular meeting minutes, October 5, ~~2019~~ 2016 special meeting closed session and open session minutes, October 12, 2016 regular meeting minutes and November 9, 2016 regular meeting minutes.

**ACTION:** Commissioner Brennan moved, seconded by Commissioner Blumenberg and carried by a vote of 5-0 to approve the revisions to the September 14, 2016 regular meeting minutes, October 5, 2016 special meeting closed session and open session minutes, October 12, 2016 regular meeting minutes and November 9, 2016 regular meeting minutes, with revision to the recommendation.

**E) Approval of New Retail Lease Agreement for Just 4 Dreamers, Inc.**

Recommended Action: Voice Vote.

That the Board of Port Commissioners approve a new Retail Lease Agreement between the Ventura Port District dba Ventura Harbor Village and Just 4 Dreamers, Inc. for a five-year lease with three-year option.

**ACTION:** Commissioner Brennan moved, seconded by Commissioner Blumenberg and carried by a vote of 5-0 to approve a new Retail Lease Agreement between the Ventura Port District dba Ventura Harbor Village and Just 4 Dreamers, Inc. for a five-year lease with three-year option.

**F) Approval of New Office Lease Agreement for Bryan McGarry dba Anacapa Consulting**

Recommended Action: Voice Vote.

That the Board of Port Commissioners approve a new Office Lease Agreement between the Ventura Port District dba Ventura Harbor Village and Bryan McGarry dba Anacapa Consulting for the premises located at 1559 Spinnaker Drive #207 consisting of a total of 455 square feet for a one (1) year term with a one year option.

**ACTION:** Commissioner Brennan moved, seconded by Commissioner Blumenberg and carried by a vote of 5-0 to Commissioners approve a new Office Lease Agreement between the Ventura Port District dba Ventura Harbor Village and Bryan McGarry dba Anacapa Consulting for the premises located at 1559 Spinnaker Drive #207 consisting of a total of 455 square feet for a one (1) year term with a one year option.

**G) Rescheduling of January 2020 Regular Port Commission Meeting**

Recommended Action: Voice Vote.

That the Board of Port Commissioners cancel the January 15, 2020 regular meeting and reschedule it for January 22, 2020.

Public Comment: Sam Sadove asked why cancel the January 15, 2020 meeting when there is a quorum and only one staff member will be absent.

**ACTION:** Commissioner Brennan moved, seconded by Commissioner Blumenberg and carried by a vote of 5-0 to cancel the January 15, 2020 regular meeting and reschedule it for January 22, 2020.

**STANDARD AGENDA:**

**1) Adoption of Resolution No. 3381 Updating the Ventura Port District Human Resources Manual**

Recommended Action: Roll Call Vote.

That the Board of Port Commissioners:

- a) Adopt Resolution No. 3381 updating the Ventura Port District Human Resources Manual;
- b) Direct the General Manager to retain professional consultant services to evaluate the District's human resources procedures and administration and provide recommendations as appropriate.

Report by Jennifer Palagi of Liebert Cassidy Whitmore.

**ACTION:** Commissioner Brennan moved, seconded by Commissioner Ashworth and carried by a vote of 5-0 to adopt Resolution No. 3381 updating the Ventura Port District Human Resources Manual and direct the General Manager to retain professional consultant services to evaluate the District's human resources procedures and administration and provide recommendations as appropriate.

**There were two changes to the Human Resources Manual:**

**X. DISCIPLINARY ACTION**

*X-B. Procedures for Taking Disciplinary Action*

**4. Final Notice of Disciplinary Action**

After the *Skelly* conference and or timely receipt and consideration of the employee's written response, or the expiration of the employee's time to respond to the notice of intent, the General Manager or designee shall:

- a. Dismiss the notice of intent and take no disciplinary action against the employee; or
- b. Modify the intended disciplinary action; or
- c. Prepare and serve upon the employee a final written notice of disciplinary action.

*X-C. Disciplinary Appeal Procedures*

**2. Request for Appeal Hearing before a Subcommittee of the Board**

After receiving the final decision of the General Manager or designee, the employee may submit a written request for an appeal hearing before a subcommittee of the Board within fourteen business (14) days from receipt of the final notice of discipline. Failure to file a timely written request for an appeal waives the right to an appeal hearing and any appeal of the discipline. The subcommittee of the Board must grant the affected employee a hearing in a contested disciplinary action. Hearings may be held by the subcommittee of the Board or by any authorized representatives. The subcommittee or any authorized representative shall render a final written decision, which in its judgment is just and proper.



**ACTION:** Commissioner Stephens moved, seconded by Commissioner Brennan and carried by a vote of 5-0 to direct staff to meet and confer with the Unions regarding the following additional language:

**VII. BENEFITS**

*VII-E. Vacation*

**2. Maximum Vacation**

The maximum vacation accrual is limited to two hundred fifty (250) hours. Employee is paid off quarterly for hours in excess of 250 hours in his or her vacation accrual bank at the employee's base hourly rate of pay if the employee has taken 80 hours of vacation. When a paid holiday falls during the period of an employee's vacation leave, that day shall not be charged against the employee's vacation accrual.

**2) Approval of Financial Statements and Checks for July through September 2019**

Recommended Action: Roll Call Vote.

That the Board of Port Commissioners adopts Resolution No. 3382 to:

- a) Accept the draft financial statements for the Quarter ended September 30, 2019, with the understanding that the accounting for June 30, 2019 year-end GASB 68 and 75 journal entries are still pending; and,
- b) Review the payroll and regular checks for July through September 2019.

Report by Accounting Manager, Gloria Adkins.

**ACTION:** Commissioner Brennan moved, seconded by Commissioner Ashworth and carried by a vote of 5-0 to adopt Resolution No. 3382 to accept the draft financial statements for the Quarter ended September 30, 2019, with the understanding that the accounting for June 30, 2019 year-end GASB 68 and 75 journal entries are still pending; and review the payroll and regular checks for July through September 2019.

**3) Adoption of Resolution No. 3383 for the Creation of a Project Manager Position and Rescind Resolution No. 3375**

Recommended Action: Roll Call Vote.

That the Board of Port Commissioners adopt Resolution No. 3383 for the creation of a Project Manager position in the non-represented salary schedule and to rescind Resolution No. 3375 approved on June 19, 2019.

Report by General Manager, Brian Pendleton.

Public Comment: Sam Sadove was glad to see that staff realizes the impact of this Bill, however, he believes the part-time status of the position needs to be clarified and there needs to be a plan for the future of dredging management.

**ACTION:** Commissioner Brennan moved, seconded by Commissioner Blumenberg and carried by a vote of 5-0 to adopt Resolution No. 3383 for the creation of a Project Manager position in the non-represented salary schedule and to rescind Resolution No. 3375 approved on June 19, 2019.

**4) Ventura Port District Five Year Goals and Objectives**

Recommended Action: Voice Vote.

That the Board of Port Commissioners approve the Ventura Port District Five Year Goals and Objectives.

Report by General Manager, Brian Pendleton.

**ACTION:** The Board of Port Commissioners asked staff to come back to the Board in January incorporating their feedback into the five-year goals and objectives.

**ADJOURNMENT:** The meeting was adjourned at 8:45PM.

The next meeting is Wednesday, January 22, 2019.

  
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Jackie Gardina, Secretary