

# VENTURA PORT DISTRICT

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## BOARD OF PORT COMMISSIONERS MINUTES OF JANUARY 16, 2019

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The Regular Meeting of the Ventura Board of Port Commissioners was called to order by Chairman Everard Ashworth at 7:19PM at the Ventura Port District Administration Office, 1603 Anchors Way Drive, Ventura, CA 93001.

### **Commissioners Present:**

Everard Ashworth, Chairman  
Brian Brennan, Vice Chairman  
Chris Stephens  
Jean Getchell

### **Commissioners Absent:**

None.

### **Port District Staff:**

Oscar Peña, General Manager  
Brian Pendleton, Deputy General Manager  
John Higgins, Harbormaster  
Ruby Emery, Marketing Coordinator  
Joe Gonzalez, Facilities Manager  
Gloria Adkins, Accounting Manager  
Robin Baer, Property Manager  
Dave Werneburg, Marina Manager  
Richard Parsons, Consultant  
Jessica Rauch, Clerk of the Board

### **Legal Counsel:**

Timothy Gosney  
Andy Turner

## **AGENDA**

**CALL TO ORDER:** By Chairman Ashworth at 7:12PM.

**PLEDGE OF ALLEGIANCE:** By Commissioner Brennan.

Prior to Roll Call, Mr. Gosney explained that normally the election of officers for the coming year would take place at this time. Under Harbors and Navigation Code Section 6241.1, officers are elected to serve a two-year term. Chairman Ashworth was elected on January 11, 2017 and his two-year term has technically expired. However, the election of officers was not agendized for this meeting since there are only four sitting commissioners, with one vacancy. Mr. Gosney recommended that the Board proceed with the meeting with Chairman Ashworth presiding and plan to agendize the election of officers at an upcoming meeting. By consensus, the Board agreed to proceed on that basis.

**ROLL CALL:** All Commissioners were present.

## **ADOPTION OF AGENDA**

**ACTON:** Commissioner Getchell moved, seconded by Commissioner Brennan and carried by a vote of 4-0 to adopt the January 16, 2019 agenda, with the request for the Consent Agenda to follow the Standard Agenda and Items H, I, and J being pulled from the Consent Agenda to the Standard Agenda for questions.

## **APPROVAL OF MINUTES**

The Minutes of the December 12, 2018 Regular Meeting were considered as follows:

**ACTION:** Commissioner Stephens moved, seconded by Commissioner Getchell and carried by a vote of 4-0 to approve the December 12, 2018 Regular Meeting Minutes.

**PUBLIC COMMUNICATIONS:** None.

**CLOSED SESSION REPORT:** Mr. Gosney stated that the Board met in closed session; discussed and reviewed all items except items 4 and 5 on the closed session agenda. Staff was given instructions on how to proceed as appropriate and there was no action taken that is reportable under The Brown Act. The Board will reconvene after open session to review and discuss Items 4 and 5.

**BOARD COMMUNICATIONS:** Commissioner Brennan reported on the CMANC Fall Meeting he, Brian Pendleton and Richard Parsons attended.

**STAFF COMMUNICATIONS:** Mr. Peña acknowledged Harbor Patrol for assisting in a rescue of a surfer and introduced Marketing Coordinator, Ruby Emery. He also reported that due to the Government closure, Channel Islands National Park is closed, however, Island Packers is still doing excursions, weather permitting.

**LEGAL COUNSEL REPORT:** Mr. Gosney reported that the updated Village Lease templates are almost complete.

## **CONSENT AGENDA:**

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

Recommended Action: Voice Vote.

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

- a) Deputy General Manager, Brian Pendleton to travel to Washington, D.C to participate in the CMANC Meeting;
- b) Dredging Consultant, Richard Parsons to travel to Washington, D.C to participate in the CMANC Meeting;
- c) Commissioner, Brian Brennan to travel to Washington, D.C to participate in the CMANC Meeting;
- d) Property Manager, Robin Baer to travel to Beverly Hills, California to participate in the 2019 Entertainment Experience Evolution Conference; and
- e) Marketing Coordinator, Ruby Emery to travel to Los Angeles California to participate in the LA Travel and Adventure Show.

**ACTION:** Commissioner Brennan moved, seconded by Commissioner Stephens and carried by a vote of 4-0 to approve the out of town travel requests for Deputy

**General Manager, Brian Pendleton to travel to Washington, D.C to participate in the CMANC Meeting; Dredging Consultant, Richard Parsons to travel to Washington, D.C to participate in the CMANC Meeting; Commissioner, Brian Brennan to travel to Washington, D.C to participate in the CMANC Meeting; Property Manager, Robin Baer to travel to Beverly Hills, California to participate in the 2019 Entertainment Experience Evolution Conference; and Marketing Coordinator, Ruby Emery to travel to Los Angeles California to participate in the LA Travel and Adventure Show.**

**B) Approval of New Restaurant Lease Agreement for MK Enterprises, Inc. dba Margarita Villa Mexican Restaurant**

Recommended Action: Voice Vote.

That the Board of Port Commissioners approve a new Restaurant Lease Agreement between the Ventura Port District dba Ventura Harbor Village and MK Enterprises, Inc. dba Margarita Villa Mexican Restaurant for the premises located at 1567 Spinnaker Drive #200 consisting of a total of 1,880 square feet, 1,100 sf of patio and 657 square feet of expanded roof storage space, for a three (3) year term with one separate four (4) year option.

**ACTION:** Commissioner Brennan moved, seconded by Commissioner Stephens and carried by a vote of 4-0 to approve a new Restaurant Lease Agreement between the Ventura Port District dba Ventura Harbor Village and MK Enterprises, Inc. dba Margarita Villa Mexican Restaurant for the premises located at 1567 Spinnaker Drive #200 consisting of a total of 1,880 square feet, 1,100 sf of patio and 657 square feet of expanded roof storage space, for a three (3) year term with one separate four (4) year option.

**C) Approval of New Retail Lease Agreement for Health Minded, Corp. dba Frenchies Modern Nail Care**

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 Health Minded, Corp. dba Frenchies Modern Nail Care for space located at 1583 Spinnaker Drive #105 consisting of approximately 1,410 square feet for a five (5) year term with a one four (4) year option.

**ACTION:** Commissioner Brennan moved, seconded by Commissioner Stephens and carried by a vote of 4-0 to approve a new Retail Lease Agreement between the Ventura Port District dba Ventura Harbor Village and Health Minded, Corp. dba Frenchies Modern Nail Care for space located at 1583 Spinnaker Drive #105 consisting of approximately 1,410 square feet for a five (5) year term with a one four (4) year option.

**D) Approval of New Retail Lease for Mahesh and Heeru Gehani dba Casa de Regalos**

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 Mahesh and Heeru Gehani dba Casa de Regalos for space located at 1575 Spinnaker Drive #108 consisting of approximately 990 square feet for a three (3) year term with a one three (3) year option.

**ACTION:** Commissioner Brennan moved, seconded by Commissioner Stephens and carried by a vote of 4-0 to approve a new Retail Lease Agreement between the Ventura Port District dba Ventura Harbor Village and Mahesh and Heeru Gehani

**dba Casa de Regalos for space located at 1575 Spinnaker Drive #108 consisting of approximately 990 square feet for a three (3) year term with a one three (3) year option.**

Public Comment: Aatish Gehani requested the Board consider extending their lease from 3 years with a 3 year option to 5 years with a 4 year option.

**E) Approval of Office Lease Amendment No. 6 for GSA National Park Service**

Recommended Action: Voice Vote.

That the Board of Port Commissioners approve Lease Amendment No. 6 to extend the Lease for two more years of 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.

**ACTION: Commissioner Brennan moved, seconded by Commissioner Stephens and carried by a vote of 4-0 to approve Lease Amendment No. 6 to extend the Lease for two more years of 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.**

**F) Approval of First Amendment for Commissioned Desserts, LLC dba Top This Chocolate**

Recommended Action: Voice Vote.

That the Board of Port Commissioners approve the First Lease Amendment between the Ventura Port District dba Ventura Harbor Village and Commissioned Desserts, LLC dba Top This Chocolate for the premises located at 1559 Spinnaker Drive #109.

**ACTION: Commissioner Brennan moved, seconded by Commissioner Stephens and carried by a vote of 4-0 to approve the First Lease Amendment between the Ventura Port District dba Ventura Harbor Village and Commissioned Desserts, LLC dba Top This Chocolate for the premises located at 1559 Spinnaker Drive #109.**

**G) Termination of Office Lease Agreement for Ron Baldonado dba Virtual Pacific Networks**

Recommended Action: Voice Vote.

That the Board of Port Commissioners approve the termination of an office lease agreement for Ron Baldonado dba Virtual Pacific Networks, effective February 1, 2019, for the premises located at 1591 Spinnaker Drive #201, consisting of 746 square feet.

**ACTION: Commissioner Brennan moved, seconded by Commissioner Stephens and carried by a vote of 4-0 to approve the termination of an office lease agreement for Ron Baldonado dba Virtual Pacific Networks, effective February 1, 2019, for the premises located at 1591 Spinnaker Drive #201, consisting of 746 square feet.**

**H) Approval of New Professional Services Agreement with Dudek for the 2018 NOAA Sea Grant Tasks**

Recommended Action: Voice Vote.

That the Board of Port Commissioners approve a new Professional Services Agreement with Dudek in the amount of \$108,610 for professional services for the Ventura Shellfish Enterprise (VSE) project 2018 Sea Grant Tasks.

Note: This item was pulled from the Consent Agenda.

**ACTION:** Commissioner Getchell moved, seconded by Commissioner Brennan and carried by a vote of 4-0 to approve a new Professional Services Agreement with Dudek in the amount of \$108,610 for professional services for the Ventura Shellfish Enterprise (VSE) project 2018 Sea Grant Tasks.

**I) Approval of New Professional Services Agreement with Plauché & Carr, LLP for the 2018 NOAA Sea Grant Tasks**

Recommended Action: Voice Vote.

That the Board of Port Commissioners approve a new Professional Services Agreement with Plauché & Carr, LLP in the amount of \$40,000 for professional legal services for the Ventura Shellfish Enterprise (VSE) project 2018 Sea Grant Tasks.

Note: This item was pulled from the Consent Agenda.

**ACTION:** Commissioner Getchell moved, seconded by Commissioner Brennan and carried by a vote of 4-0 to approve a new Professional Services Agreement with Plauché & Carr, LLP in the amount of \$40,000 for professional legal services for the Ventura Shellfish Enterprise (VSE) project 2018 Sea Grant Tasks.

**J) Approval of New Professional Services Agreement with Carpi & Clay**

Recommended Action: Voice Vote.

That the Board of Port Commissioners approve a new Professional Service Agreement with Carpi & Clay, in the amount of \$60,000 annually, to provide the District with Federal Advocacy Services for 2019.

Note: This item was pulled from the Consent Agenda.

**ACTION:** Commissioner Getchell moved, seconded by Commissioner Brennan and carried by a vote of 4-0 to approve a new Professional Service Agreement with Carpi & Clay, in the amount of \$60,000 annually, to provide the District with Federal Advocacy Services for 2019.

**K) Approval of New Professional Services Agreement with Lagerlof, Senecal, Gosney & Kruse LLP**

Recommended Action: Voice Vote.

That the Board of Port Commissioners approve a new Professional Services Agreement with Lagerlof, Senecal, Gosney & Kruse LLP, based upon the hourly rates approved by the Board on December 12, 2018, to provide the District with Legal Services.

**ACTION:** Commissioner Brennan moved, seconded by Commissioner Stephens and carried by a vote of 4-0 to approve a new Professional Services Agreement with Lagerlof, Senecal, Gosney & Kruse LLP, based upon the hourly rates approved by the Board on December 12, 2018, to provide the District with Legal Services.

**STANDARD AGENDA:**

**1) Approval of Financial Statements and Checks for April through June 2018**

Recommended Action: Roll Call Vote.

That the Board of Port Commissioners adopt Resolution No. 3363 to:

- a) Accept the following draft financial statements for the quarter ended June 30, 2018, pending audit adjustment, and accounting for year-end GASB 68 and 75 journal entries; and
- b) Review the payroll and regular checks for April through June 2018.

**ACTION:** Commissioner Brennan moved, seconded by Commissioner Stephens and carried by a vote of 4-0 to adopt Resolution No. 3363 to accepting the draft financial statements for the quarter ended June 30, 2018, pending audit adjustment, and accounting for year-end GASB 68 and 75 journal entries; and review the payroll and regular checks for April through June 2018.

**2) Approval of Notice of Completion for the Ventura Harbor Village Reroofing Phase II Project**  
Recommended Action: Roll Call Vote.

That the Board of Port Commissioners adopt Resolution No. 3364,

- a) Accepting the work of Garland/DBS, Inc. on the Ventura Harbor Village Reroofing Phase II Project; and
- b) Authorize staff to prepare and record a Notice of Completion with the Ventura County Recorder.

**ACTION:** Commissioner Brennan moved, seconded by Commissioner Stephens and carried by a vote of 4-0 to adopt Resolution No. 3364, accepting the work of Garland/DBS, Inc. on the Ventura Harbor Village Reroofing Phase II Project; and authorize staff to prepare and record a Notice of Completion with the Ventura County Recorder.

**3) Approval of Notice of Completion for the Harbor Cove Beach Water Line Repair**

Recommended Action: Roll Call Vote.

That the Board of Port Commissioners adopt Resolution No. 3365,

- a) Accepting the work of Hansen Plumbing on the Harbor Cove Beach Water Line Repair Project; and
- b) Authorize staff to prepare and record a Notice of Completion with the Ventura County Recorder.

**ACTION:** Commissioner Brennan moved, seconded by Commissioner Stephens and carried by a vote of 4-0 to adopt Resolution No. 3365, accepting the work of Hansen Plumbing on the Harbor Cove Beach Water Line Repair Project; and authorize staff to prepare and record a Notice of Completion with the Ventura County Recorder.

**4) Approval of First Cloud, LLC Agreement**

Recommended Action: Voice Vote.

That the Board of Port Commissioners authorize the General Manager to provide First Cloud, LLC the approval of:

- A. The Nonexclusive Installation and Service Agreement between Time Warner Cable Enterprises, LLC ("Operator") and First Cloud, LLC ("Owner") that includes; and,
- B. Grant of Easement by and between First Cloud, LLC ("Owner") and Time Warner Cable Enterprises, LLC ("Operator").

**ACTION:** Commissioner Getchell moved, seconded by Commissioner Brennan and carried by a vote of 4-0 to authorize the General Manager to provide First Cloud, LLC the approval of the Nonexclusive Installation and Service Agreement between Time Warner Cable Enterprises, LLC ("Operator") and First Cloud, LLC ("Owner") that includes; and, Grant of Easement by and between First Cloud, LLC ("Owner") and Time Warner Cable Enterprises, LLC ("Operator").



Public Comment: Sam Sadove, Owner of Ventura Harbor Marina and Yacht yard is dissatisfied with AT&T and the agreement that the Port made with the Harbor. *"I pay \$700 a month for internet services that is shared among three tenants. That is seven times what is paid for in the Harbor. If there is a way for others to piggyback on something like this and there is an opportunity to have a competitor come in, we very much encourage it happening."*

**5) Approval of New Conflict of Interest and Disclosure Code**

Recommended Action: Roll Call Vote.

That the Board of Port Commissioners adopt Resolution No. 3366 to approve the new Conflict of Interest Code Policy and rescind Resolution No. 3361.

**ACTION:** Commissioner Brennan moved, seconded by Commissioner Getchell and carried by a vote of 4-0 to adopt Resolution No. 3366 to approve the new Conflict of Interest Code Policy and rescind Resolution No. 3361.

**6) FY 2018-2019 Harbor Village Leasing Strategy**

Recommended Action: Informational.

That the Board of Port Commissioners receive a presentation from Property Manager, Robin Baer on the FY 2018-2019 Harbor Village Leasing Strategy.

**ACTION:** The Board of Port Commissioners received a presentation from Property Manager, Robin Baer on the FY 2018-2019 Harbor Village Leasing Strategy; with the following Commissioner comments:

Commissioner Brennan – Explore regional opportunities; for carousel space, look into discovery zones.

Commissioner Stephens – Food and experience popular with visitors; continue to look at data.

Commissioner Getchell – Retail shopping is an experience; window dressings are important; highlight maritime heritage.

Commissioner Ashworth – Integrate thinking of a Harbor; information kiosks.

**AGENDA PLANNING GUIDE AND REQUEST FOR FUTURE AGENDA ITEMS:** Informational Report on Dredging Strategy.

**ADJOURNED TO CLOSED SESSION AT 8:34PM**

**RECONVENED PUBLIC SESSION AT 9:15PM**

**CLOSED SESSION REPORT:** Chairman Ashworth stated that the Board met in closed session; discussed and reviewed Items 4 and 5 on the closed session agenda. Staff was given instructions as to how to proceed as appropriate and there was no action taken that is reportable under The Brown Act.

**ADJOURNMENT:** The meeting was adjourned at 9:16PM.

  
Secretary