

# VENTURA PORT DISTRICT

---

## BOARD OF PORT COMMISSIONERS MINUTES OF JANUARY 20, 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 6:32PM 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 via teleconference  
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  
Elsa Sham via teleconference

**PUBLIC COMMUNICATIONS:** None.

**CONVENED TO CLOSED SESSION AT 6:33PM.**

**ADJOURNMENT:** Closed Session was adjourned at 6:45PM.

---

### 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 7:00PM at the Ventura Port District Administration Office, 1603 Anchors Way Drive, Ventura, CA 93001 and via Zoom Meeting.

**PLEDGE OF ALLEGIANCE:** By Clerk of the Board, Jessica Rauch.

**ROLL CALL:**

**Commissioners Present:**

Chris Stephens, Chairman  
Michael Blumenberg, Vice Chairman via teleconference  
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  
Dave Werneburg, Marina Manager via teleconference  
Joe Gonzalez, Capital Improvements Manager via teleconference  
Jennifer Talt-Lundin, Marketing Manager via teleconference  
Gloria Adkins, Accounting Manager via teleconference  
Robin Baer, Property Manager  
Sergio Gonzalez, Maintenance Supervisor

**Legal Counsel:**

Andy Turner via teleconference  
Elsa Sham via teleconference

**ADOPTION OF AGENDA**

**ACTION:** Commissioner Brennan moved to adopt the January 20, 2021 agenda.

Commissioner Ashworth 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 January 6, 2021 Regular Meeting and the January 6, 2021 Public Facilities Corporation Annual Meeting were considered as follows:

**ACTION:** Commissioner Blumenberg moved to approve the minutes of the January 6, 2021 Regular Meeting and the January 6, 2021 Public Facilities Corporation Annual Meeting.

Commissioner Gardina seconded. The vote was as follows:



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

**Motion carried 5-0.**

**PUBLIC COMMUNICATIONS:** None.

**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 Blumenberg visited the Village and commended staff on how clean it was after the winds. He also complemented the new patio at the old Blackbeard's space and looks forward to Sugar Lab opening. Commissioner Brennan reported that City Council will be having their goal setting workshop this weekend and asked if the District has given any input.

**STAFF AND GENERAL MANAGER REPORTS:** Mr. Pendleton reported that he worked with the Ventura County Special Districts Association to submit a letter to the County of Ventura asking for support for Special Districts throughout the County who have not been provided COVID funding. He also reported that tenants were notified of new COVID funding opportunities. Staff sent letters to its legislators asking to keep special districts in mind for funding. He also reported the unfortunate passing of District Landscaper Rigoberto Cardona. Mr. Higgins reported on the weather events that occurred over the past week. Mr. Mitchell gave an update on dredging and the Army Corps Work Plan.

**LEGAL COUNSEL REPORT:** None.

**CONSENT AGENDA:**

**A) Approval of Second Amendment to Brophy Bros. Restaurant & Clam Bar Restaurant Lease Agreement**

Recommended Action: Roll Call Vote.

That the Board of Port Commissioners approve the Second Amendment to the Lease between the Ventura Port District and Brophy and Sons, Inc. DBA Brophy Bros. Restaurant & Clam Bar.

Public Comment: John Bennett, owner of Brophy Bros. Restaurant & Clam Bar appreciated how fast the amendment was put together and commended staff for their assistance in responding during the wind event. Sam Sadove was pleased to see that the District would not use COVID impacted 2020 sales for determining the eligibility of Brophy Bros. to qualify for their Option. He also asked if there was a noticing requirement since this lease is over 10 years.

**ACTION:** Commissioner Brennan moved to approve the Second Amendment to the Lease between the Ventura Port District and Brophy and Sons, Inc. DBA Brophy Bros. Restaurant & Clam Bar.

Commissioner Ashworth seconded. The vote was as follows:

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

**Motion carried 5-0.**

**STANDARD AGENDA:**

**1) Approval of a Cooperative Agreement between the Ventura Port District and City of San Buenaventura for Maintenance Dredging of the Ventura Keys Stub Channel and Inner Harbor**

Recommended Action: Roll Call Vote.

That the Board of Port Commissioners approve the Cooperative Agreement for the Maintenance Dredging of the Ventura Keys Stub Channel between the Port District and the City of San Buenaventura.

Report by Todd Mitchell, Business Operations Manager.

Public Comment: None.

**ACTION:** Commissioner Blumenberg moved to approve the Cooperative Agreement for the Maintenance Dredging of the Ventura Keys Stub Channel between the Port District and the City of San Buenaventura.

Commissioner Gardina seconded. The vote was as follows:

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

**Motion carried 5-0.**

**2) Award of Contract for 1567 Spinnaker Drive Building A Reroofing Project**

Recommended Action: Roll Call Vote.

That the Board of Port Commissioners award the 1567 Spinnaker Drive Building A Reroofing Project contract to Garland/DBS, Inc. in the amount of \$291,982.

Report by Todd Mitchell, Business Operations Manager.

Public Comment: None.

**ACTION:** Commissioner Brennan moved to award the 1567 Spinnaker Drive Building A Reroofing Project contract to Garland/DBS, Inc. in the amount of \$291,982.

Commissioner Blumenberg seconded. The vote was as follows:

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

**Motion carried 5-0.**



**3) Brown Act Presentation**

Recommended Action: Informational.

That the Board of Port Commissioners receive a presentation from Lagerlof, LLP on the Ralph M. Brown Act.

Report by Andy Turner and Elsa Sham, Legal Counsel, Lagerlof, LLP.

Public Comment: Sam Sadove requested the presentation be included in the minutes; recited Government Code Section 54954.3; discussed the three parameters to be discussed in closed session; questioned why the Zoom meeting format changed; and recited Government Code Section 54953.3.

Legal Counsel's presentation was posted on the District's website.

Closed public comment at 8:22PM.

**ACTION: The Board of Port Commissioners received a presentation on the Ralph M. Brown Act.**

**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 public comment at 8:38PM.

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

**ADJOURNMENT:** The meeting was adjourned in honor of Rigoberto Cardona at 8:39PM.

The next meeting is Wednesday, February 3, 2021.

  
\_\_\_\_\_  
Brian Brennan, Secretary