



# **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

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### **PORT COMMISSION AGENDA**

**REGULAR MEETING**  
**WEDNESDAY, MARCH 17, 2021**

**TELECONFERENCE**  
**5 TELECONFERENCE LOCATIONS**

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

**CLOSED SESSION – 6:45PM**

**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:

<https://us02web.zoom.us/j/89718597532>

Webinar ID: 897 1859 7532

1-669-900-6833

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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](mailto: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](mailto: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.

<b>CLOSED SESSION – 6:45PM</b>
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**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.*

<b>CONVENE IN CLOSED SESSION – 6:50PM</b>
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**CLOSED SESSION AGENDA**

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

- |                      |   |
|----------------------|---|
| a) Property:         | <b>1583 Spinnaker Drive #212</b>  |
| Negotiating Parties: | Brian D. Pendleton, Todd Mitchell, Andy Turner<br>Randy Patrick dba Mindful Wealth Planners LLC |
| Under Negotiation:   | <b>Terms of New Office Lease Agreement</b>  |

**ADJOURNMENT**

<b>OPEN SESSION – 7:00PM</b>
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**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](http://www.venturaharbor.com).*

**APPROVAL OF MINUTES (3 minutes)**

*The Minutes of the March 3, 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) 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.

**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.

**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.



### **3) Ventura Shellfish Enterprise Next Steps**

#### Recommended Action: Roll Call Vote.

That the Board of Port Commissioners 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 31<sup>st</sup>, 2021
2. 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.

### **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.

### **ADJOURNMENT IN HONOR OF HARBOR PATROLMAN PAUL KORBER**

*This agenda was posted on Friday, March 12, 2021 by 5:00 p.m. at the Port District Office  
and online at [www.venturaharbor.com](http://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

## MARCH 17, 2021

### APPROVAL OF MINUTES

### MARCH 3, 2021 REGULAR MEETING

# VENTURA PORT DISTRICT

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## BOARD OF PORT COMMISSIONERS MINUTES OF MARCH 3, 2021

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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 6:01PM 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 6:02PM.

**CONVENED TO CLOSED SESSION AT 6:05PM.**

**ADJOURNMENT:** Closed Session was adjourned at 6:56PM.

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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 7:02PM at the Ventura Port District Administration Office, 1603 Anchors Way Drive, Ventura, CA 93001 and via Zoom Meeting.

**PLEDGE OF ALLEGIANCE:** By Vice-Chairman Blumenberg.

**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  
Dave Werneburg, Marina Manager via teleconference

**Legal Counsel:**

Andy Turner via teleconference

**ADOPTION OF AGENDA**

**ACTION:** Commissioner Brennan moved to add Special Standard Agenda Item 1 - Declaration of Emergency Pursuant to Keys Stub Channel Dredging Needs and Adoption of Resolution No. 3409 to the agenda.

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

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

**Motion carried 5-0.**

**ACTION:** Commissioner Brennan moved to adopt the March 3, 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 February 17, 2021 Regular Meeting were considered as follows:

**ACTION:** Commissioner Blumenberg moved to approve the minutes of the February 17, 2021 Regular Meeting.

Commissioner Ashworth seconded. The vote was as follows:

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

**Motion carried 5-0.**

**PUBLIC COMMUNICATIONS:** Jonra Cross, owner of Frenchies spoke about her hardships during COVID.

**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:** Vice-Chairman Blumenberg looks forward to the day where canned mussels are not imported but from Ventura Harbor. Commissioner Brennan asked how staff manages the old RVs parked on the street and in the Village parking lots. Commissioner Ashworth commented on Sugar Lab.

**STAFF AND GENERAL MANAGER REPORTS:** None.

**LEGAL COUNSEL REPORT:** None.

## **CONSENT AGENDA:**

**A) Approval of New Office Lease Agreement for Ted Mechtenberg dba DA Vega | Fisher | Mechtenberg LLP and Brian Cook**

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 Ted Mechtenberg dba DA Vega | Fisher | Mechtenberg LLP and Brian Cook for space located at 1567 Spinnaker Drive #201 & #202 consisting of approximately 1,500 square feet for a two (2) year term with a one (1) year option.

**ACTION:** Commissioner Brennan moved to approve a new Office Lease Agreement between the Ventura Port District dba Ventura Harbor Village and Ted Mechtenberg dba DA Vega | Fisher | Mechtenberg LLP and Brian Cook for space located at 1567 Spinnaker Drive #201 & #202 consisting of approximately 1,500 square feet for a two (2) year term with a one (1) year option.

Commissioner Gardina seconded. The vote was as follows:

**AYES:** Commissioner Stephens, Brennan, Gardina, Ashworth, Blumenberg

**NOES: None.**

**Motion carried 5-0.**

**B) Approval of New Office Lease Agreement for Jeff M. Moorhouse dba Moorhouse Financial Services, Inc.**

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 Jeff M. Moorhouse dba Moorhouse Financial Services, Inc. for space located at 1575 Spinnaker Drive #201 consisting of approximately 439 square feet for a three (3) year term with a three (3) year option.

**ACTION:** Commissioner Brennan moved to approve a new Office Lease Agreement between the Ventura Port District dba Ventura Harbor Village and Jeff M. Moorhouse dba Moorhouse Financial Services, Inc. for space located at 1575 Spinnaker Drive #201 consisting of approximately 439 square feet for a three (3) year term with a three (3) year option.

Commissioner Gardina seconded. The vote was as follows:

**AYES: Commissioner Stephens, Brennan, Gardina, Blumenberg**

**NOES: None.**

**ABSTAINED: Commissioner Ashworth**

**Motion carried 4-0-1.**

**SPECIAL STANDARD AGENDA ITEM 1:**

**Declaration of Emergency Pursuant to Keys Stub Channel Dredging Needs and Adoption of Resolution No. 3409**

Recommended Action: Roll Call Vote.

That the Board of Port Commissioners take the following actions:

- A) Pursuant to the Government Code, add consideration of Resolution 3409 to the agenda:
  - a. §54954.2 (b) Notwithstanding subdivision (a), the legislative body may take action on items of business not appearing on the posted agenda under any of the conditions stated below. Prior to discussing any item pursuant to this subdivision, the legislative body shall publicly identify the item.
  - b. §54954.2 (b)(2) Upon a determination by a two-thirds vote of the members of the legislative body present at the meeting, or, if less than two-thirds of the members are present, a unanimous vote of those members present, that there is a need to take immediate action and that the need for action came to the attention of the local agency subsequent to the agenda being posted as specified in subdivision (a).
- B) Find, based upon the evidence presented below, the matter of the conditions of the Ventura Inner Harbor Stub Channel require emergency dredging and adopt Resolution No. 3409.
- C) The Board hereby delegates to the District's General Manager the authority to:
  - a. take any action required to respond to the emergency;
  - b. submit any/all emergency permit applications and documents required to support this action's completion;

- c. to procure the necessary equipment, services, and supplies for those purposes, without giving notice for bids to let contracts; and,
- d. Request that the City of San Buenaventura Council to adopt a similar Declaration of Emergency.

Report by Brian D. Pendleton, General Manager.

PUBLIC COMMENT: Sam Sadove commented that this was critical last year and asked why this is happening now.

**ACTION:** Commissioner Brennan moved to find, based upon the evidence presented, the matter of the conditions of the Ventura Inner Harbor Stub Channel require emergency dredging and adopt Resolution No. 3409 and authorize the General Manager to:

- a) take any action required to respond to the emergency;
- b) submit any/all emergency permit applications and documents required to support this action's completion;
- c) to procure the necessary equipment, services, and supplies for those purposes, without giving notice for bids to let contracts; and,
- d) request that the City of San Buenaventura Council adopt a similar Declaration of Emergency.

Commissioner Ashworth seconded. The vote was as follows:

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

**Motion carried 5-0.**

#### **STANDARD AGENDA:**

##### **1) Approval of Financial Statements and Checks for October through December 2020**

Recommended Action: Roll Call Vote.

That the Board of Port Commissioners adopts Resolution No. 3407 to:

- a) Accept the financial statements for the Quarter ending December 31, 2020; and,
- b) Review the payroll and regular checks for October through December 2020.

Report by Brian D. Pendleton, General Manager.

PUBLIC COMMENT: None. Closed at 7:57PM.

**ACTION:** Commissioner Brennan moved to adopt Resolution No. 3407 to:

- a) Accept the financial statements for the Quarter ending December 31, 2020; and,
- b) Review the payroll and regular checks for October through December 2020.

**Commissioner Gardina seconded. The vote was as follows:**

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

**Motion carried 5-0.**

**2) Consideration of Adoption of Ordinance No. 54, Authorizing Execution of a New Restaurant Lease Agreement with Options for Andria's Seafood Specialties dba Andria's Seafood Restaurant**

Recommended Action: Roll Call Vote.

That the Board of Port Commissioners:

- a) Conduct a public hearing for the purpose of receiving input on proposed Ordinance No. 54;
- b) Waive reading and direct Clerk to place Ordinance No. 54 in the record of this meeting; and
- c) Adopt Ordinance No. 54, which authorizes execution of a new five (5) year Restaurant Lease Agreement with three (3) five (5) year options (for a total of 20-years) between the Ventura Port District dba Ventura Harbor Village and Andria's Seafood Specialties dba Andria's Seafood Restaurant.

Report by Brian D. Pendleton, General Manager.

**ACTION: Chairman Stephens opened the public hearing at 7:59PM for the purpose of receiving input on proposed Ordinance No. 54. The reading of proposed Ordinance No. 54 was waived. There was no public comment. The public hearing was closed by Chairman Stephens at 8:00PM.**

PUBLIC COMMENT: None.

**ACTION: Commissioner Brennan moved to adopt Ordinance No. 54 as follows:**

**ORDINANCE NO. 54**

**AN ORDINANCE OF THE BOARD OF PORT COMMISSIONERS  
OF VENTURA PORT DISTRICT APPROVING A NEW  
RESTAURANT LEASE AGREEMENT WITH OPTIONS BETWEEN THE VENTURA PORT  
DISTRICT AND ANDRIA'S SEAFOOD SPECIALTIES DBA ANDRIA'S SEAFOOD  
RESTAURANT**

(California Harbors and Navigation Code section 6270)

The Board of Port Commissioners of the Ventura Port District hereby ordains as follows:  
The General Manager of the Ventura Port District is authorized and directed to execute the New Restaurant Lease between Ventura Port District dba Ventura Harbor Village and Andria's Seafood Specialties dba Andria's Seafood Restaurant with a commencement date of June 1, 2021.

PASSED, APPROVED AND ADOPTED at a Regular Meeting of the Board of Port Commissioners of Ventura Port District held on March 3, 2021.



**Commissioner Blumenberg seconded. The vote was as follows:**

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

**Motion carried 5-0.**

**3) Authorization to Submit an Application for the Department of Boating and Waterways  
2021 Launch Ramp Repair Grant**

Recommended Action: Roll Call Vote.

That the Board of Port Commissioners adopt Resolution No. 3408, authorizing the General Manager to submit an application for the Department of Boating and Waterways 2021 Launch Ramp Repair Grant in the amount of \$78,000.

Report by Brian D. Pendleton, General Manager.

PUBLIC COMMENT: Sam Sadove recommended specific equipment to use for the repairs.  
Closed at 8:07PM

**ACTION: Commissioner Brennan moved to adopt Resolution No. 3408, authorizing the General Manager to submit an application for the Department of Boating and Waterways 2021 Launch Ramp Repair Grant in the amount of \$78,000. Commissioner Gardina seconded. The vote was as follows:**

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

**Motion carried 5-0.**

**4) Approval of Portside Partners Loan Extension**

Recommended Action: Roll Call Vote.

That the Board of Port Commissioners:

- a) Approve a loan extension for the Portside Partners project; and
- b) Authorize the General Manager to execute the Ground Lease Estoppel Certificate.

Report by Brian D. Pendleton, General Manager.

PUBLIC COMMENT: Michael Sondermann, owner of Portside Partners spoke about the project.  
Closed at 8:14PM.

**ACTION: Commissioner Ashworth moved to approve a loan extension for the Portside Partners project and authorize the General Manager to execute the Ground Lease Estoppel Certificate.**

**Commissioner Gardina seconded. The vote was as follows:**

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

**Motion carried 5-0.**

**5) Ventura Port District Goals and 5-Year Objectives: Public and Civic Engagement Plan**  
Recommended Action: Informational.

That the Board of Port Commissioners receive an informational report on the development of a Public and Civic Engagement Plan as part of the Ventura Port District's 5-Year Objectives.

Report by Brian D. Pendleton, General Manager.

PUBLIC COMMENT: None. Closed at 8:33PM

**ACTION: The Board of Port Commissioners received an informational report on the development of a Public and Civic Engagement Plan as part of the Ventura Port District's 5-Year Objectives.**

**6) 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.**

**7) City of Ventura 2021 Water and Wastewater Rate Study**

Recommended Action: Informational.

That the Board of Port Commissioners receive an informational report from the City of Ventura regarding the 2021 Water and Wastewater Rate Study.

Report by Akbar Alikhan, Assistant City Manager and Susan Rungren, Ventura Water General Manager.

PUBLIC COMMENT: None.

**ACTION: The Board of Port Commissioners received an informational report from the City of Ventura regarding the 2021 Water and Wastewater Rate Study.**

**ADJOURNMENT:** The meeting was adjourned at 9:08PM.

The next meeting is Wednesday, March 17, 2021.

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Brian Brennan, Secretary



# BOARD OF PORT COMMISSIONERS

MARCH 17, 2021

## DEPARTMENTAL STAFF REPORTS

FEBRUARY 2021

&

LONG TERM GOALS

5-YEAR OBJECTIVES

INDEX

**Ventura Port District - Long Term Goals 5-Year Objectives**

<b>Long Term Goals</b>				
<b>#</b>	<b>Category</b>		<b>Sub #</b>	<b>Intent/Strategy</b>
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.
2	Commercial & Recreational Boating & Fishing	Support and promote commercial and recreational boating and fishing.		
3	Economic Vitality	Increase economic development, vitality, and diversity of the District through effective leasing and marketing strategies.		
4	Sustainability	Promote sustainable use of our natural environment through business practices and programs designed in concert with our tenants, educators, agencies, and interest groups.		
5	Relationships	Build respectful, productive, and mutually beneficial business relationships with our tenants, public agencies, elected officials and the community.		
6	Public Service	Provide exceptional public service and transparency at all levels within the organization through effective leadership, training, mentoring, and oversight. This promotes accountability, increased public trust, and a more efficient, effective and public focused organization.		

<b>5 Year Objectives</b>				
<b>#</b>	<b>Category</b>	<b>Objective</b>	<b>Sub #</b>	<b>Intent/Strategy</b>
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
			2	Provide an on-going leadership role and active participation with California Marine Affairs and Navigation Conference (CMANC) and other relevant organizations in support of federal and state assistance
			3	Ventura Port District Dredging
E	Public and Civic Engagement Plan	Strengthen communication and further develop close working relationships with stakeholders, business partners, and civic leaders	1	Collaborate with business partners and stakeholders through increased engagement, communication, and participation.
			2	Collaborate with City, regional, state, and federal agency officials in pursuit of mutually beneficial projects, programs
			3	Public and Civic Engagement Planning
F	Commercial Fishing	Support current commercial fishing industry central to Ventura's premier working waterfront through: stakeholder engagement, diversification, and infrastructure improvements	1	Reactivate Ventura's commercial fishing association and/or establish fishermen working group as part of improved stakeholder engagement
			2	Continue improvements of Commercial Fishing Industry service offerings by District
			3	VSE Project Grant utilization
			4	Complete permitting, regulatory, and legislative approvals for VSE project
			5	VSE Subleasing
M	Master Tenants & Parcels 5+8	Collaborate with existing and future Master Tenants to maintain, improve, and develop the Harbor	1	Engagement and support of Master Tenants for successful business operations at the Harbor
			2	Evaluate opportunities for Parcels 5 and 8
P	National/State Parks Collaboration	Maintain Channel Islands National Park Service (NPS) presence at Harbor	1	Coordinate with NPS Superintendent and General Services Administration (GSA) to secure long-term leases for NPS personnel currently located at 1441 and 1691 Spinnaker Dr. (Harbor Village)
		Draw upon Ventura Harbor area Nat'l. & State parks and wetland areas to enhance ecotourism	2	Coordinate with National & California State Parks to develop destination-based ecotourism offerings
T	Village Parking & Traffic	Continue to increase and/or maximize visitor parking and traffic circulation during busy periods	1	Evaluate pedestrian, bicycling, transit networks and parking within and around the Harbor
			2	Pursue needed improvements and management plans
			3	Evaluate pedestrian, bicycling, transit networks and pursue needed improvements, enforcement strategies in partnership with the City
V	Harbor Village	Maintain and improve Harbor Village infrastructure and enhance the overall visitor experience	1	Complete Harbor Village refresh programs
			2	Leasing/Property Management Action Plan
			3	Marketing Action Plan

# DEPARTMENTAL STAFF REPORTS

## CAPITAL PROJECTS

### **LONG-TERM GOALS:**

#### Goal 1: Safety & Navigation

Maintain and enhance a safe and navigable harbor

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.

#### Goal 3: Economic Vitality

Increase economic development, vitality, and diversity of the District through effective leasing and marketing strategies

#### Goal 4: Sustainability

Promote sustainable use of our natural environment through business practices and programs designed in concert with our tenants, educators, agencies, and interest groups

#### Goal 5: Relationships

Build respectful, productive, and mutually beneficial business relationships with our tenants, public agencies, elected officials, and the community.

#### Goal 6: Public Service

Provide exceptional public service and transparency at all levels within the organization through effective leadership, training, mentoring, and oversight. This promotes accountability, increased public trust, and a more efficient, effective, and public focused organization.

### **5-YEAR OBJECTIVES:**

#### Objective E: Public and Civic Engagement Plan

Strengthen communication and further develop close working relationships with stakeholders, business partners, and civic leaders

1: Collaborate with business partners and stakeholders through increased engagement, communication, and participation.

#### Objective F: Commercial Fishing

Support current commercial fishing industry central to Ventura's premier working waterfront through: stakeholder engagement, diversification, and infrastructure improvements

2: Continue improvements of Commercial Fishing Industry service offerings by District

#### Objective V: Harbor Village

Maintain and improve Harbor Village infrastructure and enhance the overall visitor experience.

1: Complete Harbor Village refresh programs

**VENTURA PORT DISTRICT**  
**DEPARTMENTAL STAFF REPORT**

Meeting Date: March 17, 2021

TO: Board of Port Commissioners  
FROM: Todd Mitchell, Business Operations Manager  
Joe A. Gonzalez, Capital Projects Manager  
SUBJECT: February 2021 Capital Projects Report

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***CALIFORNIA COASTAL CONSERVANCY FISHERIES GRANT***

**Status: Ongoing**

**Budget: On Budget**

On September 29, 2020, the District received grant documentation from the California Coastal Conservancy for a \$318,600 Fisheries Grant which was accepted by the Board of Port Commissioners at its October 7<sup>th</sup> meeting. The final grant award contract makes relevant costs incurred by the District after May 1, 2020 reimbursable up to \$316,800. The grant is being used to fund two projects: 1) the modernization of the Fishermen's Storage Yard and, 2) the procurement and installation of a second derrick crane for the fish pier. Staff has submitted a draft Work Program to the Conservancy and is awaiting approval which will be followed by an updated budget proposal.

**1) Modernization of the Fishermen's Storage Yard**

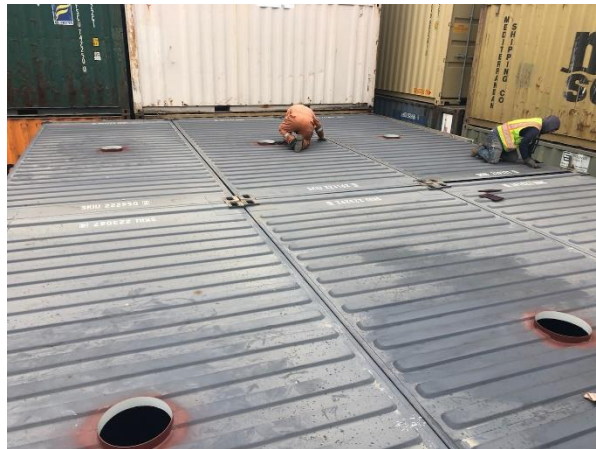
Per the District's procurement policy, a notice inviting bids was published for the repaving of the fishmen's storage yard. The Board awarded this project to Staples Construction Company, Inc. at the January 6<sup>th</sup> meeting. Similarly, the District held a public bid to secure the 26 storage containers for the project and Container Alliance was awarded the procurement at the December 16<sup>th</sup> Board meeting.

Staples Construction "broke ground" on February 8<sup>th</sup>. An underground survey, saw cutting, and removal of asphalt got underway in the first week. An on-site meeting was held on February 10<sup>th</sup> with representatives from Staples Construction, the storage yard and the District. Scheduling and statistics were reviewed to maintain the path to a successful project completion.





Phase one has been completed and we are now entering phase two. The District has been informed that all 26 containers have arrived and are stored in a nearby yard within the City of Ventura. The containers are currently being prepared for the roof waterproofing and some have already been completed. Staff has made several site visits to inspect the work and ensure the waterproofing is being applied per the recommended specifications.



Staff is working closely with the Container Alliance on a delivery schedule. We anticipate starting the deliveries of the containers to the fishermen's storage yard by the fourth week of March.

## **2) Procurement and Installation of a Second Derrick Crane**

The fish pier crane galvanizing application was inspected by an independent third party and has been approved by staff. Final payment was made to Allied Power Products. The unassembled crane has been delivered to the District and is being stored at the Boatyard while the fish pier is being prepped for installation. Staff is currently working on the mounting procedures, design, and base fabrication with contractors and engineers. Installation is anticipated to be complete in April.

## ***1559 ADA RESTROOMS UPGRADE***

**Status: Ongoing**

**Budget: On Budget**

On December 16<sup>th</sup>, the Board awarded the Ventura Harbor Village ADA Restroom Remodel Contract for 1559 Spinnaker Drive to Tomar Construction Inc. The project continues to go as planned with minimum impact to the surrounding tenants and the public. The two second floor restrooms are awaiting final inspection from the City. Once the City inspectors have inspected and signed off, the restrooms will be open to the public. As for the first-floor restroom, the



contractor is awaiting hardware that has been delayed. Staff is anticipating having all three public restrooms back in service by the end of this March.

As of today, staff is please with Tomar Construction's performance and communication to staff.



### **1567 SPINNAKER DRIVE AWNINGS**

**Status: Completed**

**Budget: On budget**

Two new awnings have been installed at 1567 Spinnaker Drive. The new approved color matched perfectly with the new building colors. Two of these new awnings were essential to protect controls and sensors for the elevator accessing Margarita Villa.



### **ADDITIONAL PROJECTS**

- 1591 Suite 207 (TI's)
- 1575 Suite 207 & 208 (TI's)
- 1591 Suite 112 ADA entry upgrades
- 1575 Suite 104 (Sugar Lab)
- VHV trash enclosures project
- 1591 Suite 201 (TI's)

Status: Completed within budget

Status: Completed within budget

Status: Waiting on the City for plans approval

Status: Completed

Status: Under building and safety review

Status: Project started

# DEPARTMENTAL STAFF REPORTS

## DREDGING

### **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

#### Goal 2: Commercial & Recreational Boating & Fishing

Support and promote commercial and recreational boating and fishing

#### Goal 5: Relationships

Build respectful, productive, and mutually beneficial business relationships with our tenants, public agencies, elected officials, and the community.

### **5-YEAR OBJECTIVES:**

#### 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
- 2: Provide on-going leadership role and active participation with California Marine Affairs and Navigation Conference (CMANC) and other relevant organizations in support of federal and state assistance.
- 3: Ventura Port District Dredging

**VENTURA PORT DISTRICT**  
**DEPARTMENTAL STAFF REPORT**

Meeting Date: March 17, 2021

TO: Board of Port Commissioners  
FROM: Brian D. Pendleton, General Manager  
Todd Mitchell, Business Operations Manager  
SUBJECT: February 2021 Dredging Report

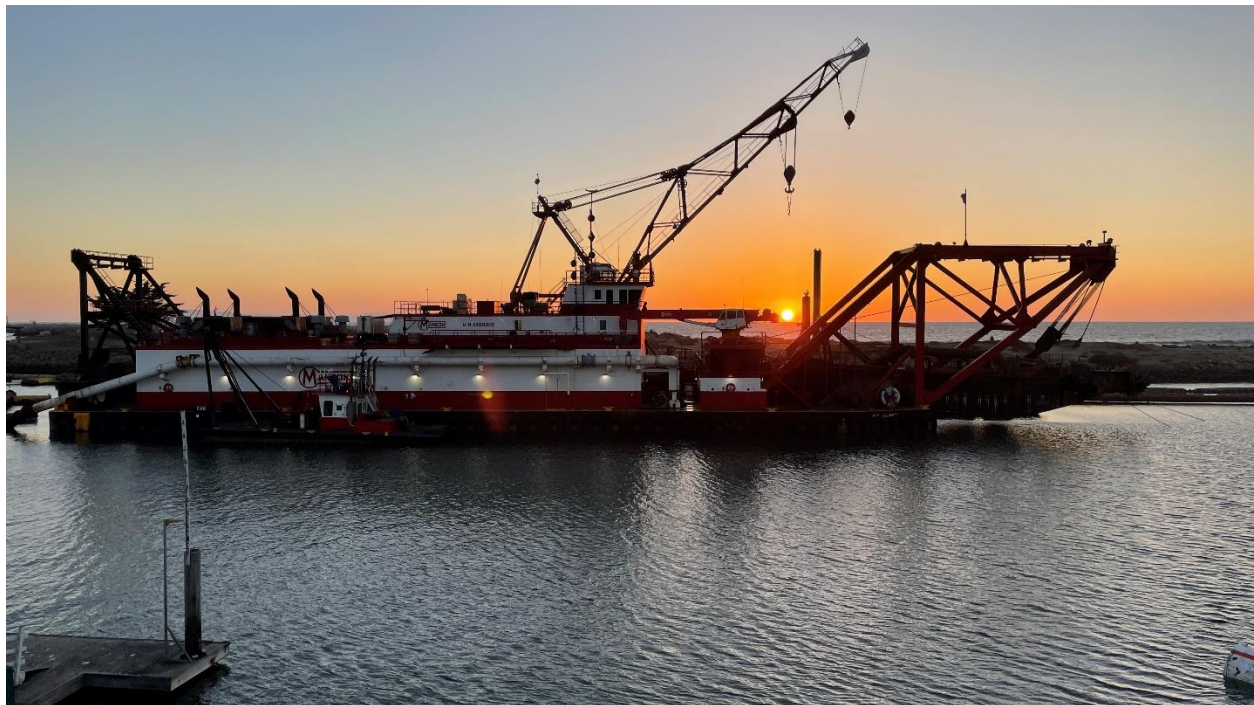
**VENTURA HARBOR ENTRANCE CHANNEL DREDGING**

On February 4<sup>th</sup>, the District hosted a preconstruction meeting with the US Army Corps of Engineers (USACE), Manson Construction, Rincon Consultants, and staff in advance of the start of dredging of the Ventura Harbor entrance channel. All stakeholders were able to advise on key elements of the project, including the start date, emergency contacts, discussion on beach nourishment, and general expectations from all parties. USACE advised that the contract was going to be amended to allow for 600,000 cubic yards of dredging.

Late afternoon on February 9<sup>th</sup>, dredging began with initial placement of material south of the South Jetty to reestablish sufficient beach width for the pipeline to be safely placed. Dredging took place 24-hours a day with minimal disruption due to large debris blockages and mechanical issues but there were a couple of weather disruptions.

On March 3<sup>rd</sup>, the H.R. Morris had completed dredging the full 600,000 cubic yards of material that was budgeted and dredging halted. The program was successful, and the sand trap and entrance channel are in excellent condition for the coming year. South Jetty Beach and Surfer's Knoll beach were well nourished; however the beaches are not as wide as in years past.

Dredging equipment remains on standby pending potential approval from regulators to dredge the inner harbor Stub Channel.



*Manson Construction's H.R. Morris cutter-head dredge outside the Ventura Port District office.*



### **INNER HARBOR DREDGING – WAIVER OF PERMIT CONDITIONS FOR 2021**

Due to the fact that the Santa Clara River mouth remains closed and the river is flowing below 100 cubic feet per second, the permits that the Ventura Port District and City of Ventura hold with the USACE, Los Angeles Regional Water Quality Control Board (LARWQB), and the California Coastal Commission (CCC) have unsatisfied conditions. Therefore, the agencies cannot authorize the dredging of the Stub Channel, which remains restricted due to material influx from the Arundell Barranca and is compounded by higher levels of motorized and non-motorized vessels in the area.

Because a change in the river conditions seemed very unlikely, on February 16<sup>th</sup>, District staff discussed with Rincon Consultants the potential for seeking a permit waiver from the agencies. Over the following weeks, staff and Rincon met with USACE, LARWQB, and CCC to discuss possible options to waive the permit conditions. On February 25<sup>th</sup>, the USACE issued a Regional General Permit 24 proposing a one-time amendment to the permit with that agency.

Unfortunately, it was determined that LARWQB and CCC did not have the discretionary authority to provide a similar waiver for the conditions in the District's and City's permits with those agencies. Only an emergency waiver would be a suitable course of action.

Rincon, staff and City of Ventura staff continued to work with the agencies to establish the basis for the emergency and the Board declared a state of emergency relative to the Stub Channel conditions via Resolution No. 3409 at the March 3, 2021 Board Meeting.



*Surfer's Knoll beach suffered significant erosion this winter. Santa Clara River mouth (red arrow) remains closed. Image taken by Harbor Patrol on January 14, 2021.*

### **INNER HARBOR DREDGING – PERMIT AMENDMENTS**

Both the Ventura Port District and the City of Ventura seek to amend the permits which allow the agencies to perform inner harbor maintenance dredging. The amendment would allow placement of inner harbor dredge material south of the harbor entrance below the high-tide line even when the Santa Clara river mouth is closed. Rincon Consultants and Jon Moore have provided analyses and reports to support such an amendment.

During the process of seeking a one-time waiver, the activities of advancing permit amendments have been deferred. However, these actions and the dialogue with the agencies continues to provide context and background of why the permit amendments are necessary.

## **POLITICAL ACTIVITIES**

On February 18, 2021, the Business Operations Manager presented to the Beach Erosion Authority for Clean Oceans and Nourishment (BEACON), which is a California Joint Powers Agency, during their Ventura County Sand Summit on the status and activities in dredging and beach nourishment. This is an excellent opportunity for our neighboring agencies to share and collaborate on related issues for beaches, sediment, and dredging.

On February 25<sup>th</sup> and 26<sup>th</sup>, staff participated in the California Maritime and Navigation Conference (CMANC) “virtual DC fly-in”. This meeting is where CMANC (which represents ports and harbors throughout California) meet with federal elected officials and their staffers as well as federal agency headquarters staff to discuss the system of ports and harbors that work together in California. The key advocacy objective is to see that the USACE continues to receive sufficient funding to perform the needed maintenance dredging for Californian ports and harbors. Another point relevant this year was to advocate for the inclusion of Special Districts in COVID-19 relief funding.

Staff participated in virtual calls with staff from the offices of Speaker Pelosi, Senator Feinstein, Senator Padilla, the Office of Management and Budget, Senate Committees of Energy & Water and Science, Congressional Representatives Garamendi, Napolitano, Valadao, and Jacobs. Staff also participated in calls with USACE and the Bureau of Ocean Energy Management.

# DEPARTMENTAL STAFF REPORTS

## FACILITIES

### **LONG-TERM GOALS:**

#### Goal 1: Safety & Navigation

Maintain and enhance a safe and navigable harbor

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.

#### Goal 3: Economic Vitality

Increase economic development, vitality, and diversity of the District through effective leasing and marketing strategies

#### Goal 4: Sustainability

Promote sustainable use of our natural environment through business practices and programs designed in concert with our tenants, educators, agencies, and interest groups

#### Goal 5: Relationships

Build respectful, productive, and mutually beneficial business relationships with our tenants, public agencies, elected officials, and the community.

#### Goal 6: Public Service

Provide exceptional public service and transparency at all levels within the organization through effective leadership, training, mentoring, and oversight. This promotes accountability, increased public trust, and a more efficient, effective, and public focused organization.

### **5-YEAR OBJECTIVES:**

#### Objective E: Public and Civic Engagement Plan

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1: Complete Harbor Village refresh programs

**VENTURA PORT DISTRICT**  
**DEPARTMENTAL STAFF REPORT**

Meeting Date: March 17, 2021

TO: Board of Port Commissioners  
FROM: Todd Mitchell, Business Operations Manager  
Sergio Gonzalez, Maintenance Supervisor  
SUBJECT: February 2021 Facilities Report

**MAINTENANCE ACTIVITIES**

**COVID-19 MAINTENANCE RESPONSE /UPDATE**

**Status: Ongoing**

**Budget: Over normal operating budget**

VPD Maintenance Department has continued to respond to the COVID-19 pandemic by maintaining increased janitorial services throughout the District with a concentration on high-touch surfaces, including restrooms, door handles, etc.

Maintenance staff continues to work with shifts staggered to minimize overlap in arrival and departure times. Staff has been provided reusable washable face coverings and surgical masks, nitrile gloves and disinfectant wipes upon request. Staff has continued to self-screen and log all data entry. Morale remains good and Village facilities are kept at a high standard of cleanliness.

Signage has been placed throughout the village addressing the social distancing guidelines. We continue to work with tenants to ensure cooperative compliance with these orders.



All restrooms throughout the Village are open. Hours were reduced based on restaurant hours and to discourage issues with vandalism and theft. As of March 1, 2021, we have opened all the public restrooms at the Village. Open restroom hours have been adjusted to close at 11:00 pm.

**VENTURA HARBOR VILLAGE IDENTIFIED INTRUSIVE TREE REMOVAL**

**Status: Completed**

**Budget: Budgeted**

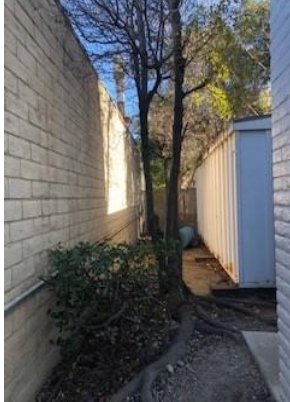
Four trees were identified throughout VHV properties that were causing subterranean damage and were scheduled to be removed by a tree service contractor. The trees were removed by the contractor on February 10<sup>th</sup>.

- A Pittosporum tree located at VHV 1431 causing walkway damage.

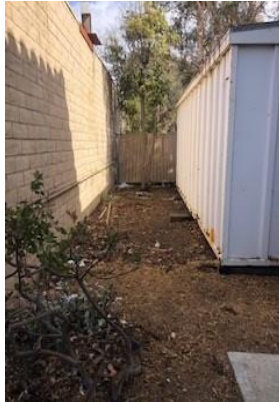


- A Bird of Paradise located inside the VHV 1567 courtyard causing walkway damage.
- A Pine tree located at VHV 1449 adjacent to restrooms causing walkway damage.
- A Canary Island palm on VHV 1559 promenade causing walkway damage.

Pittosporum @ 1449



Removed Pittosporum



Canary palm @ 1559



Removed Canary palm



## VENTURA HARBOR VILLAGE PALM TREE TRIMMING

**Status: Completed**

**Budget: Budgeted**

A service contract was initiated and completed with a tree trimming company to trim all 39 Mexican fan palms, three Queen palms and one Canary Island palm located at VHV properties from 1431 to 1691.

1449 palm trees



1449 trimmed palms



1583 palm trees



1583 trimmed palms





## **VENTURA HARBOR VILLAGE 1591 BLACKBEARDS SUITE #115 PROMENADE ENTRANCE REPAIR**

**Status: Completed**

**Budget: Budgeted**

Wooden steps leading into the VHV 1591 suite #115 (Blackbeard's) were deemed unsafe due to dry rot and were removed to expose original concrete step leading to the entrance. Handrail was removed from wooden deck and reposted on concrete steps after being painted to match new color scheme. Contrast lines were painted to steps to add safety.

VHV 1591 Suite #115 wooden step



VHV 1591 exposed concrete steps with repairs



## **F-DOCK HEAVY DUTY BOLLARD T-CLEAT INSTALL**

**Status: Completed**

**Budget: Budgeted**

Special request to Marina Department from boating tenant on F-Dock slip #22 to relocate damaged tie down or replace with a heavy-duty bollard tee tie down cleat was granted and completed. Old cleat was eventually requested by tenant to leave in place to give the boat additional tie down options. Refurbished heavy-duty bollard tee cleat was installed on installation spot requested by boater.

Existing bollard cleat



Installed additional bollard cleat.



**CAPITAL PROJECT MANAGER/ PROPERTY MANAGER:**

Assist Capital Projects Manager and Property Manager with pending tenant improvement projects at VHV 1575 suite #207/208 and VHV 1591 suite #207.

**MARINA/MARKETING DEPARTMENTS:**

The Maintenance Department has provided support for planning and installation of the new Fish Pier crane, including the assembly of the new control box. John Collins will continue to work with the contractor and engineer to ensure all of the District's technical needs are met during assembly.

The Maintenance Department continues to perform monthly inspections on all gangways, docks, fire extinguishers and fire boxes. Assist Marketing Department with banner placement and COVID-19 related signage.

**HARBOR PATROL:**

Assist in the everyday operations by performing preventive maintenance and on the spot repairs of equipment, vehicles, and vessels.

**FACILITIES:**

Staff continues to perform everyday maintenance and on the spot repairs throughout the Ventura Harbor Village and other VPD properties.

# DEPARTMENTAL STAFF REPORTS

## FEDERAL

### **LONG-TERM GOALS:**

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2. Provide on-going leadership role and active participation with California Marine Affairs and Navigation Conference (CMANC) and other relevant organizations in support of federal and state assistance
- 3: Ventura Port District Dredging

## Update on COVID-19 Relief Bill

Early Saturday morning, the House passed another COVID-19 relief bill entitled the “American Rescue Plan Act of 2021” by a vote of 219-212. The bill would provide \$1.9 trillion in funding to help address the various impacts of the COVID-19 pandemic, including the following:

- \$350 billion for state and local governments
  - \$65 billion for counties and \$65 billion for cities
  - No deadline for spending funds
  - Revenue replacement is an eligible use
  - Unclear if funding can be transferred to special districts
- Extends the Families First Coronavirus Response Act paid sick time and paid family leave credits from March 31, 2021 to September 30, 2021. Allows state and local governments to access the paid sick time and paid family leave credits.
- \$25 billion for Emergency Rental Assistance (which also allows for payment of utility bills).
- \$500 million for the Low-Income Household Drinking Water and Wastewater Emergency Assistance Program that would remain available through September 30, 2023.
- \$8 billion for airports
- \$15 billion for airlines and airline contractors
- \$9 million for the FAA Employee Leave Fund
- \$30.4 billion for transit funding including funding formula grants and the Capital Investment Grants (CIG) program
- \$130 billion for schools re-opening
- \$20 billion for national vaccine program

The bill has now been sent to the Senate for consideration. Senate Democrats are hoping to move quickly, with the goal of passing the bill by the end of the week. However, once the bill passes the Senate, it will have to go back to the House for its consideration. This is because it is expected that the Senate will make changes to the House bill. Most notably, the House bill currently contain language to increase the minimum wage to \$15/hour. The Senate parliamentarian has ruled that this language cannot remain in the bill as it violates Senate rules, so it will be removed. Senators will also have an opportunity to offer amendments to

the bill, so there could be additional changes made on the Senate side. President Biden has indicated that he would like to receive a bill passed by Congress by March 14<sup>th</sup>.

## Earmarks

Late last week, Chair of the House Appropriations Committee, Rep. Rosa DeLauro (D-CT) announced that earmarks, which will now be called Community Project Funding, will be returning in the Fiscal Year 2022 (FY22) appropriations bills. So far, the information that has been released about Community Project Funding is as follows:

- Members of Congress can only request a maximum of 10 projects
- Members can only request projects from state and local governments and eligible non-profits
- All requests will be posted on Member's websites
- Members must certify to the Committee that they have no financial interests in requested projects
- Limited number of accounts will be available for Community Project Funding
- Appropriations subcommittees will post list of projects to be included in their bills 24 hours before markup
- Total funding for all Community Project Funding will be capped at one percent of discretionary spending

While it has been reported that House and Senate Democrats have agreed on moving forward with Community Project Funding, Senate Appropriations Chair, Sen. Patrick Leahy (D-VT), has yet to release any information. Additionally, Republicans leadership in the House nor the Senate have stated whether or not their caucus will also participate in this proposal.

## Rep. Napolitano Reintroduces Title XI Legislation

Rep. Grace Napolitano (D-CA) has reintroduced the "Water Recycling Investment and Improvement Act" (H.R. 1015). This bill would increase the funding authorization for the Bureau of Reclamation's Title XVI water recycling competitive grant program from \$50 million to \$500 million. Identical legislation was sponsored by Napolitano in the 116th Congress (H.R. 1162) and was included in the Moving Forward Act (H.R. 2), which passed the House in July of 2020.

## Members Launch Bipartisan Wildfire Caucus

Reps. Joe Neguse (D-CO) and John Curtis (R-UT) have launched the Bipartisan Wildfire Caucus. The Caucus will focus on raising awareness and building consensus around wildfire management and preparation. So far, a total of eight Members have joined the Caucus: Reps. Peter DeFazio (D-OR), Ann Kirkpatrick (D-AZ), Doug LaMalfa (R-CA), Tom O'Halleran (D-AZ), Blake Moore (R-UT), Kurt Schrader (D-OR), Mike Simpson (R-ID) and Chris Stewart (R-UT). Additionally, Reps. Neguse and Curtis reintroduced the "Wildfire Recovery Act" (HR 1066) that would allow for the Federal Emergency Management Agency (FEMA) to raise the federal cost share above 75% for wildfires.

## FEMA Increases Federal Cost Share for COVID-19 to 100 Percent

In early February, the Federal Emergency Management Agency (FEMA) announced that it would increase the federal cost share for COVID-19 Public Assistance from 75 to 100 percent. This change would include eligible work under existing COVID-19 policies, such as increasing medical capacity, non-congregate sheltering and emergency food distribution. For projects that have already been approved, no further action will be required by applicants, as FEMA will amend existing awards to adjust the federal match upwards to 100 percent. FEMA will also expand the activities that are eligible for 100 percent federal reimbursement for work conducted from January 21, 2021 through September 30, 2021.

## U.S. Census Bureau Announces Updated Timeline for Releasing Redistricting Data

The U.S. Census Bureau (Census) has announced an updated timeline for when it plans to release redistricting data from the 2020 Census. Typically, the Census aims to release this date by the end of March. However, due to the impacts of the COVID-19 pandemic, the Census has announced that it plans to release redistricting data by September 30, 2021.

## Biden Administration Nominations and Personnel

Below is the current status of President Biden's cabinet nominations:

<b><u>Name</u></b>	<b><u>Position</u></b>	<b><u>Status</u></b>
Antony Blinken	Secretary of State	Confirmed by the Senate & sworn into office
Lloyd Austin	Secretary of Defense	Confirmed by the Senate & sworn into office
Janet Yellen	Secretary of Treasury	Confirmed by the Senate & sworn into office
Alejandro Mayorkas	Secretary of Homeland Security	Confirmed by the Senate & sworn into office
Pete Buttigieg	Secretary of Transportation	Confirmed by the Senate & sworn into office
Jennifer Granholm	Secretary of Energy	Confirmed by the Senate & sworn into office
Tom Vilsack	Secretary of Agriculture	Confirmed by the Senate & sworn into office
Denis McDonough	Secretary of Veterans Affairs	Confirmed by the Senate & sworn into office
Marcia Fudge	Secretary of Housing and Urban Development	Approved by Committee and awaiting vote in the full Senate
Gina Raimondo	Secretary of Commerce	Senate expected to vote on confirmation the week of 3/1
Michael Regan	Administrator of Environmental Protection Agency	Approved by Committee and awaiting vote in the full Senate
Marty Walsh	Secretary of Labor	Approved by Committee and awaiting vote in the full Senate



Miguel Cardona	Secretary of Education	Approved by Committee and awaiting vote in the full Senate
Merrick Garland	Attorney General	Committee scheduled to vote on his nomination on 3/1
Deb Haaland	Secretary of the Interior	Committee held a hearing on 2/23
Xavier Becerra	Secretary of Health and Human Services	Committee held a hearing on 2/24

## Federal Grant Opportunities/Announcements

**DOT INFRA Grants.** DOT has issued a notice of funding opportunity (NOFO) for \$889 million in Infrastructure for Rebuilding America (INFRA) discretionary grant program to fund transportation projects of national and regional significance that result in good-paying jobs, improve safety, apply transformative technology, and explicitly address climate change and racial equity. Applications are due by March 19, 2021 and the grant announcement can be found [HERE](#).

**FEMA National Preparedness Grants.** FEMA has announced the availability of \$1.87 billion in FY21 funding for national preparedness grants. The following grant programs are awarded funding on a non-competitive basis: State Homeland Security Program, Urban Area Security Initiative, Emergency Management Performance Grants, and Intercity Passenger Rail Program. Funding for the following grant programs will be awarded on a competitive basis: Operation Stonegarden, Tribal Homeland Security Grant Program, Nonprofit Security Grant Program, Port Security Grant Program, Transit Security Grant Program, and Intercity Bus Security Grant Program. More information can be found [HERE](#).

**FEMA SAFER Grants.** FEMA has announced the availability of funding in the Staffing for Adequate Fire and Emergency Response (SAFER) grants. This program provides funding directly to fire departments and volunteer firefighter interest organizations to help them increase the number of firefighters to help communities. Applications are due by March 12, 2021 and the grant announcement can be found [HERE](#).

**EDA Build to Scale Program.** The Economic Development Administration (EDA) has announced it is now accepting applications for the Build to Scale Program. This program aims to further tech-based economic development initiatives that accelerate high quality job growth, create more economic opportunities, and support the future of the next generation of industry leading companies. Funding is available for organizations that aid companies in developing the next generation of technologies. Applications are due April 29, 2021 and the announcement can be found [HERE](#).

## Federal Agency Regulatory Announcements

**HUD Announces Extension of Foreclosure and Eviction Moratorium.** The Department of Housing and Urban Development has announced that it is extended the federal moratorium on foreclosures and evictions until June 30, 2021.

**EPA Launches Benchmarking and Building Performance Toolkit.** The Environmental Protection Agency (EPA) has launched a new Benchmarking and Building Performance Standards Policy Toolkit aimed at helping state and local governments adopt policies that reduce energy and carbon footprints of existing buildings. EPA will also be holding a webinar on March 17<sup>th</sup> to discuss the features of the Toolkit.

**EPA Announces Allocation Formula for Sewer Overflow and Stormwater Reuse Municipal Grant Program.** The Environmental Protection Agency has announced its formula for the upcoming Sewer Overflow and Stormwater Reuse Municipal Grant Program. This formula describes how the agency will distribute program funds for the states, District of Columbia, and the U.S. territories to provide grants to manage combined sewer overflows, sanitary sewer overflows, and stormwater flows. In August 2020, EPA proposed an allocation formula for this program and received comments from the public which were considered in finalizing the formula.

**CDC Issues Order Requiring Face Masks While on Conveyances and at Transportation Hubs.** The Center for Disease Control (CDC) has issued an order requiring travelers to wear masks to prevent COVID-19. The order was effective on February 1<sup>st</sup>.

**FHWA Releases Data that Shows Historic Drop in Driving.** The Federal Highway Administration (FHWA) has released new data that shows after six consecutive years of gradual increases in vehicle-miles traveled (VMT), new year-end estimates showing total U.S. driving fell by 13.2% – from 3.3 trillion VMT in 2019 to 2.83 trillion in 2020. This decrease equates to an estimated reduction of nearly 170 million metric tons of carbon dioxide emissions. However, despite a reduction in overall traffic volume, preliminary data from DOT show that roadway fatalities fell only slightly—by an estimated 2% for the first six months of the year.

**FAA Announces Delay in Effective Date of UAS Rule Over People.** The FAA has announced that the effective date of the final rule, Operation of Small Unmanned Aircraft Systems Over People” has been delayed until March 16, 2021 instead of the original date of March 1, 2021.



# DEPARTMENTAL STAFF REPORTS

## HARBOR PATROL

### **LONG-TERM GOALS:**

#### Goal 1: Safety & Navigation

Maintain and enhance a safe and navigable harbor

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.

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Support and promote commercial and recreational boating and fishing.

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### **5-YEAR OBJECTIVES:**

#### Objective E: Public and Civic Engagement Plan

Strengthen communication and further develop close working relationships with stakeholders, business partners, and civic leaders

1: Collaborate with business partners and stakeholders through increased engagement, communication, and participation.

**VENTURA PORT DISTRICT**  
**DEPARTMENTAL STAFF REPORT**

Meeting Date: March 17, 2021

TO: Board of Port Commissioners  
FROM: Brian D. Pendleton, General Manager  
John Higgins, Harbormaster  
SUBJECT: February 2021 Harbormaster/Harbor Patrol Report

**PUBLIC SAFETY**

**Overview:**

The Harbor Patrol focused its efforts on keeping everyone safe both on land and on the water during the dredging operations. With heavy equipment on the beaches and workboats moving on the water, our staff coordinated with Manson to ensure minimal inconveniences to our businesses and the public.



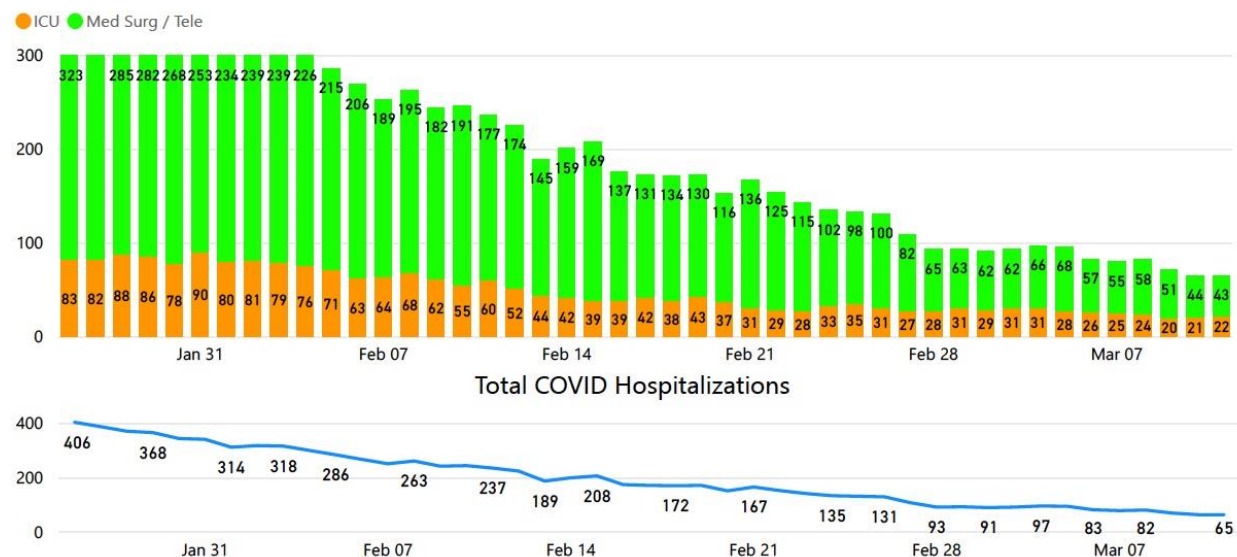
Our staff also responded to issues related to the Spectrum cable project. During the underground work, the contract crews knocked out power to the area for a short time. Soon after, the same group broke a water pipe, causing flooding on Anchors Way. In both cases, Harbor Patrol helped to repair the issues.

**COVID-19**

**Community Overview:**

Ventura County continues to head in the right direction with a significant decrease in COVID cases and increased available vaccinations. The County reported they had administered 239,640 total vaccinations, with 70,990 people having completed both. Below is a graph showing the sharp decrease in hospitalizations from January's peak. Today's ICU availability was above 30%, and all signs are looking like we may be able to enter the Red tier in the next week.

COVID Hospitalizations By Hospital Unit



Ventura County websites: [www.vcemergency.com](http://www.vcemergency.com) and [www.venturarecovers.org](http://www.venturarecovers.org)  
California Website: [www.covid19.ca.gov](http://www.covid19.ca.gov)

### **COVID-19 Vaccinations:**

District personnel has become eligible for vaccinations through the County of Ventura on a voluntary basis. Employees were able to get their first round of vaccines on March 9th and 10th. The second round will be available in the next two to four weeks.

Vaccines continue to be open to more demographics and job classifications. To get updated information and sign up for vaccines, the website below continues to be the best source of information. <https://www.venturacountyrecovers.org/vaccine-information/portal/>

### **BEACHES**

#### **Harbor Cove:**

The beach continues to be actively used daily, both on the sand and on the water. Visitors also appeared to be engaged with the dredging process. Many saw the results of the sand replenishment south of Harbor Cove and were looking forward to incorporating that into their recreation as the process ends.

I finally got confirmation that Beach Volleyball was again allowed by both the State and Ventura County. The vendor quickly plans to get the court nets back up in time for the shortened High School and College Beach Volleyball Season.

#### **South Beach:**

The coordination between all parties to build a beach have been a huge success.



#### **Harbor Dredge Info:**

The dredging has concluded, and the HR Morris was towed out of the Harbor on March 11th. The Harbor Patrol will work with Manson crews to demobilize the worksites and remove the pipes. As soon as the floating pipe is removed, we will work with the US Coast Guard to replace the main channel navigational aids.

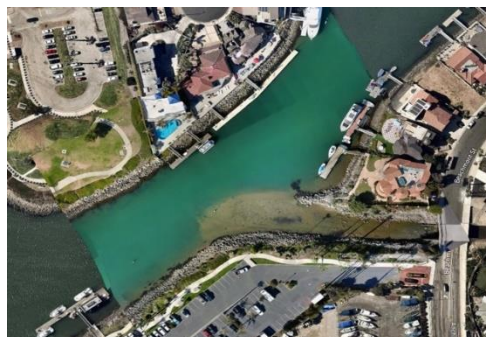
### **HARBOR PATROL BOAT-19**

Harbor Patrol discovered some fuel in the bilge of the boat during our morning inspection. Further examination revealed the tank was failing. The immediate challenge was to vent the boat to re-

lease the explosive fumes. We arranged for the Ventura Harbor Boatyard to perform an emergency fuel removal. This was done with extreme caution at the boatyard docks. We are now working with the boatyard to remove the old tank and replace it before our summer season.

### **UAS PROGRAM**

This last month was spent learning how to develop overhead maps using the UAS. This typically includes taking hundreds of pictures and stitching them together in a software program. The files can also be incorporated into more in depth GIS and other surveying products. While there is still a lot to learn I hope to share this information later with the US Army Corps of Engineers as well as Cal State Channel Islands Beach Studies.



### **SURRENDERED AND ABANDONED VESSEL EXCHANGE (SAVE) GRANT**

As quick as I destroyed the last batch of boats, I already have additional vessels looking to participate. I will be once again developing bids and reaching out to local vendors to facilitate the removal and destruction of vessels under the program.

### **VENTURA HARBOR PATROL BLOTTER**

Summaries of some more notable calls for service can be found in our bi-weekly blotter. You can request to be included in the email distribution list by emailing: [harbormaster@venturaharbor.com](mailto:harbormaster@venturaharbor.com) or find it online: <https://venturabreeze.com/category/harbor-patrol-blotter/>



## 911 CALLS DISPATCHED (21 CALLS RECEIVED 2/12-2/11)

Incident	Case Numbers	Units	Priority	Problem	Agency	Address	City	Response Date
<a href="#">21-0015861</a>		HARB1, HARB2, ME2, MED473	M7	SICK PERSON NO CODE	Ventura County Fire Department	1363 Spinnaker Dr	Ventura	2/19/2021 9:56:13 AM
<a href="#">21-0015903</a>		HARB1, HARB2, ME2, MED492	M7	HEMORRHAGE/LACERATIONS NO CODE	Ventura County Fire Department	1559 Spinnaker Dr	Ventura	2/19/2021 12:09:44 PM
<a href="#">21-0016190</a>		B2, B22, CSTGRD1, EMS63, HARB1, LIFEGD2, ME1, ME5, MED471, OR1	F5	OCEAN RESCUE LOW	Ventura County Fire Department	600 E Harbor Blvd	Ventura	2/20/2021 11:24:21 AM
<a href="#">21-0016200</a>		HARB1, ME2, MED471	M7	UNKNOWN PROBLEM NO EMD NO CODE	Ventura County Fire Department	1600 Spinnaker Dr	Ventura	2/20/2021 12:22:51 PM
<a href="#">21-0016910</a>		HARB1, ME102, MED492	M7	FALL NO CODE	Ventura County Fire Department	1215 Anchors Way	Ventura	2/22/2021 4:29:16 PM
<a href="#">21-0017716</a>		HARB1, MED473, MT5	M5	SICK PERSON	Ventura County Fire Department	1215 ANCHORS WAY	Ventura	2/25/2021 11:17:41 AM
<a href="#">21-0017790</a>		HARB1, ME2, ME5	F7	FIRE ALARM	Ventura County Fire Department	1080 Navigator Dr	Ventura	2/25/2021 3:27:48 PM
<a href="#">21-0017885</a>		HARB1, ME2	M7	LIFT ASSIST	Ventura County Fire Department	1215 Anchors Way	Ventura	2/25/2021 10:47:46 PM
<a href="#">21-0017953</a>		BOAT1, HARB1, ME2	F7	INVESTIGATION	Ventura County Fire Department	1165 Kingston Ln	Ventura	2/26/2021 8:34:26 AM
<a href="#">21-0018367</a>		B14, B2, BOAT17, CSTGRD1, EMS63, HARB1, LIFEGD2, ME2, ME5, MED471, OR1	F5	OCEAN RESCUE LOW	Ventura County Fire Department	1458 Greenock Ln	Ventura	2/27/2021 2:15:34 PM
<a href="#">21-0018943</a>		HARB1, ME2	F7	HAZARD INVESTIGATION	Ventura County Fire Department	Anchors Way / Schooner Dr	Ventura	3/1/2021 3:27:02 PM
<a href="#">21-0019024</a>		HARB1, ME2, MED471	M3	CHEST PAIN NON TRAUMA HIGH	Ventura County Fire Department	1215 Anchors Way	Ventura	3/1/2021 9:06:55 PM
<a href="#">21-0019183</a>		HARB1, HARB2, ME102, ME4	F7	HAZARD INVESTIGATION	Ventura County Fire Department	1901 Spinnaker Dr	Ventura	3/2/2021 12:19:49 PM
<a href="#">21-0019369</a>		HARB1, HARB2, ME2, MED471	M5	CHEST PAIN NON TRAUMA	Ventura County Fire Department	1050 Schooner Dr	Ventura	3/3/2021 2:43:20 AM
<a href="#">21-0019892</a>		HARB1, HARB2, ME2, MED471, MED474	M3	ALLERGIES/ENVENOMATIONS HIGH	Ventura County Fire Department	1691 Spinnaker Dr	Ventura	3/4/2021 8:33:28 PM
<a href="#">21-0020160</a>		HARB1, HARB2, ME2, MED492	M3	FALL HIGH	Ventura County Fire Department	1215 Anchors Way	Ventura	3/5/2021 7:52:16 PM
<a href="#">21-0020535</a>		HARB1, ME2	M7	LIFT ASSIST	Ventura County Fire Department	1215 Anchors Way	Ventura	3/7/2021 1:06:44 AM
<a href="#">21-0020559</a>		HARB1, ME2, MED471	M7	SICK PERSON NO CODE	Ventura County Fire Department	1215 Anchors Way	Ventura	3/7/2021 4:53:02 AM
<a href="#">21-0020965</a>		HARB1, ME102, MED471, MED473, MED474	M5	UNKNOWN PROBLEM NON EMD	Ventura County Fire Department	1414 Angler Ct	Ventura	3/8/2021 3:34:21 PM
<a href="#">21-0021073</a>		HARB1, ME6, MED474, MED662	M7	FALL NO CODE	Ventura County Fire Department	1215 Anchors Way	Ventura	3/9/2021 12:49:22 AM
<a href="#">21-0021512</a>		HARB1, ME2, MED492	M5	UNKNOWN PROBLEM NON EMD	Ventura County Fire Department	1080 Navigator Dr	Ventura	3/10/2021 2:32:44 PM

# DEPARTMENTAL STAFF REPORTS

## MARINA

### **LONG-TERM GOALS:**

#### Goal 1: Safety & Navigation

Maintain and enhance a safe and navigable harbor

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.

#### Goal 2: Commercial & Recreational Boating & Fishing

Support and promote commercial and recreational boating and fishing.

#### Goal 5: Relationships

Build respectful, productive, and mutually beneficial business relationships with our tenants, public agencies, elected officials, and the community.

#### Goal 6: Public Service

Provide exceptional public service and transparency at all levels within the organization through effective leadership, training, mentoring, and oversight. This promotes accountability, increased public trust, and a more efficient, effective, and public focused organization.

### **5-YEAR OBJECTIVES:**

#### Objective E: Public and Civic Engagement Plan

Strengthen communication and further develop close working relationships with stakeholders, business partners, and civic leaders

1: Collaborate with business partners and stakeholders through increased engagement, communication, and participation.

#### Objective F: Commercial Fishing

Support current commercial fishing industry central to Ventura's premier working waterfront through: stakeholder engagement, diversification, and infrastructure improvements.

2: Continue improvements of Commercial Fishing Industry service offerings by District

**VENTURA PORT DISTRICT  
DEPARTMENTAL STAFF REPORT**

Meeting Date: March 17, 2021

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TO: Board of Port Commissioners  
FROM: Todd Mitchell, Business Operations Manager  
Dave Werneburg, Marina Manager / Commercial Fisheries  
SUBJECT: February 2021 Marina Report

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**MARINA DEPARTMENT ACTIVITIES**

**California Market Squid Harvest – Ventura Harbor**

- **No Squid Landed at Ventura Harbor in February 2021**
- 19 – 20 YTD (Starting April 1, 2019): 581 landings, 9,262,965 lbs. / 4,631 tons
- California Squid Season Limit: 118,000 tons

**Commercial Fishing**

Many of our commercial seiners have called it a season for this year. Some squid are currently being harvested in the Monterey area. The 2021-2022 Squid Season reopens on April 1<sup>st</sup>. The current El Nina brings some promise of summer squid, which the industry saw in our region back in 2012-13.

**Commercial Fishermen Drill Training**

Support for our commercial fishing enterprise goes far beyond providing berthing slips for our fleet, offloading facilities, etc. As a commercial fishing port, Ventura Harbor is home to an extensive fleet of commercial fishing vessels. As is typical within the commercial fishing industry, vessels and crew tend to rotate, meaning there are always new crew members in need of the required safety training.

This vital safety and survival training is conducted by the Alaska Marine Safety Education Association (AMSEA) in accordance with the mandates established by the Code of Federal Regulation (46 CFR 28.270 in part).

AMSEA's mission is to reduce injury and death in the marine environment through specialized education and training provided by a network of qualified marine safety instructors. With that core purpose, AMSEA has been offering marine safety training to commercial fishermen and thousands of other mariners since 1985.

AMSEA's Drill Conductor courses are USCG approved and accepted meeting the requirements for fishermen onboard commercial fishing vessels. Successful completion of the Drill Conductor course and monthly safety drills aboard each vessel are required before commercial fishermen are legally able to fish beyond 3 nautical miles.

Ventura Port District has partnered with AMSEA since 2012 in providing support and resources. Over 360 local fishermen have received this vital hands-on safety training under the direction of USCG Fishing Vessel Safety Instructor Capt. Richard Ullrich. In addition to being certified AMSEA Instructor, Capt. Ullrich is a USCG licensed Master Captain, certified National Safe Boating Instructor, and a certified American Heart Association Health & Safety Instructor.

Capt. Ullrich performed two socially distanced classes on the patio of the former Blackbeard's restaurant in February.

AMSEA is a 501(c)(3) non-profit corporation funded by United States Coast Guard, State of Alaska DCCED, National Institute of Occupational Safety and Health, and donations and support from the private sector, such as the generous support from the Ventura Port District.

# Commercial Fishermen Drill Conductor Training

*Meets USCG Training Requirements Now In Effect - 46 CFR 28.270*

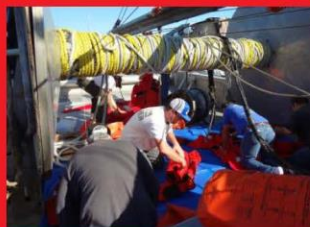
**\*Ventura - Saturday January 21, 2017**

**1 Day 12 hour - Pre-registered - Limited to 12**

**Call Now (907) 747-3287 *Free***

**Or Register today Online at [AMSEA.org](http://AMSEA.org)**

**Get the  
CARD**



**FREE!! for Commercial Fishermen**  
Training Grant from United States Coast Guard  
Send the Whole Crew



# Training matters.

Safety and Survival  
*Be Ready*

Hands ON

Topics covered include:

Cold Water Survival Skills

Flooding Control - Helicopter Rescues

EPIRB's - Maydays - Signals

Immersion Suits - PFD's - Life Rafts

Safety Orientations - Emergency Drills

Abandon Ship procedures - and...



USCG Commercial Fishing Vessel Safety Examiner Peter Desillier (805) 962-7430

Capt Richard Ullrich Instructor - Trainer

Call for more information (805) 758-5832

Email: [info@MarineSafetyTeam.com](mailto:info@MarineSafetyTeam.com)

AMSEA

Alaska Marine Safety Education Association

Call to Register Limited space (907) 747-3287



# DEPARTMENTAL STAFF REPORTS

## MARKETING

### **LONG-TERM GOALS:**

#### Goal 3: Economic Vitality

Increase economic development, vitality, and diversity of the District through effective leasing and marketing strategies.

#### Goal 5: Relationships

Build respectful, productive, and mutually beneficial business relationships with our tenants, public agencies, elected officials, and the community.

#### Goal 5: Public Service

Provide exceptional public service and transparency at all levels within the organization through effective leadership, training, mentoring, and oversight. This promotes accountability, increased public trust, and a more efficient, effective, and public focused organization.

### **5-YEAR OBJECTIVES:**

#### Objective E: Public and Civic Engagement Plan

Strengthen communication and further develop close working relationships with stakeholders, business partners, and civic leaders

- 1: Collaborate with business partners and stakeholders through increased engagement, communication, and participation.

#### Objective V: Harbor Village

Maintain and improve Harbor Village infrastructure and enhance the overall visitor experience

- 3: Marketing Action Plan

# FEBRUARY MARKETING REPORT

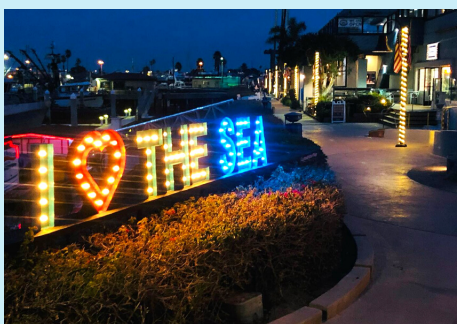
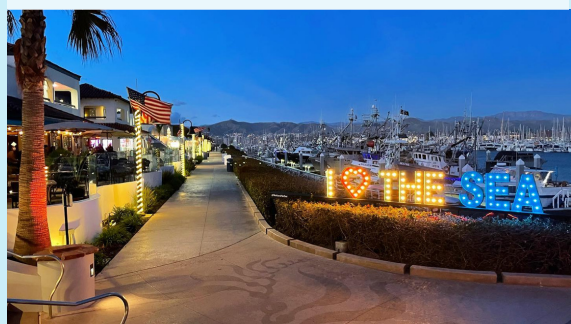
## Enhance Visitor Experiences

### NEW PROGRAM LIGHTS UP THE VILLAGE

In positive response to the holiday lights, General Manager requested a continued light program highlighting Village Promenade and select locations in the Village. Marketing team worked to develop program options and sample displays. After review with Maintenance/Operations and GM, budget and staff allowed for implementation of **27 poles in Village + two poles at entry 2** for increased ambiance.

**3.5k** Engagement  
**60k** Reach  
**62k** Impressions

The new lighting has been well received on social media posts & admired by guests in person!



### RECOVERY MESSAGING

Valentine's Day + President's holiday weekend was reimagined with a promotional focus on tenant offerings and safe activities the public could enjoy at their leisure:

### MESSAGES OF LOVE SCAVENGER HUNT

Various rocks painted by local VC artist were hidden in the Village for guests to discover. 7 lucky winners selected a Harbor business they LOVE and Marketing sent out gift certificates!



### SWAN BOAT EXCITEMENT CONTINUES

Social engagement and interest has continued to sky rocket after the Valentines launch of Ventura Boat Rentals Swan Pedal Boats. The new rental is attracting new visitors and locals alike to enjoy Ventura Harbor Village. See below for swan social media post stats, which was some of the most popular content in February!



**Swan Content** aka "Swantent" results  
@VenturaHarbor Facebook + Instagram:

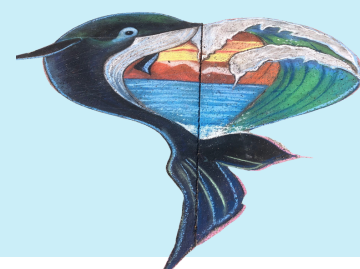
**14k** Engagement  
**201k** Reach  
**220k** Impressions

### EVENT REVENUE UPDATES

8 **Beach Weddings** booked for February 2021, with 8 more inquiries. **NSSA** confirmed allowance by Ventura County to move forward with surf tournament. Motor **Mythbusters** TV show had small shoot on beach in February. **Hokuloa** secured June 12 as outrigger race date (if Covid restrictions allow). **Ventura Art & Street Painting Festival** board confirmed interest to pursue in September 2021.  
February Income Revenue = \$1,480

### CHALK ART DEMO

Artist Randall Williams created a chalk piece near Le Petit Café to entertain passerby's.



# FEBRUARY MARKETING REPORT

## Engage Customers via Paid Media

### DATA DRIVEN DECISIONS

Demographic data is derived from website & social media platform analytics, and campaign performance. The regional drive market influenced strategic marketing messages. The top demographics for **February 2021** are:

Ages

AGES 25 - 54

Markets

**LOS ANGELES**  
VENTURA COUNTY  
SANTA CLARITA  
BAKERSFIELD  
LANCASTER

Interests

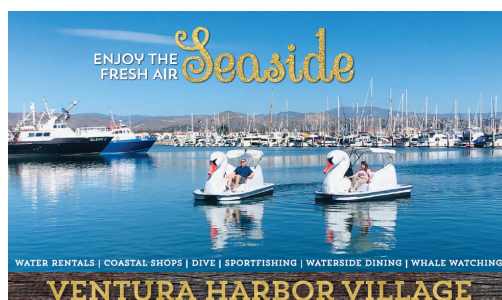
PATIO DINING  
VALENTINES DAY  
EVENTS CALENDAR  
CLAM CHOWDER DAY  
VENTURA BOAT RENTALS  
LIVE WEB CAM  
COVID MESSAGING

#### PLEASE NOTE:

Info on this page is a summary of top results and highlights for the month, it is not reflective of all demographic data/ads for Ventura Harbor overall.

### PAID SOCIAL ADS

- Culinary Comfort** Cont. (carousel ad):  
55,615 Reach | 2,459 Link Clicks | \$250
- Valentines Weekend** (carousel ad):  
39,616 Reach | 2,609 Link Clicks | \$150
- Clam Chowder** (carousel ad):  
29,079 Reach | 1,264 Link Clicks | \$150
- Warm Yourself Seaside** (carousel ad):  
14,465 Reach | 263 Link Clicks | \$60
- \$500 spend on **boosted posts** for February social media content



### GOOGLE ADS



Ventura Harbor's Google ad presence in key word search results garnished:  
891 click thrus  
14,421 impressions  
\$780 Spend

### LEVERAGING INFLUENCERS

Local Influencer group, Trendi Eats, launched Part 3 of a harbor series in February. This clip featured **sweet treats found seaside** and brought immediate visitation to eateries with desserts!

#### @TRENDIEATS

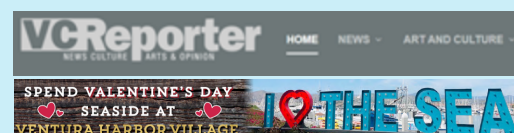
PT 3 SOCIAL STATS:

**f** 220k Reach  
22k Engagements  
**ig** 39k Reach  
45k Impressions



### VC REPORTER

Digital Banner Ads on VC Reporter in February: 6750 Impressions | 15 Clicks



**Love is in the Air Seaside**  
1903 Opens  
156 Click thrus

**National Clam Chowder Day**  
1767 Opens  
135 Clicks



# FEBRUARY MARKETING REPORT

## Social Media & Content Development

### RECOVERY MESSAGING

In February, social disseminated promo and safe opportunities for public to partake in National Clam Chowder Day, Valentine's Day, and the start of Warm Yourself Seaside.

#### INSTAGRAM

**22,173** Followers (↑4%)  
**20,777** Engagements (↑38%)  
**699,121** Impressions (↑31%)



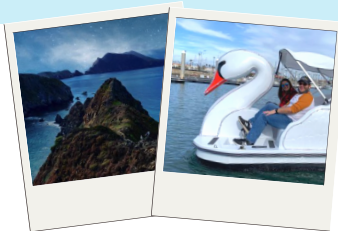
#### FACEBOOK

**27,755** Followers (↑2%)  
**52,690** Engagements (↓23%)  
**928,661** Impressions (↓4%)



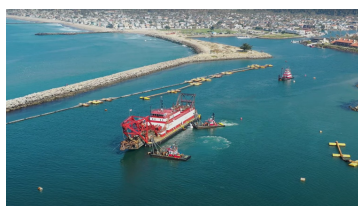
#### TWITTER

**5,542** Followers (↑1%)  
**352** Engagements (↑121%)  
**9,691** Impressions (↑66%)



#### SAMPLE SOCIAL TOPICS INCLUDE:

Valentines specials and offerings from various Harbor businesses, romantic seaside scenery, swan pedal boats now available, Valentines & Galentines gift inspiration, lovely eats & treats, plus the twitter topics below:



Ventura Harbor Dredging Boat Navigation & Safety



Portside Ventura Harbor Promenade now open!

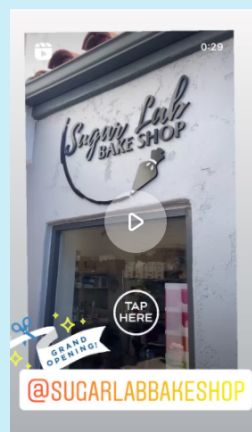
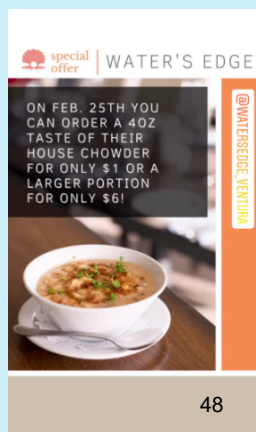
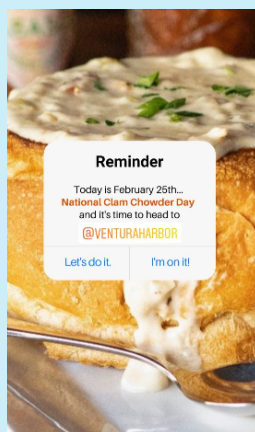
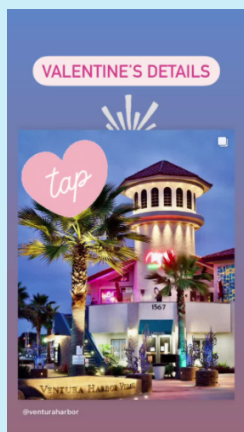


Sugar Lab Bake Shop Grand Opening Announcement

### SOCIAL MEDIA STORIES IN JANUARY

**Total posts & re-shares:** 115 stories

**Sample topics:** Valentines Day, Clam Chowder Day, Sugar Lab opening, visitor posts, retail sales & announcements from various Harbor businesses who tag @venturaharbor.



48

### BLOGS & E-NEWSLETTERS

sent to 9k subscribers

Fitness at the Harbor  
**1,422** opens | **76** clicks



Love is in the Air  
**1,564** opens | **190** clicks



Warm Yourself Seaside  
**1,491** opens | **248** clicks



National Clam Chowder Day  
**1,559** opens | **153** clicks



# FEBRUARY MARKETING REPORT

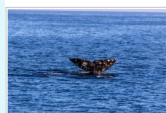
## Earned Media & Tourism

### PR + PRESS

Somerville Associates: distributed Island Packers Announcement of Scorpion on Santa Cruz Island Re-Opening to over 1,500 media outlets:

#### The Government Center Gazette & Van Nuys News Press

Take To The Great Outdoors With An Island Packers Winter Whale Watching & Excursions To The Channel Islands National Park



Sightings of the southern migration began in December for Pacific Gray Whales, and we also saw Humpback Whales, Fin whales, and occasionally Orcas. Common Dolphin are enjoyed year-round, delighting passengers as they frolic with the boat, and ride the bow and stern waves. For our most recent sightings visit [www.islandpackers.com](http://www.islandpackers.com) or find us on Twitter.



Island Packers offers Winter Whale Watching excursions through the middle of April.

#### Los Angeles Times

#### KEYT

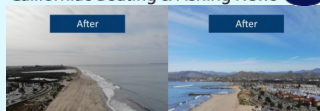
#### Valley Scene

#### SANTA BARBARA NEWS-PRESS

Marketing updated dredge & boating info on website and posted the article from The Log on 2021 funding.

#### the Log

California's Boating & Fishing News



Ventura Harbor's Annual Dredging Receives a Bump in Congressional Funding

Jordan Darling February 18, 2021

### RECOVERY MESSAGING

All members of the marketing team attended the virtual annual Visit California Outlook Forum with a focus on tourism recovery, marketing strategies & trends, short and long-term campaign goals to increase in state California travel, and travel-trends during and post Covid.



### SUGAR LAB GRAND OPENING

Delightfully participated in sharing the "Good News" of Sugar Lab Bake Shop moving their popular business here to Ventura Harbor Village with banner ads, e-newsletters, grand opening posters, and social posts – with more to come. An Instagram reel (video) covering the grand opening reached a record amount of viewers organically!



12.7k

Organic views on a single post!

### NATIONAL CLAM CHOWDER DAY

Celebrated the 9 different handcrafted chowders offered throughout the Harbor with various promotions, including a successful social giveaway:



541  
Entries

1.1k  
Engagement

13.9k  
Reach

15.7k  
Impressions



VENTURA HARBOR VILLAGE

Every Day Is Clam Chowder Day in Ventura Harbor Village

The steamy celebration is traditionally observed on Feb. 25, but if you can't visit just yet, plan ahead to dine at some clam-strong spots.

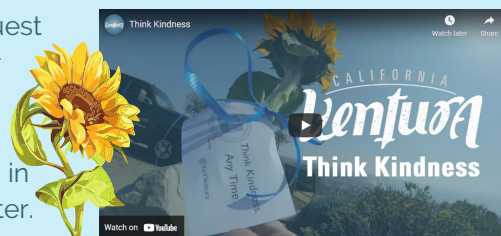


Find more than 10 varieties of clam chowder at Ventura



### NATIONAL RANDOM ACTS OF KINDNESS DAY

The Ventura Harbor participated with a request from Visit Ventura to provide giveaways for kids and Harbor guests for a video project to be launched on National Random Act of Kindness Day. As a result, we were featured in the kindness coverage + Ventura e-newsletter.



# DEPARTMENTAL STAFF REPORTS

## PROPERTY

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Strengthen communication and further develop close working relationships with stakeholders, business partners, and civic leaders

- 1: Collaborate with business partners and stakeholders through increased engagement, communication, and participation.

#### Objective V: Harbor Village

Maintain and improve Harbor Village infrastructure and enhance the overall visitor experience

- 1: Complete Harbor Village refresh programs
- 2: Leasing/Property Management Action Plan

**VENTURA PORT DISTRICT**  
**DEPARTMENTAL STAFF REPORT**

Meeting Date: March 17, 2021

TO: Board of Port Commissioners  
FROM: Brian D. Pendleton, General Manager  
Todd Mitchell, Business Operations Manager  
SUBJECT: February 2021 Property Manager Report

---

**CURRENT TENANT REPORT**

- 1) *Harbor Businesses seeking COVID-19 Ventura Harbor Rental Abatement and Deferment Program, Resolution No. 3398 (for the month of February)*
  - Staff continues to work with tenants on their qualification for the updated plan and/or the updated City Ordinance
- 2) *Sugar Lab Bake Shop – 1575 Spinnaker #105A/B*
  - Tenant received their Certificate of Occupancy on February 10<sup>th</sup> and celebrated their grand opening February 27<sup>th</sup> with great success.
- 3) *Dr. Srisawai Pattamakom – 1591 Spinnaker #201*
  - Staff has negotiated an office lease with Dr. Srisawai Pattamakom dba Ideal Women's Health Specialists, Inc. The tenant currently operates in Ventura County and sought out a second location to provide OB/GYN outpatient and Medi Spa services.
- 4) *Mechtenberg and Cook – 1567 Spinnaker #201 & 202*
  - Mr. Mechtenberg is an attorney and wants to continue being a Ventura Harbor Village tenant. He previously signed a lease with Seth Gewirtz in November 2017, which expires March 31, 2021. Mr. Gewirtz has made other arrangements and Mr. Mechtenberg obtained a new lease partner, Mr. Brian Cook, and they have signed a two-year lease.
- 5) *Moorhouse Financial – 1575 Spinnaker #201*
  - Mr. Moorhouse operates a financial advisory business and wishes to continue operating at Ventura Harbor Village. Mr. Moorhouse has been a tenant since March 28, 2018 and has signed a long-term lease.
- 6) *Month-To-Month Tenants ---* Staff continues to keep communication lines open, be creative in lease terms and work with these tenants to secure them into long term leases in the near future.

**CURRENT AVAILABILITY REPORT**

- 1) *1567 Spinnaker Drive #100*
  - District has received City of Ventura planning permit to buildout the space
    - Staff is waiting on prospective tenant to submit to District their financial projections, to review and discuss their proposal, layout, and timelines.
- 2) *1591 Spinnaker Drive #114 & 115.*
  - This space is being advertised on our leasing outreach programs listed below with active showings taking place. The space has garnered new interest since recent renovations were completed.

**LEASING OUTREACH**

- 1) *Leasing Outreach –* Ongoing exposure with our ads online via LoopNet/CoStar which covers the following:
  - Listed on Ventura Harbor Village and Ventura Harbor websites, along with window leasing signage on available properties
  - Top three commercial real estate marketplaces:
    - LoopNet, City Feet, and Showcase;



- Email Networking blasts from interested parties
- 150 plus online newspaper websites including Wall Street Journal
- 24 Million visitors to these sites /200,000 real estate professionals use CoStar

## OCCUPANCY LEVELS AT HARBOR VILLAGE

February 2021

CATEGORY	TOTAL	Harbor	Harbor	Harbor	Harbor	City *	City *
	Square	Vacancy	Vacancy	Available	Available	Vacancy	Available
	Footage	Sq Ft	%	Sq Ft	%	%	%
Office	19,759	0	0%	1,299	7%	13%	25%
Retail	19,409	0	0%	11,784	61%	47%	64%
Restaurant	31,983	1,537	5%	3,927	12%	44%	68%
<b>&gt; Harbor Vacancy --- No tenant or lease</b>							
Office ----		N/A					
Retail ---		N/A					
Restaurant ---		1591 -- Blackbeard's					
<b>&gt; Harbor Available --- Tenant on MTM lease, including Harbor Vacancy numbers</b>							
Office ----		1559 - Anacapa Consulting, Power Processing					
		1575 - Custom Embroidery					
Retail ---		1559 -- Comedy Club, HV Gallery & Gifts					
		1567 -- Carousel, Treasure Cove, Potter's Guild					
		1583 -- Lemon & Lei					
Restaurant ---		1575 -- 805 Bar/Copa Cubana					
		1591 #114/#115 -- Blackbeard's					
<b>* City --- Based on comparable square footage within Ventura 93001 area</b>							
<b>** Occupancy Levels for Office -- tend to be lower due to shorter lease terms</b>							
<b>*** City Restaurant vacancy/available as reported by CoStar Program</b>							
<b>**** Definition of available includes MTM status but the District is not taking action to replace tenants on MTM during the pandemic.</b>							

## SALES REPORTS

The attached summary of sales for three Harbor Village business categories: restaurants, retail, and charters. The reports compare the monthly sales for 2020 and 2021. They also include year-to-date comparisons. The year-to-date overall sales for Harbor Village Tenants through the month of January were down 36.83% from the same time last year largely due to the impacts of COVID-19 related closures.

## ATTACHMENTS:

Attachment 1 – January 2021 Sales Report



# ATTACHMENT 1

## Ventura Harbor Village Tenant Sales Summary

Month of  
January

	<u>January-2021</u>	<u>January-2020</u>	<u>% Change</u>
Restaurants	\$ 763,084	\$ 1,101,825	-30.74%
Retail	\$ 221,580	\$ 282,893	-21.67%
Charters	\$ 49,862	\$ 252,849	-80.28%
Total	\$ 1,034,526	\$ 1,637,567	-36.83%

Year-to-date through January 2021

	<u>January-2021</u>	<u>January-2020</u>	<u>% Change</u>
Restaurants	\$ 763,084	\$ 1,101,825	-30.74%
Retail	\$ 221,580	\$ 282,893	-21.67%
Charters	\$ 49,862	\$ 252,849	-80.28%
Total	\$ 1,034,526	\$ 1,637,567	-36.83%



# BOARD OF PORT COMMISSIONERS

MARCH 17, 2021

## CONSENT AGENDA ITEM A

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

**VENTURA PORT DISTRICT  
BOARD COMMUNICATION**

**CONSENT AGENDA ITEM A**  
Meeting Date: March 17, 2021

---

TO: Board of Port Commissioners  
FROM: Brian D. Pendleton, General Manager  
Todd Mitchell, Business Operations Manager  
SUBJECT: Office Lease Amendments No. 7 and 8 for GSA National Park Service  
1431 Spinnaker Drive & 1691 Spinnaker Drive #204, 206, 208, 101B and 103

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**RECOMMENDATION:**

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.

**SUMMARY:**

Staff has negotiated with this tenant to add two lease amendments – the first to add an option of an additional five (5) year term and the second to execute the option.

**SUMMARY:**

The General Services Administration has negotiated on behalf of the National Parks Service to provide a five-year extension to the existing lease. The extension will continue to escalate both base rent and services rent consistent with the existing lease agreement. The District will be required to implement some tenant improvements by fall of 2021, including HVAC upgrades in the 1431 building as well as new paint and new flooring in certain areas of both buildings.

**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:**

The National Park Service has occupied office space at Harbor Village since September 1992. Over the years they have expanded into various buildings throughout the complex and occupy over 10,000 square feet. National Park Service currently maintains their operations in two (2) separate buildings.

With the recommended action, they will continue to occupy two buildings at 1431 and 1691 Spinnaker Drive (combined square footage is 10,180). There will be an amendment for the Option for additional five (5) years with an expiration date of April 30, 2026 and another amendment to execute the Option.

**FISCAL IMPACT:**

This new amendment reflects a fixed yearly increase for office spaces in the complex plus a CPI-based adjustment for services and utility costs paid by the District. Tenant improvements required for this extension are amortized over the extension period.

**ATTACHMENTS:**

None.



# BOARD OF PORT COMMISSIONERS

MARCH 17, 2021

## STANDARD AGENDA ITEM 1

ADOPTION OF RESOLUTION No. 3410  
EXTENDING AND CONCURRENTLY ENDING THE  
COVID-19 VENTURA HARBOR RENTAL  
ABATEMENT AND DEFERMENT PROGRAM

**VENTURA PORT DISTRICT**  
**BOARD COMMUNICATION**

**STANDARD AGENDA ITEM 1**  
Meeting Date: March 17, 2020

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TO: Board of Port Commissioners  
FROM: Brian D. Pendleton, General Manager  
Todd Mitchell, Business Operations Manager  
Gloria Adkins, Accounting Manager  
SUBJECT: Adoption of Resolution No. 3410 Extending and Concurrently Ending the COVID-19 Ventura Harbor Rental Abatement and Deferment Program

---

**RECOMMENDATION:**

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.

**SUMMARY**

Ventura Harbor has been severely impacted by the COVID-19 Pandemic. Many Harbor businesses have been closed or partially closed by Governmental Order or in response to lost business resulting from the COVID-19 Pandemic. This may lead to the permanent closure of businesses, loss of employment and loss of rental revenue to the District, which is its primary source of operating revenue. The Regional Stay at Home Order that became effective on Sunday, December 6<sup>th</sup> caused further impacts.

In order to help business owners avoid permanent business closures, further loss of employment and long-term impacts to the Port District, staff recommends further extension of the COVID-19 Program. The COVID-19 Program will allow for the abatement or deferment of all rental payments for those Harbor Master Tenants and Harbor Village Tenants who have been directly impacted by the COVID-19 Pandemic (on a monthly-basis) through and concluding June 30, 2021.

**LONG-TERM GOALS:**

- Goal 3: Economic Vitality
  - Increase economic development, vitality, and diversity of the District through effective leasing and marketing strategies.
- Goal 5: Relationships
  - Build respectful, productive, and mutually beneficial business relationships with our tenants, public agencies, elected officials and the community.

**5-YEAR OBJECTIVES:**

- Objective M: Master Tenants
  - Collaborate with existing and future Master Tenants to maintain, improve, and develop the Harbor.

- 1: Engagement and support of Master Tenants for successful business operations at the Harbor.
- Objective V: Harbor Village
  - Maintain and improve Harbor Village infrastructure and enhance the overall visitor experience
    - 2: Leasing/Property Management Action Plan

## **BACKGROUND**

### **COVID-19 Ventura Harbor Rental Abatement and Deferment Program**

If the Resolution is adopted, the Port District will abate or defer all rental payments for those Harbor Master Tenants and Harbor Village Tenants who have been directly impacted by the COVID-19 Pandemic (on a monthly-basis) for the period of April 2020 through June 30, 2021.

The City of Ventura's Ordinance 2020-024 ("Temporary Eviction Moratorium") was amended by the City Council for commercial tenants (City-wide) on Monday, October 12<sup>th</sup>. Ordinance 2020-024 (Section 6.1020.030) requires commercial tenants to repay 40% of rent deferred due to the COVID-19 pandemic by July 31, 2021 and repay the remaining 60% by January 31, 2022 by making equal, monthly payments on the same day monthly rent is due beginning with the August 2021 rent payment. Under City Ordinance 2020-024, no further rent deferments are permissible, unless negotiated with the commercial property landlord.

### **Deferred Rental Repayment Schedule**

It is recommended that All Harbor Tenants, who either participated in the COVID-19 Program or who participated under Ordinance 2020-024, be provided with a schedule that provides more time for repayment of deferred rents. It is recommended that Harbor tenants will repay a minimum of 40% of rent deferred by December 31, 2021 and repay the remaining balance by June 30, 2022 by making equal, monthly payments on the same day monthly rent is due beginning with the January 2022 rent payment. Nothing shall prohibit a Harbor tenant from prepaying deferred rent in advance of the Deferred Rental Repayment Schedule. Under the COVID-19 Program (proposed Fourth Extension Period), additional rent deferments are permissible through June 30, 2021 for qualifying Harbor Tenants.

COVID-19 Ventura Harbor Rental Abatement and Deferment Program Qualifications:

#### **April through June 2020 (Initial Period)**

- Master Tenant or Harbor Village Tenant (i.e. direct commercial tenant of VPD);
- And:
  - Business is closed by Government Order; or
  - Business has lost 50% or more of typical monthly revenue pre-COVID-19.

#### **July through September 2020 (First Extended Period)**

- Master Tenant or Harbor Village Tenant (i.e. direct commercial tenant of VPD);
- And:
  - Business is closed due to Government Order; or
  - Business has reopened but has lost 20% or more of typical monthly revenue pre-COVID-19; or
  - Business has been open for less than 1 year but certifies it has lost 20% or more of projected monthly revenue pre-COVID.

### **October through December 2020 (Second Extended Period)**

- Master Tenant or Harbor Village Tenant (i.e. direct commercial tenant of VPD);
- And:
  - Business is closed due to Government Order; or
  - Business has reopened but has lost 20% or more of typical monthly revenue pre-COVID-19; or
  - Business has been open for less than 1 year but certifies it has lost 20% or more of projected monthly revenue pre-COVID.

### **January through March 2021 (Third Extended Period)**

- Master Tenant or Harbor Village Tenant (i.e. direct commercial tenant of VPD);
- And:
  - Business is closed due to Government Order; or
  - Business has reopened but has lost 20% or more of typical monthly revenue pre-COVID-19; or
  - Business has been open for less than 1 year but certifies it has lost 20% or more of projected monthly revenue pre-COVID.

### **March 2021 through June 2021 (Proposed Fourth Extended Period and Conclusion)**

- Master Tenant or Harbor Village Tenant (i.e. direct commercial tenant of VPD);
- And:
  - Business is closed due to Government Order; or
  - Business has reopened but has lost 20% or more of typical monthly revenue pre-COVID-19; or
  - Business has been open for less than 1 year but certifies it has lost 20% or more of projected monthly revenue pre-COVID.

### **Conditions:**

1. All Tenants must abide by the orders of the City, County, and State business practices in response to the COVID-19 pandemic.
2. All Master, Village and Village Marina Charter Tenants must notify the Leasing Manager by the 10<sup>th</sup> of each month of their need to continue with the program.
  - a. Master, Village and Village Marina Charter Tenants who report sales, will continue to report sales as currently required, to determine the total deferred rental amount, even if these sales are \$0 due to closure.
  - b. Tenants who are not required to provide sales reports to the District must provide demonstration of loss as part of their notification.
3. Master Tenants who qualify must provide the same monthly deferment to all sub-tenants.
4. Harbor Village and Village Marina Charter Tenants who qualify, and who also pay the District a promotional fee for marketing, shall have the promotional fee waived for each month rent is deferred.
5. Harbor Village and Village Marina Charter Tenants who qualify, and who also pay the District a common area maintenance (CAM) fee, shall have one-half the CAM fee waived for each month rent is deferred.
6. Master, Village and Village Marina Charter Tenants will seek COVID-19 federal or other governmental business assistance (if eligible) and pursue business interruption insurance



(if eligible). Deferments for May 2020 through March 31, 2021 will require demonstration of pursuit of both or documentation of ineligibility.

7. Repayment of all deferred rent (base rents, one-half CAM fees, percentage rent, etc.) shall be consistent with Ventura's Ordinance 2020-024 or as further amended.
8. No interest or late fees will apply to the deferred rent during this time-period but shall be applicable as per the lease terms if not paid in full by this date.
9. Any outstanding rent owed by Master Tenants and Village Tenants to the District, prior to April 2020, is not eligible for the COVID-19 Ventura Harbor Rental Abatement and Deferment Program.
10. All other terms, obligations, and requirements in both Master Tenant, Village Tenant, and Village Marina Recreational Charter Business lease agreements remain in full force and effect.

The General Manager will have the authority to implement the Program, receive applications and approve documentation of the qualifications and conditions above to ensure timely processing and approval of monthly rental abatements and deferments. Approval for Program participation will continue to be on a monthly basis during the proposed final 3-month extension period.

#### **FISCAL IMPACT**

Prior to the onset of the COVID-19 pandemic, staff had forecasted operating income for the District at \$9,737,500 for FY20-21. During the budget process, the Operating Revenue estimate was revised downward by \$1,800,000 to \$7,937,500 due to the projected impacts of COVID-19. As of the end of the Second Quarter of FY20-21, the District's operating income was \$555,250 above those projections. As of the Midyear Budget Adjustment, Operating Revenue estimated for FY20-21 is now \$1,244,750 below pre-COVID estimates. The Midyear Budget adjustment does not anticipate further rounds of closures and restoration of normal business in Q4.

The amount of deferred rent accumulated in total since the onset of the Pandemic is \$427,934 as of February 28, 2021.

The General Manager began implementing reductions in expenditures to partially offset revenue losses for promotional and CAM fees beginning in April. This continued with the adoption of the FY20-21 Budget and Mid-Year Budget. Fiscal impacts caused by COVID-19 requires ongoing evaluation of Port District operational, capital and tenant improvement expenses against the FY20-21 Budget.

#### **ATTACHMENTS:**

Attachment 1 – Resolution No. 3410

Attachment 2 – Presentation



**RESOLUTION NO. 3410**

**RESOLUTION OF THE BOARD OF PORT COMMISSIONERS  
OF THE VENTURA PORT DISTRICT EXTENDING AND CONCURRENTLY ENDING THE  
COVID-19 VENTURA HARBOR RENTAL ABATEMENT AND DEFERMENT PROGRAM**

**WHEREAS**, on March 4, 2020, Governor Gavin Newsom proclaimed a State of Emergency to exist in California as a result of the threat of COVID-19;

**WHEREAS**, on March 12, 2020, the County of Ventura declared a State of Emergency to exist in Ventura County as a result of the threat of COVID-19.

**WHEREAS**, on March 17, 2020, the County of Ventura Health Officer issued an Order for the control of COVID-19 directing vulnerable individuals to shelter at their place of residence and issued restrictions of certain businesses.

**WHEREAS**, on March 19, 2020, Governor Gavin Newsom issued Executive Order N-33-20 for the preservation of public health and safety throughout the entire State of California to head the State public health directives from the Department of Public Health that, in order to protect public health, all individuals living in California must stay in their home or place of residence unless needed to maintain continuity of operations of critical infrastructure sectors.

**WHEREAS**, Executive Order N-33-20 identified 16 critical infrastructure sectors whose assets, systems, and networks, whether physical or virtual, are considered to be essential. All other businesses were directed to close.

**WHEREAS**, on March 20, 2020, the County of Ventura Health Officer issued an Order directing persons living in Ventura County to stay in their place of residence and restricting non-essential activities in response to COVID-19. Essential activities include only activities and tasks essential to health and safety of themselves, family, or household members, to obtain services or supplies, outdoor activities, to perform work for an essential business, or to care for a family member or pet in another household.

**WHEREAS**, on April 7, 2020, the City of Ventura passed and adopted Ordinance No. 2020-014, an emergency ordinance amending Section 6.1020.020 "Temporary Eviction Moratorium" for the City of Ventura which provides city residents and businesses impacted by COVID-19 the ability to defer rent payment up to six months after the expiration of the City's Declaration of Local Health Emergency.

**WHEREAS**, on April 28, 2020, Governor Gavin Newsom announced four “Resilience Roadmap Stages” that California would use to guide its gradual reopening process. The four stages are: Stage 1- Safety and Preparedness; Stage 2- Lower Risk Workplaces; Stage 3- Higher Risk Workplaces; and Stage 4- End of Stay-at-Home Order. California has been in Stage 1 since the statewide Stay at Home Order, which took effect on March 16, 2020. California is currently in early Stage 2, which began on May 8, 2020.

**WHEREAS**, on June 11, 2020, the County of Ventura Health Officer issued an Order for the control of COVID-19 directing businesses to establish, implement and enforce COVID-19 prevention plans and observe other capacity restrictions.

**WHEREAS**, the City of Ventura’s Ordinance 2020-024 (Section 6.1020.030) implemented October 12, 2020 requires commercial tenants to repay 40% of rent deferred due to the COVID-19 pandemic by July 31, 2021 and repay the remaining 60% by January 31, 2022 by making equal, monthly payments on the same day monthly rent is due beginning with the August 2021 rent payment. District Staff will implement the City’s ordinance as applicable and return to the Board, as necessary.

**WHEREAS**, on December 3, 2020, California Health Officials announced a Regional Stay Home Order triggered by Intensive Care Unit Capacity falling below 15%.

**WHEREAS**, on December 6, 2020, the Southern California Region became subject to the Regional Stay at Home Order for a minimum of three weeks triggered by Intensive Care Unit Capacity falling below 15%.

**NOW, THEREFORE, BE IT RESOLVED** that the Board of Port Commissioners, by adoption of this Resolution No. 3410 hereby authorizes the extension and conclusion of the COVID-19 Ventura Harbor Rental Abatement and Deferment Program, as follows:

The Ventura Port District hereby extends and concurrently ends the COVID-19 Ventura Harbor Rental Abatement and Deferment Program (“Program”) that will defer all rental payments for those Harbor Master Tenants and Harbor Village Business Tenants who have been directly impacted by the COVID-19 Pandemic on a monthly basis from April 2020 through June 30, 2021;

From April through June 2020, the COVID-19 Ventura Harbor Rental Abatement and Deferment Program qualifications are:

- Businesses must be a Master Tenant, Harbor Village Tenant (i.e. direct commercial tenant of the Ventura Port District), or a Village Marina Recreational Charter Business;
- And:
  - Business is closed by Government Order; or
  - Business has lost 50% or more of typical monthly revenue in the month prior to rent due

From July through September 2020 (First Extended Period), the COVID-19 Ventura Harbor Rental Abatement and Deferment Program qualifications are:

- Businesses must be a Master Tenant, Harbor Village Tenant (i.e. direct commercial tenant of VPD), or a Village Marina Recreational Charter Business;
- And:
  - Business is closed due to Government Order; or

## ATTACHMENT 1

- Business has reopened but has lost 20% or more of typical monthly revenue pre-COVID-19; or
- Business has been open for less than 1 year but certifies it has lost 20% or more of projected monthly revenue pre-COVID.

From October through December 2020 (Second Extended Period), the COVID-19 Ventura Harbor Rental Abatement and Deferment Program qualifications are:

- Businesses must be a Master Tenant, Harbor Village Tenant (i.e. direct commercial tenant of VPD), or a Village Marina Recreational Charter Business;
- And:
  - Business is closed due to Government Order; or
  - Business has reopened but has lost 20% or more of typical monthly revenue pre-COVID-19; or
  - Business has been open for less than 1 year but certifies it has lost 20% or more of projected monthly revenue pre-COVID.

From January through March 2021 (Third Extended Period), the COVID-19 Ventura Harbor Rental Abatement and Deferment Program qualifications are:

- Master Tenant or Harbor Village Tenant (i.e. direct commercial tenant of VPD);
- And:
  - Business is closed due to Government Order; or
  - Business has reopened but has lost 20% or more of typical monthly revenue pre-COVID-19; or
  - Business has been open for less than 1 year but certifies it has lost 20% or more of projected monthly revenue pre-COVID.

From March through June 2021 (Proposed Fourth Extended Period and Conclusion), the COVID-19 Ventura Harbor Rental Abatement and Deferment Program qualifications are:

- Master Tenant or Harbor Village Tenant (i.e. direct commercial tenant of VPD);
- And:
  - Business is closed due to Government Order; or
  - Business has reopened but has lost 20% or more of typical monthly revenue pre-COVID-19; or
  - Business has been open for less than 1 year but certifies it has lost 20% or more of projected monthly revenue pre-COVID.

Starting July 1, 2021, 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) is as follows:

- 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.

## ATTACHMENT 1

The conditions of the COVID-19 Ventura Harbor Rental Deferment Program are:

1. All Tenants must abide by the orders of the City, County, and State business practices in response to the COVID-19 pandemic.
2. All Master, Village and Village Marina Charter Tenants must notify the Leasing Manager by the 10<sup>th</sup> of each month of their need to continue with the program.
  - a. Master, Village and Village Marina Charter Tenants who report sales, will continue to report sales as currently required, to determine the total deferred rental amount, even if these sales are \$0 due to closure.
  - b. Tenants who are not required to provide sales reports to the District must provide demonstration of loss as part of their notification.
3. Master Tenants who qualify must provide the same monthly deferment to all sub-tenants.
4. Harbor Village and Village Marina Charter Tenants who qualify, and who also pay the District a promotional fee for marketing, shall have the promotional fee waived for each month rent is deferred.
5. Harbor Village and Village Marina Charter Tenants who qualify, and who also pay the District a common area maintenance (CAM) fee, shall have one-half the CAM fee waived for each month rent is deferred.
6. Master, Village and Village Marina Charter Tenants will seek COVID-19 federal or other governmental business assistance (if eligible) and pursue business interruption insurance (if eligible). Deferments for May 2020 through March 31, 2021 will require demonstration of pursuit of both or documentation of ineligibility.
7. Repayment of all deferred rent (base rents, one-half CAM fees, percentage rent, etc.) shall be consistent with Ventura's Ordinance 2020-024 or as further amended.
8. No interest or late fees will apply to the deferred rent during this time-period but shall be applicable as per the lease terms if not paid in full by this date.
9. Any outstanding rent owed by Master Tenants and Village Tenants to the District, prior to April 2020, is not eligible for the COVID-19 Ventura Harbor Rental Abatement and Deferment Program.
10. All other terms, obligations, and requirements in both Master Tenant, Village Tenant, and Village Marina Recreational Charter Business lease agreements remain in full force and effect.

**BE IT FURTHER RESOLVED** that the Board of Port Commissioners, by adoption of this Resolution hereby authorizes General Manager, Brian D. Pendleton, to have the authority to extend the program, receive applications, approve documentation of the qualifications and conditions to ensure timely processing and approval of monthly rental abatements and deferments and concurrently end the program effective June 30, 2021.

**PASSED, APPROVED AND ADOPTED** by the Board of Port Commissioners, this 17th day of March 2021.

---

Chris Stephens, Chairman

ATTEST:

---

Brian Brennan, Secretary

ATTACHMENT 1

STATE OF CALIFORNIA                    )  
COUNTY OF VENTURA                ) ss.  
CITY OF SAN BUENAVENTURA        )

I, Brian Brennan, Secretary of the Ventura Port District, a public corporation, do hereby certify that the above and foregoing Resolution No. 3410 was duly passed and adopted by the Board of Port Commissioners of said District at a regular meeting thereof held on the 17th day of March 2021, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAINED:

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of said District this 17th day of March 2021.

---

Brian Brennan, Secretary



**Ventura Harbor**  
HOME OF THE CHANNEL ISLANDS NATIONAL PARK

ATTACHMENT 2

# **COVID-19 Rental Abatement & Deferment Program**

Board of Commissioners Meeting  
March 17, 2021





## **General Circumstances for Harbor Businesses**

- Many Harbor Businesses have experienced a strong revenue recovery through the pandemic.
- Several businesses have outperformed their 2019 sales numbers for the same summer months this year
  - (e.g. September 2020 > September 2019)
- Many tenant businesses have reported increased operating costs
- Some Village Businesses remain closed
- Some Businesses continue to experience significant revenue reductions
- Some Village Businesses were not able to obtain relief funding (PPP, EIDL, State, County grants/loans)



# Comparison of City to Proposed Repayment

Elements	City Ordinance	VPD Program
Monthly Qualification	Combined 20% loss in sales/increase in costs	20% reduction in year over year sales for that month
Application Requirement	Submit within 15 business days of Demand Notice	Monthly: submit within 10 days of rent due date
Abatement	None	50% of CAM, 100% of Promo
100% Deferment Allowed	Mar 1, 2020 – Oct 31, 2020	Apr 1, 2020 – June 30, 2021 (when qualified)
75% Deferment Allowed	Nov 1, 2020 – Jan 31, 2021	N/A
No Deferment	Feb 1, 2021 onward	Months when business not qualified
Repayment of >40%	July 31, 2021	December 31, 2021
Repayment of remainder	10% per month from Aug 2021 through Jan 2022	Equal installments each month from Jan 2022 through June 2022
Repayment of 100%	Jan 31, 2022	June 30, 2022



# Ventura Harbor

HOME OF THE CHANNEL ISLANDS NATIONAL PARK

**Thank you for your time.**

**Brian D. Pendleton**

**Todd Mitchell**



# BOARD OF PORT COMMISSIONERS

MARCH 17, 2021

## STANDARD AGENDA ITEM 2

EMERGENCY DECLARATION TO DREDGE THE  
INNER HARBOR AND STUB CHANNEL

**VENTURA PORT DISTRICT**  
**BOARD COMMUNICATION**

**STANDARD AGENDA ITEM 2**  
Meeting Date: March 17, 2021

TO: Board of Port Commissioners  
FROM: Brian D. Pendleton, General Manager  
Todd Mitchell, Business Operations Manager  
John Higgins, Harbormaster  
SUBJECT: Emergency Declaration to Dredge the Inner Harbor and Stub Channel

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**RECOMMENDATION:**

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.

**SUMMARY:**

At the March 3<sup>rd</sup> meeting, the Board declared an emergency to address needed Maintenance Dredging in order to address navigation and safety concerns within Ventura Harbor within the Stub Channel located at the confluence of the Ventura Harbor and the Arundell Barranca. This is immediately adjacent to the Ventura Harbor Patrol Offices and Marina Park.

On March 8<sup>th</sup>, the City of Ventura similarly declared an emergency in response to the same issues.

The District, in conjunction with the City, had reviewed all potential alternatives to conducting needed maintenance dredging activities that were constrained by special conditions within the dredging permits held by the District and City with the United States Army Corps of Engineers (Corps), the Los Angeles Regional Water Quality Control Board (Waterboard), the Ventura County Air Pollution Control Board, and the California Coastal Commission (CCC).

After obtaining a Regional General Permit (RGP) 63 Emergency Permit to conduct emergency dredging of the Ventura Harbor Stub Channel from the Corps on March 5<sup>th</sup>, the District and City filed applications for an Emergency Coastal Development Permit with the CCC and a Notice of Intent with the Waterboard. The District and City were cleared to have the work performed and a Notice to Proceed was provided to Manson Construction on March 8<sup>th</sup> and dredging subsequently commenced.

In the early afternoon of March 10, Manson Construction completed the necessary dredging in the Stub Channel and the conditions of the channel have now been restored to provide safe passage for vessels and personal watercraft from Ventura Harbor into the Ventura Keys. Given historical rate of infill of the Stub Channel from the Arundell Barranca, staff estimates that the channel should be in good navigable conditions for at least two years. However, Staff and the City will continue to pursue long-term permit amendments.

**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.

- Goal 2: Commercial & Recreational Boating & Fishing
  - Support and promote commercial and recreational boating and fishing

### **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
- Objective E: Public and Civic Engagement Plan
  - Strengthen communication and further develop close working relationships with stakeholders, business partners, and civic leaders
    - 2: Collaborate with City, regional, state, and federal agency officials in pursuit of mutually beneficial projects, programs

### **BACKGROUND:**

The Ventura Port District and the City share responsibility for maintaining access to the Ventura Keys through maintenance dredging of the Ventura Keys Stub Channel.

Bathymetric surveys in the northern portion of the Pierpont Basin and the Stub Channel which provides vessel access to the Ventura Keys indicate the need to perform maintenance dredging in those areas to maintain navigational safety.

Environmental permit conditions for the District's inner harbor dredging cannot be met at this time: in particular, the Santa Clara River mouth is not open and the Santa Clara River velocity is not greater than 100 cubic feet per second (as measured at the Victoria Avenue Bridge).

Over the past year, largely in part due to the COVID-19 pandemic, public recreational vessel usage (powered and unpowered) in Ventura Harbor has increased. As evidenced by the number of paddleboards and kayaks being launched from Marina Park, the District launch ramp, and the exceptional growth in rentals from Ventura Boat Rentals, the number of vessels operating within the Stub Channel (connecting to the Ventura Keys) has increased and resulted in congestion and groundings due to the shoaling of the south side of the channel.

The Arundell Barranca is a drainage canal that provides flood protection within Ventura protecting as much as \$62M in infrastructure from possible flood damage. However, it drains a large urban and agricultural area which discharges into the Ventura Harbor's Stub Channel. During peak storm events, the channel conveys high flow of water and tons of sediment into the harbor creating a shoal and hazard to navigation. Due to the material composition of the sediment, being ~70% fine grains, it is not suitable for placement on beaches according to the permitting agencies.

The District maintains permits with the US Army Corps of Engineers (Corps), the Los Angeles Regional Water Quality Control Board (Waterboard), the Ventura County Air Pollution Control Board, and the California Coastal Commission (CCC) to conduct dredging of the Stub Channel to remove the material.

Although multiple methods and placement options exist within the permits, the most expedient and least impactful to the environment would be to employ Manson Construction (who are executing the federal dredging of the entrance channel at this time) to dredge the material with the equipment and dredge vessel currently at the harbor below the high tide line south of Surfer's Knoll.

## REASONING FOR AN EMERGENCY DECLARATION

In consultation with the District Harbormaster, staff has determined that the inability to dredge the Stub Channel at this time poses an increasing risk of an incident where there could be a loss to life or property. The District and the City believe the risk warrants a declaration of emergency.

The District, in conjunction with the City, reviewed all potential alternatives to conducting needed maintenance dredging activities (which are currently constrained by permit special conditions associated with the Santa Clara River flow conditions), in order to address navigation and safety concerns within Ventura Harbor. The intent was to examine informal discretionary permit amendments of its various permits outside of pursuing emergency permits.

In initial conversations with the Corps, an agreeable process of amending the Corps' permit was chosen that included dredge volume limitations. The Corps issued a Permit Amendment Notification on February 25, 2021 and notified the various other federal and state agencies.

On Monday March 1, 2021, the District and City engaged the Los Angeles Regional Water Quality Control Board (Waterboard) to investigate their discretionary latitude to amend the project's Waste Discharge Requirements (WDR) but the Waterboard, though generally agreeable, had no such discretion after consulting their legal counsel.

At that point, the District and City's only option for conducting the project's dredging, within the allowable time frame, was to apply for an emergency Regional General Permit (RGP) 63 through the Corps that provides a conduit for the Waterboard to approve the action. Following conversations with the Corps and Waterboard, the Corps was receptive to converting the Permit Amendment Notification to a formal RGP 63 request since the justification of the Permit Amendment Notification was due to emergency needs.

District staff had also participated in an informal discussion with California Coastal Commission (CCC) staff who subsequently met with management and the Regional Director to inquire about the projects Coastal Development Permit (CDP) and the CCC's ability to provide discretionary amendments in line with those amenable to the Corps and Waterboard. On Tuesday, March 2, 2021, the CCC informed the District that no such discretionary action was available.

The CCC had mentioned to District staff that the project's existing CDP allows for mechanical dredging and placement of material in nearshore waters at McGrath State Beach and encouraged staff to pursue this course of action. While that action is allowed under the CDP, the EPA has challenged that activity and it remains an unresolved issue in an ongoing Corps permit amendment discussion. Additionally, mobilizing and conducting mechanical dredging causes increased impacts to both sensitive resources and to public use.

Mechanical dredging would:

1. Increase air quality emissions on an order of 5 to 10 times both for mobilization and dredging over that of utilizing Manson's H.R. Morris, currently within Ventura Harbor;
2. Increase turbidity impacts at both the dredge and disposal sites;
3. Increase the number days by 3 to 4 times that areas within the inner harbor would restrict navigation and public use; and,
4. Would not be acceptable to other regulatory agencies due to current regulatory concerns.



## **JUSTIFICATION FOR EXECUTING THE EMERGENCY DREDGING**

In review of the Emergency Coastal Development Plan application, an emergency based on Public Resources Code 30611 is defined as:

“When immediate action by a person or public agency performing a public service is required to protect life and public property from imminent danger, or to restore, repair, or maintain public works, utilities, or services destroyed, damaged, or interrupted by natural disaster, serious accident, or in other cases of emergency, the requirements of obtaining any permit under this division may be waived upon notification of the executive director of the commission of the type and location of the work within three days of the disaster or discovery of the danger, whichever occurs first. Nothing in this section authorizes permanent erection of structures valued at more than twenty-five thousand dollars (\$25,000).”

The District and City feel that the emergency maintenance dredging action meets the above code provisions by:

1. Protecting life and public property from imminent danger
2. Restoring services interrupted in other cases of emergency.

The Corps issued the project’s RGP 63 approval by noon on Friday March 5, 2021. The fact that the Corps approved the District and City’s RGP 63 application, the action is deemed an emergency by the Corps and has concurrence from notified federal and state agencies. Additionally, the proposed emergency dredging, and dredge placement activities are mostly consistent with permit conditions and remained the most expedited method, least impactful to sensitive resources, and minimized impacts to public use of both the beach and navigable waters.

The District’s General Manager therefore recommended to the Board of Commissioners that it declare a District Emergency specific to the dredging of the Ventura Stub Channel

The Declaration of Emergency provided the General Manager the authority to:

1. take any action required to respond to the emergency;
2. submit any/all emergency permit applications and documents required to support this action’s completion; and,
3. to procure the necessary equipment, services, and supplies for those purposes, without giving notice for bids to let contracts.

The General Manager requested that the City do the same. The City added the declaration of emergency to their City Council agenda for March 8<sup>th</sup> and it was passed.

### **FISCAL IMPACT:**

The 2021 inner harbor/stub channel dredging contract with Manson Construction has previously been awarded by the Board of Commissioners. The anticipated volume of material to be dredged is being reduced to the minimum necessary to address the emergency. Manson’s dredge will be on standby while awaiting all permitting authority at an additional cost of \$25,000. The total cost of the emergency dredging is expected to be approximately \$200,000, with approximately \$150,000 being the District’s anticipated portion. The funds for that expenditure are available in the District’s Dredging Reserve and was an anticipated expense in FY20-21. The City’s pro-rata share is expected to be about \$50,000.

### **ATTACHMENTS:**

Attachment 1 – Resolution No. 3409



**RESOLUTION NO. 3409**

**RESOLUTION OF THE BOARD OF PORT COMMISSIONERS  
OF THE VENTURA PORT DISTRICT DECLARING AN EMERGENCY AND  
AUTHORIZING THE GENERAL MANAGER TO  
PURSUE AN EMERGENCY DREDGING PERMIT**

WHEREAS, the Ventura Port District has the authority under the Public Contract Code (§20751.1) and the Public Resources Code (§30611) to declare an emergency condition where immediate action is necessary to protect life, health or property, and to restore services subject to interruption in the event of another emergency;

WHEREAS, dredging in portions of the Ventura Harbor are necessary to maintain safe navigability;

WHEREAS, in consultation with the District Harbormaster, staff has determined that the inability to dredge the Stub Channel (the confluence of the inner Ventura Harbor and the Arundell Barranca) at this time poses an increasing risk of an incident where there could be an injury or loss to life or property. The District and the City of San Buenaventura believe the risk warrants the declaration of emergency;

WHEREAS, the Public Contract Code and the District's Procurement and Purchasing Policy provide that, where an emergency condition exists, the General Manager is authorized to expend necessary funds and take such action as may be necessary to prevent or mitigate the loss or impairment of life, health, and property without the need for competitive bidding or subsequent Board approval, where applicable.

NOW, THEREFORE, BE IT RESOLVED that the Board of Port Commissioners DECLARES, DETERMINES, and ORDERS as follows:

1. Due to the need to maintain safe, navigable water in and about the Ventura Harbor, and the inability to conduct dredging operations under current permit conditions, and the availability of dredging equipment only for the next several days, the Board finds that an emergency condition exists.

ATTACHMENT 1

2. The District determines that the public interest and necessity demand the immediate expenditure of public money to safeguard the public and District property from the dangers posed by the current limited navigability of the Stub Channel.
3. The Board hereby delegates to Brian D. Pendleton, the District General Manager, the authority to: 1) take any action required to respond to the emergency, 2) submit any/all emergency permit applications and documents required to support this action's completion, 3) to procure the necessary equipment, services, and supplies for those purposes, without giving notice for bids to let contracts, and 4) request that the City of San Buenaventura Council to adopt a similar Declaration of Emergency.
4. Authorize the immediate application for an Emergency Permit from the U.S. Army Corps of Engineers to conduct dredging operations.
5. The General Manager shall report to the Board of Port Commissioners at its next regularly scheduled meeting of the Board of the actions to respond to the emergency.

PASSED, APPROVED AND ADOPTED the 3<sup>rd</sup> day of March 2021, by the following vote:

AYES: Commissioners Stephens, Blumenberg, Brennan, Gardina, Ashworth

NOES:

ABSTAINED:

ABSENT:

ATTEST:

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

  
\_\_\_\_\_  
Chris Stephens, Chairman



ATTACHMENT 1

STATE OF CALIFORNIA                    )  
COUNTY OF VENTURA                )ss.  
CITY OF SAN BUENAVENTURA        )

I, Brian Brennan, Secretary of the Ventura Port District, a public corporation, do hereby certify that the above and foregoing Resolution was duly passed and adopted by the Board of Port Commissioners of said District at a meeting thereof held on the 3<sup>rd</sup> day of March 2021, by the following vote:

AYES: Commissioners Stephens, Blumenberg, Brennan, Gardina, Ashworth

NOES:

ABSTAIN:

ABSENT:

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of said District this 3<sup>rd</sup> day of March 2021.



Brian Brennan, Secretary





# BOARD OF PORT COMMISSIONERS

MARCH 17, 2021

## STANDARD AGENDA ITEM 3

VENTURA SHELLFISH ENTERPRISE NEXT STEPS

**VENTURA PORT DISTRICT  
BOARD COMMUNICATION**

**STANDARD ITEM 3**  
Meeting Date: March 17, 2021

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TO: Board of Port Commissioners  
FROM: Brian D. Pendleton, General Manager  
Andy Turner, Legal Counsel, Lagerlof, LLP  
Robert Smith, Special Legal Counsel, K&L Gates  
SUBJECT: Ventura Shellfish Enterprise Next Steps

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**RECOMMENDATION:**

That the Board of Port Commissioners 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 31<sup>st</sup>, 2021
2. 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.

**SUMMARY:**

The General Manager submitted the VSE Operations Plan to state and federal regulators as directed by the Board in Fall 2020. Since then, the Port District has engaged in further discussions with environmental NGOs, state, and federal agencies to discuss project siting. The current U.S. Army Corps of Engineers (Corps) application for the VSE project, which reflects a federal waters siting, is still on-hold. This is despite substantive efforts to work with the state legislature to resolve the jurisdictional conflict with Ventura LAFCo. In the meantime, NOAA has identified Southern California as one of two proposed Aquaculture Opportunity Areas (AOA). If successful, the AOA process could facilitate expedited permitting for aquaculture projects in Federal waters. Further, NOAA is considering an alternative that would identify potential aquaculture sites located in the Santa Barbara Channel, partially based upon the science and data collected for the VSE project.

While the Board could consider alternatives to the recommendations, such as relocating the project to State waters to resolve the LAFCo jurisdictional conflict and some environmental NGO concerns, the State is not accepting aquaculture applications at this time. Even if that changes, the California Fish and Game Commission (FGC) has indicated they face significant challenges in processing aquaculture applications, such as the VSE project, due to resource constraints. Therefore, it would likely be a lengthy time-period for the FGC to process an application for the VSE project. The Port District would also need to commission development of an environmental impact report to comply with the California Environmental Quality Act. Further, the Port District relocated the project from state to federal waters after significant opposition was received by commercial fishing interests.

Therefore, staff and legal counsel recommend the Port District take an active role in supporting the establishment of the Southern California AOA and seek opportunities to collaborate with the



aquaculture industry to establish aquaculture farms that can land product in Ventura Harbor. This is consistent with the Port District's Long-Term Goals, 5-Year Objectives and VSE Project Goals (described in more detail below), which seek to maintain federal dredging priority, diversify commercial fisheries with sustainable forms of aquaculture, strengthen Ventura's working waterfront, develop new sources of revenue for the Port District, and provide jobs to the local and regional economies.

#### **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:**

The VSE project is an initiative proposed by the Port District with support from project volunteers that seeks to permit twenty 100-acre plots for growing the naturalized Mediterranean mussel (*Mytilus galloprovincialis*), in California coastal waters via submerged long lines within the Santa Barbara Channel near Ventura Harbor. Increasing the supply of safe, sustainably produced domestic seafood is a priority of the State Legislature, NOAA and the U.S. Department of Commerce.

The VSE project objectives include:

- To increase the supply of safe, sustainably produced, and locally grown shellfish while minimizing potential negative environmental impacts;
- To enhance and sustain Ventura Harbor as a major west coast fishing port and support the local economy;
- To provide economies of scale, pre-approved sub-permit area, and technical support to include small local producers who would not otherwise be able to participate in shellfish aquaculture;
- To provide an entitlement and permitting template for aquaculture projects state-wide;
- To enhance public knowledge and understanding of sustainable shellfish farming practices and promote community collaboration in achieving VSE objectives; and,
- To advance scientific knowledge and state of the art aquaculture practices through research and innovation.

The project's origins, goals and project funding are extensively discussed in a project status report to the Board on July 17, 2019. The Port District submitted applications for the VSE project to the



California Coastal Commission (Coastal Commission) and Corps in Fall 2018. Since receiving the permit application, the Corps conducted its required public comment process, and received comments from the U.S. Coast Guard (USCG) and the Ventura Local Agency Formation Commission (LAFCo). On January 15, 2020, the Corps sent a letter to the Port District requesting a Navigation Risk Assessment, as requested by the USCG, and resolution of a jurisdictional issue raised in the LAFCo letter. As stated in the Corps' letter: "If the requested information cannot be submitted within 30 days, the Corps will withdraw your permit application. When you do provide the requested information, the Corps will resume review of your previously submitted permit application." On February 18, 2020, the Corps notified the Port District that its application had been administratively withdrawn, again stating that it would resume processing the application once the Port District provides the information requested in the January 15 letter.

The Navigation Risk Assessment, prepared by COWI on the Port District's behalf, was presented to the Commission and stakeholders at two Board meetings held on July 1 and 15, 2020. It is complete and submitted to the Corps, Coastal Commission and USCG. The project team presented the findings to the USCG in August. It is believed to be the first Navigation Risk Assessment completed for an aquaculture project in the U.S. and can be used to help inform NOAA in siting within the Santa Barbara Channel as part of the AOA process.

The Port District worked cooperatively with the Ventura LAFCo to resolve their differences and provided an update on the issue as part of the VSE Annual Status Report to the Commission and stakeholders at the July 15, 2020 Board meeting. This included joint written communication with the Corps and review of proposed legislation to allow the VSE project to move forward. Ultimately, due to Covid impacts to the legislative calendar and continuing environmental NGO opposition, sponsorship of the proposed legislation was withdrawn.

After extensive stakeholder engagement, in Fall 2020, the Board also authorized the submission of the Ventura Shellfish Enterprise Operations Plan to the Corps, Coastal Commission, and other regulatory agencies as appropriate and received the Economic and Fiscal Impacts of the proposed Ventura Shellfish Enterprise. The Port District has also continued to discuss the project with the Coastal Commission, Santa Barbara Channelkeeper, and Santa Barbara Environmental Defense Center. While these meetings have been productive in better understanding their concerns, the parties remain opposed to the VSE project being located in federal waters.

Separate from the VSE project, NOAA is currently considering establishment of AOAs, including one in Southern California. NOAA is preparing an Environmental Impact Statement that will evaluate a number of potential site locations for establishment of the AOA. The purpose of the AOA is for NOAA to conduct the site selection, stakeholder outreach, and environmental review needed to establish aquaculture (including shellfish aquaculture) in federal waters, thereby significantly reducing the cost and regulatory hurdles associated with new aquaculture projects. Aquaculture applicants would still need to complete the required permitting processes, including review by the Corps.

### **Other Alternatives**

As an alternative to staff's recommendation above, the Board could consider one of the following paths forward:

- Move the project to State waters, which would create a pathway for project approvals. This would trigger the need to obtain a State lease from the Fish & Game Commission, which as previously discussed, currently has a moratorium in place due to their lack of resources in processing aquaculture projects. While the moratorium may be lifted in April, FGC staff

was not able to provide any details regarding how long it would take to process the VSE project, indicating that it is possible it could take several years. It will also subject the project to CEQA, where the Port District would likely need to fund preparation of an Environmental Impact Report. Although significant environmental analysis has already been performed, this could cost several hundred thousand dollars.

Finally, the VSE project would also likely require Ventura LAFCo approval. While LAFCo previously communicated that they did not object to the VSE project itself (but rather its location in Federal waters), it is unknown if they would approve the relocated project. It is also unclear at this time if relocation of the VSE project would resolve environmental NGO opposition, and the project could face renewed opposition from commercial fishers.

- Maintain the project in Federal Waters but seek to assign or transfer existing permit applications for the proposed VSE project to private aquaculture firm(s) through a publicly competitive request for proposal (RFP) and selection process. The RFP would be developed by Port District staff in consultation with the VSE team, as well as state and federal regulators. The RFP would be approved in advance of its formal release by the Board with stakeholder input.

In this scenario, the Port District would no longer be the project applicant. However, the pool of global aquaculture firms ready to pick up the Port District's unentitled project is unknown amid continued threatened litigation by environmental NGO's; the current state of the global aquaculture industry impacted by reductions in demand associated with COVID-19; significant regulatory processes that remain to be completed; and potential additional costs associated with the environmental review process.

- Engage in further stakeholder meetings or workshops regarding project siting (federal versus state waters), scale (total acreage, phasing) and project details. This would demonstrate a continued strong track record of stakeholder engagement by the Port District to the Coastal Commission, USCG and Corps and would facilitate discussion of potential project changes that could potentially eliminate or reduce project opposition. It can also provide the Port District with additional information concerning whether there is any project that would be acceptable to the current project opponents if the VSE project were relocated to state waters.
- Continue to seek approvals for the VSE project in Federal waters. In this scenario, it is likely that the Port District would need to either find another legislative sponsor or seek a declaratory judgment in court that the project does not require LAFCo approval. It is also likely that environmental NGOs would continue to oppose the project.

## **Conclusion**

The California Market Squid season comes to an end on March 31, 2021. It will mark another season of poor catch for Ventura Harbor. California Market Squid typically accounts for over 90% of commercial landings at Ventura Harbor in terms of tonnage (and over 50% by market value), which is home to the largest purse seiner fishing fleet on the west coast. This supports the Port District's working waterfront, local jobs and regional economy. It is also an important factor in annual federal dredging decisions critical to Ventura Harbor's navigational safety. One measure of the current volatility is annual offloading fees received by the Port District. Since Fiscal Year 2016-2017, these fees have decreased by 68.5% as of the end of Fiscal Year 2019-2020.

Commercial fishing vessels associated with California Market Squid have either been largely idle or have temporarily left Ventura Harbor to seek more productive fishing grounds.

The proposed VSE project, amongst its many objectives described above, seeks to diversify commercial fish offloading at Ventura Harbor through the development of sustainable forms of aquaculture in the Santa Barbara Channel. The VSE project team has completed biological studies, the first-of-its-kind navigational risk assessment at the request of the USCG, worked with marine engineers to confirm and finalize farm engineering designs to withstand 100-year storms, and completed the Operations Plan shared with both the Corps, Coastal Commission, and NOAA.

As a result of these efforts over the past 6 plus years of work, the VSE project team has generated extensive data demonstrating that sustainable long line mussel farming is ideal for the Santa Barbara Channel. This has helped inform NOAA in their decision-making process to identify Southern California as currently one of only two proposed AOAs. Further, the Santa Barbara Channel has specifically been included in this AOA process for further consideration. The Port District should continue to support the AOA process moving forward, complete the tasks required under its Sea Grant, seek opportunities to collaborate with the aquaculture industry to establish sustainable aquaculture farms that can land product in Ventura Harbor and authorize continued advocacy efforts for the establishment of sustainable aquaculture farms in the Santa Barbara Channel proximate to Ventura Harbor.

#### **FISCAL IMPACT**

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. It is labeled as Attachment 1.

The Port District was also the recipient of a 2015 CA Sea Grant. The 2015 CA Sea Grant sub-award was \$264,470. The District's cost match for the 2015 CA Sea Grant was \$404,229. This cost match exceeded the grant requirement and was achieved through volunteer contributions of time by the parties identified above and District staff plus direct costs incurred by the District. The completed 2015 CA Sea Grant accounting of grant funds is labeled as Attachment 2.

There will be continued costs associated with the recommended actions, albeit significantly reduced than pursuing any one of the alternatives identified above. The Port District with VSE project team support will complete grant deliverables that requires continued project management, legal and aquaculture team member support. Continued staff time, with some consultant support, will be necessary to monitor, participate and advocate for the Southern California AOA with sites proximate to Ventura Harbor. It is also recommended the Port District maintain aquaculture association membership (already budgeted) to seek opportunities for collaboration with the industry as described above. Staff will be returning to the Board with contract amendments, as necessary, for project management, environmental and legal support previously contemplated and approved in the mid-year budget presented at the February 3, 2021 Board Meeting.

**ATTACHMENTS**

Attachment 1 – 2018 CA Sea Grant Accounting

Attachment 2 – 2015 CA Sea Grant Accounting

# ATTACHMENT 1

Ventura Port District  
Ventura Shellfish Enterprise  
2018 Sea Grant - Year 1 & 2  
Grant period 9/1/2018 - 8/31/2021

## Grant Funding

	<u>Grant</u>	<u>Billed</u>	<u>Remaining</u>	<u>Comments</u>
Plauche Carr-Legal - Task 4	60,000.00	60,000.00	-	
Dudek - Task 5 - Environmental Review	119,410.00	119,410.00	-	
Coastal Marine Biolabs - Task 6	39,000.00	38,631.31	368.69	
Scott Lindell - Task 7	20,500.00	16,742.74	3,757.26	Grower/Producer Compliance Training
Blake Stok - Task 7	24,750.00	10,725.00	14,025.00	
CAPS Media - Task 7	3,000.00	-	3,000.00	
Recap through 12/31/2020	<u>\$ 266,660.00</u>	<u>\$ 245,509.05</u>	<u>\$ 21,150.95</u>	

## Direct costs to District

	<u>Contract/Budget</u>	<u>Billed</u>	<u>Remaining</u>	<u>Comments</u>
Plauche & Carr	47,993.83	47,965.14	28.69	Contract terminated - Robert Smith
K & L Gates	150,000.00	105,895.14	44,104.86	New contract - Robert Smith
Dudek - Task 5, 9% & Project Management Support	260,000.00	197,642.15	62,357.85	
Maine Marine Composites - Engineering Serv	15,150.00	15,150.00	-	Evaluate the performance of mussel longline system under specific conditions
COWI No. America Inc	64,040.00	64,040.00	-	Navigation Risk Assessment
Illuminas Consulting	11,000.00	11,019.85	(19.85)	Fiscal & economic impact assessment
Misc - Engineering Services	1,750.00	1,638.00	112.00	
Braitman & Associates	2,400.00	1,360.00	1,040.00	
Kelson Marine Co.	5,850.00	5,850.00	-	
Conferences/Travel/Meetings/Supplies/Misc	12,650.00	3,446.86	9,203.14	
Recap through 12/31/2020	<u>\$ 570,833.83</u>	<u>\$ 454,007.14</u>	<u>\$ 72,693.14</u>	

## Combined In-Kind Contributions and Cost Share Contributions

### In-Kind Contributions/Value of Volunteered Time

	<u>Grant Requirement</u>	<u>Reported</u>	<u>Remaining</u>	<u>Comments</u>
Ashworth, Ev & Brooke	97,800.00	102,689.86	(4,889.86)	Volunteered time
Bush, Doug	54,720.00	12,350.00	42,370.00	Volunteered time
Imondi, Ralph	25,600.00	29,150.00	(3,550.00)	Volunteered time
Parsons, Richard	20,000.00	7,800.00	12,200.00	Paid only as stipulated in Dredging/Project Manager Professional Service Agreement
Pendleton, Brian	48,490.00	83,083.72	(34,593.72)	Paid regular salary only
Santschi, Linda	25,600.00	27,350.00	(1,750.00)	Volunteered time
In-Kind Contribution/Volunteered Time thru 12/31/2020	<u>\$ 272,210.00</u>	<u>\$ 262,423.58</u>	<u>\$ 9,786.42</u>	

### Cost Share Contributions - Grant Year 1

	<u>Grant Requirement</u>	<u>Paid</u>	<u>Remaining</u>	<u>Comments</u>
Dudek - 9% & Project Management Support	-	16,055.39	(16,055.39)	Paid by District - Qualifies as cost share
Maine Marine Composites	-	15,150.00	(15,150.00)	Paid by District - Qualifies as cost share
Braitman & Associates	-	1,360.00	(1,360.00)	Paid by District - Qualifies as cost share
Noble Engineering	-	1,638.00	(1,638.00)	Paid by District - Qualifies as cost share
Cost Share Contributions thru 6/30/2019	<u>\$ -</u>	<u>\$ 34,203.39</u>	<u>\$ (34,203.39)</u>	
Total in-Kind and Cost Share Contributions	<u>\$ 272,210.00</u>	<u>\$ 296,626.97</u>	<u>\$ (24,416.97)</u>	

## ATTACHMENT 2

### Ventura Port District Ventura Shellfish Enterprise 2015 Sea Grant

#### Ventura Shellfish - Recap

##### Grant Funding

	<u>Grant</u>	<u>Billed</u>	<u>Remaining</u>	<u>Comments</u>
Scott Lindell-Salary/Bene	19,920.00	19,920.00	-	
Scott Lindell-Travel	5,000.00	4,933.85	-	
Pendleton travel		66.15		
Plauche Carr-Legal	25,000.00	25,000.00	-	completed 11/17
Dudek	202,550.00	202,333.21	-	
Dudek-meeting expenses		216.79		put 216.79 back in Dudek
Expendables				
Dudek-meeting expenses		413.10		
		(216.79)		put 216.79 back in Dudek
Coastal Marine-Website		2,640.00		
Cyborg Copies		32.33		
Pendleton travel-VSE meeting		10.19		Split w/travel above
Pacific Coast Shellfish conf		1,365.22		BP & OP flight & conference fee
Plauche - Permitting Task 1		2,310.00		
Plauche - Shellfish Project Formation		4,207.50		
Four Points VSE meeting		1,238.45		
	12,000.00	12,000.00	-	
	<u>\$ 264,470.00</u>	<u>\$ 264,470.00</u>	<u>\$ -</u>	

Reimbursement requested	\$ 264,470.00
Amount reimbursed to date	<u>\$ 264,470.00</u>
	\$ -

##### Direct costs to District

	<u>Contract</u>	<u>Billed</u>	<u>Remaining</u>	
Plauche-special	23,500.00	29,388.67	(5,888.67)	Contract \$23,500 (\$8.5k + \$15k)
Plauche-special	28,000.00	16,417.50	<u>11,582.50</u>	Contract \$28,000
			5,693.83	
Dudek 9% of grant	18,229.50	18,208.75	20.75	
Dudek - Amend 2&3	15,065.00	15,053.75	11.25	
Blake Stok	20,880.00	20,879.50	0.50	Contract \$20,880
				(\$7.5k+\$3.28k+\$2.4k+\$7.7k)
Seasketch-UCSB	1,000.00	1,000.00	-	
Seasketch-UCSB	10,966.20	10,966.20	-	
Seasketch-UCSB	4,974.00	4,974.00	-	
Four Points - Meetings	na	1,760.10		
Cyborg Copies	na	310.86		
	<u>\$ 122,614.70</u>	<u>\$ 118,959.33</u>	<u>\$ 5,726.33</u>	

Revised 9/14/2018

	<u>Grant</u>	<u>Submitted</u>	
<u>In-Kind Contributions</u>			
Ashworth, Ev & Brooke	118,500.00	169,221.00	(50,721.00)
Bush, Doug	86,400.00	73,150.00	13,250.00
Parsons, Richard	69,120.00	26,000.00	43,120.00
Santschi, Linda	25,600.00	38,775.00	(13,175.00)
Imondi, Ralph	25,600.00	38,775.00	(13,175.00)
Mackay, Jonathan	-	5,705.00	(5,705.00)
Pendleton, Brian	-	52,603.00	(52,603.00)
Open Water Sampling	30,000.00	-	-
	<u>\$ 355,220.00</u>	<u>\$ 404,229.00</u>	<u>\$ (79,009.00)</u>