

VENTURA PORT DISTRICT BOARD OF PORT COMMISSIONERS

Jim Friedman, Chairman Everard Ashworth, Vice Chairman Bruce E. Smith, Commissioner Gregory Carson, Commissioner

Oscar Peña, General Manager Timothy Gosney, Legal Counsel Jessica Rauch, Clerk of the Board

PORT COMMISSION AGENDA REGULAR MEETING MAY 13, 2015 AT 12:00 P.M. 1603 ANCHORS WAY DRIVE, VENTURA, CA

A <u>Closed Session</u> of the Board will be held at approximately <u>11:00A.M.</u> in the Port District Office located at 1603 Anchors Way Drive, Ventura, California to discuss items on the Attachment to Agenda-Closed Session Conference with Legal Counsel and then reconvene thereafter to the Regular Meeting.

The Board will convene in **Open Session** at the Port District Office located at 1603 Anchors Way Drive for its Regular Meeting at **12:00P.M.**

ADMINISTRATIVE AGENDA

CALL TO ORDER: By Chair, Jim Friedman.

PLEDGE OF ALLEGIANCE: By Chair, Jim Friedman.

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 (Public Notices). Each item on the agenda shall be deemed to include action by an appropriate motion, resolution or ordinance to take action on any item.

APPROVAL OF MINUTES

The Minutes of April 22, 2015 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.

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.

STAFF COMMUNICATIONS (5 minutes)

Ventura Port District Staff will update the Commission on important topics.

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.

LEGAL COUNSEL REPORT (5 minutes)

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 New Office Lease Agreement for Sierra Pacific Mortgage

Recommended Action: Motion

That the Board of Port Commissioners approve by motion a new Office lease agreement between the Ventura Port District dba Ventura Harbor Village and Sierra Pacific Mortgage for the premises located at 1583 Spinnaker Drive #213 consisting of a total of 791 square feet for a two (2) year term.

B) Approval of New Lease Agreement for Coastal Cone/The Parlor

Recommended Action: Motion

That the Board of Port Commissioners approve by motion a new Restaurant lease agreement between the Ventura Port District dba Ventura Harbor Village and the Coastal Cone and The Parlor for the premises located at 1583 Spinnaker Drive #102 & #104 consisting of a total of 1,663 square feet for a three (3) year term with one (1) five (5) year option.

C) Approval of New Lease Agreement for Hawk Ridge Systems

Recommended Action: Motion

That the Board of Port Commissioners approve by motion a new Office lease agreement between the Ventura Port District dba Ventura Harbor Village and Hawk Ridge Systems for the premises located at 1591Spinnaker Drive #207 consisting of a total of 1,420 square feet and 838 square feet of patio area for a two (2) year term.

STANDARD AGENDA: (65 minutes)

1) Consideration of Adoption of Ordinance No. 49 (10 minutes)

Recommended Action: Ordinance No. 49.

That the Board of Port Commissioners:

- a) Conduct a public hearing for the purpose of receiving input on proposed Ordinance 49;
- b) Read proposed Ordinance No. 49 for the record; and
- c) Adopt Ordinance No. 49, which authorizes execution of the Lease between Ventura Port District and Ventura Harbor Marine Fuel Inc., for Parcels 3A1 and 3A2 of 1551 Spinnaker Drive.

2) Delegation of Authority Pursuant to California Government Code § 21173 (10 minutes)

Recommended Action: Resolution No. 3276.

That the Board of Port Commissioners adopts Resolution No. 3276:

a) Authorizing the General Manager to make applications to the California Public Employees' Retirement System (CalPERS) on behalf of the District pursuant to Government Code Section 21152(c) for disability retirement benefits of disabled

employees and to initiate requests for reinstatement of such employees who are retired for disability; and

b) Authorizing the General Manager to make determinations of an employee's disability on behalf of the District and whether such disability is industrial and to certify such determinations and all other necessary information to CalPERS.

3) Approval of Fee Increase Notification for Launch Ramp Parking and Dry Storage (15 minutes)

Recommended Action: Motion.

That the Board of Port Commissioners approve by motion the authorization of the General Manager to notify the public and tenants of a public hearing on May 27, 2015 to consider a fee increase for launch ramp parking and the District's dry storage facility.

4) Approval of 2015 Lifeguard Services Contract (15 minutes)

Recommended Action: Motion.

That the Board of Port Commissioners approve by motion the authorization of the General Manager to enter into a contract with State Parks for lifeguard services at Harbor Cove and Surfers Knoll from May 23 through September 7, 2015 for an amount not to exceed \$58,578.09.

5) Harbor Village Marina Safety (15 minutes)

Recommended Action: Informational.

That the Board of Port Commissioners receive a report on the Harbor Village Marina and the safety measures being taken.

ADJOURNMENT

This agenda was posted on Friday, May 8, 2015 at 5:00 p.m. at the Port District Office and on the Internet - www.venturaharbor.com (Public Notices).

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. Notification 48 hours before the meeting will enable the District to make reasonable arrangements to ensure accessibility.

(28 CFR 35.102.35.104 ADA Title II)

ATTACHMENT TO PORT COMMISSION AGENDA CLOSED SESSION CONFERENCE WITH LEGAL COUNSEL

WEDNESDAY, May 13, 2015

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

a) Property: 1583 Spinnaker Drive #213
Negotiating Parties: Oscar Peña, Timothy Gosney

Under Negotiation: Sierra Pacific Mortgage New Lease Terms

b) Property: 1591 Spinnaker Drive #207
Negotiating Parties: Oscar Peña, Timothy Gosney

Under Negotiation: Hawk Ridge Systems New Lease Terms

c) Property: 1583 Spinnaker Drive #101
Negotiating Parties: Oscar Peña, Timothy Gosney

Under Negotiation: Greek at the Harbor New Lease Terms

2. Per Government Code Section 54956.9(d)(1) – Pending Litigation:

Chapter 11 Bankruptcy of State Fish, Co., et al., U. S. Bankruptcy Court, Central District of California, Los Angeles Division, Case Nos. 2: 15-bk-11084-SK and 2: 15-bk-11085-SK.

- 3. Per Government Code Section Potential Litigation:
 - a) 54956.9(d)(1) Bashkiroff v. Ventura Port District, et al., Ventura Superior Case No. 56-2013-00442997-CU-PN-VTA
 - b) **54956.9(d)(2) -** Claim of Bonnie Beck

May 13, 2015 BOARD OF PORT COMMISSIONERS APPROVAL OF MINUTES



Minutes of Special Workshop Meeting of the Ventura Port District Board of Port Commissioners Held April 22, 2015

The Regular Meeting of the Ventura Board of Port Commissioners was called to order by Chairman Jim Friedman at 7:07PM at the Ventura Port District Office located 1603 Anchors Way Drive, Ventura, CA 93001.

Commissioners Present:

Jim Friedman, Chair Everard G. Ashworth, Vice Chair Gregory L. Carson Bruce E. Smith

Commissioners Absent:

None

Port District Staff:

Oscar Peña, General Manager Scott Miller, Harbor Master Robin Baer, Property Manager Pat Hummer, Harbor Patrol Joe Gonzalez, Facilities Manager Jennifer Talt-Lundin, Marketing Manager Richard Parsons, Consultant Jessica Rauch, Clerk of the Board

Legal Counsel:

Timothy Gosney

AGENDA

CALL TO ORDER: By Chair, Jim Friedman.

PLEDGE OF ALLEGIANCE: By Harbormaster, Scott Miller.

ROLL CALL: All Commissioners were present.

ADOPTION OF AGENDA

ACTON: Commissioner Smith moved, seconded by Commissioner Carson and

carried by a vote of 4-0 to adopt the April 22, 2015 agenda.

APPROVAL OF MINUTES

The Minutes of April 8, 2015 were considered as follows:

ACTION: Commissioner Carson moved, seconded by Commissioner Smith and

carried by a vote of 3-0-1 (Friedman abstained) to approve the minutes of

April 8, 2015.

PUBLIC COMMUNICATIONS: Deputy Mayor, Erik Nasarenko presented a proclamation on behalf of the City of Ventura and Mayor Heitmann for Harbormaster, Scott Miller's years of service to the Ventura Port District and community. Lynn Mikelatos, owner of The Greek at the Harbor and Margarita Villa, extended an invitation to everyone for Scott Miller's retirement party being held at The Greek.

CLOSED SESSION REPORT: Mr. Gosney stated that the Board met in closed session; discussed and reviewed all of the items listed on the Attachment to Agenda. Staff was given instructions as to how to proceed as appropriate and there was no action taken reportable under The Brown Act.

LEGAL COUNSEL REPORT: Mr. Gosney reported that his office is working on the agreement for the Mermaid statue donation. Also, a new appellate case recently held that attorney invoices are a confidential communication between attorney and client and therefore not disclosable under the Public Records Act.

BOARD COMMUNICATIONS: Commissioner Ashworth gave the Commission an update on the grant proposal that he has been working on.

DEPARTMENTAL STAFF REPORTS: Richard Parsons updated the Commission on the federal funding for dredging.

GENERAL MANAGER REPORT: Mr. Peña reported announced the passing of longtime fisherman Pete Dupuy and his memorial service will be held May 2nd.

CONSENT AGENDA:

1) Approval of Financial Statements and Checks for the month of February 2015 Recommended Action: Resolution No. 3275.

That the Board of Port Commissioners adopt Resolution No. 3275 accepting and approving the Financial Statements, Payroll and Regular Checks for expenses in February 2015.

ACTION:

Commissioner Carson moved, seconded by Commissioner Ashworth and carried by a vote of 4-0 to adopt Resolution No. 3275 accepting and approving the Financial Statements, Payroll and Regular Checks for expenses in February 2015.

2) Approval of Out of Town Travel Request

Recommended Action: Motion

That the Board of Port Commissioners approve by motion the Out of Town Travel Request for Consultant, Richard Parsons.

ACTION:

Commissioner Ashworth moved, seconded by Commissioner Carson and carried by a vote of 4-0 to approve the Out of Town Travel Request for Consultant, Richard Parsons.

STANDARD AGENDA:

1) Consideration of Rejection of Claim by Craig Minton

Recommended Action: Motion.

That the Board of Port Commissioners approve by motion the rejection of a claim filed against the Ventura Port District on February 6, 2015 by Craig Minton and authorize the General Manager to execute and mail a Notice of Rejection to Mr. Minton.

ACTION:

Commissioner Ashworth moved, seconded by Commissioner Smith and carried by a vote of 4-0 to approve the rejection of a claim filed against the Ventura Port District on February 6, 2015 by Craig Minton and authorize the General Manager to execute and mail a Notice of Rejection to Mr. Minton.

2) Appointment of General Manager as Secretary of the Board of Port Commissioners Recommended Action: Motion.

That the Board of Port Commissioners discuss and take appropriate action on the appointment of the General Manager as Secretary of the Board of Port Commissioners.

ACTION:

Commissioner Carson moved, seconded by Commissioner Ashworth and carried by a vote of 4-0 to approve the appointment of the General Manager as Secretary of the Board of Port Commissioners.

3) Approval of RRM Design Group Agreement for Additional Services

Recommended Action: Motion.

That the Board of Port Commissioners approve by motion the authorization of the General Manager to enter into a \$47,390 Agreement for additional services with RRM Design Group for the Ventura Harbor Village Accessibility Plan Improvements.

ACTION:

Commissioner Carson moved, seconded by Commissioner Ashworth and carried by a vote of 4-0 to approve the authorization of the General Manager to enter into a \$47,390 Agreement for additional services with RRM Design Group for the Ventura Harbor Village Accessibility Plan Improvements.

4) 2015 Lifeguard Services Contract

Recommended Action: Motion.

That the Board of Port Commissioners review, discuss and take appropriate action on the contract proposed by State Parks to provide Lifeguard Services at Harbor Cove and Surfers Knoll.

ACTION:

The Commission would like to see staff return at the next meeting with more information on three different proposals from the City of Port Hueneme, the City of Ventura, and State Parks.

1) 2015 – 2016 Preliminary Budget and Five Year Capital Improvement Plan

Recommended Action: Informational.

That the Board of Port Commissioners review and discuss the 2015 – 2016 Ventura Port District Preliminary Budget and Five Year Capital Improvement Plan.

ACTION: The Commission received a report on the 2015 – 2016 preliminary budget and five year capital improvement plan and had the following comments and questions:

1. Commissioner Carson

- Page 76, General Expenses, Advertising Would like more of an explanation for this increase. At this time would not be in favor of this increase; needs to be more comprehensive.
- Page 77, General Expenses Cont'd, Village Enhancements What budget does this go under? Would like to see a joint effort with both Property Management and Maintenance. Property Management should be involved in this process.
- Page 77, General Expenses Cont'd, Janitorial Supplies \$8,500 increase; seems large.
- Page 77, General Expenses Cont'd, Prof. Serv/Downtown Trolley Partnership –
 Are we going to continue with this? Need to bring in more partners. Should be
 up for discussion.
- Page 77, Marketing & Promotional Expenses, Advertising In favor of staying around \$131,000, unless there is a justification for the \$9,000 increase.
- Page 78, Non-Operating and Other Expenditures Is the increase attributed to the Harbormaster salary being part of the Harbor Patrol Department now? Yes.
- Page 78, Building Tenant Improvements What does this include?
- Page 81, Capital Improvement and Maintenance Projects, Roofs This wasn't on the radar. Hopes staff is continuing to look at every option.
- \$3M for dock replacement Loan?
- Page 85, Harbor Village Marina Other Expenses, Grounds Maintenance More information on the substantial decrease. Needs to be continued. Should be under Property Management, not Maintenance.
- Page 86, Harbor Village Common Area Maintenance (CAM) Other Expenses, Professional/Outside Services – More information; what is this for?
- Page 88, Harbor Dredging and Related Expenses Thought new position would be covering project management, however, it is 45-50% of this budget; why?

2. Commissioner Smith

- Page 76, Harbor Village Lease Income, Retail Leasing strategy To assume 100% occupancy is false. Do not know any shopping facility that does not account for 3-5% vacancy at any time because there is always a business going out or coming in. Unanticipated expenses of helping new tenants move in.
- Page 76, General Expenses, Advertising More information.
- Page 77, Marketing & Promotional Expenses, Advertising More information on \$9,000 increase.
- Page 76, Personnel Expenses, Total Wages, 5% increase in base pay Thinks there is a desire to do something since there hasn't been an increase for a while. Should provide a fair living wage increase; 5% should not be end all. Why appropriate at this time?
- Rate increase for the launch ramp parking? Think we will have to increase.
- More information on the cleanup of Parcels 15 and 18; \$28,000 increase?
- Page 84, Purchase/install 10 video cameras Is that part of the dock security issue? Would like to see the report (on increase security requested by Board) to see if this is the appropriate action, before approval of the budget.

3. Commissioner Ashworth

- Think a good idea to expand on clarifications and annotations under comments; especially on items not being thought about. Where are things that won't happen to us?
- Glad to see the cameras are in the budget.
- All share a desire to raise salaries. Would like more detail on how staff looks at the 5% and are there triggers. Be clear on what that pool of money is. What is the timing and how do we implement?
- Urge some caution on assuming 100% occupancy.
- · Annotate the advertising.
- Thanked staff for all their hard work.
- Kudos to Gloria.

4. Commissioner Friedman

- Employee salary increases Don't want to make promises to employees can't keep; it is a timing issue. Does not want to commit to an obligation that may not be able to meet because certain assumptions do not come through. Interested in staff take a look at what the City did; employees start paying into retirement.
- Page 76, General Expenses, Advertising What above and beyond do you typically do? Do you go through a broker?
- Capital Improvement Budget Reserve fund. Need to be conservative. Not nearly as ambitious as you are; hope to come up with a happy medium.

ADJOURNMENT: The meeting was adjourned at 9:	34PM.
	Secretary

MAY 13, 2015 BOARD OF PORT COMMISSIONERS

CONSENT AGENDA ITEM NO. A

APPROVAL OF NEW OFFICE LEASE AGREEMENT
FOR SIERRA PACIFIC MORTGAGE

BOARD COMMUNICATION

CONSENT AGENDA ITEM A Meeting Date: May 13, 2015

TO: Board of Port Commissioners FROM: Robin Baer, Property Manager

SUBJECT: New Office Lease Agreement for Sierra Pacific Mortgage

1583 Spinnaker Drive #213

RECOMMENDATION:

That the Board of Port Commissioners approve by motion a new Office lease agreement between the Ventura Port District dba Ventura Harbor Village and Sierra Pacific Mortgage for the premises located at 1583 Spinnaker Drive #213 consisting of a total of 791 square feet for a two (2) year term.

SUMMARY:

Michael and Janette Quinn of Sierra Pacific Mortgage will be a new office tenant.

BACKGROUND:

They are relocating from Bakersfield and are making Ventura Harbor Village their new home for the next two years.

FISCAL IMPACT:

The average occupancy expense per year is \$14,400 which could result in an additional \$14,000 to \$15,000 per year.

We look forward to continued future success with this tenant. Staff recommends the Board's approval of the new lease transaction.

MAY 13, 2015 BOARD OF PORT COMMISSIONERS

CONSENT AGENDA ITEM NO. B
APPROVAL OF NEW LEASE AGREEMENT
FOR COASTAL CONE/THE PARLOR

BOARD COMMUNICATION

CONSENT AGENDA ITEM B Meeting Date: May 13, 2015

TO: Board of Port Commissioners FROM: Robin Baer, Property Manager

SUBJECT: New Retail Lease Agreement for Coastal Cone and The Parlor

1583 Spinnaker Drive #102 & #104

RECOMMENDATION:

That the Board of Port Commissioners approve by motion a new Restaurant lease agreement between the Ventura Port District dba Ventura Harbor Village and the Coastal Cone and The Parlor for the premises located at 1583 Spinnaker Drive #102 & #104 consisting of a total of 1,663 square feet for a three (3) year term with one (1) five (5) year option.

SUMMARY:

The District's Property Manager has been working with the tenant Coastal Cone and The Parlor to expand on their current menu options. They have been doing research to identify a specific niche within the Village and enhance their current experience for the public. They decided to expand on their current menu by adding additional versions of their already existing hot dog and hamburger options. They have created a new menu to compliment the all American cuisine.

BACKGROUND:

They have been a restaurant tenant since December 2004. The tenant continues to grow their business year after year and broke their all-time sales record in 2014.

FISCAL IMPACT:

The average occupancy expense in the first three years is \$48,000 per year plus 3% of its gross sales which could result in an additional \$20,000 to \$27,000 per year.

We look forward to future success with this tenant. Staff recommends the Board's approval of the new lease transaction.

MAY 13, 2015 BOARD OF PORT COMMISSIONERS

CONSENT AGENDA ITEM NO. C
APPROVAL OF NEW LEASE AGREEMENT
FOR HAWK RIDGE SYSTEMS

BOARD COMMUNICATION

CONSENT AGENDA ITEM C Meeting Date: May 13, 2015

TO: Board of Port Commissioners FROM: Robin Baer, Property Manager

SUBJECT: New Office Lease Agreement for Hawk Ridge Systems

1591 Spinnaker Drive #207

RECOMMENDATION:

That the Board of Port Commissioners approve by motion a new Office lease agreement between the Ventura Port District dba Ventura Harbor Village and Hawk Ridge Systems for the premises located at 1591Spinnaker Drive #207 consisting of a total of 1,420 square feet and 838 square feet of patio area for a two (2) year term.

SUMMARY:

The tenant continues to enjoy having an office space within the Ventura Harbor Village. They have been a tenant since 2008 and have requested to obtain another two-year term lease.

BACKGROUND:

Hawk Ridge Systems is the #1 largest resellers in North America for SolidWorks - Provider of 3D CAD Design and Engineering Solutions. Hawk Ridge Systems is the source for engineering excellence in parametric design, analysis and simulation, product data management, technical communication and CNC machining. They provide sales, support, services with 15 offices and training centers located in the United States and Canada.

FISCAL IMPACT:

The average occupancy expense per year is \$26,000 which could result in an additional \$12,000 per year.

We look forward to continued future success with this tenant. Staff recommends the Board's approval of the new lease transaction.

MAY 13, 2015

BOARD OF PORT COMMISSIONERS

STANDARD AGENDA ITEM NO. 1

CONSIDERATION OF ADOPTION OF ORDINANCE NO. 49

STANDARD AGENDA ITEM 1

BOARD COMMUNICATION

IMUNICATION Meeting Date: May 13, 2015
Board of Port Commissioners

TO: Board of Port Commissioners FROM: Oscar Peña, General Manager

SUBJECT: Consideration of Adoption of Ordinance 49, Authorizing Execution of the Lease

between Ventura Port District and Ventura Harbor Marine Fuel Inc.

RECOMMENDATION:

That the Board of Port Commissioners:

- 1. Conduct a public hearing for the purpose of receiving input on proposed Ordinance 49;
- 2. Read proposed Ordinance No. 49 for the record; and
- 3. Adopt Ordinance No. 49, which authorizes execution of the Lease between Ventura Port District and Ventura Harbor Marine Fuel Inc., for Parcels 3A1 and 3A2 of 1551 Spinnaker Drive.

SUMMARY:

On April 8, 2015, the Board of Port Commissioners adopted Resolution No. 3273 approving the publication of a Notice of Proposed Ordinance No. 49 in a publication of general circulation. The District is now ready to move ahead with the next step, which is to adopt Ordinance No. 49, which will authorize the Chairman and Secretary to sign the Lease with Ventura Harbor Marine Fuel Inc., for Parcels 3A1 and 3A2. The Ordinance shall become effective after a 30-day referendum period.

BACKGROUND:

The Ventura Harbor Marine Fuel Facility Inc. is extending their lease at 1551 Spinnaker Drive. This lease includes a fuel dock pier, underground tanks and distribution system within parcels 3A1 and 3A2. The permitted use includes the sale of diesel fuel, oil filters, commercial fish gear and supplies, and offers services that include oil changes and marine waste and bilge water disposal.

This tenant has been in operation since January 2001 and has been successful in offering goods and services to the public.

ATTACHMENTS:

Attachment 1 - Ordinance No. 49



ORDINANCE NO. 49

AN ORDINANCE OF THE BOARD OF PORT COMMISSIONERS OF VENTURA PORT DISTRICT AUTHORIZING EXECUTION OF THE LEASE AGREEMENT WITH VENTURA HARBOR MARINE FUEL INC.

(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 Lease Agreement between Ventura Port District, d.b.a. Ventura Harbor Village, and Ventura Harbor Marine Fuel Inc. for Parcels 3A1 and 3A2 of 1551 Spinnaker Drive.

PASSED, APPROVED AND ADOPTED at a Regular Meeting of the Board of Port Commissioners of Ventura Port District held on May 13, 2015. This Ordinance was adopted by the following vote:

AYES: NOES: Abstain: Absent:	
ATTEST:	Chairman, Board of Port Commissioners Ventura Port District
Secretary of the Board of Port Commissioner	

State of California) (ss.	
County of Ventura City of San Buenaventura)	
	9	
two and correct conv of an Ord	inance of the Ventura Port Star as a proposed Ordina	ort District, hereby certify that the foregoing is a District. Said Ordinance was published on April ance. On May 13, 2015, it was passed by the
Ayes:		
Noes:		
Absent:		
IN WITNESS WHEREOF, I had of the Ventura Port District, this	ave hereunto subscribed my s 13 th day of May 2015.	y official signature and impressed the official seal
		Acting Secretary
Ŷ.		
(SEAL)		

MAY 13, 2015

BOARD OF PORT COMMISSIONERS

STANDARD AGENDA ITEM NO. 2
DELEGATION OF AUTHORITY PURSUANT TO
CALIFORNIA GOVERNMENT CODE § 21173

STANDARD AGENDA ITEM 2

Meeting Date: May 13, 2015

BOARD COMMUNICATION

TO: Board of Port Commissioners FROM: Gloria Adkins, Accounting Manager

SUBJECT: Delegation of Authority for Employee Disability Retirement Benefits Pursuant to

California Government Code § 21173

RECOMMENDATION:

That the Board of Port Commissioners adopts Resolution No. 3276:

- a) Authorizing the General Manager to make applications to the California Public Employees' Retirement System (CalPERS) on behalf of the District pursuant to Government Code Section 21152(c) for disability retirement benefits of disabled employees and to initiate requests for reinstatement of such employees who are retired for disability; and
- b) Authorizing the General Manager to make determinations of an employee's disability on behalf of the District and whether such disability is industrial and to certify such determinations and all other necessary information to CalPERS.

SUMMARY:

The Public Employees' Retirement Law requires that a contracting agency, such as the District, make an application to the board of administration of CalPERS for disability retirement benefits on behalf of a disabled employee. The District may determine whether an employee, classified as a local safety member, is disabled and whether such disability is "industrial" within the meaning of such law.

Pursuant to Government Code Section 21173, the District has the power to delegate general authority to make such determinations of disability to the General Manager. If the Board elects to delegate such authority, the General Manager will be authorized to make determinations of an employee's disability without Board evaluation on a case-by-case basis.

Attachment 1, if adopted, is the Resolution of the Board delegating authority to the General Manager.

If the Board delegates such authority to the General Manager, Attachment 2 is an example of the resolution that will be completed by the General Manager for submission to CalPERS on behalf of the disabled employee in question. Attachment 2 need not be adopted by the Board.

ATTACHMENT:

Attachment 1 – Resolution No. 3276

Attachment 2 – Resolution by Official Delegate



RESOLUTION NO. 3276

RESOLUTION OF THE BOARD OF PORT COMMISSIONERS OF THE VENTURA PORT DISTRICT TO DELEGATE AUTHORITY PURSUANT TO CALIFORNIA GOVERNMENT CODE § 21173

WHEREAS, the Ventura Port District (hereinafter referred to as "District") is a contracting agency of the California Public Employees' Retirement System;

WHEREAS, the Public Employees' Retirement Law requires that a contracting agency determine whether an employee of such agency in employment in which he/she is classified as a local safety member is disabled for purposes of the Public Employees' Retirement Law and whether such disability is "industrial" within the meaning of such Law; and

WHEREAS, the District has determined upon legal advice that it may delegate authority to make such determinations to the incumbent of the office/position of the General Manager, pursuant to Government Code Section 21173;

NOW, THEREFORE, BE IT RESOLVED by the Board of Port Commissioners of the Ventura Port District, that:

- The District delegate and it does hereby delegate to the incumbent of the
 office/position of the General Manager the authority to make applications on
 behalf of the District pursuant to Government Code Section 21152(c) for disability
 retirement of all employees and to initiate requests for reinstatement of such
 employees who are retired for disability; and
- 2. The District delegate and it does hereby delegate to the incumbent of the office/position of the General Manager authority to make determinations of disability on behalf of the District under Government Code Section 21156 and whether such disability is industrial and to certify such determinations and all other necessary information to the California Public Employees' Retirement System.

PASSED and ADOPTED this 13th day of May 2015.	
	Chairman
Attest:	

Secretary

(Seal)

COUNTY OF VENTURA) ss. CITY OF SAN BUENAVENTURA)
I, Oscar Peña, Secretary of the Ventura Port District, a public corporation, do hereby certify that the above and foregoing Resolution No. 3276 was duly passed and adopted by the Board of Port Commissioners of said District at a regular meeting thereof held on the 13th day of May 2015, by the following vote:
AYES: NOES: ABSENT:
IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of said District this 13th day of May 2015.
Secretary
(Seal)



RESOLUTION BY OFFICIAL DELEGATE

ACTING UNDER AUTHORITY DELEGATED BY THE BOARD OF PORT COMMISSIONERS OF THE VENTURA PORT DISTRICT PURSUANT TO CALIFORNIA GOVERNMENT CODE § 21173

Pursuant to the authority delegated to me by action of the Board of Port Commissioners of the Ventura Port District (hereinafter referred to as "District"), dated May 13, 2015, under Government Code Section 21173, and after review of medical and other evidence relevant thereto, I hereby determine that, **Kristian Emery**, a local safety member of the California Public Employees' Retirement System, employed by the District is incapacitated within the meaning of the California Public Employees' Retirement Law for performance of his duties in the position of **Harbor Patrol Officer II**; and

Pursuant to such authority I also determine that such incapacity is a result of injury or disease arising out of and in the course of his employment as a local safety member and the disability is industrial. I certify that neither the District nor the member has filed a petition for determination under Government Code Section 21166 to be made by the Workers' Compensation Board.

I hereby certify that the member was separated from his employment in the position of <u>Harbor Patrol Officer II</u> after expiration of his leave rights under Government Code Section 21164, effective <u>January 6, 2015</u> and that no dispute as to the expiration of such leave rights is pending. His last day on pay status is **January 5, 2015**.

There is not a possibility of third party liability.

Advanced Disability Pension Payments will not be made because the member has applied for Service Retirement pending Industrial Disability Retirement.

The primary disabling condition is injury to the hip necessitating hip replacement. Nevertheless, the member continues to experience exacerbated back pain which limits his activities.

Dated: May 13, 2015	
	Oscar Peña, General Manager

MAY 13, 2015

BOARD OF PORT COMMISSIONERS

STANDARD AGENDA ITEM NO. 3 APPROVAL OF FEE INCREASE NOTIFICATION FOR LAUNCH RAMP PARKING AND DRY STORAGE

STANDARD AGENDA ITEM 3

Meeting Date: May 13, 2015

BOARD COMMUNICATION

TO: Board of Port Commissioners FROM: Oscar Peña, General Manager

SUBJECT: Approval of Fee Increase Notification for Launch Ramp Parking and Dry Storage

RECOMMENDATION:

That the Board of Port Commissioners approve by motion the authorization of the General Manager to notify the public and tenants of a public hearing on May 27, 2015 to consider a fee increase for launch ramp parking and the District's dry storage facility.

SUMMARY:

Launch Ramp Parking

The Ventura Launch Ramp Parking lot is located in the northeast harbor area. It averages \$3,514 annually for all annual parking pass sales and \$31,162 for daily vehicle/trailer parking for a total of \$34,676. Below are the fees charged by the District, Santa Barbara Harbor and Channel Islands Harbor:

Current Ventura Harbor launch ramp parking fees are as follows:

- \$6.00 per vehicle/trailer for 24 hours
- \$75.00 for an annual parking pass
- \$37.50 for a dry storage tenant annual parking pass

Santa Barbara Harbor has the following launch ramp parking fees:

- \$12.00 per vehicle per day
- \$20.00 per vehicle/trailer for day three day limit
- \$75.00 for an annual parking pass three day limit

Channel Islands Harbor has the following launch ramp parking fees:

- \$7.00 per vehicle/trailer for day
- \$12.00 vehicle/trailer unoccupied overnight
- \$30.00 vehicle/trailer occupied overnight
- \$125.00 for an annual parking pass

Staff recommends the following increases:

- \$8.00 per vehicle/trailer for 24 hours
- \$100.00 for an annual parking pass
- \$50.00 for a dry storage tenant annual parking pass

With the proposed increases annual passes will increase to \$4,550 and daily parking will increase to \$41,552 for a total of \$46,102 annually.

Dry Storage Fee

The District owns and operates a dry storage facility with approximately 116 spaces. Monthly income from the dry storage rentals averages \$8,000 a month with a 92% occupancy rate. Fees were last increased 10% in July 2007, which changed the fee from \$2.75 per foot to \$3.00 per foot. The average fees for other storage facilities in Ventura run approximately \$3.75 per foot to \$4.00 per foot.

Staff recommends an increase of 17%, making the fee \$3.50 per foot, which would increase annual revenues by approximately \$16,320. This proposed fee increase would still be competitive with the surrounding storage facilities.

CONCLUSION:

If the Board authorizes these increases, staff will provide stakeholders with a notification of a public hearing to consider a fee increase. It is staff's opinion that all of the above-mentioned user fees should be increased to recover the cost to maintain the District's infrastructure and continue to provide a high level of service to our stakeholders.

MAY 13, 2015

BOARD OF PORT COMMISSIONERS

STANDARD AGENDA ITEM NO. 4 2015 LIFEGUARD SERVICES CONTRACT

STANDARD AGENDA ITEM 4

Meeting Date: May 13, 2015

BOARD COMMUNICATION

TO: Board of Port Commissioners FROM: John Higgins, Harbormaster

SUBJECT: Approval of 2015 Lifeguard Services Contract

RECOMMENDATION:

That the Board of Port Commissioners approve by motion the authorization of the General Manager to enter into a contract with State Parks for lifeguard services at Harbor Cove and Surfers Knoll from May 23 through September 7, 2015 for an amount not to exceed \$58,578.09.

SUMMARY:

At the April 22 meeting, staff informed the Commission that the City of Port Hueneme was contacted to get information on their lifeguard program. The City of Port Hueneme contacted the District on the meeting day, informing staff that they would consider giving us numbers for contracting out lifeguards. The Commission then asked staff to come back at the next meeting with a proposal from the City of Port Hueneme and the City of Ventura.

Staff contacted Eric Burton, who negotiated the City of Ventura's lifeguard contract with State Parks. The City recently closed a 4-year contract with State Parks after difficult negotiations. Their cost went from \$50,000 to \$101,000. Under these circumstances, Mr. Burton did not feel the City would open the contract to add an amendment.

Staff contacted City of Port Hueneme Lifeguard Supervisor, Timmy Burrows and Deputy City Manager, Carmen Nichols to inquire about submitting a bid for Lifeguard Services in the Ventura Harbor. Unfortunately, they could not consider submitting a proposal at this time.

At this stage, The District only has one solution to provide lifeguard services at both Harbor Cove and Surfers Knoll for the summer of 2015. The proposal from State Parks stipulates that both beaches would have one lifeguard on duty on weekdays and two lifeguards on duty Saturday, Sunday and holidays. The total cost of the proposal is \$58,578.09.

The increased cost for the lifeguard services in 2015 is more than in previous years because the scope of service has increased to cover a wider area. Rich Rozzelle, the Southern Division Chief of the California State Parks feels the expanded coverage is essential to lessening aquatic emergencies through prevention and education in the south beach areas between Surfers Knoll Beach and Harbor Cove Beach. These areas can be extremely dangerous to all aquatic users during high swells and rip currents.

The Harbor Patrol and State lifeguards have established an effective partnership in providing public safety on land and water areas. Both agencies provide assistance outside of their designated jurisdiction and we hope this partnership continues. State Parks is only offering the expanded level of service for the two beaches in the harbor for this year.

CONCLUSION:

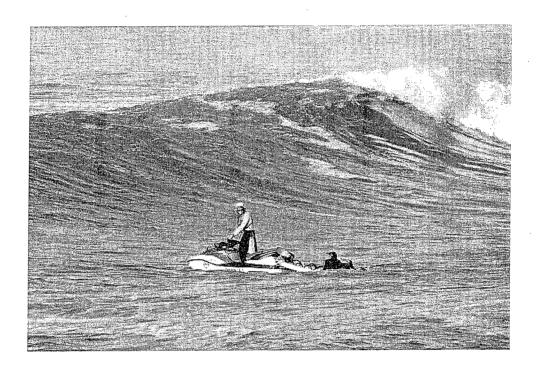
The District is recommending this contract with the State Parks to provide lifeguard services from May 23rd through September 7th, 2015.

ATTACHMENT:

Attachment 1 – California State Parks Lifeguard Proposal

California State Parks

Ocean Lifeguard Service Proposal For the Ventura Port District Area



Background

For over 60 years, California State Parks has been providing professional lifeguarding services along the entire California coastline. The California State Parks Lifeguard service is certified by the United State Lifesaving Association, and is recognized as one of the highest-ranking training academies in the world. The California State Parks Lifeguard service emphasizes the importance of lessening aquatic emergencies through prevention and education. Professional aquatic safety organizations worldwide accept this proactive approach as a proven method to prevent drowning.

California State Parks has contracted with the Port District for lifeguard services at Harbor Cove for four years. These services have been provided in the mutual interest of regional aquatic safety and providing a cost effective public partnership. This partnership creates relief for the Ventura Port District as it eliminates their need to create an independent lifeguard program.

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California State Parks Lifeguards also provide specially trained personnel for dive team, helicopter extraction, and near shore rescue-craft response for use in rapid deployment to the surf zone, as well as underwater searches. The depth of specialized skill and professionalism provided by the California State Parks lifeguard service is unparalleled anywhere in the contiguous United States.

Lifeguard Service Area

This proposal covers two areas within the Ventura Port District:

Harbor Cove Tower

The Harbor Cove is a highly visited beach area within Ventura Harbor. It is adjacent to the Channel Islands National Park headquarters and visitor center. Harbor Cove Beach is near Ventura Harbor Village, a 100,000 square foot retail / restaurant complex. The Four Points Sheraton Harbor Resort and Holiday Inn Express are within walking distance. As the only still water beach in Ventura, this beach is used by tourists and residents alike.

Immediately south of Harbor Cove Beach, the South Jetty creates consistent dangerous rip currents during all kinds of surf. When combined with high surf events and other hazardous conditions, this location can provide extremely dangerous conditions to all aquatic users.

Surfers Knoll Beach Mobile Unit

Surfers Knoll Beach is located adjacent to the Ventura Harbor Village entrance. This area includes the popular surfing location called Surfers Knoll. Surfers Knoll is a popular location for outdoor recreation. The rock jetties in this area intensify the ocean currents and swells and make this stretch of coast more dangerous than most others in the region.

See Exhibit A for a map of these areas.

Lifeguarding Statistics for The Ventura Port District area

The following statistics outline the number of contacts that have been made by California State Parks in the Harbor Cove and Surfers Knoll Area from 2012 to 2014.

LIFEGUARD ACTIVITY	2012	2013	2014	2015
• AQUATIC BEACH ATTENDANCE	168,343	232,057	197,974	
• RESCUES				
Aquatic Rescues	23	20	34	3
Rip Current	19	20	30	3
Surf	4	0	4	0
Divers	0	0	0	0
Swift Water	0	0	0	0
Inland Water	. 0	.0	0	0
Cliff Rescues	0	:0	0	0
PREVENTATIVE SAFETY ACTIONS	13,059	15,944	17,288	237
•MEDICAL AIDS				
Major Medicals	7	10	. 4	0
AED Cases	0	0	0	0
AED Field Saves	0	.0	0	0
C-Spine Injuries	. 0	0	0	0
Near Drowning's	0	70	0	0
Minor First Aids	193	140	147	. 9
• VESSELS			I	
Boat Rescues	-4	13	8	0
·	ا ا	!		ا
Souls Aboard	11	15	12	0
Vessel Value	\$12,000	\$24,000	\$10,000	;\$0
Boats Assisted	347	227	413	9
Boats Warned • FATALITIES	980	894	1,209	1
Drowning's -				
Guarded Drowning's -	0	. 0	0	0
Unguarded	0	0	1	0
Other Fatalities	0	0	0	0
• LAW ENFORCEMENT	I	T		
Warnings	230	347	376	29
Citations	3	0	1	0
Arrests	3	0	0	0
*LOST PERSONS	0	0	1	0
• MUTUAL AIDS				
Rendered	3	3	1	3
Received	1	2	0	0

Lifeguard Coverage Schedule

The scheduling of lifeguard coverage needs to mirror predictable use patterns as well and provide adequate coverage for the busy summer season.

The lifeguard coverage schedule below is based on providing a minimum level of lifeguard service on those identified Port district properties. This schedule was formed by expertise of California State Parks lifeguards including their knowledge of use patterns, coastal hazards, and decades of experience, statistics, and historic conditions along the Ventura coastline.

Typical Seasonal Lifeguard shifts are 8 hours. The State reserves the right to shorten or lengthen these shifts to maximize public safety. Two man towers are necessary on weekends and holidays to provide adequate coverage during peak use periods.

	May	June	July	August	Sept	Total
Planned hours Harbor Cove Tower	120	304	.320	328	80	1152

Funds not spent on lifeguard staffing during the pre-planned periods identified above will be used to replace and/or repair equipment used for providing service to the Port District or cover administrative costs associated with providing lifeguard staff to the Port District. These additional funds may also be used to provide supplemental training to lifeguard staff to establish and maintain certifications for their respective job classifications.

Lifeguard Service Budget

	Temp Help Hourly costs including benefits				
	Surfers Knoll				
Position	LG II		Harbor Cove	Harbor Cove Tower	
Rate	Hours	19.01/hr	Hours	\$16.01/hr	
May	120	\$2,281.20	120	\$1,921.20	
June	304	\$5,779.04	304	\$4,867.04	
July	320	\$6,083.20	320	\$5,123.20	
August	328	\$6,235.28	328	\$5,251.28	
September	80	\$1,520.80	. 80	\$1,280.80	
	Subtotal	\$21,899.52	Subtotal	\$18,443.52	

\$40,343.04
\$8,068.61
\$48,411.65
\$4,841.16
\$53,252.81
\$5,325.28
\$58,578.09

Lifeguard Budget Details

<u>Temp Help Staffing Costs:</u> CA State Parks will provide Seasonal Lifeguards as the primary classification for meeting the lifeguard staffing requirements for this contract. Hourly costs for this classification range from \$16.01 to \$19.01 per hour.

<u>Leave Benefits-</u> This is a flat rate to cover vacation and sick leave benefits earned by Seasonal Lifeguards while working under this contract.

<u>Health Benefits-</u> This is a flat rate to cover health benefits earned by Seasonal Lifeguards while working under this contract.

<u>Supervising State Park Peace Officer (Lifeguard)</u> – This cost will pay for supervision, daily operations oversight, scheduling and other planning activities necessary to deploy the lifeguards services described in this contract.

<u>California DGS Contract Fee-</u> California State Administrative Manual requires all Service Contracts to include a 10 % Contract Fee to support administrative costs in Sacramento to support this agreement.

<u>Equipment Needs-</u>Port District will provide State no later than May 23rd the following equipment for its exclusive use for the term of this contract:

1. Use of a Port District Truck for Surfers Knoll Lifeguard Operations

Port District will be responsible for the prompt repair of this equipment as well as normal maintenance needs.

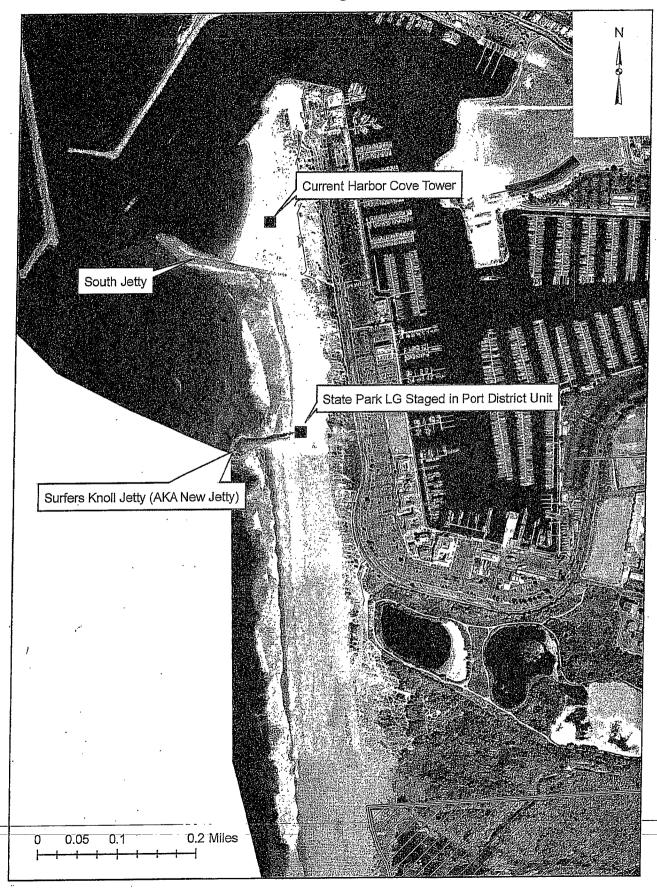
State will provide the portable radio and rescue equipment and will use the Port District truck for providing lifeguard services as defined in this contract.

All fuel costs associated with the use of this equipment will be paid for by State.

Agreement Term

The term of this agreement will be from May 23, 2015 to September 7, 2015

Port District Lifeguard Proposal



Distance from South Jetty to State Park Boundry = 0.67 miles

MAY 13, 2015

BOARD OF PORT COMMISSIONERS

STANDARD AGENDA ITEM NO. 5 HARBOR VILLAGE MARINA SAFETY

STANDARD AGENDA ITEM 5

Meeting Date: May 13, 2015

BOARD COMMUNICATION

TO: Board of Port Commissioners
FROM: Frank Locklear, Marina Manager
SUBJECT: Harbor Village Marina Safety

RECOMMENDATION:

That the Board of Port Commissioners receive a report on the Harbor Village Marina and the safety measures being taken.

BACKGROUND:

A review of the marina security and safety capabilities was conducted in response to concerns expressed by two marina tenants during a recent Port Commission meeting. A proposed slip rate increase was the subject that generated the tenant comments.

A third tenant, a commercial fisherman, voiced concern regarding the potential effect a slip rate increase could have on the local small fishing community. That tenants concern will not be addressed in this report.

Currently, the marina Dockmaster staff provides services that include physical security responsibilities on a 24/7 schedule. During periods when a Dockmaster is not available, Dial Security Services provide Ventura Harbor Village landside security patrols of the Village, marina and parking areas.

The Dockmaster duties require they stay on site during the duration of their shift. Marina security oriented duties require that Dockmasters perform the following activities during the course of each shift.

- Walk the docks in order to conduct the Slip Check. While conducting the slip check, which is an inventory of vessels reflected on the Slip Check Log, the Dockmasters look for discrepancies in vessel placement, unauthorized vessels, conditions such as locked or unlocked, potential for taking on water and other safety issues.
- 2. Random patrols of the Village and marina parking areas on foot and while using the marked Dockmaster Truck.
- 3. Contact with arriving and departing marina customers and tenants.
- Response to any marina tenant safety and security concerns that are received by the cell phone and VHF radio that each Dockmaster is required to keep on their person or within reach while on duty.
- 5. Reporting to the Coast Guard, Fish and Game, Harbor Patrol and other emergency agencies, any issue that requires that response.

The installation of marina dock security gates similar to those used by the other marinas in the harbor was a subject that was posed by one of the speakers at the meeting.

This option is not viable for our marina because of the heavy commercial business presence we have developed. C-Dock is a commercial vessel moorage dock with two gangways. This dock

provides moorage not only commercial fishing and dive boats, whose crews and customers need around the clock access, but is the preferred dock for visitors who arrive for the free of charge, short duration 2-3 hour visits provided customers for visiting the Village shops and restaurants.

The remaining D - I Docks are variations of this same business model. The minor exception to this model is F-Dock. F-Dock has been populated as our mixed usage dock of both commercial and recreational vessels. The current slip mix consists of 7 recreational and 17 commercial slips. The current tenants are sailboats grouped together on the south side of the docks and squid seiners and light boats on the end ties and North side. The two owners that expressed their concern regarding the security of their vessels are moored in this area. One is a regular marina tenant, the other a transient vessel on a weekly rate.

In an effort to provide additional security for docks D, E, F, G and I, we intend to install three security cameras on the North East corner of the 1591 building which will provide a wide angle view of activity in the marina area. The cameras which are low light capable, will be fed into a digital video recorder that will provide for remote monitoring by Harbor Patrol and Dockmasters via computer web browser and smart phone app, as well as creating a 7- 10 day retrievable video archive. The 1691 building and the 1449 building are both already equipped with video cameras that have the same capabilities.

Please see the attached site map. The green areas reflect the coverage area of the currently installed cameras at the 1691 and 1449 buildings. The yellow area is the expected coverage area of the new cameras that will be located at the 1591 building.

The installation of three additional cameras at the 1591 building will overlap our existing security camera viewing area and significantly enhance our overall ability to provide protection to the marina.

The total cost of the new three camera installation, including equipment and labor is \$1900.00. The funds for the cameras and the installation are available in the current year budget.

ATTACHMENT:

Attachment 1 - Site Map

