PORT COMMISSION AGENDA
REGULAR MEETING
OCTOBER 11, 2017 AT 7:00PM
VENTURA PORT DISTRICT OFFICE
1603 ANCHORS WAY DRIVE, VENTURA, CA

A **Closed Session** of the Board will be held at **5:30PM** at the
Port District Office located at 1603 Anchors Way Drive, Ventura, CA,
to discuss the items on the Attachment to Agenda-
Closed Session Conference with Legal Counsel.

The Board will convene in **Open Session** at the Port District Office
located at 1603 Anchors Way Drive for its Regular Meeting at **7:00PM**.

**ADMINISTRATIVE AGENDA:**

**CALL TO ORDER:** By Chairman Ev Ashworth.

**PLEDGE OF ALLEGIANCE:** By Chairman Ev Ashworth.

**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). 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 (3 minutes)**
The Minutes of the September 27, 2017 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.

**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 COMMUNICATIONS (5 minutes)
Ventura Port District Staff will update the Commission on important topics if needed.

LEGAL COUNSEL REPORT (5 minutes)

STANDARD AGENDA:

1) Consideration of Rejection of Claim by Johanna McIntosh
Recommended Action: Vote Voice.
That the Board of Port Commissioners approve the rejection of a claim filed against the Ventura Port District on August 25, 2017 by Johanna McIntosh and authorize the General Manager to execute and mail a Notice of Rejection.

2) Ventura Shellfish Enterprise Site Selection Alternatives
Recommended Action: Informational.
That the Board of Port Commissioners receive a report on the Ventura Shellfish Enterprise Site Selection Alternatives.

3) Ventura Port District Status of On-going Projects
Recommended Action: Informational.
That the Board of Port Commissioners receive an informational report on the status of on-going projects.

AGENDA PLANNING GUIDE AND REQUEST FOR FUTURE AGENDA ITEMS

ADJOURNMENT

This agenda was posted on Friday, October 6, 2017 by 5:00 p.m. at the Port District Office and on the Internet - www.venturaharbor.com (Port Commission).

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, OCTOBER 11, 2017

1. Conference with Real Property Negotiators - Per Government Code Section 54956.8:
   a) Property: Parcel 5 and Parcel 8
      Negotiating Parties: Oscar Peña, Brian Pendleton, Roland Trinh
      Under Negotiation: Lease Negotiations with H. Parker Hospitality
   b) Property: State Authorized Sea Bottom
      Negotiating Parties: Oscar Peña, Brian Pendleton, Roland Trinh
      Under Negotiation: Leasing for Aquaculture Purposes
   c) Property: Parcel 20
      Negotiating Parties: Oscar Peña, Brian Pendleton, Roland Trinh
      Under Negotiation: Potential Assignment of Lease

2. Conference with Legal Counsel – Per Government Code Section 54957: To consider the continued employment of the Business Operations Manager, and the terms thereof [excluding compensation].
The Regular Meeting of the Ventura Board of Port Commissioners was called to order by Chairman Everard Ashworth at 7:05PM at the Ventura Port District Administration Office, 1603 Anchors Way Drive, Ventura, CA 93001.

Commissioners Present:
Everard Ashworth, Chairman
Brian Brennan, Vice Chairman
Jim Friedman, Secretary
Nikos Valance
Chris Stephens

Commissioners Absent:
None

Port District Staff:
Oscar Peña, General Manager
Brian Pendleton, Business Operations Manager
John Higgins, Harbormaster
Joe Gonzalez, Facilities Manager
Robin Baer, Property Manager
Frank Locklear, Marina Manager
Jennifer Talt-Lundin, Marketing Manager
Richard Parsons, Consultant
Jessica Rauch, Clerk of the Board

Legal Counsel:
Roland Trinh

AGENDA

CALL TO ORDER: By Chairman Everard Ashworth at 7:05PM.

PLEDGE OF ALLEGIANCE: By Commissioner Valance.

ROLL CALL: All Commissioners were present.

ADOPTION OF AGENDA

ACTON: Commissioner Brennan moved, seconded by Commissioner Valance and carried by a vote of 5-0 to adopt the September 27, 2017 agenda, with Standard Item 2 being pulled from the agenda.
APPROVAL OF MINUTES
The Minutes of September 13, 2017 Regular meeting were considered as follows:

ACTION: Commissioner Brennan moved, seconded by Commissioner Stephens and carried by a vote of 5-0 to approve the minutes of the September 13, 2017 regular meeting.

PUBLIC COMMUNICATIONS: None.

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

BOARD COMMUNICATIONS: None.

STAFF COMMUNICATIONS: Mr. Parsons announced that the District should be ok for funds for 2018 dredging. Mr. Higgins announced that the Harbor is having a red tide event and that staff is looking into ways to help the marine life. Ms. Talt-Lundin invited the Commission to the last Rock on the Dock event this weekend, announced other events occurring this weekend and congratulated our winners of the “Best of Ventura County.”

LEGAL COUNSEL REPORT: None.

CONSENT AGENDA:

A) Approval of Out of Town Travel Requests
Recommended Action: Voice Vote.
That the Board of Port Commissioners approve the out of town travel request for Electrician, John Collins and Harbormaster, John Higgins.

ACTION: Commissioner Valance moved, seconded by Commissioner Brennan and carried by a vote of 5-0 to approve the out of town travel request for Electrician, John Collins and Harbormaster, John Higgins.

STANDARD AGENDA:

1) Phase II Ventura Harbor Village Reroofing Project Contract Award
Recommended Action: Voice Vote.
That the Board of Port Commissioners award the Phase II Ventura Harbor Village Reroofing Project to The Garland Company, Inc. in the amount of $638,849.00.

ACTION: Commissioner Friedman moved, seconded by Commissioner Brennan and carried by a vote of 5-0 to award the Phase II Ventura Harbor Village Reroofing Project to The Garland Company, Inc. in the amount of $638,849.00.

2) Assignment and Assumption of the Lease Agreement for Coffee Dock & Post
Recommended Action: Voice Vote.
That the Board of Port Commissioners approve the proposed Assignment and Assumption of Lease between Sandra Aiken, Ashley Hwang, Janice Hwang, and Priscilla Levy dba Coffee Dock & Post and Josefina Aguilar for the premises located at 1575 Spinnaker Drive #105 A&B, Ventura, California 93001.
ACTION: This item was pulled from the agenda.

Public Comment: Sandra Aiken, one of the owners of Coffee Dock & Post, commented that she and her co-owners have been trying to sell their business for a while. Referring to Josefina Aguilar, she said they found a buyer they like that they think will be successful. Sandra asked the Board why the Assignment to Ms. Aguilar has not been approved. Josefina Aguilar, potential buyer of Coffee Dock & Post, also spoke and provided some written documents from third parties supporting her attempt to acquire the business. Both Sandra and Josefina said that the current owners of Coffee Dock & Post are willing to issue a promissory note to help make the deal more secure for the District.

3) Continuation of General Manager’s Employment
Recommended Action: Voice Vote.
That the Board of Port Commissioners approve Amendment No. 5 to the General Manager’s Restated Employment Agreement.

ACTION: Commissioner Friedman moved, seconded by Commissioner Valance and carried by a vote of 5-0 to approve Amendment No. 5 to the General Manager’s Restated Employment Agreement.

4) Ventura Shellfish Enterprise Site Selection Alternatives
Recommended Action: Informational.
That the Board of Port Commissioners receive a report on the Ventura Shellfish Enterprise Site Selection Alternatives.

ACTION: The Commission received a report on the Ventura Shellfish Enterprise Site Selection Alternatives.

Public Comment: John Gingerich, bait fisherman, said that the stretch along the one three mile line that the VSE is proposing is going to affect a lot of people, particularly fishermen. Mike McCorkle, President of the Southern California Trawlers Association, said at this time we cannot agree to any of these options, and provided a single option that they can support (see attachment). Jamie Diamond, Stardust Sportsfishing, said these options do not work for the bait trawler and sportfishing is reliant on bait trawlers. She also mentioned that the whales travel through this zone and will throw off the migration. All parties asked the Board to reconsider their proposed site selection.

AGENDA PLANNING GUIDE AND REQUEST FOR FUTURE AGENDA ITEMS:
1) Homelessness; 2) Painting/Signage; 3) Traffic; 4) Project Schedules (key dates); 5) Employee Classifications.

ADJOURNMENT: The meeting was adjourned at 8:09PM.
BOARD OF PORT COMMISSIONERS

OCTOBER 11, 2017

STANDARD AGENDA ITEM 1
Consideration of Rejection of Claim of Johanna McIntosh
RECOMMENDATION:
That the Board of Port Commissioners approve the rejection of a claim filed against the Ventura Port District on August 25, 2017 by Johanna McIntosh and authorize the General Manager to execute and mail a Notice of Rejection.

SUMMARY:
Ms. McIntosh’s claim was submitted to the District’s Legal Counsel and Risk Manager, Carl Warren for review. Liability is favorable to the District. There was no notice to the District regarding the mattress cover. Staff inspects the sidewalk on a daily basis and there was no evidence there was a problem with the lighting the morning of the accident. It is recommended that the Board reject the claim as submitted. A Notice of Rejection has been prepared for the General Manager’s signature.

BACKGROUND:
On August 3, 2017, at approximately 5:00AM, Claimant was doing her daily walk around the launch ramp and mobile home park with a friend. While walking along the side of the launch ramp, Claimant tripped over a mattress cover lying on the sidewalk next to the shrubs, causing her to fall on her face. Claimant suffered serious injuries due to the incident.

FISCAL IMPACT:
This claim could result in damages in excess of $10,000.00.

ATTACHMENTS:
Attachment 1 – Carl Warren Report, dated September 27, 2017
Attachment 2 – Notice of Rejection
September 27, 2017

To: Ventura Port District
Attn: Jessica Rauch

(Sent via e-mail)

RE: Principal: CJPIA
Member: Ventura Port District
Claimant: Johanna McIntosh
Date of Event: 8/3/2017
Our File: 1969342-LFM

We have reviewed the above referenced claim and request that you take the action below:

CLAIM REJECTION- Please send a standard rejection letter to:

Johanna McIntosh

Please send us a copy of the rejection letter. If you have any questions or concerns, contact the undersigned.

Sincerely,
Carl Warren & Company

Lisa Frye
Claims Examiner II
NOTICE OF REJECTION OF CLAIM

TO: Johanna McIntosh

Notice is hereby given that the claim which you presented to the Ventura Port District on August 25, 2017, was rejected by action of the Board of Port Commissioners at its meeting held on October 11, 2017.

WARNING

Subject to certain exceptions, you have only six (6) months from the date this notice was personally delivered or deposited in the United States mail to file a state court action on this claim. (See Government Code Section 945.6)

This time limitation applies only to causes of action arising under California law for which a claim is mandated by the California Government Tort Claims Act. Government Code Sections 900 et. seq. Other causes of action, including those arising under federal law, may have different time limitations for filing.

You may seek the advice of an attorney of your choice in connection with this matter. If you desire to consult an attorney, you should do so immediately.

Dated: October 12, 2017

VENTURA PORT DISTRICT

By: ________________________________

Oscar F. Peña
General Manager
BOARD OF PORT COMMISSIONERS

OCTOBER 11, 2017

STANDARD AGENDA ITEM 2

VENTURA SHELLFISH ENTERPRISE SITE SELECTION ALTERNATIVES
TO: Board of Port Commissioners  
FROM: Everard Ashworth, Chairman  
         Oscar Peña, General Manager  
         Brian Pendleton, Business Operations Manager  
SUBJECT: Ventura Shellfish Enterprise Site Selection Alternatives  

RECOMMENDATION:  
That the Board of Port Commissioners receive a report on the Ventura Shellfish Enterprise Site Selection Alternatives.

SUMMARY:  
On September 27th, the Board of Port Commissioners received a report on the Ventura Shellfish Enterprise (VSE) Site Selection Workshops and siting alternatives. The VSE team is evaluating the public comments received by stakeholders at that meeting in response to the siting alternatives. Stakeholders that were present represented halibut trawlers, bait fishermen and recreational fishing interests. As a result, the VSE team has expanded its site search to include areas outside of the identified candidate area including possibly federal waters that are still proximate to Ventura Harbor. Staff intends to return to the Board, tentatively scheduled for October 25th with updated information and/or recommendations for growing plot locations.

BACKGROUND:  
The VSE team hosted a series of public educational workshops this year regarding the proposed project. In total there have been 10 educational and site selection workshops since January. A focused series of three workshops were held to engage with stakeholders to identify the location of twenty 100 acre parcels within a broader area of interest that was identified through use of a spatial planning tool developed by the Bren School of Environmental Science and Management at UC Santa Barbara (UC Bren School). The focused site selection workshops were held at the Four Points Sheraton Hotel in our Harbor on July 11 and 13 and the final workshop was held on August 9th. While in-person participation was strongly encouraged, individuals who were not able to attend the meetings were provided the opportunity to comment on site selection through SeaSketch linked to venturashellfishenterprise.com. Notice of the site selection workshops was mailed out to over 500 commercial fishing vessel owners between Goleta and Port Hueneme; additionally, VSE coordinated with NOAA representatives and commercial fishermen to encourage their attendance. Additionally, VSE contacted all of the individuals that have registered through the VSE website. This marine spatial planning opportunity was available through Wednesday, August 9th, the date of the final site selection meeting. The venturashellfishenterprise.com website continues to be used to communicate with interested parties who registered on the website.

FISCAL IMPACT:  
As previously reported, the Board authorized funding for use of SeaSketch as part of the site selection process. The contract has been amended by an amount of $4,974 for a new total of $16,940.20. Additionally, Blake Stok was retained through a professional services agreement in the amount of $7,500 to assist the District in coordinating the meetings and interfacing with SeaSketch personnel. The contract has been amended by an amount of $3,280 for a new total of $10,780. It is likely that additional costs will be incurred by Plauche & Carr. These amounts are to be negotiated. See summary of grand and non-grant funded costs to date attachment.

ATTACHMENTS:  
Attachment 1 - Ventura Shellfish Enterprise Cost Recap
### Grant Funding

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<thead>
<tr>
<th>Name</th>
<th>Grant</th>
<th>Billed</th>
<th>Remaining</th>
</tr>
</thead>
<tbody>
<tr>
<td>Scott Lindell-Salary/Bene</td>
<td>19,920.00</td>
<td>9,960.00</td>
<td>9,960.00</td>
</tr>
<tr>
<td>Scott Lindell-Travel</td>
<td>5,000.00</td>
<td>874.19</td>
<td>4,125.81</td>
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<tr>
<td>Plauche Carr-Legal</td>
<td>25,000.00</td>
<td>16,912.50</td>
<td>8,087.50</td>
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<tr>
<td>Dudek</td>
<td>202,550.00</td>
<td>92,492.10</td>
<td>110,057.90</td>
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</table>

**Contract for $30,000 ($5 + $25k) (only $25k in grant)**

### Expendables

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<th>Item</th>
<th>Grant</th>
<th>Billed</th>
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</tr>
</thead>
<tbody>
<tr>
<td>Coastal Marine-Website</td>
<td>2,640.00</td>
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<td></td>
</tr>
<tr>
<td>Cyborg Copies</td>
<td>32.33</td>
<td></td>
<td></td>
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<tr>
<td></td>
<td>12,000.00</td>
<td>2,672.33</td>
<td>9,327.67</td>
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**$264,470.00 $122,911.12 $141,558.88**

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### Direct costs to District

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<th>Contract</th>
<th>Billed</th>
<th>Remaining</th>
</tr>
</thead>
<tbody>
<tr>
<td>Plauche-special</td>
<td>23,500.00</td>
<td>21,926.08</td>
<td>1,573.92</td>
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<tr>
<td>Dudek 9% of grant</td>
<td>18,229.50</td>
<td>8,301.53</td>
<td>9,927.97</td>
</tr>
<tr>
<td>Dudek - Amend 2&amp;3</td>
<td>15,065.00</td>
<td>15,053.75</td>
<td>11.25</td>
</tr>
<tr>
<td>Blake Stok</td>
<td>10,780.00</td>
<td>5,360.00</td>
<td>5,420.00</td>
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<tr>
<td>Seasketch-UCSB</td>
<td>1,000.00</td>
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<tr>
<td>Seasketch-UCSB</td>
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<tr>
<td>Seasketch-UCSB</td>
<td>4,974.00</td>
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<td>4,974.00</td>
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<tr>
<td>Four Points - Meetings</td>
<td>na</td>
<td>1,760.10</td>
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<tr>
<td>Cyborg Copies</td>
<td>na</td>
<td>310.86</td>
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</table>

**$ 84,514.70 $ 64,678.52 $ 21,907.14**

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**Reimbursement requested** $ 107,205.48  
**Amount reimbursed to date** $ 65,734.36  
**Still outstanding** $ 41,471.12
BOARD OF PORT COMMISSIONERS

OCTOBER 11, 2017

STANDARD AGENDA ITEM 3
VENTURA PORT DISTRICT STATUS OF ON-GOING PROJECTS
TO: Board of Port Commissioners  
FROM: Oscar Peña, General Manager  
SUBJECT: Ventura Port District Status of On-going Projects

RECOMMENDATION:  
That the Board of Port Commissioners receive an informational report on the status of on-going projects.

SUMMARY:  
The Board has asked for a summary status on on-going projects within the Harbor.

BACKGROUND:  
The Port District is fortunate to have many projects underway at various levels and with different departments. Below is a summary of some of these projects.

Human Resources  
- Employee Job Classifications  
  - Consider adding new job classifications for District employees.

Development Opportunities  
- Parcel 5 and 8 H. Parker Hospitality  
  - Option and Lease Documents and provide entitlement support to developer.
- Ventura Shellfish Enterprise  
  - Site selection process and Draft EIR are both requirements of the grant with NOAA and Sea Grant.
- Parcel 19A  
  - Prepare real estate development analysis for Board consideration.

Harbor Village  
- Coffee Dock and Post  
  - Potential Assignment of Lease
- BS Taproom  
  - Providing entitlement support to tenant and developing a re-stated lease.
- Parking Management Study  
  - Short-term strategies have been completed. Staff is currently in the process of evaluating the effectiveness of these short-term strategies, while beginning to analyze mid-term strategies to discuss with the Board.

Capital Improvement Plan  
- Phase 3 ADA and Beautification Project  
  - Complete wall adjacent to dive pool area and 1567 staircase.
- 2017 Pavement Repair and Slurry Seal Project  
  - Pre-construction meeting with Toro Enterprises on harbor-wide repairs and seal coating on all Port District parking lots. Start date is expected to be late October and completion is expected by the end of November. The beach parking lots are already completed.
- Re-roofing Phase II (1431, 1591, 1691 Spinnaker Drive)  
  - Awarded Garland contract at last Board meeting. Start date to be late October with expected completion at the end of December.
Capital Improvement Plan Continued

- Fish Pier #1 Hoist Replacement
  - Is currently out-of-service. Hoping to go out to bid by the end of the calendar year.

- Harbor Village Painting Project
  - Developing a scope of work, this may include painting, awnings and signage. Will return to the Board to discuss the scope and potential architects to assist staff.

- Window Replacement (1449, 1567, 1575, 1583, 1591 and 1691 Spinnaker)
  - 110 windows were replaced at Harbor Village and was completed in early October. Staff is waiting for the final inspection from the City.

- Harbor Cove and Surfer’s Knoll Beach
  - Restoration of cinder block retaining wall (approximately 300’ to 400’). Rusted rebar in upper area of the wall. Currently working on developing a plan and budget for Board approval.

- Door Replacements
  - Will be replacing approximately 20 fiberglass doors at launch ramp and public beach restrooms. Start date is early November, with projected completion by the end of November.

- 1583 Spinnaker Elevator Modernization
  - Completed the service contract. Project will start before the end of the calendar year. This project will take approximately 30 days to complete.

FISCAL IMPACT:
None.

ATTACHMENTS:
None.