



VENTURA PORT DISTRICT BOARD OF PORT COMMISSIONERS

Jim Friedman, Chairman
Everard Ashworth, Vice Chairman
Bruce E. Smith, Commissioner
Nikos Valance, Commissioner
Brian Brennan, Commissioner

Oscar Peña, General Manager
Andy Turner, Legal Counsel
Jessica Rauch, Clerk of the Board

PORT COMMISSION WORKSHOP MEETING AGENDA WEDNESDAY, SEPTEMBER 14, 2016 AT 12:00 P.M. VENTURA PORT DISTRICT OFFICE 1603 ANCHORS WAY DRIVE, VENTURA, CA

A **Closed Session** of the Board will be held at **11:00A.M.** 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.

The Board will convene in **Open Session** at the Port District Office located at 1603 Anchors Way Drive for its Workshop 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 (5 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 (Port Commission). 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 the July 27, 2016, August 2, 2016 and August 4, 2016 Regular and Special meetings 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 contacts or meetings he or she may have had with any Port District Tenants.

GENERAL MANAGER REPORT (5 minutes)

The General Manager of the Ventura Port District will report on items of general interest to the Port Commission and members of the public.

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 Change of Lessee's of the Lease Agreement for The Ultimate Escape Rooms

Recommended Action: Voice Vote.

That the Board of Port Commissioners approve a new retail lease agreement for the premises located at 1591 Spinnaker Drive #117C consisting of 1,291 square feet between the Ventura Port District dba Ventura Harbor Village and Marilyn Ryemon, Annette Cortez, Alexis and Scott Crouse The Ultimate Escape Rooms for a two-year term with a two year option.

B) Approval of Change of Name of the Lease Agreement for Elizabeth Marino dba Barefoot Boutique

Recommended Action: Voice Vote.

That the Board of Port Commissioners approve a name change for the premises located at 1575 Spinnaker Drive #106A&B consisting of 1,545 square feet between the Ventura Port District dba Ventura Harbor Village and Elizabeth Marino dba Barefoot Boutique for a two-year term with a two year option.

C) Approval of New Office Lease for Julianne Y. Martin, Psy.D. and Gregory E. Gray, M.D.

Recommended Action: Voice Vote.

That the Board of Port Commissioners approve a new office lease agreement for the premises located at 1575 Spinnaker Drive #207 & 208 consisting of 840 square feet between the Ventura Port District dba Ventura Harbor Village and Julianne Y. Martin, Psy.D. and Gregory E. Gray, M.D. for a two-year term.

D) Approval of New Office Lease for Jerry Bessa dba iPowerUp

Recommended Action: Voice Vote.

That the Board of Port Commissioners approve a new office lease agreement for the premises located at 1567 Spinnaker Drive #205 consisting of 880 square feet between the Ventura Port District dba Ventura Harbor Village and Jerry Bessa dba iPowerUp for a two-year term.

E) Amendment No. 2 to the Professional Service Agreement with Jensen Design & Survey, Inc.

Recommended Action: Voice Vote.

That the Board of Port Commissioners approve Amendment No. 2 to the Professional Service Agreement, dated April 1, 2016 with Jensen Design & Survey, Inc. in the amount of \$3,500.

F) Approval of Out of Town Travel Requests

Recommended Action: Voice Vote.

That the Board of Port Commissioners approve by motion the Out of Town Travel Requests for Business Operations Manager, Brian Pendleton, Property Manager, Robin Baer, Commissioner Ev Ashworth, Dredging Consultant, Richard Parsons, Electrician, John Collins and Harbormaster, John Higgins.

G) Extension of Option with Sondermann-Ring Partners

Recommended Action: Voice Vote.

That the Board of Port Commissioners authorize the General Manager to execute the attached Fourteenth Amendment to Option Agreement between Ventura Port District ("the Port") and Sondermann-Ring Partners ("SRP").

STANDARD AGENDA:

1) Appointment of Ad Hoc Committee for General Manager Compensation Review

Recommended Action: Voice Vote.

That the Board of Port Commissioners appoint Commissioner Friedman and Commissioner Ashworth for an ad hoc committee to review and make recommendations to the Board on the compensation of the General Manager.

WORKSHOP AGENDA:

1) Ventura Harbor Tsunami Planning Efforts

Recommended Action: None

That the Board of Port Commissioners receive a presentation from Kevin Miller, Tsunami Program Officer from the California Governor's Office of Emergency Services and Rick Wilson, PG CEG, Senior Engineering Geologist from the California Geological Survey on the tsunami planning efforts for Ventura Harbor.

REQUEST FOR FUTURE AGENDA ITEMS

ADJOURNMENT

This agenda was posted on Thursday, September 8, 2016 at 5:00 p.m., at the Port District Office and on the Internet - www.venturaharbor.com (Public Notices).

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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. 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, SEPTEMBER 14, 2016

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

- | | |
|----------------------|---|
| a) Property: | 1591 Spinnaker Drive #117C |
| Negotiating Parties: | Oscar Pena, Brian Pendleton, Andy Turner |
| Under Negotiation: | New Lease Terms (Ultimate Escapes) |
| b) Property: | 1575 #106A/B Spinnaker Drive |
| Negotiating Parties: | Oscar Pena, Brian Pendleton, Andy Turner |
| Under Negotiation: | New Lease Terms (Barefoot Boutique) |
| c) Property: | 1575 #207 & #208 Spinnaker Drive |
| Negotiating Parties: | Oscar Pena, Brian Pendleton, Andy Turner |
| Under Negotiation: | New Office Lease (Julianne Y. Martin, Psy.D. & Gregory E. Gray, M.D.) |
| d) Property: | 1567 #205 Spinnaker Drive |
| Negotiating Parties: | Oscar Pena, Brian Pendleton, Andy Turner |
| Under Negotiation: | New Office Lease (iPowerUp) |
| e) Property: | 1559 Spinnaker Drive #108, #109A |
| Negotiating Parties: | Oscar Pena, Brian Pendleton, Andy Turner |
| Under Negotiation: | New Lease Terms (Ventura Dive & Sport) |
| f) Property: | 1591 Spinnaker Drive #115 |
| Negotiating Parties: | Oscar Pena, Brian Pendleton, Andy Turner |
| Under Negotiation: | New Lease Terms (Blackbeard's space) |

2. Conference with Legal Counsel - Potential Litigation per Government Code Section 54956.9(d)(2): One case.



BOARD OF PORT COMMISSIONERS

SEPTEMBER 14, 2016

APPROVAL OF MINUTES

JULY 27, 2016

AUGUST 2, 2016

AUGUST 4, 2016



Minutes of Regular Meeting of the Ventura Port District Board of Port Commissioners Held July 27, 2016

The Regular Meeting of the Ventura Board of Port Commissioners was called to order by Chairman Jim Friedman at 7:00PM at the Ventura Port District Office located 1603 Anchors Way Drive, Ventura, CA 93001.

Commissioners Present:

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

Commissioners Absent:

None

Port District Staff:

Oscar Peña, General Manager
Brian Pendleton, Business Operations Manager
Gloria Adkins, Accounting Manager
Robin Baer, Property Manager
John Higgins, Harbormaster
Joe Gonzalez, Facilities Manager
Frank Locklear, Marina Manager
Richard Parsons, Consultant
Jessica Rauch, Clerk of the Board

Legal Counsel:

Dominic Nunneri
Tom Bunn

AGENDA

CALL TO ORDER: By Chairman Jim Friedman at 7:00PM.

PLEDGE OF ALLEGIANCE: By Commissioner Carson.

ROLL CALL: All Commissioners were present.

ADOPTION OF AGENDA

ACTON: Commissioner Smith moved, seconded by Commissioner Carson and carried by a vote of 5-0 to adopt the July 27, 2016 agenda.

APPROVAL OF MINUTES

The Minutes of June 22, 2016 regular meeting and June 29, 2016 and July 6, 2016 Special Closed Session meetings were considered as follows:

ACTION: Commissioner Carson moved, seconded by Commissioner Ashworth and carried by a vote of 5-0 to approve the minutes of the June 22, 2016 regular meeting and June 29, 2016 and July 6, 2016 Special Closed Session meetings.

PUBLIC COMMUNICATIONS: Sam Sadove mentioned that the boating community is very happy with the new flagpole. Councilmember Cheryl Heitmann asked if the Board would be ok with having a presentation on the sales tax measure being put on the November ballot and apologized for a new Commissioner not being appointed yet.

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

BOARD COMMUNICATIONS: Commissioner Ashworth announced a trip the City is organizing to visit Ventura's sister City, Loreto, Mexico. He also updated the Commission on the Ventura Shellfish Enterprise. Commissioner Smith reported on the JPIA Board of Directors meeting he attended.

DEPARTMENTAL STAFF REPORTS: Mr. Parsons updated the Commission on the Federal Dredging Appropriations for 2017. Mr. Locklear updated the Commission on the increase in squid offloading.

GENERAL MANAGER REPORT: Mr. Peña reported that Ventura Harbor Village is having a good season with restaurant and retail sales being up.

LEGAL COUNSEL REPORT: None.

STANDARD AGENDA:

1) Approval of Financial Statements and Checks for May 2016

Recommended Action: Roll Call Vote.

That the Board of Port Commissioners adopt Resolution No. 3308 accepting and approving the Financial Statements, Payroll and Regular Checks for expenses in May 2016.

ACTION: Commissioner Carson moved, seconded by Commissioner Ashworth and carried by a vote of 5-0 to adopt Resolution No. 3308 accepting and approving the Financial Statements, Payroll and Regular Checks for expenses in May 2016.

2) Adopt Two Resolutions Formalizing Employer Paid Member Contributions to PERS for Full-time Harbor Patrol Officers

Recommended Action: Roll Call Vote.

That the Board of Port Commissioners:

- a) Adopt Resolution No.3309, establishing the Employer Paid Member Contributions to PERS at 1% for Full-time Harbor Patrol Officers effective July 1, 2007; and
- b) Adopt Resolution No.3310, establishing the Employer Paid Member Contributions to PERS at 3% for Full-time Harbor Patrol Officers effective July 1, 2008.

ACTION: Commissioner Ashworth moved, seconded by Commissioner Carson and carried by a vote of 5-0 to adopt Resolution No.3309, establishing the Employer Paid Member Contributions to PERS at 1% for Full-time Harbor Patrol Officers effective July 1, 2007; and adopt Resolution No.3310, establishing the Employer Paid Member Contributions to PERS at 3% for Full-time Harbor Patrol Officers effective July 1, 2008.

3) Approval of FY2016 – 2017 Final Budget and Five Year Capital Improvement Plan

Recommended Action: Roll Call Vote.

That the Board of Port Commissioners:

- a) Adopt Resolution No. 3311, approving the 2016–2017 Ventura Port District Budget and Five Year Capital Improvement Plan (CIP);
- b) Adopt Resolution No. 3312, to establish the Employer Paid Member Contributions to CalPERS for the Non-represented Classic Miscellaneous Members; and
- c) Adopt Resolution No. 3313, establishing the Salary Schedule for Non-represented Employees for the Fiscal Year 2016-2017.

ACTION: Commissioner Carson moved, seconded by Commissioner Ashworth and carried by a vote of 3-2 (Commissioners Valance and Smith no) to adopt Resolution No. 3311, approving the 2016–2017 Ventura Port District Budget and Five Year Capital Improvement Plan (CIP); adopt Resolution No. 3312, to establish the Employer Paid Member Contributions to CalPERS for the Non-represented Classic Miscellaneous Members; and adopt Resolution No. 3313, establishing the Salary Schedule for Non-represented Employees for the Fiscal Year 2016-2017.

4) Approval of New Records Retention Policy

Recommended Action: Roll Call Vote.

That the Board of Port Commissioners adopt Resolution No. 3314, approving the new Records Retention Policy for the Ventura Port District and rescinding Resolution No. 2708.

ACTION: Commissioner Smith moved, seconded by Commissioner Carson and carried by a vote of 5-0 to adopt Resolution No. 3314, approving the new Records Retention Policy for the Ventura Port District and rescinding Resolution No. 2708.

5) Approval of Revised Board of Port Commissioners Protocols and Policies Manual

Recommended Action: Roll Call Vote.

That the Board of Port Commissioners adopt Resolution No. 3315, approving the updates to the Board of Port Commissioners Protocols and Policies Manual and rescinding Resolution No. 3271.

ACTION: Commissioner Carson moved, seconded by Commissioner Smith and carried by a vote of 5-0 to adopt Resolution No. 3315, approving the updates to the Board of Port Commissioners Protocols and Policies Manual and rescinding Resolution No. 3271 with the addition of the following:
“Legal Counsel Report – Legal Counsel will report on the progress of District assignments and any legislative or judicial matters.”

6) Approval of Professional Services Agreement with White Nelson Diehl Evans

Recommended Action: Voice Vote.

That the Board of Port Commissioners:

- a) Approve the Professional Services Agreement with White Nelson Diehl Evans LLP to perform the District's financial audit of the fiscal year ending June 30, 2016; and
- b) Appoint an Audit Liaison to work with staff and White Nelson Diehl Evans LLP throughout the audit process.

ACTION: Commissioner Carson moved, seconded by Commissioner Smith and carried by a vote of 5-0 to approve the Professional Services Agreement with White Nelson Diehl Evans LLP to perform the District's financial audit of the fiscal year ending June 30, 2016; and appoint Vice Chairman Ashworth as the Audit Liaison to work with staff and White Nelson Diehl Evans LLP throughout the audit process.

REQUEST FOR FUTURE AGENDA ITEMS: Commissioner Valance requested a discussion during the mid-year budget about another 3% salary increase that would go towards employees PERS contributions, totaling the full 7%. Commissioner Friedman announced that there will be a Special Meeting on Tuesday, August 2, 2016.

ADJOURNMENT: The meeting was adjourned at 8:35PM.

Secretary



Minutes of Special Meeting of the Ventura Port District Board of Port Commissioners Held August 2, 2016

The Special Meeting of the Ventura Board of Port Commissioners was called to order by Chairman Jim Friedman at 12:22PM at the Ventura Port District Office located 1603 Anchors Way Drive, Ventura, CA 93001.

Commissioners Present:

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

Commissioners Absent:

None

Port District Staff:

Oscar Peña, General Manager
Brian Pendleton, Business Operations Manager
Jessica Rauch, Clerk of the Board

Legal Counsel:

Dominic Nunneri – Conference Call

AGENDA

CALL TO ORDER: By Chair, Jim Friedman at 12:22PM.

PLEDGE OF ALLEGIANCE: By Chair, Jim Friedman.

ROLL CALL: All Commissioners were present.

ADOPTION OF AGENDA

ACTION: Commissioner Smith moved, seconded by Commissioner Valance and carried by a vote of 5-0 to adopt the August 2, 2016 agenda.

PUBLIC COMMUNICATIONS: None

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

STANDARD AGENDA:

1) Extension of Option with Sonderrmann-Ring Partners

Recommended Action: Voice Vote.

That the Board of Port Commissioners authorize the General Manager to execute the Thirteenth Amendment to Option Agreement between Ventura Port District ("the Port") and Sonderrmann-Ring Partners ("SRP").

ACTION: Commissioner Ashworth moved, seconded by Commissioner Carson and carried by a vote of 5-0 to authorize the General Manager to execute the Thirteenth Amendment to Option Agreement between Ventura Port District ("the Port") and Sondermann-Ring Partners ("SRP").

2) Approve Sublease Between Ventura Harbor Marine Associates, LLC and Ventura Sportfishing, Inc.

Recommended Action: Voice Vote.

That the Board of Port Commissioners approve the sublease and Addendum to Standard Sublease between Ventura Harbor Marine Associates, LLC, a California Limited Liability Company ("Sublessor") and Ventura Sportfishing, Inc., a California Corporation C ("Sublessee") pursuant to Article 15.3 of the Ground Lease between Ventura Port District and Ventura Harbor Marine Associates, LLC, a California Limited Liability Company ("Assignee").

ACTION: Commissioner Ashworth moved, seconded by Commissioner Valance and carried by a vote of 5-0 to approve the sublease and Addendum to Standard Sublease between Ventura Harbor Marine Associates, LLC, a California Limited Liability Company ("Sublessor") and Ventura Sportfishing, Inc., a California Corporation C ("Sublessee") pursuant to Article 15.3 of the Ground Lease between Ventura Port District and Ventura Harbor Marine Associates, LLC, a California Limited Liability Company ("Assignee"), with minor changes to the Addendum to Standard Sublease.

ADJOURNMENT: The meeting was adjourned at 12:29PM.

Secretary



Minutes of Special Meeting of the Ventura Port District Board of Port Commissioners Held August 4, 2016

The Special Meeting of the Ventura Board of Port Commissioners was called to order by Chairman Jim Friedman at 9:31AM at the Ventura Port District Office located 1603 Anchors Way Drive, Ventura, CA 93001.

Commissioners Present:

Jim Friedman, Chair
Everard Ashworth, Vice Chair
Bruce E. Smith
Nikos Valance
Brian Brennan

Commissioners Absent:

None

Port District Staff:

Oscar Peña, General Manager
Brian Pendleton, Business Operations Manager
Frank Locklear, Marina Manager
John Higgins, Harbormaster
Joe Gonzalez, Facilities Manager
Jessica Rauch, Clerk of the Board

Legal Counsel:

Timothy Gosney

AGENDA

CALL TO ORDER: By Chair, Jim Friedman at 9:31AM.

PLEDGE OF ALLEGIANCE: By Commissioner Brennan.

ROLL CALL: All Commissioners were present.

ADOPTION OF AGENDA

ACTION: Commissioner Smith moved, seconded by Commissioner Brennan and carried by a vote of 5-0 to adopt the August 4, 2016 agenda.

PUBLIC COMMUNICATIONS: None

EMERGENCY ACTION ITEM:

1. Existence of Emergency Condition at Docks F and G in Ventura Harbor Village Marina and Funding for Cost of Necessary Repairs

Recommended Action: Resolution No. 3316 by 4/5ths Vote.

That the Board of Port Commissioners adopt Resolution No. 3316, authorizing the General Manager and Business Operations Manager, pursuant to Section 22035 and 22050 of the Public Contract Code to commence immediate evaluation and repairs of Docks F and G at Ventura Harbor Village Marina.

ACTION: Commissioner Ashworth moved, seconded by Commissioner Brennan and carried by a vote of 5-0 to adopt Resolution No. 3316, making and approving the following findings and actions:

1. Due to a boat's collision with G Dock, the dock has been severely damaged. The current condition of G Dock poses an immediate safety hazard to public health and safety, to the District's real property, including the dock itself, and persons using or acting on or in the vicinity of the dock, including recreational boaters.
2. Due to such immediate threat, an emergency situation exists as to G Dock and its surrounding areas requiring immediate action to repair G Dock.
3. 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 condition of the dock.
4. The Board hereby delegates to Brian Pendleton, the District Business Operations Manager, the authority to order and take any action required to respond to the emergency and for the immediate repair of G Dock, and to procure the necessary equipment, services, and supplies for those purposes, without giving notice for bids to let contracts.
5. Said delegatee shall report to the Board of Port Commissioners within seven (7) days after taking any action to respond to the emergency, and at every subsequent regularly scheduled meeting of the Board until the emergency is resolved, the reasons justifying why the emergency will not permit a delay resulting from a competitive solicitation for bids and why the actions taken are necessary to respond to the emergency.
6. The Board will review the emergency actions taken pursuant to this Resolution within seven (7) days after the delegatee takes any action to respond to the emergency, and at least at every regularly scheduled meeting thereafter until the emergency is resolved, to determine, by a four-fifths (4/5) vote, that there is a need to continue the actions taken by the delegatee. The delegatee may terminate those actions upon the emergency being mitigated prior to the Board reviewing the emergency actions taken. Otherwise, the Board may determine that the emergency situation has been resolved and there is no longer a need to continue emergency actions.

ADJOURNMENT: The meeting was adjourned at 10:05AM.

Secretary



BOARD OF PORT COMMISSIONERS

SEPTEMBER 14, 2016

CONSENT AGENDA ITEM A

APPROVAL OF CHANGE OF LESSEE'S
OF THE LEASE AGREEMENT FOR THE
ULTIMATE ESCAPE ROOMS

**VENTURA PORT DISTRICT
BOARD COMMUNICATION**

CONSENT AGENDA ITEM A
Meeting Date: September 14, 2016

TO: Board of Port Commissioners
FROM: Robin Baer, Property Manager
SUBJECT: Change of Lessee's of the Lease Agreement for Marilyn Ryemon, Annette Cortez, Alexis and Scott Crouse dba The Ultimate Escape Rooms, 1591 Spinnaker Drive #117C

RECOMMENDATION:

That the Board of Port Commissioners consent to the proposed change of lessee's for the retail lease agreement for the premises located at 1591 Spinnaker Drive #117C, Ventura, California, 93001.

BACKGROUND:

The Ultimate Escape Rooms parties have agreed it is in their mutual best interests to document an early AMENDMENT of the Lease on the terms and conditions set forth in this Agreement as follows:

1. **Change of Lessee's.** Both parties hereby agree to amend the original lease Lessee's by removing Marilyn Ryemon from The Ultimate Escape Rooms lease documents and obligations. All other terms, conditions and provisions of the Original Lease shall remain in full force and effect with the remaining Lessee's.

2. **Effect of Amendment.** Except as hereby amended, the Lease dated June 17, 2016 shall remain in full force and effect.

FISCAL IMPACT:

This lease change has no fiscal impact.

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



BOARD OF PORT COMMISSIONERS

SEPTEMBER 14, 2016

CONSENT AGENDA ITEM B

APPROVAL OF CHANGE OF NAME OF
THE LEASE AGREEMENT FOR
ELIZABETH MARINO DBA BAREFOOT
BOUTIQUE

**VENTURA PORT DISTRICT
BOARD COMMUNICATION**

CONSENT AGENDA ITEM B
Meeting Date: September 14, 2016

TO: Board of Port Commissioners
FROM: Robin Baer, Property Manager
SUBJECT: Assignment and Assumption of the Lease Agreement for Elizabeth Marino dba Barefoot Boutique, 1575 Spinnaker Drive #106 A&B

RECOMMENDATION:

That the Board of Port Commissioners consent to the proposed Assignment and Assumption of Lease between Elizabeth Marino and Barefoot Boutique, LLC for the premises located at 1575 Spinnaker Drive #106 A&B, Ventura, California 93001.

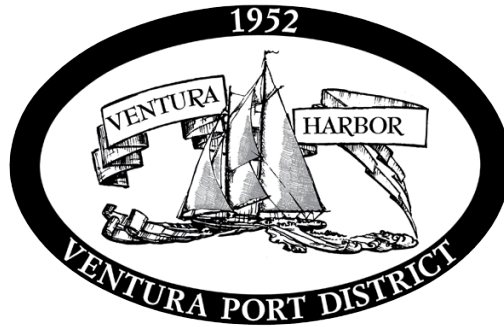
BACKGROUND:

On November 16, 2015, Elizabeth Marino, operating under the trade name "Barefoot Boutique," entered into a lease agreement with Ventura Port District dba Ventura Harbor Village for the premises located at 1575 Spinnaker Drive #106 A&B, Ventura, California 93001 ("Lease"). Elizabeth Marino subsequently formed Barefoot Boutique, LLC, a California limited liability company, and now wishes to assign her interest in the Lease to Barefoot Boutique, LLC. Subject to the Board's consent, Elizabeth Marino and Barefoot Boutique, LLC have agreed to execute the document titled "Assignment and Assumption of Lease," a copy of which has been provided to the Board for review and consent. The Assignment and Assumption of Lease does not extinguish the Guaranty of Lease [Exhibit E of the Lease] previously executed by Elizabeth Marino, who will continue to be bound to the terms of the Lease for the remainder of the Lease term.

FISCAL IMPACT:

This lease change has no fiscal impact.

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



BOARD OF PORT COMMISSIONERS

SEPTEMBER 14, 2016

CONSENT AGENDA ITEM C

APPROVAL OF NEW OFFICE LEASE
FOR JULIANNE Y. MARTIN, PSY.D.
AND GREGORY E. GRAY, M.D.

**VENTURA PORT DISTRICT
BOARD COMMUNICATION**

CONSENT AGENDA ITEM C
Meeting Date: September 14, 2016

TO: Board of Port Commissioners
FROM: Robin Baer, Property Manager
SUBJECT: Approval of New Office Lease Agreement for Julianne Y. Martin, Psy.D. and Gregory E. Gray, M.D., 1575 Spinnaker Drive #207 & 208

RECOMMENDATION:

That the Board of Port Commissioners approve a new office lease agreement for the premises located at 1575 Spinnaker Drive #207 & #208 consisting of 840 square feet between the Ventura Port District dba Ventura Harbor Village and Julianne Y. Martin, Psy.D. and Gregory E. Gray, M.D. for a two-year term.

BACKGROUND:

Julianne Y. Martin, Psy.D. (Psychologist) and Gregory E. Gray, M.D. (Psychiatrist) has been a Harbor Village tenant since September 2015. Between the two, they have over 38 years of experience in their fields. They relocated from Channel Islands Harbor to the Ventura Harbor and previously signed a one year lease. They have enjoyed the Village and would like to continue tenancy for another two years.

FISCAL IMPACT:

This new lease reflects current market rental rates for office space in the complex and City. The annual occupancy cost for this tenant is \$18,000. The minimum rent over the two year term is adjusted annually by 3% per year.

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



BOARD OF PORT COMMISSIONERS

SEPTEMBER 14, 2016

CONSENT AGENDA ITEM D

APPROVAL OF NEW OFFICE LEASE
FOR JERRY BESSA DBA IPOWERUP

**VENTURA PORT DISTRICT
BOARD COMMUNICATION**

CONSENT AGENDA ITEM D
Meeting Date: September 14, 2016

TO: Board of Port Commissioners
FROM: Robin Baer, Property Manager
SUBJECT: Approval of New Office Lease Agreement for Jerry Bessa dba iPowerUp,
1567 Spinnaker Drive #204

RECOMMENDATION:

That the Board of Port Commissioners approve a new office lease agreement for the premises located at 1567 Spinnaker Drive #204 consisting of 880 square feet between the Ventura Port District dba Ventura Harbor Village and Jerry Bessa dba iPowerUp for a two-year term.

BACKGROUND:

iPowerUp has been a Harbor Village tenant since 2010. iPowerUp is a designer and engineer of electronic accessories for smart mobile devices. They bring the most innovative mobile power accessories to consumers and business professionals. With its patented technology iPowerUp has made its focus to provide the highest quality products in each mobile category using a combination of their own proprietary designs and unique original design manufacturer partnerships. They have become known by customers and mobile industry experts for its innovative and stylish mobile charging solutions.

FISCAL IMPACT:

This new lease reflects current market rental rates for office space in the complex and City. The annual occupancy cost for this tenant is \$19,000. The minimum rent over the two year term is adjusted annually by 3% per year.

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



BOARD OF PORT COMMISSIONERS

SEPTEMBER 14, 2016

CONSENT AGENDA ITEM E

APPROVAL OF PROFESSIONAL
SERVICES AGREEMENT AMENDMENT
No. 2 WITH JENSEN DESIGN &
SURVEY, INC.

VENTURA PORT DISTRICT

Board Communication

CONSENT AGENDA ITEM E

Meeting Date: September 14, 2016

TO: Board of Port Commissioners
FROM: Brian Pendleton, Business Operations Manager
SUBJECT: Amendment to the Professional Service Agreement with Jensen Design & Survey Inc.

RECOMMENDATION:

That the Board of Port Commissioners approve Amendment No. 2 to the Professional Service Agreement, dated April 1, 2016 with Jensen Design & Survey, Inc. in the amount of \$3,500.

SUMMARY:

The proposed Amendment No. 2 includes:

- A. Construction Administration for Ventura Harbor Cove ADA Parking Lot Improvements shall be added to the Scope of Work as set forth in "Exhibit A."
- B. The Agreement requires an additional \$3,500 for project compensation, bringing the Agreement total to \$37,300 from \$33,800 as set forth in "Exhibit A."
- C. Except for the amendments set forth above in this Amendment No. 1, and set forth in "Exhibit A," the Agreement shall otherwise remain unchanged.

BACKGROUND:

On April 1, 2016, the Ventura Port District entered into a Professional Services Agreement (PSA) for \$24,800 to provide topographic surveys and designs of ADA parking improvements and access for Harbor Cove, Surfer's Knoll, Launch Ramp and VPD Headquarters lot, as well as processing plans for approval through the City of Ventura. Work also includes adding additional ADA standard and/or van parking stalls where required by the current building code.

On June 29, 2016, the Board approved Amendment No. 1 of the PSA. The additional Scope of Work for Harbor Cove Parking Rehabilitation included the work of a traffic engineer to develop a site plan that would add additional parking spaces to the existing Harbor Cove Parking Lot. This plan was presented to the Board on May 25, 2016 as part of the Parking Management Plan. Based on this site plan, Jensen would prepare a construction drawing showing proposed slurry seal, restriping, planter and curb relocations, and parking lot lighting relocations. The plan would be prepared in sufficient detail for review by the City of Ventura and for construction bidding. The fee for this additional work is \$9,000.

Staff recommends the continued use of Jensen Design and Survey, Inc. and the related amendments to the Professional Service Agreement.

ATTACHMENTS:

Attachment 1 – Jensen Design and Survey, Inc. PSA Amendment No. 2

ATTACHMENT 1

VENTURA PORT DISTRICT

AMENDMENT NO. 2

**TO STANDARD FORM CONTRACT FOR
PROFESSIONAL SERVICES AGREEMENT
(Under \$25,000)**

WITH

JENSEN DESIGN & SURVEY, INC.

This AMENDMENT NO. 2 amends that certain agreement (the "Agreement") entered into on the first (1st) day of April 2016, by and between the VENTURA PORT DISTRICT, an independent special district, hereinafter referred to as "DISTRICT" and JENSEN DESIGN & SURVEY, INC., hereinafter referred to as "CONSULTANT."

RECITALS

1. The parties now desire to revise the Scope of Work, and revise the project compensation.

NOW, THEREFORE, the parties agree as follows:

- A. Construction Administration for Ventura Harbor Cove ADA Parking Lot Improvements shall be added to the Scope of Work as set forth in "Exhibit A."
- B. The Agreement requires an additional \$3,500 for project compensation, bringing the Agreement total to \$37,300 from \$33,800 as set forth in "Exhibit A."
- C. Except for the amendments set forth above in this Amendment No. 1, and set forth in "Exhibit A," the Agreement shall otherwise remain unchanged.

VENTURA PORT DISTRICT

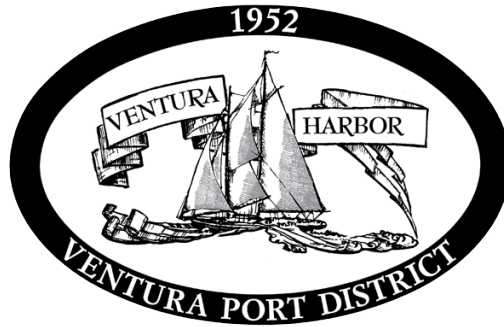
JENSEN DESIGN & SURVEY, INC.

By: _____
Oscar F. Peña, General Manager

By: _____
Susanne M. Cooper, P.E.

Date: _____

Date: _____



BOARD OF PORT COMMISSIONERS

SEPTEMBER 14, 2016

CONSENT AGENDA ITEM F

APPROVAL OF OUT OF TOWN TRAVEL
REQUESTS

**VENTURA PORT DISTRICT
BOARD COMMUNICATION**

CONSENT AGENDA ITEM F
Meeting Date: September 14, 2016

TO: Board of Port Commissioners
FROM: Oscar F. Peña, General Manager
SUBJECT: Out of Town Travel Requests

RECOMMENDATION:

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

- A) Business Operations Manager, Brian Pendleton to travel to Indian Wells, California to participate in the 21st Annual California JPIA Risk Management Educational Forum on October 12 – 14, 2016. Attending this education forum allows the District to stay up-to-date on risk management issues, policies and procedures. Estimated cost for the travel is as follows:

Registration	\$0.00
Lodging	\$433.01
Meals	\$170.00
Mileage	\$195.48
Miscellaneous	\$100.00
TOTAL	\$898.49

- B) Property Manager, Robin Baer to travel to San Diego, California to participate in the International Council of Shopping Centers 2016 Western Conference on August 29 – September 1, 2016. Attending this conference will allow our property manager to market our vacant spaces, meet new contacts and vendors and keep up-to-date on new and ongoing trends. Estimated cost for the travel is as follows:

Registration	\$350.00
Lodging	\$886.94
Meals	\$330.00
Mileage	\$207.36
Miscellaneous	\$100.00
TOTAL	\$1,874.30

- C) Commissioner Ev Ashworth to travel to Pismo Beach, California to participate in the CMANC Fall meeting on September 19-20, 2016. The benefit to the District for this travel is to meet with representatives of other California Ports and Harbors and participate in discussions with the U.S. Army Corps of Engineers about the refining of navigation goals for California and develop the implementation strategy for those goals. Estimated cost for the travel is as follows:

Registration	\$130.00
Lodging	\$220.00
Meals	\$190.00
Mileage	\$137.16
Miscellaneous	\$100.00
TOTAL	\$777.16

- D) Consultant, Richard Parsons to travel to Pismo Beach, California to participate in the CMANC Fall meeting on September 19-21, 2016. The benefit to the District for this travel is to meet with representatives of other California Ports and Harbors and participate in discussions with the U.S. Army Corps of Engineers about the refining of navigation goals for California and develop the implementation strategy for those goals. Estimated cost for the travel is as follows:

Registration	\$395.00
Lodging	\$550.00
Meals	\$285.00
Mileage	\$123.12
Miscellaneous	\$100.00
TOTAL	\$1,453.12

- E) Electrician, John Collins to travel to Ontario, California to participate in the California Building Officials (CALBO) Annual Education Week October 23, 2016 – October 27, 2016. Attending this education week keeps the District in good standing with the City of Ventura for the purpose of District property inspections. This gives the District the ability to perform minor tenant improvements and major maintenance repairs of Port District electrical, mechanical and plumbing within our jurisdiction. Estimated cost for the travel is as follows:

Registration	\$645.00
Lodging	\$410.58
Meals	\$450.00
Mileage	\$112.32
Miscellaneous	N/A
TOTAL	\$1,617.90

- F) Harbormaster, John Higgins to travel to San Pedro, California to participate in the California Harbor Master & Port Captains annual conference October 10, 2016 – October 13, 2016. Attending this conference keeps the District up-to-date on many aspects of planning and running a successful harbor. Topics discussed in social networking are often planning, environmental issues, grants, security, and technology improvements. Estimated cost for the travel is as follows:

Registration	\$408.75
Lodging	\$368.00
Meals	\$285.00
Mileage	\$95.04
Miscellaneous	N/A
TOTAL	\$1,156.79



BOARD OF PORT COMMISSIONERS

SEPTEMBER 14, 2016

CONSENT AGENDA ITEM G

EXTENSION OF OPTION WITH
SONDERMANN-RING PARTNERS

**VENTURA PORT DISTRICT
BOARD COMMUNICATION**

CONSENT AGENDA ITEM G
Meeting Date: September 14, 2016

TO: Board of Port Commissioners
FROM: Oscar Peña, General Manager
SUBJECT: Extension of Option with Sondermann-Ring Partners

RECOMMENDATION:

That the Board of Port Commissioners authorize the General Manager to execute the attached Fourteenth Amendment to Option Agreement between Ventura Port District ("the Port") and Sondermann-Ring Partners ("SRP").

BACKGROUND:

On September 5, 2002, the Port and SRP entered into an Option Agreement for SRP to lease certain real property owned by the Port. The Option Agreement has since been amended thirteen times and, under the terms of that Amendment, the Option Term was extended through August 31, 2016 in exchange for SRP's payment of \$5,000 per month to the Port.

SRP submitted draft financing and other documents constituting satisfaction of conditions precedent to exercise option on July 29, 2016 for District review. The District completed its review of the loan documents on September 6, 2016 with SRP and his legal counsel and negotiated some changes that will be submitted to SRP's lender for review. This review also included the proposed changes to the lease, which is attached as an exhibit to the option. Staff recommends the Board approve the Fourteenth Amendment to the Option Agreement. If approved, the amendment will provide the General Manager with the authority to extend the Option Agreement beyond September 30, 2016 in the event District review is not complete. The extension period shall be for 30 days through October 31, 2016 and will allow the District and SRP to complete the requirements stipulated in the Option to Lease as conditions for exercise of the option. The option payment shall continue at a rate of \$5,000 per month if the General Manager extends the option.

A draft of the proposed Fourteenth Amendment to Option Agreement is attached for the Board's consideration. Legal Counsel for both the Port and SRP have reviewed and approved the form of the Fourteenth Amendment.

ATTACHMENT:

Attachment 1 – Fourteenth Amendment

FOURTEENTH AMENDMENT TO OPTION AGREEMENT

This Fourteenth Amendment to Option Agreement (this Amendment) is entered into and effective as of September ___, 2016, by and between VENTURA PORT DISTRICT, a port district formed under and pursuant to Part 4 of the Harbors and Navigation Code of the State of California ("Port") and Sondermann-Ring Partners-Ventura Harbor, a California limited liability company ("SRP").

RECITALS

A. Sondermann Ring Partners-Ventura Harbor, a California limited partnership (SRP LP) and Port previously entered into that certain Option to Lease (the "Option Agreement") dated September 5, 2002, relating to certain real property in the County of Ventura defined in the Option Agreement as the "Premises". (Any capitalized terms in this Amendment not otherwise defined herein shall have the meaning ascribed to such terms in the Option Agreement).

B. The Option Agreement has since been amended thirteen (13) times and, under the terms of the Thirteenth Amendment, dated August 2, 2016, and that certain Extension of Option Term dated as of August 29, 2016, the Option Term was extended through September 30, 2016.

C. SRP LP has converted to SRP. By operation of law, SRP has succeeded to all of SRP LP's rights and obligations under all SRP LP's contracts, including the Option Agreement.

D. SRP and the Port mutually desire to amend the Option Agreement by agreeing to further extend the Option Term through October 31, 2016, on the terms and conditions set forth herein.

AGREEMENTS

Port and SRP hereby agree as follows:

1. Extension of Option Term.

- a. Section 6.7 of the Option Agreement is hereby deleted and the following inserted in place thereof:

"6.7 In the event that the Option Term expires without the Option granted herein being effectively exercised pursuant to Article 12 hereof, SRP shall have the right nevertheless to obtain monthly extensions of the Option Term through October 31, 2016, by delivering a written Notice of Extension to Port pursuant to Section 18.3 not less than three (3) days prior to the expiration of the Option Term, and, thereafter, prior to the expiration of any

ATTACHMENT 1

extension of the Option Term, enclosing a payment in the amount of \$5,000 for each month, or a portion of a month, during the period from October 1, 2016 through October 31, 2016.

SRP may obtain multiple monthly extensions of the Option Term by specifying the extension period in the Notice of Extension and paying the extension fee for the multiple month period. Once the Option Term has expired, however, it may not be reinstated or revived without the express prior agreement of Port. Payments made pursuant to this Section 6.7 shall not be credited against the Holding Fee, nor shall any payments under this Section 6.7 be credited against percentage rent obligations under the Lease.

- b. Nothing in this Fourteenth Amendment to Option Agreement is intended to, shall operate to, or shall give SRP the option or right to, extend the Option Term beyond the expiration date of October 31, 2016.

In the event of a conflict or inconsistency between the terms and provisions of this Fourteenth Amendment and the Option Agreement as previously amended, the terms and provisions of this Amendment shall govern and control.

[SIGNATURES APPEAR ON NEXT PAGE]

ATTACHMENT 1

IN WITNESS WHEREOF, Port and SRP have entered into this FOURTEENTH AMENDMENT TO OPTION AGREEMENT as of the day and year first written above.

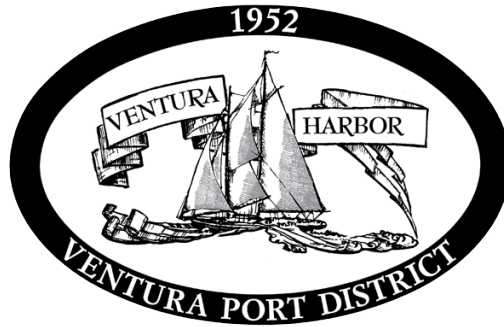
SONDERMANN-RING PARTNERS-VENTURA,
a California limited liability company

By: Sondermann Enterprises, Inc.
a California corporation, its Manager

By: _____
Michael B. Sondermann
President

VENTURA PORT DISTRICT,
a California Port District

By: _____
Oscar F. Peña
General Manager



BOARD OF PORT COMMISSIONERS

SEPTEMBER 14, 2016

STANDARD AGENDA ITEM 1

APPOINTMENT OF AN AD HOC COMMITTEE FOR GENERAL MANAGER COMPENSATION REVIEW

**VENTURA PORT DISTRICT
BOARD COMMUNICATION**

STANDARD AGENDA ITEM 1
Meeting Date: September 14, 2016

TO: Board of Port Commissioners
FROM: Jim Friedman, Chairman
SUBJECT: Appointment of Ad Hoc Committee for General Manager Compensation

RECOMMENDATION:

That the Board of Port Commissioners appoint Commissioner Friedman and Commissioner Ashworth for an ad hoc committee to review and make recommendations to the Board on the compensation of the General Manager.

SUMMARY:

The Board completed its review of the General Manager performance evaluation in mid June 2016. Chairman Friedman is suggesting that an ad hoc committee be appointed to review and make recommendations on the compensation of the General Manager at a regular meeting in the future.



BOARD OF PORT COMMISSIONERS

SEPTEMBER 14, 2016

WORKSHOP AGENDA ITEM

VENTURA HARBOR TSUNAMI PLANNING EFFORTS

**VENTURA PORT DISTRICT
BOARD COMMUNICATION**

WORKSHOP ITEM 1

Meeting Date: September 14, 2016

TO: Board of Port Commissioners
FROM: John Higgins, Harbormaster
SUBJECT: Ventura Harbor Tsunami Planning Efforts

RECOMMENDATION:

That the Board of Port Commissioners receive a presentation from Kevin Miller, Tsunami Program Officer from the California Governor's Office of Emergency Services and Rick Wilson, PG CEG, Senior Engineering Geologist from the California Geological Survey on the tsunami planning efforts for Ventura Harbor.

BACKGROUND:

Ventura Harbor has been the recipients of the effects of Tsunamis three different times in the last 6 years. The impacts to our Harbor in each of these events have been unique and long lasting in comparison to other Southern California Harbors. In each of the events, Harbor Patrol staff were communicating with numerous Government agencies and documenting the effects real time. This valuable information was gathered and disseminated throughout California Emergency Planners and amongst Academic Research Groups. Key partnerships were developed and exciting products have been developed.

The California Geological Survey (CGS) provides geologic and seismic expertise to the public, other State government offices, and local government agencies. They work closely with the California Governor's Office of Emergency Services (Cal OES) Earthquake and Tsunami Program, and the Tsunami Research Center at the University of Southern California to produce statewide tsunami inundation maps and preparedness information for California.

Rick Wilson a Senior Engineering Geologist with (CGS) & Kevin Miller (CAL OES) are two of Ventura Harbor's strongest partners. Together they have worked with the Ventura Port District to assist in Tsunami planning, response, and mitigation. They selected Ventura Harbor to be one of the models for a statewide "Maritime Tsunami Response Playbook" implementation. Since that time, they continue to work to refine the information and are always available to answer questions and provide assistance.