



## **Minutes of Regular Meeting of the Ventura Port District Board of Port Commissioners Held September 28, 2016**

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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 Ashworth, Vice Chair  
Nikos Valance

### **Commissioners Absent:**

Brian Brennan  
Bruce E. Smith

### **Port District Staff:**

Oscar Peña, General Manager  
Brian Pendleton, Business Operations Manager  
Robin Baer, Property Manager  
Joe Gonzalez, Facilities Manager  
Jennifer Talt-Lundin, Marketing Manager  
Richard Parsons, Consultant  
Jessica Rauch, Clerk of the Board

### **Legal Counsel:**

Dominic Nunneri  
Timothy Gosney

## **AGENDA**

**CALL TO ORDER:** By Chairman Friedman at 7:07PM.

**PLEDGE OF ALLEGIANCE:** By Chairman Friedman.

**ROLL CALL:** Commissioners Brennan and Smith were absent.

### **ADOPTION OF AGENDA**

**ACTON:** Commissioner Ashworth moved, seconded by Commissioner Valance and carried by a vote of 3-0 to adopt the September 28, 2016 agenda, with the Chairman requesting the Standard Agenda be taken out of order; Item 3 going first.

### **APPROVAL OF MINUTES**

The Minutes of September 14, 2016 Workshop Meeting was considered as follows:

**ACTION:** Commissioner Ashworth moved, seconded by Commissioner Valance and carried by a vote of 3-0 to approve the minutes of the September 14, 2016 Workshop Meeting.

**PUBLIC COMMUNICATIONS:** Cappi Patterson, December Store and More, spoke about the events they hold that involve the tenants at the Harbor.

**CLOSED SESSION REPORT:** Mr. Gosney 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 thanked Chuck Ormson from Ventura West Marina for help with the Opti race over the weekend. He also commented that the CMANC Fall Meeting was a positive experience.

**DEPARTMENTAL STAFF REPORTS:** Mr. Parsons updated the Commission on the Federal Dredging Appropriations for 2017 and the CMANC Fall Meeting.

**GENERAL MANAGER REPORT:** None.

**LEGAL COUNSEL REPORT:** Mr. Gosney reported that the Bashkiroff Case will be heard at the Court of Appeals on October 11<sup>th</sup> and that his firm has been diligently working on the documentation for Portside Partners-Ventura Harbor, LLC to hold a Special Meeting for approval on October 5<sup>th</sup>.

**CONSENT AGENDA:**

**A) Approval of New Office Lease Agreement for Wave Realty**

Recommended Action: Voice Vote.

That the Board of Port Commissioners approve a new office lease agreement for the premises located at 1575 Spinnaker Drive #201 consisting of 439 square feet between the Ventura Port District dba Ventura Harbor Village and Karla Reed and Stephen M. Foster dba Wave Realty for a two-year term.

**ACTION:** Commissioner Valance moved, seconded by Commissioner Ashworth and carried by a vote of 3-0 to approve a new office lease agreement for the premises located at 1575 Spinnaker Drive #201 consisting of 439 square feet between the Ventura Port District dba Ventura Harbor Village and Karla Reed and Stephen M. Foster dba Wave Realty for a two-year term.

**B) Approval of New Lease Agreement for Karen Dupuy dba Ventura Fish Co.**

Recommended Action: Voice Vote.

That the Board of Port Commissioners approve a new lease agreement for the premises located at 1449 Spinnaker Drive #F consisting of 563 square feet between the Ventura Port District dba Ventura Harbor Village and Karen Dupuy dba Ventura Fish Co. for a two-year term.

**ACTION:** Commissioner Valance moved, seconded by Commissioner Ashworth and carried by a vote of 3-0 to approve a new lease agreement for the premises located at 1449 Spinnaker Drive #F consisting of 563 square feet between the Ventura Port District dba Ventura Harbor Village and Karen Dupuy dba Ventura Fish Co. for a two-year term.

**C) Acceptance of \$169,660 Shellfish Grant**

Recommended Action: Voice Vote.

That the Board of Port Commissioners authorize the General Manager to sign the *Cost Reimbursement Research Subaward Agreement* for \$169,660, which reflects the terms and conditions of the grant agreement for year two.

**ACTION:** Commissioner Valance moved, seconded by Commissioner Ashworth and carried by a vote of 3-0 to authorize the General Manager to sign the *Cost Reimbursement Research Subaward Agreement* for \$169,660, which reflects the terms and conditions of the grant agreement for year two.

**D) Approval of First Amendment to Professional Services Agreement with Plauché & Carr, LLP**

Recommended Action: Voice Vote.

That the Board of Port Commissioners approve the First Amendment to Professional Services Agreement with *Plauché & Carr, LLP* in the total amount of \$25,000 to provide legal services for the Ventura Shellfish Enterprise Program (VSE) subject to final approval of the form of agreement by District staff and legal counsel.

**ACTION:** Commissioner Valance moved, seconded by Commissioner Ashworth and carried by a vote of 3-0 to approve the First Amendment to Professional Services Agreement with *Plauché & Carr, LLP* in the total amount of \$25,000 to provide legal services for the Ventura Shellfish Enterprise Program (VSE) subject to final approval of the form of agreement by District staff and legal counsel.

**E) Approval of First Amendment to Professional Services Agreement with Dudek**

Recommended Action: Voice Vote.

That the Board of Port Commissioners approve the First Amendment to Professional Services Agreement with *Dudek* in the total amount of \$202,550 to provide environmental consultant services for the Permitting Strategy for the Ventura Shellfish Enterprise Program (VSE) subject to final approval of the form of agreement by District staff and legal counsel.

**ACTION:** Commissioner Valance moved, seconded by Commissioner Ashworth and carried by a vote of 3-0 to approve the First Amendment to Professional Services Agreement with *Dudek* in the total amount of \$202,550 to provide environmental consultant services for the Permitting Strategy for the Ventura Shellfish Enterprise Program (VSE) subject to final approval of the form of agreement by District staff and legal counsel.

**F) Approval of First Amendment to Professional Services Agreement with Scott Lindell**

Recommended Action: Voice Vote.

That the Board of Port Commissioners approve the First Amendment to Professional Services Agreement with Scott Lindell, Fisheries and Marine Biologist, in the amount of \$19,920 to provide consultant services for the Ventura Shellfish Enterprise Program (VSE).

**ACTION:** Commissioner Valance moved, seconded by Commissioner Ashworth and carried by a vote of 3-0 to approve the First Amendment to Professional Services Agreement with Scott Lindell, Fisheries and Marine Biologist, in the amount of \$19,920 to provide consultant services for the Ventura Shellfish Enterprise Program (VSE).

**STANDARD AGENDA:**

**1) Approval of New Conflict of Interest and Disclosure Code**

Recommended Action: Roll Call Vote.

That the Board of Port Commissioners adopt Resolution No. 3317 to approve the new Conflict of Interest Code Policy and rescind Resolution No. 3283.

**ACTION:** Commissioner Valance moved, seconded by Commissioner Ashworth and carried by a vote of 3-0 to adopt Resolution No. 3317 to approve the new Conflict of Interest Code Policy and rescind Resolution No. 3283.

**2) Approval of Professional Services Agreement for Special Legal Services**

Recommended Action: Voice Vote.

That the Board of Port Commissioners authorize funding in the amount of \$8,500 to retain outside legal services provided by *Plauché & Carr, LLP* to analyze and report on leasing alternatives related to the Shellfish Grant.

**ACTION:** Commissioner Valance moved, seconded by Commissioner Ashworth and carried by a vote of 3-0 to authorize funding in the amount of \$8,500 to retain outside legal services provided by *Plauché & Carr, LLP* to analyze and report on leasing alternatives related to the Shellfish Grant.

**3) Ventura Isle Marina Dock Replacement Plan**

Recommended Action: Informational.

That the Board of Port Commissioners receive a presentation from Safe Harbor Marinas regarding the proposed dock replacement plan as required by the Amendment No. 3 to 2003 VIM Master Lease approved on April 13, 2016.

**ACTION:** The Commission received a presentation from Safe Harbor Marinas regarding the proposed dock replacement plan.

**REQUEST FOR FUTURE AGENDA ITEMS:** Commissioner Ashworth mentioned having the financial statements come to the Board on a quarterly basis. Staff will come back with an item for the Board to discuss this topic.

**ADJOURNMENT:** The meeting was adjourned at 8:19PM.

  
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Secretary