

# VENTURA PORT DISTRICT

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## BOARD OF PORT COMMISSIONERS MINUTES OF SEPTEMBER 4, 2019

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### CLOSED SESSION

#### **CALL TO ORDER:**

The Ventura Board of Port Commissioners Regular Closed Session Meeting was called to order by Chairman Chris Stephens at 5:31PM at the Ventura Port District Administration Office, 1603 Anchors Way Drive, Ventura, CA 93001.

#### **ROLL CALL:**

##### **Commissioners Present:**

Chris Stephens, Chairman  
Brian Brennan, Vice Chairman (5:35PM)  
Jackie Gardina, Secretary  
Everard Ashworth  
Michael Blumenberg

##### **Commissioners Absent:**

None

##### **Port District Staff:**

Brian Pendleton, General Manager  
Jessica Rauch, Clerk of the Board

##### **Legal Counsel:**

Andy Turner

**PUBLIC COMMUNICATIONS:** None.

**CONVENED TO CLOSED SESSION AT 5:32PM.**

**ADJOURNMENT:** Closed Session was adjourned at 7:14pm.

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### OPEN SESSION

#### **ADMINISTRATIVE AGENDA:**

##### **CALL TO ORDER:**

The Ventura Board of Port Commissioners Regular Open Session Meeting was called to order by Chairman Chris Stephens at 7:22PM at the Ventura Port District Administration Office, 1603 Anchors Way Drive, Ventura, CA 93001.

**PLEDGE OF ALLEGIANCE:** By Mr. Pendleton.

**ROLL CALL:**

**Commissioners Present:**

Chris Stephens, Chairman  
Brian Brennan, Vice Chairman  
Jackie Gardina, Secretary  
Everard Ashworth  
Michael Blumenberg

**Commissioners Absent:**

None

**Port District Staff:**

Brian Pendleton, General Manager  
Gloria Adkins, Accounting Manager  
Joe Gonzalez, Facilities Manager  
Dave Werneburg, Marina Manager  
Jennifer Talt-Lundin, Marketing Manager  
Jessica Rauch, Clerk of the Board

**Legal Counsel:**

Andy Turner

**A moment of silence for the victims and their families of the Conception dive boat accident.**

**ADOPTION OF AGENDA**

**ACTION:** Commissioner Brennan moved, seconded by Commissioner Ashworth and carried by a vote of 5-0 to adopt the September 4, 2019 agenda with Consent Items B and D removed.

**APPROVAL OF MINUTES**

The Minutes of the July 17, 2019 Regular Meeting were considered as follows:

**ACTION:** Commissioner Brennan moved, seconded by Commissioner Gardina and carried by a vote of 5-0 to approve the July 17, 2019 Regular Meeting Minutes.

**PUBLIC COMMUNICATIONS:** Sam Sadove, owner of the Ventura Harbor Marina and Yacht Yard, reported on the involvement of Vessel Assist owner Paul Amaral in the Conception dive boat accident and how it has affected him. Mr. Sadove recommended the District consider recognizing him for his efforts. Vikki Brock spoke on four topics: 1) She handed out a voluntary pledge for the Commission and General Manager to sign stating that they will not get involved in the shellfish business. 2) She has not seen an updated occupancy report for the village in some time. 3) She asked what the General Manager will do if the Governor signs California Assembly Bill 5. 4) She is still concerned about multiple people attending the same conference and believes needs to be fiscally responsible when it comes to out of town travel requests.

**CLOSED SESSION REPORT:** Mr. Turner stated that the Board met in closed session; discussed and reviewed all items on the 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:** Commissioner Ashworth reported that he spoke with some investors about funding opportunities for fisherman. Commissioner Brennan reported that he spent some time at the Village over the weekend, which was busy and had good turn over in the parking lots.

**STAFF COMMUNICATIONS:** Mr. Pendleton gave an update on the Port's involvement with the dive boat incident. He also gave an update on dry storage and the goal setting workshop. Mr. Pendleton also introduced new Business Operations Manager, Todd Mitchell.

**LEGAL COUNSEL REPORT:** Mr. Turner reported that the Ventura Harbor Boatyard Assignment of Lease is still in the works and they are looking to close in early October.

**CONSENT AGENDA:**

Public Comment: Rochelle Cooper, Just 4 Dreamers, Inc., introduced herself and her husband and announced that the business had a great Labor Day weekend.

**A) Approval of Out of Town Travel Requests**

Recommended Action: Voice Vote.

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

- A) Harbormaster, John Higgins to attend the Harbormasters Association Conference in Sacramento, CA;
- B) Electrician, John Collins to attend the annual California Building Officials Education Week in Ontario, CA; and,
- C) Marketing Manager, Jennifer Talt-Lundin to attend the Cal Travel Tourism Summit in Los Angeles, CA.

**ACTION:** Commissioner Brennan moved, seconded by Commissioner Ashworth and carried by a vote of 5-0 to approve the out of town travel requests for Harbormaster, John Higgins to attend the Harbormasters Association Conference in Sacramento, CA; Electrician, John Collins to attend the annual California Building Officials Education Week in Ontario, CA; and Marketing Manager, Jennifer Talt-Lundin to attend the Cal Travel Tourism Summit in Los Angeles, CA.

**B) Approval of a New Lease Agreement for Just 4 Dreamers, Inc.**

Recommended Action: Voice Vote.

That the Board of Port Commissioners approve a new Lease Agreement between the Ventura Port District dba Ventura Harbor Village and Just 4 Dreamers, Inc. for a three-year lease with three-year option.

**ACTION:** This item was removed from the agenda.

**C) Approval of First Assignment to Michael and Janette Quinn and Second Assignment to American Pacific Mortgage**

Recommended Action: Voice Vote.

That the Board of Port Commissioners:

- a) Approve the First Assignment and Assumption of Lease and Consent of Landlord Agreement between Sierra Pacific Mortgage, Michael and Janette Quinn, and the Ventura Port District for the lease of the premises located at 1583 Spinnaker Drive #213/#214, effective August 31, 2019; and

- b) Approve the Second Assignment and Assumption of Lease and Consent of Landlord Agreement between American Pacific Mortgage, Michael and Janette Quinn, and the Ventura Port District for the lease of the premises located at 1583 Spinnaker Drive #213/#214, effective September 1, 2019.

**ACTION:** Commissioner Brennan moved, seconded by Commissioner Ashworth and carried by a vote of 5-0 to approve the First Assignment and Assumption of Lease and Consent of Landlord Agreement between Sierra Pacific Mortgage, Michael and Janette Quinn, and the Ventura Port District for the lease of the premises located at 1583 Spinnaker Drive #213/#214, effective August 31, 2019; and approve the Second Assignment and Assumption of Lease and Consent of Landlord Agreement between American Pacific Mortgage, Michael and Janette Quinn, and the Ventura Port District for the lease of the premises located at 1583 Spinnaker Drive #213/#214, effective September 1, 2019.

**D) Consideration of Claim by Ventura Harbor Marine Associates, LLC. And Samuel Sadove**  
Recommended Action: Voice Vote.

That the Board of Port Commissioners reject a claim filed against the Ventura Port District on July 24, 2019 by Ventura Harbor Marine Associates, LLC. and Samuel Sadove and authorize the General Manager to execute and mail a Notice of Rejection.

**ACTION:** This item was removed from the agenda.

**STANDARD AGENDA:**

**1) Approval of Financial Statements and Checks for January through March 2019**

Recommended Action: Roll Call Vote.

That the Board of Port Commissioners adopt Resolution No. 3377 to:

- a) Accept the following financial statements for the Quarter ended March 31, 2019; and
- b) Review the payroll and regular checks for January through March 2019.

Public Comment: Vikki Brock commented that the District is currently in the third month of the third quarter of 2019 and why aren't the second quarter financials not being presented at this meeting.

**ACTION:** Commissioner Brennan moved, seconded by Commissioner Gardina and carried by a vote of 5-0 to adopt Resolution No. 3377 accepting the financial statements for the Quarter ended March 31, 2019 and review the payroll and regular checks for January through March 2019.

**2) Appointment of New Audit Liaison**

Recommended Action: Voice Vote.

That the Board of Port Commissioners appoint an audit liaison to work with staff and White Nelson Diehl Evans LLP throughout the fiscal year 2018-2019 financial audit process.

**ACTION:** Commissioner Ashworth moved, seconded by Commissioner Gardina and carried by a vote of 5-0 to appoint Commissioner Blumenberg as the audit liaison for the fiscal year 2018-2019 financial audit process.



### **3) Ventura Harbor Village Painting Project Contract Award**

Recommended Action: Voice Vote.

That the Board of Ports commissioners:

- a) Approve a Budget increase of \$450,000; and
- b) Award the Ventura Harbor Village Painting Project Contract to Garland/DBS, Inc. in the amount of \$1,197,977.

Public Comment: Vikki Brock asked District Counsel to confirm that the guarantee specified in the staff report is covered by a performance bond and if not, how will the District protect itself in the event of default.

**ACTION:** Commissioner Brennan moved, seconded by Commissioner Gardina and carried by a vote of 5-0 to approve a Budget increase of \$450,000; and award the Ventura Harbor Village Painting Project Contract to Garland/DBS, Inc. in the amount of \$1,197,977.

### **4) Approval of Notice of Completion for the Ventura Harbor Village ADA Compliant Restroom Remodel/Trash Enclosure Improvements**

Recommended Action: Roll Call Vote.

That the Board of Port Commissioners adopt Resolution No. 3378:

- a) Accepting the work of Pueblo Construction Inc. for the Ventura Harbor Village ADA Compliant Restroom Remodel/Trash Enclosure Improvements Project; and
- b) Authorize staff to prepare and record a Notice of Completion with the Ventura County Recorder.

**ACTION:** Commissioner Blumenberg moved, seconded by Commissioner Brennan and carried by a vote of 5-0 to adopt Resolution No. 3378 accepting the work of Pueblo Construction Inc. for the Ventura Harbor Village ADA Compliant Restroom Remodel/Trash Enclosure Improvements Project and authorize staff to prepare and record a Notice of Completion with the Ventura County Recorder.

### **5) Slip Rate Increase Review**

Recommended Action: Roll Call Vote.

That the Board of Port Commissioners adopt Resolution No. 3379 establishing a permanent policy for reviewing proposed slip rate increases for all marinas within Ventura Harbor Village.

Public Comment: Vikki Brock who is a liveaboard at Ventura West Marina, commented that tenants receive rent increase notices in a timely manner via several modes, including email and newsletter. She requests that the General Manager and Commission focus on business of leasing unleased spaces, developing the harbor, and remedying tenant litigation instead of micromanaging the Marinas and how they run their businesses. Sam Sadove, owner of the Ventura Harbor Marina and Yacht Yard, recommended staff look at all Master Leases because the language stated in the Master Lease conflicts with the language in the proposed resolution. Chuck Ormson, Manager for the two Ventura West Marinas, gives the District a courtesy notice whenever slip fees will be increased. He does not understand why the Marina's are being singled out and couldn't reconcile this policy with the Master Leases.

**ACTION:** Commissioner Gardina moved, seconded by Commissioner Ashworth and carried by a vote of 5-0 to suspend Resolution No. 3038 until October 16<sup>th</sup>, where staff will return with a new recommendation.

**REQUEST FOR FUTURE AGENDA ITEMS:** Chairman Stephens reminded the public of the Goal Setting Workshop set for Saturday, September 14<sup>th</sup> from 1-5PM at the Marriott. He also cancelled the meeting of September 18, 2019.

**ADJOURNMENT:** The meeting was adjourned at 8:50PM in memory of the Conception dive boat victims.

  
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Jackie Gardina, Secretary