

VENTURA PORT DISTRICT

BOARD OF PORT COMMISSIONERS MINUTES OF MAY 6, 2020



CLOSED SESSION

CALL TO ORDER:

The Ventura Board of Port Commissioners Regular Closed Session Meeting was called to order by Chairman Chris Stephens at 5:30PM at the Ventura Port District Administration Office, 1603 Anchors Way Drive, Ventura, CA 93001 and via Zoom meeting.

ROLL CALL:

Commissioners Present:

Chris Stephens, Chairman via Teleconference
Brian Brennan, Vice Chairman
Jackie Gardina, Secretary via Teleconference
Everard Ashworth via Teleconference at 5:36PM
Michael Blumenberg via Teleconference

Commissioners Absent:

None.

Port District Staff:

Brian Pendleton, General Manager
Todd Mitchell, Business Operations Manager
Jessica Rauch, Clerk of the Board

Legal Counsel:

Andy Turner via Teleconference
Elsa Sham via Teleconference

PUBLIC COMMUNICATIONS: None.

CONVENED TO CLOSED SESSION AT 5:32PM.

ADJOURNMENT: Closed Session was adjourned at 7:01PM.

OPEN SESSION

ADMINISTRATIVE AGENDA:

CALL TO ORDER:

The Ventura Board of Port Commissioners Regular Open Session Meeting was called to order by Vice Chairman Brian Brennan at 7:05PM at the Ventura Port District Administration Office, 1603 Anchors Way Drive, Ventura, CA 93001 and via Zoom Meeting.

PLEDGE OF ALLEGIANCE: By Vice Chairman Brennan.

ROLL CALL:

Commissioners Present:

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

Commissioners Absent:

None.

Port District Staff:

Brian Pendleton, General Manager
Todd Mitchell, Business Operations Manager
Jessica Rauch, Clerk of the Board
John Higgins, Harbormaster via teleconference
Joe Gonzalez, Facilities Manager via teleconference
Dave Werneburg, Marina Manager via teleconference
Robin Baer, Property Manager via teleconference
Richard Parsons, Project Manager via teleconference

Legal Counsel:

Andy Turner via teleconference
Elsa Sham via teleconference

ADOPTION OF AGENDA

ACTION: Commissioner Blumenberg moved, seconded by Commissioner Gardina and carried by a vote of 5-0 to adopt the May 6, 2020 agenda.

APPROVAL OF MINUTES

The Minutes of the April 15, 2020 Regular Meeting were considered as follows:

ACTION: Commissioner Stephens moved, seconded by Commissioner Gardina and carried by a vote of 5-0 to approve the April 15, 2020 Regular Meeting Minutes, with the following revisions:

- Page 1, **PUBLIC COMMUNICATIONS:** Sam Sadove, owner of the Ventura Harbor Marina & Yacht Yard “asked about the federal sea bottom permit and if that is a permit issued to the District or is it being structured where the District can sub-lease it.”
- Page 2, added “Todd Mitchell, Business Operations Manager” to Port District Staff Roll Call.
- Page 2, added “via teleconference” after Jennifer Talt-Lundin, Marketing Manager.

MOMENT OF SILENCE FOR DONNA CANFIELD

PUBLIC COMMUNICATIONS: Sam Sadove, owner of Ventura Harbor Marina and Yacht Yard reiterated that the District needs to provide support to the tenants to help with social distancing when visitors are waiting to pick up orders at Andria’s and Coastal Cone. The Health Department has received

complaints and have come to the Village numerous times including this past weekend. He said it would be very helpful to have a uniform in the Village to help tone down any confrontations there may be. Andy Fernandez, owner of the Comedy Club, The 805 and Copa Cubana stated his intent is to pay down the money that he owes the District and although both his businesses have been devastated, there are some things he wants to do that are within the boundaries of under \$1000 to spruce up, clean, and paint to get open. His intent is to continue working the business, pay his rent and pay back at least a minimum of 10% of what he owes.

CLOSED SESSION REPORT: Mr. Turner stated that the Board met in closed session; discussed and reviewed all items except Item 3 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. The Board will reconvene after open session to complete the closed session agenda.

BOARD COMMUNICATIONS: None.

STAFF AND GENERAL MANGER REPORTS: None.

LEGAL COUNSEL REPORT: Mr. Turner reported that a District employee recently received an anonymous letter at their residence that made certain statements regarding performance of the employee's duties at the District and possible criminal penalties for failure to do so. The fact that someone decided to single out this employee at their home and not at the workplace is cause for great concern. Contacting someone at their home about district business is a form of harassment and intimidation and this incident is being treated by the District as such. The matter and the letter have been turned over to the police department for further action as appropriate. The District will do everything in its power to ensure that its employees enjoy a workplace that is free from harassment, intimidation, and bullying. It cannot tolerate this sort of behavior. If anyone has information regarding this matter, contact District Legal Counsel.

CONSENT AGENDA:

a) Approval of Second Amendment and Extension of Lease for The Ultimate Escape Rooms

Recommended Action: Roll Call Vote.

That the Board of Port Commissioners approve the Second Amendment to the current Lease between Annette Cortez, Alexis Crouse and Scott Crouse, doing business as The Ultimate Escape Rooms, and the Ventura Port District, removing the Crouses and adding Marilyn Ryemon to the Lease, with Annette Cortez remaining, for the premises located at 1591 Spinnaker Drive #117C.

Public Comment: None.

ACTION: Commissioner Stephens moved, seconded by Commissioner Ashworth and carried by a vote of 5-0 to approve the Second Amendment to the current Lease between Annette Cortez, Alexis Crouse and Scott Crouse, doing business as The Ultimate Escape Rooms, and the Ventura Port District, removing the Crouses and adding Marilyn Ryemon to the Lease, with Annette Cortez remaining, for the premises located at 1591 Spinnaker Drive #117C.

b) Approval of New Retail Lease Agreement for Harbor Village Gallery & Gifts

Recommended Action: Roll Call Vote.

That the Board of Port Commissioners approve a new Retail Lease Agreement between the Ventura Port District dba Ventura Harbor Village and Harbor Village Gallery & Gifts for the premises located at 1559 Spinnaker Drive #106 consisting of a total of 773 square feet for a two (2) year term.

Public Comment: None.

ACTION: Commissioner Stephens moved, seconded by Commissioner Ashworth and carried by a vote of 5-0 to approve a new Retail Lease Agreement between the Ventura Port District dba Ventura Harbor Village and Harbor Village Gallery & Gifts for the premises located at 1559 Spinnaker Drive #106 consisting of a total of 773 square feet for a two (2) year term.

c) Approval of New Office Lease Agreement for David Richard

Recommended Action: Roll Call Vote.

That the Board of Port Commissioners approve a new Office Lease Agreement between the Ventura Port District dba Ventura Harbor Village and David Richard for the premises located at 1591 Spinnaker Drive #205 consisting of a total of 1,058 square feet for a one (1) year term with a one (1) year option.

Public Comment: None.

ACTION: Commissioner Stephens moved, seconded by Commissioner Ashworth and carried by a vote of 5-0 to approve a new Office Lease Agreement between the Ventura Port District dba Ventura Harbor Village and David Richard for the premises located at 1591 Spinnaker Drive #205 consisting of a total of 1,058 square feet for a one (1) year term with a one (1) year option.

STANDARD AGENDA:

1) Adoption of Resolution No. 3390 Approving a Modernization Plan and Option to Extend Lease for First Cloud, LLC

Recommended Action: Roll Call Vote.

The Board of Port Commissioners adopt Resolution No. 3390:

- a) Approval of the Modernization Plan pursuant to the lease term by and between First Cloud, LLC, a California limited liability company (“Lessee”) and the Ventura Port District, a California Port District (“Lessor”); and
- b) Acceptance of option to extend lease term by and between First Cloud, LLC, a California limited liability company (“Lessee”) and the Ventura Port District, a California Port District (“Lessor”).

Report by General Manager, Brian D. Pendleton and Eric Peterson, Manager of First Cloud LLC.

Public Comment: None.

ACTION: Commissioner Stephens moved, seconded by Commissioner Ashworth and carried by a vote of 5-0 to adopt Resolution No. 3390 approving the Modernization Plan pursuant to the lease term by and between First Cloud, LLC, a California limited liability company (“Lessee”) and the Ventura Port District, a California Port District (“Lessor”); and accepting the option to extend lease term by and between First Cloud, LLC, a California limited liability company (“Lessee”) and the Ventura Port District, a California Port District (“Lessor”).

2) Ventura Port District Operations Update as it Relates to COVID-19

Recommended Action: Informational. (Verbal Report)

That the Board of Port Commissioners receive an update on:

- a) The COVID-19 Ventura Harbor Rental Abatement and Deferment Program; and
- b) Status of Ventura Port District operations.

Report by General Manager, Brian D. Pendleton and Business Operations Manager, Todd Mitchell.

Public Comment:

Rochelle Cooper, owner of Just 4 Dreamers Boat Rentals stated that the docks have been the new grassy restaurant area. She has been dealing with this daily and telling people they cannot be on the docks. She asked if there can be more signage saying private docks, where is the fine line for trespassing and how do we deal with these types of situations in a friendly manner without confrontation.

Sam Sadove, owner of Ventura Harbor Marina and Yacht Yard stated that according to the County Health Order no food can be consumed within sight of the restaurant and doing so is a violation. He suggests getting a uniform in the Village for a more positive affect. He also asked Mr. Mitchell if the District anticipates losing \$100,000 loss after repayment of deferred rents.

Andy Fernandez, owner of the Comedy Club, The 805 and Copa Cubana stated that people are in a difficult situation and in his experience his customers have been understanding when told you need to keep moving.

ACTION: The Board of Port Commissioners received an informational report on COVID-19 regarding the status of Ventura Port District operations.

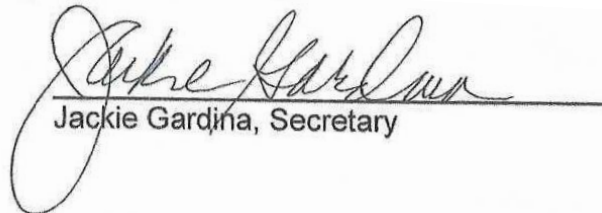
RECONVENED TO CLOSED SESSION AT 8:40PM.

RECONVENED TO OPEN SESSION AT 8:56PM.

CLOSED SESSION REPORT: Mr. Turner stated that the Board met in closed session; discussed and reviewed Item 3 on the closed session agenda. There was no action taken that is reportable under the Brown Act.

ADJOURNMENT: The meeting was adjourned in honor of Donna Canfield at 8:57PM.

The next meeting is Wednesday, May 20, 2020.



Jackie Gardina, Secretary