



VENTURA PORT DISTRICT BOARD OF PORT COMMISSIONERS

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

Brian D. Pendleton, General Manager
Todd Mitchell, Business Operations Manager
Andy Turner, Legal Counsel
Jessica Rauch, Clerk of the Board

PORT COMMISSION AGENDA REGULAR MEETING MARCH 4, 2020 VENTURA PORT DISTRICT OFFICE 1603 ANCHORS WAY DRIVE VENTURA, CA 93001

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| CLOSED SESSION – 5:30PM |
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CALL TO ORDER: *By Chairman Chris Stephens.*

ROLL CALL: *By the Clerk of the Board.*

PUBLIC COMMUNICATIONS (3 minutes)

The Public Communications period is set aside to allow public testimony on items on the Closed Session Agenda. Each person may address the Commission for up to three minutes or at the discretion of the Chair.

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| CONVENE IN CLOSED SESSION – 5:35PM |
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CLOSED SESSION AGENDA (1 hour 25 minutes)

See Attachment to Agenda-Closed Session Conference with Legal Counsel.

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| OPEN SESSION – 7:00PM |
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CALL TO ORDER: *By Chairman Chris Stephens.*

PLEDGE OF ALLEGIANCE: *By Chairman Chris Stephens.*

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. 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 February 19, 2020 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 COMMUNICATIONS (5 minutes)

Ventura Port District Staff will update the Commission on important topics if needed.

LEGAL COUNSEL REPORT (5 minutes)

Legal Counsel will report on progress of District assignments and any legislative or judicial matters.

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 Out of Town Travel Requests

Recommended Action: Voice Vote.

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

- A) General Manager, Brian Pendleton to travel to Vancouver, WA to attend the Pacific Fishery Management Council's Habitat Committee meeting and regular Council meeting on two separate dates;
- B) Business Operations Manager, Todd Mitchell to travel to San Diego, CA to attend the American Society of Civil Engineers: Coasts Oceans Ports Rivers Institute (COPRI) Ports and Harbors Committee meetings;
- C) General Manager, Brian Pendleton to travel to Sacramento, CA to attend legislative hearings on AB 2370; and
- D) One Commissioner to travel to Sacramento, CA to attend legislative hearings on AB 2370.

B) Approval of a Professional Services Agreement with Carpi & Clay Inc.

Recommended Action: Voice Vote.

That the Board of Port Commissioners approve a Professional Services Agreement with Carpi & Clay, Inc. in the amount of \$30,000 to provide the District with Federal Advocacy Services from January 1, 2020 to June 30, 2020.

C) Approval of a New Restaurant Lease Agreement for Kelly Shirk dba Sugar Lab Bake Shop, LLC

Recommended Action: Voice Vote.

That the Board of Port Commissioners approve a new Restaurant Lease Agreement between the Ventura Port District dba Ventura Harbor Village and Kelly Shirk dba Sugar Lab Bake Shop, LLC for the premises located at 1575 Spinnaker Drive #105 A/B consisting of a total of 1,330 square feet for a three (3) year term with two separate three (3) year options.

STANDARD AGENDA:

1) Approval of a New Professional Services Agreement with COWI for an Aquaculture Navigation Risk Assessment for the Ventura Shellfish Enterprise Project

Recommended Action: Voice Vote.

That the Board of Port Commissioners approve a Professional Services Agreement with COWI in an amount of \$64,040 to provide the District with an Aquaculture Navigation Risk Assessment for the Ventura Shellfish Enterprise Project.

ADJOURNMENT

This agenda was posted on Friday, February 28, 2020 by 5:00 p.m. at the Port District Office and online at www.venturaharbor.com - Port District Business - Meetings and Agendas.

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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, MARCH 4, 2020

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

- a) Property: **Federal Authorized Sea Bottom**
Negotiating Parties: Brian Pendleton, Todd Mitchell, Andy Turner
Army Corps of Engineers
Under Negotiation: **Sea Bottom Aquaculture Master Permit** (Verbal Report)
- b) Property: **1575 Spinnaker Drive #105A&B**
Negotiating Parties: Brian Pendleton, Todd Mitchell, Andy Turner
Sugar Lab Bake Shop
Under Negotiation: **New Restaurant Lease Agreement** (Verbal Report)
- c) Property: **1559 Spinnaker Drive #109**
Negotiating Parties: Brian Pendleton, Todd Mitchell, Andy Turner
Commissioned Desserts, LLC dba Top This Chocolate
Under Negotiation: **Retail Lease Agreement**
- d) Property: **1559 Spinnaker Drive #108**
Negotiating Parties: Brian Pendleton, Todd Mitchell, Andy Turner
James Smith dba Ventura Dive & Sport, Inc.
Under Negotiation: **Retail Lease Agreement**
- e) Property: **1559 Spinnaker Drive #205,205A, B, C, D, E, 210**
Negotiating Parties: Brian Pendleton, Todd Mitchell, Andy Turner
Andy Randy, LLC dba Ventura Harbor Comedy Club
Under Negotiation: **Retail Lease Agreement**
- f) Property: **1575 Spinnaker Drive #101, 102, 103**
Negotiating Parties: Brian Pendleton, Todd Mitchell, Andy Turner
Andres Fernandez, LLC dba The 805
Under Negotiation: **Restaurant Lease Agreement**

2. Conference with Legal Counsel - Potential Litigation per Government Code Section 54956.9(d)(2): Three (3) Cases. (Verbal Reports)



VENTURA
PORT DISTRICT
Established 1952

BOARD OF PORT COMMISSIONERS

MARCH 4, 2020

APPROVAL OF MINUTES

FEBRUARY 19, 2020

VENTURA PORT DISTRICT

BOARD OF PORT COMMISSIONERS MINUTES OF FEBRUARY 19, 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.

ROLL CALL:

Commissioners Present:

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

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
Elsa Sham

PUBLIC COMMUNICATIONS: (5:33PM) Andres Fernandez, owner of the Ventura Harbor Comedy Club, 805 Grilled Cheese and Copa Cubana reported on what he is working on to produce more revenue for the Ventura Harbor Comedy Club.

CONVENED TO CLOSED SESSION AT 5:31PM.

ADJOURNMENT: Closed Session was adjourned at 6:58PM.

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 7:04PM at the Ventura Port District Administration Office, 1603 Anchors Way Drive, Ventura, CA 93001.

PLEDGE OF ALLEGIANCE: By Accounting Manager, Gloria Adkins.

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
Todd Mitchell, Business Operations Manager
Gloria Adkins, Accounting Manager
Dave Werneburg, Marina Manager
John Higgins, Harbormaster
Robin Baer, Property Manager
Jennifer Talt-Lundin, Marketing Manager
Richard Parsons, Consultant
Jessica Rauch, Clerk of the Board

Legal Counsel:

Andy Turner
Elsa Sham

ADOPTION OF AGENDA

ACTON: Commissioner Ashworth moved, seconded by Commissioner Brennan and carried by a vote of 5-0 to adopt the February 19, 2020 agenda, pulling Consent Items C, D, and E to the Standard Agenda.

APPROVAL OF MINUTES

The Minutes of the February 5, 2019 Regular Meeting were considered as follows:

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

PUBLIC COMMUNICATIONS: Sam Sadove, owner of Ventura Harbor Marina and Yacht Yard, commented that the District has not responded to his letter regarding increasing fees for the boatyard and as of May 2020 he will be increasing his rates regardless. Lorrie Brown, City Council Liaison apologized for not being consistently present at the meetings and will make a commitment to be present over the next six months. She is also encouraged by all the new faces and glad to see the District moving forward internally and externally.

CLOSED SESSION REPORT: Mr. Turner 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 on these matters and there was no action taken that is reportable under The Brown Act.

BOARD COMMUNICATIONS: Commissioner Ashworth reported that he attended the World Aquaculture Society Conference last week. He also reported that the Port of Los Angeles will be hosting a Rising Tide Summit on March 27th and he would be happy to represent the Port District at this event. He also announced that there is a new Sea Grant for economic advances for aquaculture that the District should look into. Commissioner Gardina spoke to a liveaboard who was attacked by a homeless person in the Village parking lot at night. She asked what the Harbor Patrol's role is in monitoring the parking lots and could there be more lighting. Commissioner Brennan thanked Harbormaster Higgins for the oversized vehicle information and asked he keep the Commission updated in his departmental reports.

DEPARTMENTAL AND GENERAL MANAGERS REPORTS: Mr. Pendleton reported that the California Coastal Conservancy awarded the Ventura Port District \$318,000 of grant money for the Fisherman's Storage facility and new derrick crane. Mr. Pendleton also reported that Harbor Patrol helped in removing the shopping carts from the stub channel and thanked Mr. Sadove for his offer. He also reported that the District's City staff liaison, who was present at the last meeting, reported that the proposed City Capital Improvement Plan includes the Spinnaker Drive resurfacing for FY23-24. Mr. Parsons gave an update on federal funding and dredging. Harbormaster Higgins reported on the safety of the Village and oversized vehicles.

LEGAL COUNSEL REPORT: Mr. Turner followed up on Mr. Sadove's public comment of February 5th regarding the City's new reporting of Closed Session items. He spoke to Greg Diaz, City Attorney, and it was a specialized case and not applicable to all Brown Act items.

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 requests for:

- a) Harbor Patrolmen, Tucker Zimmerman and Mark Kidman to travel to Marina Del Rey to participate in a rescue boat operator class; and
- b) Harbor Patrolmen, Tucker Zimmerman and Brian Hewitt to travel to Marina Del Ray to participate in a marine firefighting class.

ACTION: Commissioner Brennan moved, seconded by Commissioner Gardina and carried by a vote of 5-0 to approve the out of town travel requests for Harbor Patrolmen, Tucker Zimmerman and Mark Kidman to travel to Marina Del Rey to participate in a rescue boat operator class; and Harbor Patrolmen, Tucker Zimmerman and Brian Hewitt to travel to Marina Del Ray to participate in a marine firefighting class.

B) Approval of Amendment No. 3 to the Professional Services Agreement with Liebert Cassidy Whitmore for the Review and Revision of the District's Human Resources Manual

Recommended Action: Voice Vote.

That the Board of Port Commissioners approve Amendment No. 3 to the Professional Services Agreement with Liebert Cassidy Whitmore, in the amount of \$4,100, to complete the review and revision of the District's Human Resources Manual approved by the Board on December 18, 2019.

ACTION: Commissioner Brennan moved, seconded by Commissioner Gardina and carried by a vote of 5-0 to approve Amendment No. 3 to the Professional Services Agreement with Liebert Cassidy Whitmore, in the amount of \$4,100, to complete the review and revision of the District's Human Resources Manual approved by the Board on December 18, 2019.

C) Approval of Amendment No. 1 to the Professional Services Agreement with Dudek for the 2018 NOAA Sea Grant Tasks – Year 2

Recommended Action: Voice Vote.

That the Board of Port Commissioners approve Amendment No. 1 to the Professional Services Agreement with Dudek for Year 2 Grant funding, in the amount of \$10,800, for the Ventura Shellfish Enterprise Project 2018 Sea Grant tasks.

This item was pulled from the Consent Agenda.

ACTION: Commissioner Brennan moved, seconded by Commissioner Ashworth and carried by a vote of 5-0 to approve Amendment No. 1 to the Professional Services Agreement with Dudek for Year 2 Grant funding, in the amount of \$10,800, for the Ventura Shellfish Enterprise Project 2018 Sea Grant tasks.

D) Approval of Amendment No. 1 for two Professional Services Agreements with Plauché & Carr, LLP for Support of the 2018 NOAA Sea Grant Tasks

Recommended Action: Voice Vote.

That the Board of Port Commissioners:

- a) Approve Amendment No. 1 to the Professional Services Agreement with Plauché & Carr, LLP, dated January 17, 2019, for Year 2 Grant funding, in the amount of \$20,000, for the Ventura Shellfish Enterprise Project 2018 Sea Grant; and
- b) Approve Amendment No. 1 to the Professional Services Agreement with Plauché & Carr, LLP, dated July 1, 2019, for District funding, in the amount of \$2,300, for support of the Ventura Shellfish Enterprise Project 2018 Sea Grant tasks.

This item was pulled from the Consent Agenda.

ACTION: Commissioner Brennan moved, seconded by Commissioner Ashworth and carried by a vote of 5-0 to:

- a) **Approve Amendment No. 1 to the Professional Services Agreement with Plauché & Carr, LLP, dated January 17, 2019, for Year 2 Grant funding, in the amount of \$20,000, for the Ventura Shellfish Enterprise Project 2018 Sea Grant; and**
- b) **Approve Amendment No. 1 to the Professional Services Agreement with Plauché & Carr, LLP, dated July 1, 2019, for District funding, in the amount of \$2,300, for support of the Ventura Shellfish Enterprise Project 2018 Sea Grant tasks.**

E) Approval of New Professional Services Agreement with K&L Gates for Continued Legal Services for the Ventura Shellfish Enterprise Project

Recommended Action: Voice Vote.

That the Board of Port Commissioners approve a new Professional Services Agreement with K&L Gates, in the amount of \$35,000, for continued legal services for the Ventura Shellfish Enterprise Project.

This item was pulled from the Consent Agenda.

ACTION: Commissioner Brennan moved, seconded by Commissioner Gardina and carried by a vote of 5-0 to approve a new Professional Services Agreement with K&L Gates, in the amount of \$35,000, for continued legal services for the Ventura Shellfish Enterprise Project.

F) Approval of Amendment No. 1 to the Professional Services Agreement with Rasmussen & Associates for the Trash Enclosures Improvement Project

Recommended Action: Voice Vote.

That the Board of Port Commissioners approve Amendment No. 1 to the Professional Services Agreement with Rasmussen & Associates, in the amount of \$35,650, to provide architectural services to upgrade and/or relocate four trash enclosures in Ventura Harbor Village.

ACTION: Commissioner Brennan moved, seconded by Commissioner Gardina and carried by a vote of 5-0 to approve Amendment No. 1 to the Professional Services Agreement with Rasmussen & Associates, in the amount of \$35,650, to provide architectural services to upgrade and/or relocate four trash enclosures in Ventura Harbor Village.

G) Approval of Amendment No. 1 to the Professional Services Agreement with Rasmussen & Associates for the ADA Compliant Restroom Remodels Project

Recommended Action: Voice Vote.

That the Board of Port Commissioners approve Amendment No. 1 to the Professional Services Agreement with Rasmussen & Associates, in the amount of \$29,885, to provide architectural services for the remodel or reconstruction of restrooms in various buildings in Ventura Harbor Village.

ACTION: Commissioner Brennan moved, seconded by Commissioner Gardina and carried by a vote of 5-0 to approve Amendment No. 1 to the Professional Services Agreement with Rasmussen & Associates, in the amount of \$29,885, to provide architectural services for the remodel or reconstruction of restrooms in various buildings in Ventura Harbor Village.

STANDARD AGENDA:

1) Approval of Financial Statements and Checks for October through December 2019

Recommended Action: Roll Call Vote.

That the Board of Port Commissioners adopts Resolution No. 3385 to:

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

ACTION: Commissioner Ashworth moved, seconded by Commissioner Brennan and carried by a vote of 5-0 to adopt Resolution No. 3385 to:

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

2) Approval of Fiscal Year 2019 – 2020 Mid-Year Budget Adjustments and Capital Improvement Plan

Recommended Action: Roll Call Vote.

That the Board of Port Commissioners adopt Resolution No. 3386, approving the Mid-Year Budget Adjustments for Fiscal Year 2019 – 2020 effective January 1, 2020.

ACTION: Commissioner Brennan moved, seconded by Commissioner Blumenberg and carried by a vote of 5-0 to adopt Resolution No. 3386, approving the Mid-Year Budget Adjustments for Fiscal Year 2019 – 2020 effective January 1, 2020.

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

The next meeting is Wednesday, March 4, 2020.

Jackie Gardina, Secretary



VENTURA
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BOARD OF PORT COMMISSIONERS

MARCH 4, 2020

CONSENT AGENDA ITEM A

APPROVAL OF OUT OF
TOWN TRAVEL REQUESTS

**VENTURA PORT DISTRICT
BOARD COMMUNICATION**

CONSENT AGENDA ITEM A
Meeting Date: March 4, 2020

TO: Board of Port Commissioners
FROM: Brian D. Pendleton, General Manager
SUBJECT: Out of Town Travel Requests

RECOMMENDATION:

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

- A) General Manager, Brian Pendleton to travel to Vancouver, Washington to present the Ventura Shellfish Enterprise (VSE) project to the Pacific Fishery Management Council's (PFMC) Habitat Committee on April 3, 2020 with a possible follow-up presentation to the full Council on April 10, 2020. Estimated cost for the travel is as follows:

April 3, 2020

| | |
|---------------|-------------------|
| Registration | \$0.00 |
| Airfare | \$290.00 |
| Lodging | \$350.00 |
| Meals | \$285.00 |
| Mileage | \$46.69 |
| Miscellaneous | \$100.00 |
| TOTAL | \$1,071.69 |

April 10, 2020

| | |
|---------------|-------------------|
| Registration | \$0.00 |
| Airfare | \$290.00 |
| Lodging | \$350.00 |
| Meals | \$285.00 |
| Mileage | \$46.69 |
| Miscellaneous | \$100.00 |
| TOTAL | \$1,071.69 |

- B) Business Operations Manager, Todd Mitchell to travel to San Diego, California to participate in the COPRI Ports and Harbors Spring 2020 meeting on March 19 – March 20, 2020. This is the industry leaders for ports and harbors engineering which is a committee for developing standards of best practices. Mr. Mitchell is on two committees working to complete manuals of best practice - sea level change and waterfront infrastructure rehabilitation. Estimated cost for the travel is as follows:

| | |
|---------------|-----------------|
| Registration | \$0.00 |
| Lodging | \$300.00 |
| Meals | \$235.00 |
| Mileage | \$217.35 |
| Miscellaneous | \$100.00 |
| TOTAL | \$852.35 |

- C) General Manager, Brian Pendleton to travel to Sacramento, California to provide testimony regarding proposed Assembly Bill 2370 for the Ventura Shellfish Enterprise (VSE) project. Specific hearing dates have not yet been determined. Rough estimated cost for the travel is as follows:

| | |
|---------------|-------------------|
| Registration | \$0.00 |
| Airfare | \$500.00 |
| Lodging | \$300.00 |
| Meals | \$190.00 |
| Mileage | \$100.00 |
| Miscellaneous | \$100.00 |
| TOTAL | \$1,190.00 |

- D) One Commissioner to travel to Sacramento, California to provide testimony regarding proposed Assembly Bill 2370 for the Ventura Shellfish Enterprise (VSE) project. Specific hearing dates have not yet been determined. Rough estimated cost for the travel is as follows:

| | |
|---------------|-------------------|
| Registration | \$0.00 |
| Airfare | \$500.00 |
| Lodging | \$300.00 |
| Meals | \$190.00 |
| Mileage | \$100.00 |
| Miscellaneous | \$100.00 |
| TOTAL | \$1,190.00 |



VENTURA
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BOARD OF PORT COMMISSIONERS

MARCH 4, 2020

CONSENT AGENDA ITEM B

**APPROVAL OF A PROFESSIONAL SERVICES
AGREEMENT WITH CARPI & CLAY, INC.**

**VENTURA PORT DISTRICT
BOARD COMMUNICATION**

CONSENT AGENDA ITEM B
Meeting Date: March 4, 2020

TO: Board of Port Commissioners
FROM: Brian D. Pendleton, General Manager
SUBJECT: Approval of a Professional Services Agreement with Carpi & Clay, Inc.

RECOMMENDATION:

That the Board of Port Commissioners approve a Professional Services Agreement with Carpi & Clay, Inc. in the amount of \$30,000 to provide the District with Federal Advocacy Services from January 1, 2020 to June 30, 2020.

SUMMARY:

In October 2012, the District retained Carpi & Clay to provide federal advocacy and lobbying services to the District for dredging of the Harbor entrance. The firm has demonstrated they have an excellent working relationship with the California Congressional delegation; including Senators Feinstein and Harris. Additionally, their relationship with the Corps of Engineers has been cooperative and successful to the benefit of the District.

BACKGROUND:

Carpi & Clay's core business is focused primarily on representing advancing and protecting the financial, legislative and regulatory interests of California local governments, public agencies and not-for-profit institutions. In the last six months they have been instrumental in assisting the District with securing additional federal dredging funds. As federal funding becomes even more constrained, an effective advocacy and lobbying firm is essential to the District.

FISCAL IMPACT:

The fiscal impact of this service agreement is \$5,000 per month. Any additional expenses such as travel must be approved by the General Manager in advance. Any adjustment to the monthly fee must be approved by the Board of Port Commissioners. The proposed rate represents a good value to the District based upon the level of services we receive from Julie Minerva.

ATTACHMENTS:

None.



VENTURA
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BOARD OF PORT COMMISSIONERS

MARCH 4, 2020

CONSENT AGENDA ITEM C

APPROVAL NEW RESTAURANT LEASE
AGREEMENT FOR KELLY SHIRK DBA
SUGAR LAB BAKE SHOP, LLC

**VENTURA PORT DISTRICT
BOARD COMMUNICATION**

CONSENT AGENDA ITEM C
Meeting Date: March 4, 2020

TO: Board of Port Commissioners
FROM: Robin Baer, Property Manager
SUBJECT: Approval of New Restaurant Lease Agreement for Kelly Shirk dba Sugar Lab Bake Shop, LLC 1575 Spinnaker Drive #105 A/B

RECOMMENDATION:

That the Board of Port Commissioners approve a new Restaurant Lease Agreement between the Ventura Port District dba Ventura Harbor Village and Kelly Shirk dba Sugar Lab Bake Shop, LLC for the premises located at 1575 Spinnaker Drive #105 A/B consisting of a total of 1,330 square feet for a three (3) year term with two separate three (3) year options.

SUMMARY:

Staff has negotiated a lease with Kelly Shirk, owner of Sugar Lab Bake Shop, LLC. This will be a mother-daughter team. Kelly's daughter, Alison Kenis will be the Creative partner in this venture. We are pleased that Sugar Lab Bake Shop, LLC wants to be a part of the Ventura Harbor Village family. Staff recommends the Board's approval of the new three (3) year term with two separate three (3) year options lease transaction.

BACKGROUND:

Sugar Lab Bake Shop has been in business over eight years in Ventura County. They have grown from a small business operating out of an industrial commercial kitchen to their retail shop. Their goal is to provide not only great products for their customers, but a positive working environment for their employees. Their store will consist of gourmet locally sourced coffee, cupcakes, sweet treats, wedding cakes and breakfast items. They are very involved in the local community and see themselves as a place in which families grow up and it becomes a tradition.

FISCAL IMPACT:

This new lease reflects current market rental rates for Restaurant space in the complex. Landlord shall contribute an amount up to and not to exceed \$30,000.00 towards kitchen hood, grease interceptor/trap and air conditioning unit. Tenant contribution is an estimated amount of \$30,000.00 funds necessary to cover the cost of constructing removal of walls, installation of new front counter, tables/chairs, shelving, and display cases. The first-year annual occupancy cost for this tenant is approximately \$26,172.00. The agreement includes annual escalation of base rent in accordance with District leasing objectives.

ATTACHMENTS:

None.



BOARD OF PORT COMMISSIONERS

MARCH 4, 2020

STANDARD AGENDA ITEM 1

APPROVAL OF A PROFESSIONAL
SERVICES AGREEMENT WITH COWI
FOR AN AQUACULTURE NAVIGATION
RISK ASSESSMENT FOR THE VENTURA
SHELLFISH ENTERPRISE PROJECT

**VENTURA PORT DISTRICT
BOARD COMMUNICATION**

STANDARD AGENDA ITEM 1
Meeting Date: March 4, 2020

TO: Board of Port Commissioners
FROM: Brian D. Pendleton, General Manager
SUBJECT: Approval of a Professional Services Agreement with COWI for an Aquaculture Navigation Risk Assessment for the Ventura Shellfish Enterprise Project

RECOMMENDATION:

That the Board of Port Commissioners approve a Professional Services Agreement with COWI in an amount of \$64,040 to provide the District with an Aquaculture Navigation Risk Assessment for the Ventura Shellfish Enterprise Project.

SUMMARY:

The objectives for the Aquaculture Navigation Risk Assessment (Navigation Risk Assessment) for the Ventura Shellfish Enterprise Project (VSE) have been developed based upon U.S. Coast Guard (USCG) procedures and feedback from the initial permit application, as well as COWI's experience in undertaking similar studies. The objectives for this Navigation Risk Assessment are as follows:

- Evaluate the level of potential risk of the proposed aquaculture project on commercial and recreational shipping;
- Evaluate the impacts of the proposed aquaculture project on commercial and recreation shipping;
- Analyze the impact to vessel traffic patterns and traffic constraints as a result of the proposed aquaculture;
- Identify potential mitigation measures that, if required, will reduce navigation risk associated with the aquaculture project.

BACKGROUND:

The Army Corps of Engineers (Corps) will process the application for the VSE project once the District prepares a Navigational Risk Assessment required by the USCG and resolves a jurisdictional boundary issue raised by the Ventura Local Agency Formation Commission (LAFCo). The District is working cooperatively with the Ventura LAFCo and state legislation has been introduced to resolve the matter.

In order to complete the Navigation Risk Assessment, the District reached out to six firms for this highly specialized work. Of these, two provided formal proposals. Both were responsive to the regulatory requirements with COWI representing the lower cost, qualified bid to the District.

COWI is well placed to undertake this work, having a strong track record in marine works including vessel navigation risk studies both in the USA and around the world. COWI is a leading consulting group that creates value for customers, people and society through their unique 360 approach. Based on their world-class competencies within engineering, economics and environmental science, they tackle challenges from many vantage points to create coherent solutions for their customers – and thereby sustainable and coherent societies in the world.

COWI has continued to be part of the world's elite in a number of selected specialist areas within engineering, economics and environmental science. In 2017, Engineering News-Record ranked COWI 1st in solid waste, 3rd in bridge consultancy and 4th in harbor and marine structures.

COWI will undertake this study in a manner that recognizes the requirements and sensitivities of the planned aquaculture project, but while doing so will also ensure that the Navigation Risk Assessment remains independent and impartial. The approach to this study will be as follows:

- Provide a review of USCG procedures for studying navigation risk, and provide a basis for the scope of this study;
- Provide information on the vessel type and waterway use near the proposed aquaculture locations, including;
 - Type, size and drafts of vessel;
 - Vessel routes;
 - Traffic density;
 - Seasonal vessel traffic variances;
 - Notable marine events;
- Present waterway characteristics, including prevailing weather conditions and bathymetry;
- Discuss the risk of collision as a result of the aquaculture project, including;
 - Likelihood of collision between vessel and aquaculture;
 - Likelihood of vessels propeller/rudder getting entangled in 'non-fixed' aquaculture lines;
 - Increased likelihood of collision between vessels;
- Discuss additional navigation considerations such as:
 - Increased waterway constraints;
 - Impact on vessel anchoring;
 - Effects of aquaculture on vessel radar and communications;
 - Marine navigational markings;
- Review the consequences of collision, both on the vessel and the aquaculture;
- Discuss potential mitigation measures, if required.

It is also understood that while the final deliverable will be a standalone COWI report, a significant contribution to this report will be made by National Ocean and Atmospheric Administration (NOAA).

COWI shall present the draft report to the District at a public Board Meeting allowing for stakeholder comment and then return to the Board with the final report for submission to the USCG and Corps.

FISCAL IMPACT:

The Board approved the FY19-20 Mid-Year Budget on February 19, 2020 with an adjustment of \$75,000 for the Aquaculture Navigational Risk Assessment. The COWI proposal is for \$64,040.

ATTACHMENTS:

None.