

VENTURA PORT DISTRICT

BOARD OF PORT COMMISSIONERS MINUTES OF SEPTEMBER 1, 2021



CLOSED SESSION

CALL TO ORDER:

The Ventura Board of Port Commissioners Regular Closed Session Meeting was called to order by Chairman Chris Stephens at 6:00PM 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
Michael Blumenberg, Vice Chairman
Brian Brennan, Secretary via teleconference
Jackie Gardina via teleconference

Commissioners Absent:

Everard Ashworth

Port District Staff:

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

Legal Counsel:

Andy Turner via teleconference

City of Ventura Liaisons

Deputy Mayor Joe Schroeder, City Council Liaison – Absent
Michael Coon, Administrative Liaison – Absent

Number of interested persons: 2

PUBLIC COMMUNICATIONS: Sam Sadove commented on item 1e, stating that he supports Andy moving forward, but recommended that the Commission should consider all monies owed, including COVID back rent before entering into a new lease.

CONVENED TO CLOSED SESSION AT 6:02PM.

ADJOURNMENT: Closed Session was adjourned at 6:52PM.

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 7:00PM at the Ventura Port District Administration Office, 1603 Anchors Way Drive, Ventura, CA 93001 and via Zoom Meeting.

PLEDGE OF ALLEGIANCE: By Gloria Adkins, Accounting Manager

ROLL CALL:

Commissioners Present:

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

Commissioners Absent:

Everard Ashworth

Port District Staff:

Brian Pendleton, General Manager via teleconference
Todd Mitchell, Business Operations Manager
Jessica Rauch, Clerk of the Board
Gloria Adkins, Accounting Manager
Jessica Perkins, Accountant I via teleconference
John Higgins, Harbormaster via teleconference
Pat Hummer, Senior Harbor Patrolman via teleconference
Dave Werneburg, Marina Manager via teleconference
Sergio Gonzalez, Maintenance Supervisor via teleconference
Joe Gonzalez, Facilities Manager via teleconference

Legal Counsel:

Andy Turner via teleconference

City of Ventura Liaisons

Deputy Mayor Joe Schroeder, City Council Liaison – Absent
Michael Coon, Administrative Liaison – Absent

Number of interested persons: 3

ADOPTION OF AGENDA

ACTION: Commissioner Brennan moved to adopt the September 1, 2021 agenda.

Commissioner Gardina seconded. The vote was as follows:

AYES: Commissioners Stephens, Blumenberg, Brennan, Gardina

NOES: None

ABSENT: Commissioner Ashworth

Motion carried 4-0.

APPROVAL OF MINUTES

The Minutes of the July 21, 2021 Regular Meeting were considered as follows:

ACTION: Commissioner Brennan moved to approve the minutes of the July 21, 2021 Regular Meeting.

Commissioner Gardina seconded. The vote was as follows:

AYES: Commissioners Stephens, Blumenberg, Gardina, Brennan

NOES: None

ABSENT: Commissioner Ashworth

Motion carried 4-0.

PUBLIC COMMUNICATIONS: None. Closed at 7:03PM.

CLOSED SESSION REPORT: Mr. Turner stated that the Board met in closed session; discussed and reviewed one item on the closed session agenda. The Board gave direction to staff as to how to proceed. No action was taken that is reportable under The Brown Act.

BOARD COMMUNICATIONS: Vice-Chairman Blumenberg and Commissioner Gardina both spoke about the August 2nd City Council meeting. See attachment 1 for full comments.

STAFF AND GENERAL MANAGER REPORTS: Mr. Pendleton reported on the CSDA Annual Conference he was currently attending.

LEGAL COUNSEL REPORT: None.

CONSENT AGENDA:

A) Approval of Out-of-Town Travel Requests

Recommended Action: Roll Call Vote.

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

- a) John Higgins, Harbormaster, to attend the Annual California JPIA Risk Management Educational Forum in San Diego, CA;
- b) Sergio Gonzalez, Maintenance Supervisor to attend the Annual California JPIA Risk Management Educational Forum in San Diego, CA;
- c) Todd Mitchell, Business Operations Manager, to attend the Annual Training and Conference with the California Association of Harbormasters and Port Captains and Marine Recreation Association in San Diego, CA; and,
- d) John Higgins, Harbormaster, to attend the Annual Training and Conference with the California Association of Harbormasters and Port Captains and Marine Recreation Association in San Diego, CA.

ACTION: Commissioner Brennan moved to approve the out-of-town travel requests for:

- a) John Higgins, Harbormaster, to attend the Annual California JPIA Risk Management Educational Forum in San Diego, CA;
- b) Sergio Gonzalez, Maintenance Supervisor to attend the Annual California JPIA Risk Management Educational Forum in San Diego, CA;
- c) Todd Mitchell, Business Operations Manager, to attend the Annual Training and Conference with the California Association of Harbormasters and Port Captains and Marine Recreation Association in San Diego, CA; and,
- d) John Higgins, Harbormaster, to attend the Annual Training and Conference with the California Association of Harbormasters and Port Captains and Marine Recreation Association in San Diego, CA.

Commissioner Gardina seconded. The vote was as follows:

AYES: Commissioners Stephens, Blumenberg, Gardina, Brennan

NOES: None

ABSENT: Commissioner Ashworth

Motion carried 4-0.

B) Approval of Updated Conflict of Interest and Disclosure Code

Recommended Action: Roll Call Vote.

That the Board of Port Commissioners adopt Resolution No. 3424 to approve the updated Conflict of Interest Code Policy and rescind Resolution No. 3361.

ACTION: Commissioner Brennan moved to adopt Resolution No. 3424 to approve the updated Conflict of Interest Code Policy and rescind Resolution No. 3361.

Commissioner Gardina seconded. The vote was as follows:

AYES: Commissioners Stephens, Blumenberg, Gardina, Brennan

NOES: None

ABSENT: Commissioner Ashworth

Motion carried 4-0.

C) Approval of Updated Records Retention Policy

Recommended Action: Roll Call vote.

That the Board of Port Commissioners adopt Resolution No. 3425, approving the new Records Retention Policy for the Ventura Port District and rescinding Resolution No. 3314.

ACTION: Commissioner Brennan moved to adopt Resolution No. 3425, approving the new Records Retention Policy for the Ventura Port District and rescinding Resolution No. 3314.

Commissioner Gardina seconded. The vote was as follows:

AYES: Commissioners Stephens, Blumenberg, Gardina, Brennan

NOES: None

ABSENT: Commissioner Ashworth

Motion carried 4-0.

D) Approval of a New Office Lease Agreement for Julianne Martin at 1575 Spinnaker Drive #206A

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 Julianne Martin for space located at 1575 Spinnaker Drive #206A consisting of approximately 247 square feet for a two (2) year term with two (2) options each for one (1) additional year.

ACTION: Commissioner Brennan moved to approve a new Office Lease Agreement between the Ventura Port District dba Ventura Harbor Village and Julianne Martin for space located at 1575 Spinnaker Drive #206A consisting of approximately 247 square feet for a two (2) year term with two (2) options each for one (1) additional year.

Commissioner Gardina seconded. The vote was as follows:

AYES: Commissioners Stephens, Blumenberg, Gardina, Brennan

NOES: None

ABSENT: Commissioner Ashworth

Motion carried 4-0.

E) Approval of a New Retail Lease Agreement for Katherine Adams and James Adams dba Lemon & Lei at 1583 Spinnaker Drive #104A

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 Katherine Adams and James Adams DBA Lemon & Lei for space located at 1583 Spinnaker Drive #104A consisting of approximately 500 square feet for a two (2) year term.

ACTION: Commissioner Brennan moved to approve a new Retail Lease Agreement between the Ventura Port District dba Ventura Harbor Village and Katherine Adams and James Adams DBA Lemon & Lei for space located at 1583 Spinnaker Drive #104A consisting of approximately 500 square feet for a two (2) year term.

Commissioner Gardina seconded. The vote was as follows:

AYES: Commissioners Stephens, Blumenberg, Gardina, Brennan

NOES: None

ABSENT: Commissioner Ashworth

Motion carried 4-0.

F) Approval of a New Office Lease Agreement for Heather Yarian and Barbara Holden dba Miramar International, Inc. at 1575 Spinnaker Drive #206B

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 Heather Yarian and Barbara Holden dba Miramar International, Inc. for space located at 1575 Spinnaker Drive #206B consisting of approximately 247 square feet for a four (4) year term with two (2) options each for two (2) additional years.

ACTION: Commissioner Brennan moved to approve a new Office Lease Agreement between the Ventura Port District dba Ventura Harbor Village and Heather Yarian and Barbara Holden dba Miramar International, Inc. for space located at 1575 Spinnaker Drive #206B consisting of approximately 247 square feet for a four (4) year term with two (2) options each for two (2) additional years.

Commissioner Gardina seconded. The vote was as follows:

AYES: Commissioners Stephens, Blumenberg, Gardina, Brennan

NOES: None

ABSENT: Commissioner Ashworth

Motion carried 4-0.

G) Approval of a New Retail Lease Agreement for Hilda Wann dba Treasure Cove at 1567 Spinnaker Drive #103

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 Hilda Wann DBA Treasure Cove for space located at 1567 Spinnaker Drive #103 consisting of approximately 342 square feet for an eighteen (18) month term with two (2) options each for one (1) additional year.

ACTION: Commissioner Brennan moved to approve a new Retail Lease Agreement between the Ventura Port District dba Ventura Harbor Village and Hilda Wann DBA Treasure Cove for space located at 1567 Spinnaker Drive #103 consisting of approximately 342 square feet for an eighteen (18) month term with two (2) options each for one (1) additional year.

Commissioner Gardina seconded. The vote was as follows:

AYES: Commissioners Stephens, Blumenberg, Gardina, Brennan

NOES: None

ABSENT: Commissioner Ashworth

Motion carried 4-0.

H) Approval of a New Restaurant Lease Agreement for Andres Fernandez LLC dba The 805 Bar & Grilled Cheese/Copa Cubana at 1575 Spinnaker Drive #101, #102, and #103

Recommended Action: Roll Call vote.

That the Board of Port Commissioners approve a new Restaurant Lease Agreement between the Ventura Port District dba Ventura Harbor Village and Andres Fernandez LLC DBA The 805 Bar & Grilled Cheese/Copa Cubana for space located at 1575 Spinnaker Drive #101, #102, and #103

consisting of approximately 2,390 square feet for a three (3) year term with two (2) options each for three (3) additional years.

ACTION: Commissioner Brennan moved to approve a new Restaurant Lease Agreement between the Ventura Port District dba Ventura Harbor Village and Andres Fernandez LLC DBA The 805 Bar & Grilled Cheese/Copa Cubana for space located at 1575 Spinnaker Drive #101, #102, and #103 consisting of approximately 2,390 square feet for a three (3) year term with two (2) options each for three (3) additional years.

Commissioner Gardina seconded. The vote was as follows:

AYES: Commissioners Stephens, Blumenberg, Gardina, Brennan

NOES: None

ABSENT: Commissioner Ashworth

Motion carried 4-0.

STANDARD AGENDA:

1) Approval of Financial Statements and Checks for April through June 2021

Recommended Action: Roll Call vote.

That the Board of Port Commissioners adopts Resolution No. 3426 to:

- a) Accept the following draft financial statements for the Quarter ending June 30, 2021, pending final year-end reconciliations and audit adjustments; and,
- b) Review the payroll and regular checks for April through June 2021.

Report by Gloria Adkins, Accounting Manager.

Public Comment: None. Closed at 7:18PM.

ACTION: Commissioner Brennan moved to adopt Resolution No. 3426 to:
a) Accept the following draft financial statements for the Quarter ending June 30, 2021, pending final year-end reconciliations and audit adjustments; and,
b) Review the payroll and regular checks for April through June 2021.

Vice-Chairman Blumenberg seconded. The vote was as follows:

AYES: Commissioners Stephens, Blumenberg, Gardina, Brennan

NOES: None

ABSENT: Commissioner Ashworth

Motion carried 4-0.

2) Approval of Resolution No. 3427 Designating Applicant's Agents for Non-State Agencies for Obtaining Certain Federal Financial Assistance

Recommended Action: Roll Call Vote.

That the Board of Port Commissioners adopt Resolution No. 3427 approving the designation of applicant's agent for non-state agencies for obtaining certain federal financial assistance under Public Law 93-288 as amended by the Robert T. Stafford Disaster Relief and Emergency Assistance Act of 1988, and/or state financial assistance under the California Disaster Assistance Act.

Report by John Higgins, Harbormaster.

Public Comment: None. Closed at 7:26PM.

ACTION: Commissioner Brennan moved to adopt Resolution No. 3427 approving the designation of applicant's agent for non-state agencies for obtaining certain federal financial assistance under Public Law 93-288 as amended by the Robert T. Stafford Disaster Relief and Emergency Assistance Act of 1988, and/or state financial assistance under the California Disaster Assistance Act.

Commissioner Gardina seconded. The vote was as follows:

AYES: Commissioners Stephens, Blumenberg, Gardina, Brennan

NOES: None

ABSENT: Commissioner Ashworth

Motion carried 4-0.

3) Conduct of Meetings Pursuant to Executive Order N-08-21

Recommended Action: Roll Call Vote.

That the Board of Port Commissioners:

- a) Return to in-person meetings beginning October 1, 2021, pursuant to Executive Order N-08-21;
- b) Continue virtual participation by Zoom through December 31, 2021; and,
- c) Return to the Board in December to determine meeting schedule and format for 2022.

Report by Brian D. Pendleton, General Manager.

Public Comment: Annie stated that when Board members return to in-person meetings, their tone of voice becomes lower making it difficult for Zoom participants to hear. Closed at 7:39PM.

ACTION: Vice-Chairman Blumenberg moved to:

- a) Return to in-person meetings beginning October 1, 2021, pursuant to Executive Order N-08-21;
- b) Continue virtual participation by Zoom through December 31, 2021; and,
- c) Return to the Board in December to determine meeting schedule and format for 2022.

Commissioner Brennan seconded. The vote was as follows:

AYES: Commissioners Stephens, Blumenberg, Gardina, Brennan
NOES: None
ABSENT: Commissioner Ashworth

Motion carried 4-0.

4) 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 Brian D. Pendleton, General Manager.

Public Comment: None. Closed at 7:45PM.

ACTION: **The Board of Port Commissioners received an update on COVID-19 related items.**

ADJOURNMENT: The meeting was adjourned at 7:46PM.

The next meeting is Wednesday, September 15, 2021.



Brian Brennan, Secretary

ATTACHMENT 1

Vice-Chairman Blumenberg's Board Communication from the 9/1/2021 Commission meeting

I want to discuss the City Council's recent re-appointment of Commissioners Gardina and Stephens on August 2nd. Most importantly, I want to applaud the Council's decision to re-appoint both to the Port District Board. That was the right decision.

But the old adage that "All's well that ends well" doesn't apply to this situation. The re-appointment process, including the Council meeting on August 2nd, generated many "ugly allegations" (Councilman Mike Johnson's words) that reflect poorly on the Port District and undermine the District's mission.

Recall the Ventura Port District's Mission Statement: The Ventura Port District, home to the Channel Islands National Park, provides a safe and navigable harbor and a seaside destination that benefits residents, visitors, fishermen and boaters to enjoy Ventura Harbor's exceptional facilities, events and services.

The ugly allegations made last month undermine our mission by casting doubt about this Board's ability to function effectively. I want to address a few especially egregious comments.

1. False statement #1: Commission Chris Stephens is "not a nice person" nor is he "ethical". These were the most scandalous comments that I heard, and they are completely false.
2. False statement #2: There were many times when the public, including District tenants, were silenced and not given an opportunity to address the Board. This is also false. As we have done tonight, this Board has consistently given the public opportunities to address the Board on issues not on our agenda and on items that are on the agenda. To the best of my knowledge, we comply with the Brown Act which requires us to allow for public comment. I welcome public comments and promise to always listen with an open mind, and seek to understand your perspective. I won't, however, promise to follow the speaker's recommendation. After all, it is each Commissioner's responsibility to come to their own conclusions and vote their own conscious.
3. False statement #3: Tenants who spoke out against Commissioner Stephens' re-appointment were taking a risk and will be subject to retribution for speaking out. This allegation undermines the entire District, so I want to publicly state that I have not witnessed, nor will I not tolerate any retribution by the District staff or Board. Our mission to enhance the harbor as "seaside destination" will be achieved by attracting, promoting and retaining successful businesses; there is no room for personal vendettas nor retribution.

We could discuss these allegations for hours, but it is more important for us to look forward. In that spirit, I want to accept Mayor Rubalcava's invitation to work with the Public and our tenants to address and resolve these concerns. We can start tonight. I invite public comments. The upcoming public workshop on Saturday 4 December will provide another opportunity for the public to help us update our District goals and pursue the District's mission. I invite everyone to put it on your calendar, and plan to attend and participate. Lastly, I want to accept the Mayor's invitation to give the Council periodic updates on the District. I envision monthly updates by the Commissioners and an annual, agendaized update by the General Manager. The Chairman has been providing informal updates on an ad hoc basis; I suggest that we rotate this role through all the Commissioners, so each update the Council 2 or 3 times per year. That's my suggestion. I want to task the General Manager to evaluate options to increase our dialogue with the Council and provide recommendations to the Board. I look forward to feedback from my fellow Commissioners and recommendations from the General Manager.

Commissioner Gardina's Board Communication from the 9/1/2021 Commission meeting

I am someone who believes deeply in public engagement. As a member of the public, I have been involved in advocating for change at the state and national level. When I approach elected or appointed officials, even those with whom I disagree, I assume good faith. I assume that they believe they are acting in the best interests of their constituents based on the information available. As a Commissioner, I have tried to bring that same assumption of good faith when interacting with members of the public. I believe that we are all working towards the same goal—a vibrant, thriving, and financially sound harbor—even if we disagree on how best to reach that goal.

I hope that the tenants dissatisfied with the Commission's decision or the District's direction will vigorously debate the policies and ideas presented. But I also hope that if the Board makes a decision that is counter to what you believe is in the best interest of the District that you assume good faith on the part of the Commissioners making the decision and not allow our public discourse to sink into baseless attacks or unsupported allegations against individuals.

The VSE project is consistently raised as point of contention. I wasn't here when the Board made the decision to launch the project. I understand why they did it, however. We all know that climate change is affecting the harbor. Fish are being affected by rising ocean temperatures and ocean acidification. Fish landings at the harbor are declining, affecting the commercial fishing industry and the harbor's vitality. An aquaculture project near the harbor would create a sustainable mussel farm that could benefit the harbor and the fishing industry, among other businesses. Is it a complicated project with a lot of unknowns? It is. Do we know if it would be successful? We do not, although there are examples of successful aquaculture farms across the country and the globe. Is it an innovative solution to address a real problem facing the harbor? It is.

The VSE project is currently on hold, but the problem isn't. Climate change and its affect on the ocean isn't going away. So how can we work together to solve this collective problem. If you are dissatisfied with the solution, then I encourage you to come with your own. Be a partner with the Board in creating the vibrant, thriving, and financially sound harbor that I know we all want.

I look forward continuing to work with my fellow Commissioners, the District staff, the tenants, and the public. Like all the Commissioners, my Harbor email is available on the website, and I welcome communication as well as public comment at all meetings. Thank you.