

VENTURA PORT DISTRICT

BOARD OF PORT COMMISSIONERS MINUTES OF JANUARY 19, 2022



CLOSED SESSION

CALL TO ORDER:

The Ventura Board of Port Commissioners Regular Closed Session Meeting was called to order by Chairman Chris Stephens at 6:31PM via Zoom meeting.

ROLL CALL:

Commissioners Present:

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

Commissioners Absent:

None.

Port District Staff:

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

Legal Counsel:

Elsa Sham, Lagerlof Lawyers LLP via teleconference
Oliver Yee, Liebert Cassidy Whitmore via teleconference

City of Ventura Liaisons

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

Number of interested persons: 0

PUBLIC COMMUNICATIONS: None. Closed at 6:32PM.

CONVENED TO CLOSED SESSION AT 6:33PM.

ADJOURNMENT: Closed Session was adjourned at 6:44PM.

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 via Zoom Meeting.

PLEDGE OF ALLEGIANCE: By Brian D. Pendleton, General Manager.

ROLL CALL:

Commissioners Present:

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

Commissioners Absent:

None.

Port District Staff:

Brian Pendleton, General Manager via teleconference
Todd Mitchell, Business Operations Manager via teleconference
Jessica Rauch, Clerk of the Board via teleconference
Jessica Snipas, Business Operations Analyst via teleconference
Dave Werneburg, Marina Manager via teleconference
Joe Gonzalez, Capital Projects Manager via teleconference
Gloria Adkins, Accounting Manager via teleconference
Sergio Gonzalez, Facilities Manager via teleconference
John Higgins, Harbormaster via teleconference
Jennifer Talt-Lundin, Marketing Manager via teleconference
Pat Hummer, Senior Harbor Patrol Officer via teleconference

Legal Counsel:

Andy Turner, Lagerlof Lawyers LLP via teleconference
Elsa Sham, Lagerlof Lawyers LLP via teleconference

City of Ventura Liaisons

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

Number of interested persons: 5

ADOPTION OF AGENDA

ACTION: Commissioner Gardina moved to adopt the January 19, 2022 agenda.

Commissioner Brennan seconded. The vote was as follows:

AYES: Commissioners Stephens, Blumenberg, Brennan, Gardina, Ashworth

NOES: None

ABSENT: None

Motion carried 5-0.

APPROVAL OF MINUTES

The Minutes of the January 5, 2022 Regular Meeting and Public Facilities Corporation Annual Meeting were considered as follows:

ACTION: Commissioner Brennan moved to approve the minutes of the January 5, 2022 Regular Meeting and Public Facilities Corporation Annual Meeting.

Commissioner Ashworth seconded. The vote was as follows:

AYES: Commissioners Stephens, Blumenberg, Brennan, Gardina, Ashworth

NOES: None

ABSENT: None.

Motion carried 5-0.

PUBLIC COMMUNICATIONS: Sam Sadove commented on the State Recovery Grant the District received and questioned Project 10, which is reimbursement for the uncollected funds from the District's COVID-19 Rental Abatement and Deferment Program. Closed at 7:08PM.

CLOSED SESSION REPORT: Ms. Sham stated that the Board met in closed session; discussed and reviewed all items 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: None.

STAFF AND GENERAL MANAGER REPORTS: None.

EMERGENCY ACTION ITEM:

1) Adoption of Resolution No. 3441 Declaring a State of Emergency Due to the Hunga Tonga Tsunami and Authorizing the General Manager to Take Emergency Measures to Restore District Assets

Recommended Action: Roll Call Vote.

That the Board of Port Commissioners adopt Resolution No. 3441, making certain findings as set forth in such Resolution, including, without limitation, the following:

- A) Declare a State of Emergency due to the impacts suffered by the Hunga Tonga Tsunami creating a public safety concern;
- B) Find, based upon the evidence presented, the matter of the conditions of the Ventura Port District assets require emergency remediation; and
- C) The Board hereby delegates to the District's General Manager the authority to:
 - 1) take any action required to respond to the emergency;
 - 2) submit any and all emergency permit applications and documents required to support obtaining an Emergency Coastal Development Permit;
 - 3) to procure the necessary equipment, services, and supplies for the purpose of making the District's docks safe and functional and for re-establishing Harbor Patrol's vessel redundancy, without giving notice for bids to let contracts; and,
 - 4) The General Manager shall report to the Board of Port Commissioners at its next regularly scheduled meeting of the Board of the actions to respond to the emergency.

- 5) That, the Board will review the emergency action at every regularly scheduled meeting hereafter until the emergency action is terminated, to determine that there is a need to continue the action by a four-fifths (4/5) vote.
- 6) That, when the Board reviews the emergency action at subsequent meetings, if necessary, the Board will terminate the action at the earliest possible date that conditions warrant so that the remainder of the emergency action may be completed by giving notice for bids to let contracts, if necessary.

Report by Brian D. Pendleton, General Manager.

Public Comment: None. Closed at 7:17PM.

- ACTION:** Commissioner Brennan moved to adopt Resolution No. 3441, making certain findings as set forth in such Resolution, including, without limitation, the following:
- A) Declare a State of Emergency due to the impacts suffered by the Hunga Tonga Tsunami creating a public safety concern;
 - B) Find, based upon the evidence presented, the matter of the conditions of the Ventura Port District assets require emergency remediation; and
 - C) The Board hereby delegates to the District's General Manager the authority to:
 - 1) take any action required to respond to the emergency;
 - 2) submit any and all emergency permit applications and documents required to support obtaining an Emergency Coastal Development Permit;
 - 3) to procure the necessary equipment, services, and supplies for the purpose of making the District's docks safe and functional and for re-establishing Harbor Patrol's vessel redundancy, without giving notice for bids to let contracts; and,
 - 4) The General Manager shall report to the Board of Port Commissioners at its next regularly scheduled meeting of the Board of the actions to respond to the emergency.
 - 5) That, the Board will review the emergency action at every regularly scheduled meeting hereafter until the emergency action is terminated, to determine that there is a need to continue the action by a four-fifths (4/5) vote.
 - 6) That, when the Board reviews the emergency action at subsequent meetings, if necessary, the Board will terminate the action at the earliest possible date that conditions warrant so that the remainder of the emergency action may be completed by giving notice for bids to let contracts, if necessary.

Commissioner Gardina seconded. The vote was as follows:

AYES: Commissioners Stephens, Blumenberg, Brennan, Gardina, Ashworth

NOES: None

ABSENT: None.

Motion carried 5-0.

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 request for Sergio Gonzalez, Facilities Manager to attend the JPIA Parks and Recreation Academy in Indian Wells, CA.

Public Comment: None. Closed at 7:32PM.

ACTION: Commissioner Ashworth moved to approve the out-of-town travel request for Sergio Gonzalez, Facilities Manager to attend the JPIA Parks and Recreation Academy in Indian Wells, CA.

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

AYES: Commissioners Stephens, Blumenberg, Brennan, Gardina, Ashworth

NOES: None

ABSENT: None.

Motion carried 5-0.

B) Approval of New Office Lease Agreement for Anacapa Consulting for 1559 Spinnaker Drive #207

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 Anacapa Consulting for the premises located at 1559 Spinnaker Drive #207 consisting of a total of 455 square feet for a two (2) year term with a two (2) two (2) year options.

Public Comment: None. Closed at 7:32PM.

ACTION: Commissioner Ashworth moved to approve a new Office Lease Agreement between the Ventura Port District dba Ventura Harbor Village and Anacapa Consulting for the premises located at 1559 Spinnaker Drive #207 consisting of a total of 455 square feet for a two (2) year term with a two (2) two (2) year options.

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

AYES: Commissioners Stephens, Blumenberg, Brennan, Gardina, Ashworth

NOES: None

ABSENT: None.

Motion carried 5-0.

C) Approval of a Professional Services Agreement with Rasmussen & Associates related to Trash Enclosures

Recommended Action: Roll Call Vote.

That the Board of Port Commissioners approve a Professional Services Agreement with Rasmussen & Associates in the amount of up to \$37,500 for architectural design, permitting support, bidding support, and construction management of ADA trash enclosures at Ventura Harbor Village.

Public Comment: None. Closed at 7:32PM.

ACTION: Commissioner Ashworth moved to approve a Professional Services Agreement with Rasmussen & Associates in the amount of up to \$37,500 for architectural design, permitting support, bidding support, and construction management of ADA trash enclosures at Ventura Harbor Village.

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

AYES: Commissioners Stephens, Blumenberg, Brennan, Gardina, Ashworth

NOES: None

ABSENT: None.

Motion carried 5-0.

D) Approval of First Amendment to a Professional Services Agreement with Rasmussen & Associates related to ADA Restrooms

Recommended Action: Roll Call Vote.

That the Board of Port Commissioners approves the First Amendment to a Professional Services Agreement with Rasmussen & Associates in the amount up to \$80,000 for architectural design, permitting support, bidding support, and construction management of Americans with Disabilities Act restrooms at Ventura Harbor Village.

Public Comment: None. Closed at 7:32PM.

ACTION: Commissioner Ashworth moved to approve the First Amendment to a Professional Services Agreement with Rasmussen & Associates in the amount up to \$80,000 for architectural design, permitting support, bidding support, and construction management of Americans with Disabilities Act restrooms at Ventura Harbor Village.

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

AYES: Commissioners Stephens, Blumenberg, Brennan, Gardina, Ashworth

NOES: None

ABSENT: None.

Motion carried 5-0.

STANDARD AGENDA:

1) Consideration of Adoption of Ordinance No. 56, Authorizing Execution of a New Entertainment and Restaurant Lease Agreement with Options for Aarmark Beer Gardens, Inc. for 1567 Spinnaker Drive #100

Recommended Action: Roll Call Vote.

That the Board of Port Commissioners:

- a) Conduct a public hearing for the purpose of receiving input on proposed Ordinance No. 56;
- b) Waive reading and direct Clerk to place Ordinance No. 56 in the record of this meeting; and
- c) Adopt Ordinance No. 56, which authorizes execution of a new six (6) year Entertainment and Restaurant Lease Agreement with three (3) five (5) year options between the Ventura Port District dba Ventura Harbor Village and Aarmark Beer Gardens, Inc.

Report by Brian D. Pendleton, General Manager.

Public Comment: Stephanie Caldwell, President/CEO of the Ventura Chamber of Commerce is in support of the item and encouraged the Commission to approve it. Marlyss Auster, President/CEO of the Ventura Visitors and Convention Bureau submitted written comment in support of the item that was forwarded to the Commission and posted on the website. Closed at 7:41PM.

ACTION: Chairman Stephens opened the public hearing at 7:35PM for the purpose of receiving input on proposed Ordinance No. 56. The reading of proposed Ordinance No. 56 was waived. There was one public speaker and one written comment. The public hearing was closed at 7:41PM.

ACTION: Commissioner Brennan moved to adopt Ordinance No. 56 as follows:

ORDINANCE NO. 56

**AN ORDINANCE OF THE BOARD OF PORT COMMISSIONERS
OF VENTURA PORT DISTRICT APPROVING A NEW
ENTERTAINMENT LEASE AGREEMENT WITH OPTIONS
BETWEEN THE VENTURA PORT DISTRICT AND AARMARK BEER GARDENS, INC.
(California Harbors and Navigation Code section 6270)**

The Board of Port Commissioners of the Ventura Port District hereby ordains as follows:

The General Manager of the Ventura Port District is authorized and directed to execute the New Entertainment and Restaurant Lease Agreement between Ventura Port District dba Ventura Harbor Village and Aarmark Beer Gardens, Inc. with a commencement date of September 1, 2022.

PASSED, APPROVED AND ADOPTED at a Regular Meeting of the Board of Port Commissioners of the Ventura Port District held on January 19, 2022.

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

AYES: Commissioners Stephens, Blumenberg, Brennan, Gardina, Ashworth

NOES: None
ABSENT: None.

Motion carried 5-0.

2) Approval of Fiscal Year 2020-2021 Audit

Recommended Action: Roll Call Vote.

That the Board of Port Commissioners approve the acceptance of the Basic Financial Statements and Supplementary Information with Independent Auditor's Report for the Year Ended June 30, 2021, prepared by Clifton Larson Allen, LLP.

Report by Gloria Adkins, Accounting Manager and Nitin Patel, Clifton Larson Allen, LLP.

Public Comment: None. Closed at 7:52PM.

ACTION: Commissioner Brennan moved to accept of the Basic Financial Statements and Supplementary Information with Independent Auditor's Report for the Year Ended June 30, 2021, prepared by Clifton Larson Allen, LLP.

Commissioner Gardina seconded. The vote was as follows:

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

Motion carried 5-0.

3) Ventura Port District Public Workshop Follow-up Presentation

Recommended Action: Roll Call Vote.

That the Board of Port Commissioners:

- a) Receive and file the report from Management Partners for the Public Workshop held on December 4, 2021;
- b) Provide direction to staff regarding the Long-Term Goals and Five-Year Objectives; and
- c) Approve the minutes of the December 4, 2021 Public Workshop.

Report by Brian D. Pendleton, General Manager and John Bramble, Management Partners.

Public Comment: None. Closed at 8:11PM.

ACTION: Vice-Chairman Blumenberg moved to approve the minutes of the December 4, 2021 Public Workshop.

Commissioner Brennan seconded. The vote was as follows:

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

Motion carried 5-0.

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

Recommended Action: Informational. (Verbal Report)

That the Board of Port Commissioners receive an update on the status of COVID-19 in Ventura County.


Report by Brian D. Pendleton, General Manager.

Public Comment: None. Closed at 8:36PM.

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

ADJOURNMENT: The meeting was adjourned at 8:37PM.

The next regular meeting is Wednesday, February 2, 2022.



Brian Brennan, Secretary