

# VENTURA PORT DISTRICT

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## BOARD OF PORT COMMISSIONERS MINUTES OF FEBRUARY 1, 2023

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### **CLOSED SESSION**

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

The Ventura Board of Port Commissioners Regular Closed Session Meeting was called to order by Vice-Chair Gardina at 5:35PM at the Ventura Port District Administration Office, 1603 Anchors Way Drive, Ventura, CA 93001 and via Zoom meeting.

#### **ROLL CALL:**

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

Jackie Gardina, Vice-Chair  
Anthony Rainey, Secretary  
Brian Brennan  
Chris Stephens

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

Michael Blumenberg, Chair

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

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

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

Andy Turner, Lagerlof Lawyers LLP via Zoom

##### **Number of interested persons:**

0 via zoom; 0 in-person

**PUBLIC COMMUNICATIONS:** None. Closed at 5:36PM.

**CONVENED TO CLOSED SESSION AT 5:37PM.**

**ADJOURNMENT:** Closed Session was adjourned at 6:46PM.

## **OPEN SESSION**

### **ADMINISTRATIVE AGENDA:**

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

The Ventura Board of Port Commissioners Regular Open Session Meeting was called to order by Vice-Chair Gardina 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 Commissioner Brennan.

#### **ROLL CALL:**

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

Jackie Gardina, Vice-Chair  
Anthony Rainey, Secretary  
Brian Brennan  
Chris Stephens

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

Michael Blumenberg, Chair

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

Brian Pendleton, General Manager  
Jessica Rauch, Clerk of the Board  
Todd Mitchell, Sr. Business Operations Manager  
Gloria Adkins, Accounting Manager  
John Higgins, Harbormaster  
Sergio Gonzalez, Facilities Manager via Zoom  
Jessica Snipas, Business Operations Analyst via Zoom  
Jennifer Talt-Lundin, Marketing Manager via Zoom  
Wayne Hatch, Maintenance Supervisor via Zoom  
Dave Werneburg, Marina Supervisor via Zoom  
Pat Hummer, Senior Harbor Patrol Officer, via Zoom

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

Andy Turner, Lagerlof Lawyers LLP via Zoom

##### **City of Ventura Liaisons**

Councilmember McReynolds, City Council Liaison – Absent  
Michael Coon, Administrative Liaison – Absent

##### **Number of interested persons:**

0 via zoom; 2 in person

## **ADOPTION OF AGENDA**

**ACTION:** Commissioner Stephens moved to adopt the February 1, 2023 agenda.

Commissioner Brennan seconded. The vote was as follows:

**AYES:** Commissioners Gardina, Rainey, Brennan, Stephens

**NOES:** None

**ABSTAINED:** None

**ABSENT:** Chair Blumenberg

**Motion carried 4-0.**

## **APPROVAL OF MINUTES**

The Minutes of the January 18, 2023 Regular Meeting were considered as follows:

**ACTION:** Commissioner Brennan moved to approve of the January 18, 2023 regular meeting minutes.

Commissioner Rainey seconded. The vote was as follows:

**AYES:** Commissioners Gardina, Rainey, Brennan, Stephens

**NOES:** None

**ABSTAINED:** None

**ABSENT:** Chair Blumenberg

**Motion carried 4-0.**

**PUBLIC COMMUNICATIONS:** None. Closed at 7:01PM.

**CLOSED SESSION REPORT:** Mr. Turner 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:** Commissioner Brennan reported that on January 21<sup>st</sup> was the last King Tide. Vice-Chair Gardina reported that herself and Chair Blumenberg attended the visit with Congressman Carbajal.

**STAFF AND GENERAL MANAGER REPORTS:** Mr. Pendleton reported on the following topics: 1) He and Chair Blumenberg attended the Port of Hueneme's 10-year strategic plan draft review open house on January 25<sup>th</sup>; 2) Sent out information to all Harbor Tenants on the California Green Business Network Program; 3) the Village Tenant Celebration is being held on February 23<sup>rd</sup>; and 4) the Surfrider Foundation will be presenting their Ocean Friendly Restaurant Program on February 16<sup>th</sup>.

**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) Chair, Michael Blumenberg to attend Congressional meetings and CMANC Conference from February 27 to March 1, 2023 in Washington, DC.
- b) Sr. Business Operations Manager, Todd Mitchell to attend Congressional meetings and CMANC Conference from February 27 to March 1, 2023 in Washington, DC.

Public Comment: None. Closed at 7:12PM.

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

- a) Chair, Michael Blumenberg to attend Congressional meetings and CMANC Conference from February 27 to March 1, 2023 in Washington, DC.
- b) Sr. Business Operations Manager, Todd Mitchell to attend Congressional meetings and CMANC Conference from February 27 to March 1, 2023 in Washington, DC.

Commissioner Stephens seconded. The vote was as follows:

**AYES:** Commissioners Gardina, Rainey, Brennan, Stephens

**NOES:** None

**ABSTAINED:** None

**ABSENT:** Chair Blumenberg

Motion carried 4-0.

**B) Acceptance of Low Bid for the Ventura Harbor Margarita Villa Deck Repair Project at 1567 Spinnaker Drive**

Recommended Action: Voice Vote.

That the Board of Port Commissioners approve the low bid from FCT Construction LLC in the amount of \$155,000 for the Ventura Harbor Margarita Villa Deck Repairs Project at 1567 Spinnaker Drive.

Public Comment: None. Closed at 7:12PM.

**ACTION:** Commissioner Brennan moved to approve the low bid from FCT Construction LLC in the amount of \$155,000 for the Ventura Harbor Margarita Villa Deck Repairs Project at 1567 Spinnaker Drive.

Commissioner Stephens seconded. The vote was as follows:

**AYES:** Commissioners Gardina, Rainey, Brennan, Stephens

**NOES:** None

**ABSTAINED:** None

**ABSENT:** Chair Blumenberg

**Motion carried 4-0.**

**STANDARD AGENDA:**

**1) Adoption of Resolution No. 3463 Updating the Ventura Port District Human Resources Manual and Rescinding Resolution No. 3419**

Recommended Action: Roll Call Vote.

That the Board of Port Commissioners adopt Resolution No. 3463 updating the Ventura Port District Human Resources Manual and rescinding Resolution No. 3419.

Report by Oliver Yee, Partner, Liebert Cassidy Whitmore.

Public Comment: None. Closed at 7:15PM.

**ACTION:** Commissioner Brennan moved to adopt Resolution No. 3463 updating the Ventura Port District Human Resources Manual and rescinding Resolution No. 3419.

Commissioner Rainey seconded. The vote was as follows:

**AYES:** Commissioners Gardina, Rainey, Brennan, Stephens

**NOES:** None

**ABSTAINED:** None

**ABSENT:** Chair Blumenberg

**Motion carried 4-0.**

**2) Adoption of Resolution No. 3464 Establishing a New Employer-Employee Organization Relations Policy and Rescinding Resolution No. 2562**

Recommended Action: Roll Call Vote.

That the Board of Port Commissioners adopt Resolution No. 3464 establishing a new Employer-Employee Organization Relations Policy and rescinding Resolution No. 2562.

Report by Oliver Yee, Partner, Liebert Cassidy Whitmore.

Public Comment: None. Closed at 7:16PM.

**ACTION:** Commissioner Stephens moved to adopt Resolution No. 3464 establishing a new Employer-Employee Organization Relations Policy and rescinding Resolution No. 2562.

Commissioner Brennan seconded. The vote was as follows:

**AYES:** Commissioners Gardina, Rainey, Brennan, Stephens

**NOES:** None

**ABSTAINED:** None

**ABSENT:** Chair Blumenberg

**Motion carried 4-0.**

**3) Adoption of Resolution No. 3465 Adopting the Final IS-MND and Mitigation Monitoring and Reporting Program, and Approving the Ventura Yacht Club Dock Replacement Project**  
Recommended Action: Roll Call Vote.

That the Board of Port Commissioners adopt Resolution No. 3465:

- a) Adopting the Final Mitigated Negative Declaration;
- b) Adopting the Mitigation Monitoring and Reporting Program;
- c) Approving the Ventura Yacht Club Dock Replacement Project; and,
- d) Authorize the General Manager to File the Notice of Determination with the State Office of Planning and Research and the Ventura County Clerk.

Report by Jessica Kirchner Flores, President, Impact Sciences.

Public Comment: None. Closed at 7:29PM.

**ACTION:**        **Commissioner Stephens moved to adopt Resolution No. 3465:**  
a) **Adopting the Final Mitigated Negative Declaration;**  
b) **Adopting the Mitigation Monitoring and Reporting Program;**  
c) **Approving the Ventura Yacht Club Dock Replacement Project; and,**  
d) **Authorize the General Manager to File the Notice of Determination with the State Office of Planning and Research and the Ventura County Clerk.**

**Commissioner Brennan seconded. The vote was as follows:**

**AYES: Commissioners Gardina, Rainey, Brennan, Stephens**

**NOES: None**

**ABSTAINED: None**

**ABSENT: Chair Blumenberg**

**Motion carried 4-0.**

**4) Adoption of Resolution No. 3466 Approving the Fiscal Year 2022-2023 Mid-Year Budget Adjustments and Capital Improvement Plan and Resolution No. 3467 Revising the Resolution Establishing the Salary Schedule for Non-Represented Employees of the District for Fiscal Year 2022-2023**

Recommended Action: Roll Call Vote.

That the Board of Port Commissioners:

- a) Adopt Resolution No. 3466 approving the Mid-Year Budget Adjustments for Fiscal Year 2022-2023 effective January 1, 2023; and
- b) Adopt Resolution No. 3467 revising the Resolution establishing the salary schedule for non-represented employees of the District for Fiscal Year 2022-2023 and rescinding Resolution No. 3456.

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

Public Comment: Received two written comments: Michael Sondermann of Portside Ventura and Stephanie Caldwell, President of the Ventura Chamber of Commerce. Letters were distributed to the Commission and posted on the District's website. Closed at 7:45PM.

- ACTION:** Commissioner Rainey moved to:
- a) Adopt Resolution No. 3466 approving the Mid-Year Budget Adjustments for Fiscal Year 2022-2023 effective January 1, 2023; and
  - b) Adopt Resolution No. 3467 revising the Resolution establishing the salary schedule for non-represented employees of the District for Fiscal Year 2022-2023 and rescinding Resolution No. 3456.

Commissioner Brennan seconded. The vote was as follows:

**AYES:** Commissioners Gardina, Rainey, Brennan, Stephens

**NOES:** None

**ABSTAINED:** None

**ABSENT:** Chair Blumenberg

**Motion carried 4-0.**

**5) Update on State of Emergency due to the Atmospheric River Rain Events in January 2023 and Emergency Measures to Respond to Impacts to the District**

Recommended Action: Roll Call Vote – 4/5ths Vote.

That the Board of Port Commissioners determine by a four-fifths vote that there is a need to continue the emergency action adopted by the Board on January 18, 2023, set forth in Resolution No. 3462.

Report by Brian D. Pendleton, General Manager.

Public Comment: None. Closed at 8:00PM.

- ACTION:** It was determined that there is a need to continue the emergency action adopted by the Board on January 18, 2023, set forth in Resolution No. 3462.

Commissioner Stephens moved and Commissioner Rainey seconded. The vote was as follows:

**AYES:** Commissioners Gardina, Rainey, Brennan, Stephens

**NOES:** None


**ABSTAINED:** None

**ABSENT:** Chair Blumenberg

**Motion carried 4-0.**

**ADJOURNMENT:** The meeting was adjourned at 8:08PM.

The next regular meeting is Wednesday, February 15, 2023.

  
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Anthony Rainey, Secretary