

VENTURA PORT DISTRICT

BOARD OF PORT COMMISSIONERS MINUTES OF APRIL 19, 2023



CLOSED SESSION

CALL TO ORDER:

The Ventura Board of Port Commissioners Regular Closed Session Meeting was called to order by Chair Blumenberg 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:

Michael Blumenberg, Chair
Anthony Rainey, Secretary arrived at 5:52PM
Brian Brennan
Chris Stephens

Commissioners Absent:

Jackie Gardina, Vice-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
Jeremy Shulman, Lagerlof Lawyers

Number of interested persons:

0 via zoom; 0 in-person

PUBLIC COMMUNICATIONS: None. Closed at 5:31PM.

CONVENED TO CLOSED SESSION AT 5:32PM.

ADJOURNMENT: Closed Session was adjourned at 6:57PM.

OPEN SESSION

ADMINISTRATIVE AGENDA:

CALL TO ORDER:

The Ventura Board of Port Commissioners Regular Open Session Meeting was called to order by Chair Blumenberg at 7:03PM 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:

Michael Blumenberg, Chair
Anthony Rainey, Secretary
Brian Brennan
Chris Stephens

Commissioners Absent:

Jackie Gardina, Vice-Chair

Port District Staff:

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

Legal Counsel:

Andy Turner, Lagerlof Lawyers LLP

City of Ventura Liaisons

Councilmember McReynolds, City Council Liaison – Absent

Number of interested persons:

0 via zoom; 2 in person

ADOPTION OF AGENDA

ACTION: Commissioner Brennan moved to adopt the April 19, 2023 agenda.

Commissioner Stephens seconded. The vote was as follows:

AYES: Commissioners Blumenberg, Rainey, Brennan, Stephens

NOES: None
ABSTAINED: None
ABSENT: Vice-Chair Gardina

Motion carried 4-0.

APPROVAL OF MINUTES

The Minutes of the April 5, 2023 Regular Meeting were considered as follows:

ACTION: Commissioner Stephens moved to approve of the March 15, 2023 Regular Meeting minutes.

Commissioner Rainey seconded. The vote was as follows:

AYES: Commissioners Blumenberg, Rainey, Brennan, Stephens
NOES: None
ABSTAINED: None
ABSENT: Vice-Chair Gardina

Motion carried 4-0.

PUBLIC COMMUNICATIONS: None. Closed at 7:05PM

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 announced that Portside's Harbor Mart is open. He also announced that on May 11th BEACON will be hosting the annual Sand Summit. Chair Blumenberg walked the Harbor over the weekend and saw a volleyball tournament with local firefighter agencies being held at the beach.

STAFF AND GENERAL MANAGER REPORTS: Mr. Pendleton reported on the upcoming marketing activities.

The Port Commission adjourned and convened as the Board of Directors of the Ventura Port District Public Facilities Corporation at 7:12PM.

The Board of Directors of the Ventura Port District Public Facilities Corporation adjourned and reconvened the Regular Meeting of the Ventura Port District Board of Port Commissioners at 7:16PM.

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) Sr. Business Operations Manager, Todd Mitchell to attend CMANC Spring Meeting from May 17 to May 19, 2023 in Morro Bay, CA.
- b) Harbor Patrol Officers Brendan Donohue and Taylor Plasch to attend Marine Firefighting Course from April 17 to April 21, 2023 in Marina Del Rey, California
- c) Harbor Patrol Officer Taylor Plasch to attend Water Women Empowerment Weekend from April 22 to 23, 2023 in San Diego, California
- d) Harbormaster, John Higgins to attend the California Harbormaster and Port Captains Conference May 23 to 25, 2023 in Sacramento, California.

Public Comment: None.

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

- a) **Sr. Business Operations Manager, Todd Mitchell to attend CMANC Spring Meeting from May 17 to May 19, 2023 in Morro Bay, CA.**
- b) **Harbor Patrol Officers Brendan Donohue and Taylor Plasch to attend Marine Firefighting Course from April 17 to April 21, 2023 in Marina Del Rey, California.**
- c) **Harbor Patrol Officer Taylor Plasch to attend Water Women Empowerment Weekend from April 22 to 23, 2023 in San Diego, California.**
- d) **Harbormaster, John Higgins to attend the California Harbormaster and Port Captains Conference May 23 to 25, 2023 in Sacramento, California.**

Commissioner Stephens seconded. The vote was as follows:

AYES: Commissioners Blumenberg, Rainey, Brennan, Stephens

NOES: None

ABSTAINED: None

ABSENT: Vice-Chair Gardina

Motion carried 4-0.

B) Adoption of Resolution No. 3469 Accepting the Work of Garland/DBS, Inc. for the 1567 Buildings B and C and Building 1591 Reroofing Project

Recommended Action: Roll Call Vote.

That the Board of Port Commissioners adopt Resolution No. 3469:

- a) Accepting the work of Garland/DBS, Inc. for the 1567 Buildings B and C and 1591 Building Reroofing Project; and
- b) Authorize staff to prepare and record a Notice of Completion with the Ventura County Recorder.

Public Comment: None.

- ACTION:** Commissioner Brennan moved to adopt Resolution No. 3469:
- a) Accepting the work of Garland/DBS, Inc. for the 1567 Buildings B and C and 1591 Building Reroofing Project; and
 - b) Authorize staff to prepare and record a Notice of Completion with the Ventura County Recorder.

Commissioner Stephens seconded. The vote was as follows:

AYES: Commissioners Blumenberg, Rainey, Brennan, Stephens

NOES: None

ABSTAINED: None

ABSENT: Vice-Chair Gardina

Motion carried 4-0.

C) Approval of the 2023 Lifeguard Services Contract

Recommended Action: Roll Call Vote.

That the Board of Port Commissioners authorize the General Manager to enter into a contract with the Department of Parks and Recreation to provide Lifeguard Services from mid-May 2023 through Labor Day 2023 at Harbor Cove and Surfers Knoll beaches in the amount of \$143,362.19.

Public Comment: None.

- ACTION:** Commissioner Brennan moved to authorize the General Manager to enter into a contract with the Department of Parks and Recreation to provide Lifeguard Services from mid-May 2023 through Labor Day 2023 at Harbor Cove and Surfers Knoll beaches in the amount of \$143,362.19.

Commissioner Stephens seconded. The vote was as follows:

AYES: Commissioners Blumenberg, Rainey, Brennan, Stephens

NOES: None

ABSTAINED: None

ABSENT: Vice-Chair Gardina

Motion carried 4-0.

D) Termination of Current Office Lease Agreement with Andres S. Fernandez, LLC dba The 805 Bar & Grilled Cheese and The Copa Cubana for 1567 Spinnaker Drive #205

Recommended Action: Roll Call Vote.

That the Board of Port Commissioners approve a termination of an Office Lease Agreement, dated June 1, 2022, between the Ventura Port District dba Ventura Harbor Village and Andres S. Fernandez, LLC dba The 805 Bar & Grilled Cheese and The Copa Cubana for 1567 Spinnaker Drive #205, consisting of approximately 290 square feet.

Public Comment: None.

- ACTION:** Commissioner Brennan moved to approve a termination of an Office Lease Agreement, dated June 1, 2022, between the Ventura Port District dba Ventura Harbor Village and Andres S. Fernandez, LLC dba The 805 Bar &

Grilled Cheese and The Copa Cubana for 1567 Spinnaker Drive #205, consisting of approximately 290 square feet.

Commissioner Stephens seconded. The vote was as follows:

AYES: Commissioners Blumenberg, Rainey, Brennan, Stephens
NOES: None
ABSTAINED: None
ABSENT: Vice-Chair Gardina

Motion carried 4-0.

E) Approval of New Retail Lease Agreement with Tina O'Brien dba Mermaid Gallery

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 Tina O'Brien dba Mermaid Gallery for the premises located at 1575 Spinnaker Drive #107B consisting of a total of 652 square feet for a three-year term with one two-year option.

Public Comment: None.

ACTION: Commissioner Brennan moved to approve a new Retail Lease Agreement between the Ventura Port District dba Ventura Harbor Village and Tina O'Brien dba Mermaid Gallery for the premises located at 1575 Spinnaker Drive #107B consisting of a total of 652 square feet for a three-year term with one two-year option.

Commissioner Stephens seconded. The vote was as follows:

AYES: Commissioners Blumenberg, Rainey, Brennan, Stephens
NOES: None
ABSTAINED: None
ABSENT: Vice-Chair Gardina

Motion carried 4-0.

F) Approval of New Retail Lease Agreement with Anne Trainoff dba Silhouettes by the Beach

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 Anne Trainoff dba Silhouettes by the Beach for the premises located at 1559 Spinnaker Drive #103 consisting of a total of 400 square feet for a two-year term with one two-year option.

Public Comment: None.

ACTION: Commissioner Brennan moved to approve a new Retail Lease Agreement between the Ventura Port District dba Ventura Harbor Village and Anne Trainoff dba Silhouettes by the Beach for the premises located at 1559

Spinnaker Drive #103 consisting of a total of 400 square feet for a two-year term with one two-year option.

Commissioner Stephens seconded. The vote was as follows:

AYES: Commissioners Blumenberg, Rainey, Brennan, Stephens

NOES: None

ABSTAINED: None

ABSENT: Vice-Chair Gardina

Motion carried 4-0.

STANDARD AGENDA:

1) Acceptance of Fiscal Year 2021-2022 Audit

Recommended Action: Voice Vote.

That the Board of Port Commissioners accept the Basic Financial Statements and Supplementary Information with Independent Auditor's Report for the Year Ended June 30, 2022, prepared by Clifton Larson Allen, LLP.

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

Public Comment: None.

ACTION: **Commissioner Brennan moved to accept the Basic Financial Statements and Supplementary Information with Independent Auditor's Report for the Year Ended June 30, 2022, prepared by Clifton Larson Allen, LLP.**

Commissioner Stephens seconded. The vote was as follows:

AYES: Commissioners Blumenberg, Rainey, Brennan, Stephens

NOES: None

ABSTAINED: None

ABSENT: Vice-Chair Gardina

Motion carried 4-0.

2) Adoption of Resolution No. 3470 Approving a Notice of Proposed Ordinance for Amendment No. 7 to the existing Parcel 20 Master Lease and an Amendment to the Assignment and Option Agreement between the Ventura Port District and Derektor Marine Holdings for a new 50-Year Master Lease for Parcel 20

Recommended Action: Roll Call.

That the Board of Port Commissioners adopt Resolution No. 3470 authorizing the Ventura Port District to publish a Notice of Proposed for Amendment No. 7 to the existing Parcel 20 Master Lease and an Amendment to the Assignment and Option Agreement between the Ventura Port District and Derektor Marine Holdings for a new 50-Year Master Lease for Parcel 20.

Report by Brian D. Pendleton, General Manager.

Public Comment: Leonora Valvo and Tom Derecktor, owners of Derecktor Ventura thanked staff and legal counsel and appreciate the effort and consideration.

ACTION: Commissioner Stephens moved to adopt Resolution No. 3470 authorizing the Ventura Port District to publish a Notice of Proposed for Amendment No. 7 to the existing Parcel 20 Master Lease and an Amendment to the Assignment and Option Agreement between the Ventura Port District and Derecktor Marine Holdings for a new 50-Year Master Lease for Parcel 20.

Commissioner Rainey seconded. The vote was as follows:

AYES: Commissioners Blumenberg, Rainey, Brennan, Stephens

NOES: None

ABSTAINED: None

ABSENT: Vice-Chair Gardina

Motion carried 4-0.

3) Adoption of Resolution No. 3471 Approving the Updates to the Board of Port Commissioners Protocols and Policies Manual and Rescind Resolution No. 3422

Recommended Action: Roll Call.

That the Board of Port Commissioners adopt Resolution No. 3471 approving the updates to the Board of Port Commissioners Protocols and Policies Manual and rescind Resolution No. 3422.

Report by Jessica Rauch, Clerk of the Board.

Public Comment: None.

ACTION: Commissioner Brennan moved to adopt Resolution No. 3471 approving the updates to the Board of Port Commissioners Protocols and Policies Manual and rescind Resolution No. 3422 with revisions to Sections 1.4 Ventura Port District Guiding Principles and 5-Year Objectives and 3.7 Social Media.

Commissioner Stephens seconded. The vote was as follows:

AYES: Commissioners Blumenberg, Rainey, Brennan, Stephens

NOES: None

ABSTAINED: None

ABSENT: Vice-Chair Gardina

Motion carried 4-0.

4) Adoption of Resolution No. 3472 Approving the Financial Statements and Checks for October 2022 through December 2022

Recommended Action: Roll Call.

That the Board of Port Commissioners adopt Resolution No. 3472:

- a) Accepting the financial statements for the Quarter ending December 31, 2022.
- b) Review the payroll and regular checks for October through December 2022.

Report by Gloria Adkins, Accounting Manager.

Public Comment: None.

- ACTION:** **Commissioner Stephens moved to adopt Resolution No. 3472:**
- a) **Accepting the financial statements for the Quarter ending December 31, 2022.**
 - b) **Review the payroll and regular checks for October through December 2022.**

Commissioner Rainey seconded. The vote was as follows:

AYES: Commissioners Blumenberg, Rainey, Brennan, Stephens

NOES: None


ABSTAINED: None

ABSENT: Vice-Chair Gardina

Motion carried 4-0.

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

The next regular meeting is Wednesday, May 3, 2023.



Anthony Rainey, Secretary