

# VENTURA PORT DISTRICT

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## BOARD OF PORT COMMISSIONERS REGULAR MEETING MINUTES OF MARCH 20, 2024

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### CLOSED SESSION

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

The Ventura Board of Port Commissioners Regular Closed Session Meeting was called to order by Chair Blumenberg at 6:31PM 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  
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:**

Tom Bunn, Lagerlof LLP via Zoom

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

0 via zoom; 0 in-person

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

**CONVENED TO CLOSED SESSION AT 6:33PM.**

**ADJOURNMENT:** Closed Session was adjourned at 7:00PM.

## **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 7:02PM at the Ventura Port District Administration Office, 1603 Anchors Way Drive, Ventura, CA 93001 and via Zoom meeting.

**PLEDGE OF ALLEGIANCE:** By Sergio Gonzalez

#### **ROLL CALL:**

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

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

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

Jackie Gardina, Vice-Chair

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

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

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

Tom Bunn, Lagerlof Lawyers LLP via Zoom  
Pablo De Leon, Lagerlof LLP via Zoom  
Robert Smith, K&L Gates via Zoom

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

Councilmember McReynolds, City Council Liaison – Absent

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

2 via zoom; 3 in person

## **ADOPTION OF AGENDA**

**ACTION:** Commissioner Stephens moved to adopt the March 20, 2024 agenda.

Commissioner Rainey seconded. The vote was unanimous.

## **APPROVAL OF MINUTES**

The Minutes of the March 6, 2024 Port Commission Regular Meeting were considered as follows:

**ACTION:** Commissioner Stephens moved to approve the Minutes of the March 6, 2024 Port Commission Regular Meeting.

Commissioner Brennan seconded. The vote was unanimous.

**PUBLIC COMMUNICATIONS:** None. Closed at 7:05PM.

**CLOSED SESSION REPORT:** Mr. Bunn stated that the Board met in closed session and discussed and reviewed all items on the closed session agenda. Staff was given instructions on how to proceed as appropriate and no action was taken that is reportable under The Brown Act.

**BOARD COMMUNICATIONS:** Chair Blumenberg commented on the nice ad for Portside and the squid article in the Ventura Breeze. Closed at 7:07PM.

**STAFF AND GENERAL MANAGER REPORTS:** Mr. Pendleton reported on the on air segment on KCAL Channel 9 Los Angeles promoting winter whale watching and upcoming events and promotions at Harbor Village.

## **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) John Higgins, Harbormaster to attend the California Boating Safety Officers Association's symposium from April 7-11, 2024 in Lake Tahoe, CA.
- b) John Higgins, Harbormaster to attend the California Water Safety Coalition Summit from April 16-17, 2024 in Folsom, CA.
- c) Todd Mitchell, Sr. Business Operations Manager to attend the American Society of Civil Engineers – COPRI Ports & Harbors Committee Meeting from April 11-12, 2024 in San Diego, CA.
- d) Todd Mitchell, Sr. Business Operations Manager to attend the CMANC Conference from May 15-17, 2024 in San Diego, CA.

Public Comment: None. Closed at 7:22PM.

**ACTION:** Commissioner Brennan moved to approve the Out-of-Town Travel Requests.

Commissioner Stephens seconded. The vote was unanimous.

**B) Approval of a New Office Lease Agreement with Da Vega Fisher Mechtenberg LLP and Trinidad Entertainment Corporation for 1567 Spinnaker Drive #201 and #202**

Recommended Action: Voice Vote.

That the Board of Port Commissioners approve a new Office Lease Agreement between the Ventura Port District dba Ventura Harbor Village and Da Vega Fisher Mechtenberg LLP and Trinidad Entertainment Corporation for the premises located at 1567 Spinnaker Drive #201 and #202 consisting of approximately 1,500 square feet for a three-year term with one two-year option.

Public Comment: None. Closed at 7:22PM.

**ACTION:** Commissioner Brennan moved to approve a new Office Lease Agreement between the Ventura Port District dba Ventura Harbor Village and Da Vega Fisher Mechtenberg LLP and Trinidad Entertainment Corporation for the premises located at 1567 Spinnaker Drive #201 and #202 consisting of approximately 1,500 square feet for a three-year term with one two-year option.

**Commissioner Stephens seconded. The vote was unanimous.**

**C) Approval of 2024 Lifeguard Services Contract**

Recommended Action: Voice 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 2024 through Labor Day 2024 at Harbor Cove and Surfers Knoll beaches in the amount of \$158,125.93.

Public Comment: None. Closed at 7:22PM.

**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 2024 through Labor Day 2024 at Harbor Cove and Surfers Knoll beaches in the amount of \$158,125.93

**Commissioner Stephens seconded. The vote was unanimous.**

**STANDARD AGENDA:**

**1) Presentation by Ocean Rainforest, Inc. regarding a Proposed Macro Algae Farm Proximate to Ventura Harbor**

Recommended Action: Voice Vote.

That the Board of Port Commissioners:

- 1) Receive a presentation from Ocean Rainforest, Inc. regarding their proposed project for a commercial macro algae (kelp) farm proximate to Ventura Harbor.
- 2) Authorize the General Manager to execute letters and provide public comment to regulatory and resource agencies in support of Ocean Rainforest's proposed project for a commercial macro algae (kelp) farm proximate to Ventura Harbor.

Presentation by Eliza Harrison, Director of California Operations, Ocean Rainforest.

Public Comment: None. Closed at 7:37PM.

**ACTION:** Commissioner Stephens moved to Authorize the General Manager to execute letters and provide public comment to regulatory and resource agencies in support of Ocean Rainforest’s application for a proposed project for a commercial macro algae (kelp) farm proximate to Ventura Harbor.

Commissioner Rainey seconded. The vote was unanimous.

**2) Approval of a Holdover Agreement and License Agreement with TBBW Company, L.P. for premises at 1198 Navigator Drive, Parcel 17 and Approval of an Exclusive Negotiating Agreement with TBBW Company, L.P. and Aldersgate Investment II LLC for premises at 1198 Navigator Drive, Parcel 17 (landside only).**

Recommended Action: Voice Vote.

- 1) That the Board of Port Commissioners approve each of:
  - i. a Holdover Agreement between the Ventura Port District and TBBW Company, L.P. for the premises located a 1198 Navigator Drive (waterside portion of the premises only), (a) bifurcating the premises under the existing expiring lease into waterside premises and landside premises, (b) changing the tenancy under the existing Master Lease to a holdover for the waterside premises only, in connection with entitlements and approvals of a modernization of the marina operated at the waterside premises, (c) and creating a Construction Fund to offset construction of the modernization project, and
  - ii. a License Agreement between the Ventura Port District and TBBW Company, L.P. for the premises located a 1198 Navigator Drive (landside portion of the premises only) to allow the continued and historical use of the landside premises, i.e., providing marina service facilities to the marina located at the waterside premises.
- 2) That the Board of Port Commissioners approve an Exclusive Negotiating Agreement between the Ventura Port District and TBBW Company, L.P. and Aldersgate Investment II LLC for the premises located a 1198 Navigator Drive (landside portion of the premises only) for a three-year term with three (3) twelve (12) month extensions upon the satisfaction of certain milestones in connection with a proposed development and operation of a mixed-use/residential development at the premises.

Report by Brian D. Pendleton, General Manager.

Public Comment: Eric Leslie, Director of Marina Operations, TBBW Company, L.P., Matt Mansi, Manager, Aldersgate Investment II LLC, and Dick Beauchamp, General Partner, TBBW Company, L.P. all thanked staff and staff’s Legal Counsel for their work and support on these Agreements and hoped the Commission accepted staff’s recommendations.

**ACTION:** Commissioner Stephens moved to approve:

- a) **A Holdover Agreement between the Ventura Port District and TBBW Company, L.P. for the premises located a 1198 Navigator Drive (waterside portion of the premises only), (a) bifurcating the premises under the existing expiring lease into waterside premises and landside premises, (b) changing the tenancy under the existing Master Lease to a holdover for the waterside premises only, in connection with entitlements and approvals of a modernization of the marina operated at the waterside premises, (c) and creating a Construction Fund to offset construction of the modernization project.**

- b) **A License Agreement between the Ventura Port District and TBBW Company, L.P. for the premises located a 1198 Navigator Drive (landside portion of the premises only) to allow the continued and historical use of the landside premises, i.e., providing marina service facilities to the marina located at the waterside premises.**
- c) **An Exclusive Negotiating Agreement between the Ventura Port District and TBBW Company, L.P. and Aldersgate Investment II LLC for the premises located a 1198 Navigator Drive (landside portion of the premises only) for a three-year term with three (3) twelve (12) month extensions upon the satisfaction of certain milestones in connection with a proposed development and operation of a mixed-use/residential development at the premises.**

**Commissioner Rainey seconded. The vote was unanimous.**

**3) Approval of Amendment No. 1 to a Restaurant Lease Agreement with Aarmark Beer Garden, Inc. DBA The Loose Cannon**

Recommended Action: Voice Vote.

That the Board of Port Commissioners approve Amendment No. 1 to the Restaurant Lease Agreement between Aarmark Beer Gardens, Inc. a California corporation DBA The Loose Cannon, and the Ventura Port District dba Ventura Harbor Village, for the premises located at 1567 Spinnaker Drive, Suite #100 consisting of approximately 5,736 square feet of commercial space and 600 of patio area.

Report by Todd Mitchell, Sr. Business Operations Manager.

Public Comment: None. Closed at 8:44PM.

**ACTION:** Commissioner Stephens moved to approve Amendment No. 1 to the Restaurant Lease Agreement between Aarmark Beer Gardens, Inc. a California corporation DBA The Loose Cannon, and the Ventura Port District dba Ventura Harbor Village, for the premises located at 1567 Spinnaker Drive, Suite #100 consisting of approximately 5,736 square feet of commercial space and 600 of patio area pending legal review of prevailing wage requirements.

**Commissioner Brennan seconded. The vote was unanimous.**

**4) Approval of a Statement of Work Under the Existing Professional Services Agreement with MRI Software**

Recommended Action: Voice Vote.

That the Board of Port Commissioners approve a Statement of Work under the existing Professional Services Agreement with MRI Software for an amount of \$27,880 plus reimbursement of travel costs estimated at \$5,000.

Report by Todd Mitchell, Sr. Business Operations Manager.

Public Comment: None. Closed at 8:53PM.

**ACTION:** Commissioner Rainey moved to approve a Statement of Work under the existing Professional Services Agreement with MRI Software for an amount of \$27,880 plus reimbursement of travel costs estimated at \$5,000.

Commissioner Brennan seconded. The vote was unanimous.

**ADJOURNMENT:** The meeting was adjourned at 9:20PM.

The next regular meeting is Wednesday, April 3, 2024.

  
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Anthony Rainey, Secretary