VENTURA PORT DISTRICT

BOARD OF PORT COMMISSIONERS
REGULAR MEETING MINUTES OF SEPTEMBER 4, 2024

CLOSED SESSION

CALL TO ORDER:
The Ventura Board of Port Commissioners Regular Closed Session Meeting was called to order by Chair Blumenberg at 6:30PM 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
Jackie Gardina, Vice-Chair
Anthony Rainey, Secretary
Chris Stephens
Elizabeth Howell

Commissioners Absent:
None.

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

Number of interested persons:
0 via zoom; 0 in-person

PUBLIC COMMUNICATIONS: None. Closed at 6:31PM

CONVENED TO CLOSED SESSION AT 6:32PM.

ADJOURNMENT: Closed Session was adjourned at 6:54PM.

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 Vice-Chair Gardina.

ROLL CALL:

Commissioners Present:
Michael Blumenberg, Chair
Jackie Gardina, Vice-Chair
Anthony Rainey, Secretary
Chris Stephens
Elizabeth Howell

Commissioners Absent:
None.

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

Legal Counsel:
Tom Bunn, Lagerlof, LLP
Pablo De Leon, Lagerlof, LLP via Zoom

City of Ventura Liaisons:
Councilmember Duran, City Council Liaison – Absent

Number of interested persons:
0 via zoom; 7 in person

ADOPTION OF AGENDA

ACTION: Commissioner Stephens moved to adopt the September 4, 2024 agenda.

Commissioner Howell seconded. The vote was unanimous.

APPROVAL OF MINUTES
The Minutes of the July 17, 2024 Port Commission Regular Meeting were considered as follows:

ACTION: Commissioner Howell moved to approve the Minutes of the July 17, 2024 Regular Meeting.

Vice-Chair Gardina seconded. The vote was unanimous.

PUBLIC COMMUNICATIONS: Andrew Berner, with David Livingstone, Secretary and Treasurer of the Hokuloa Outrigger Canoe Club reported on the club's accomplishments and mentioned their storage containers are at their end of life and the dunes are encroaching on them and asked for help on what to do next. Closed at 7:07PM.

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: Vice-Chair Gardina is glad to see the new paving at the beginning of Spinnaker Drive. Closed at 7:08PM.

STAFF AND GENERAL MANAGER REPORTS: Mr. Pendleton reported on past and upcoming events and promotions at Harbor Village. He also mentioned the thank you letter the Harbormaster received from Fire Marshall Joe Morelli, thanking him for the use of our facilities for an offsite planning meeting. Mr. Pendleton announced that Todd Mitchell has been promoted to Deputy General Manager. Closed at 7:13PM.

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) Commissioner, Tony Rainey to attend the 2024 Special District Leadership Academy from November 3 – 6, 2024 in San Rafael, CA.
b) Senior Harbor Patrol Officer, Brendan Donohue to attend the CJPIA Management Academy from September 17 – 19, 2024 in San Diego, CA.
c) Senior Harbor Patrol Officer, Ryan Sutherland to attend the CJPIA Management Academy from September 17 – 19, 2024 in San Diego, CA.
d) Facilities Manager, Sergio Gonzalez to attend the CJPIA Annual Risk Management Forum from October 9 – 11, 2024 in Indian Wells, CA.
e) Harbormaster, John Higgins to attend the CJPIA Annual Risk Management Forum from October 9 – 11, 2024 in Indian Wells, CA.

Public Comment: None.

ACTION: **Commissioner Stephens moved to approve the out-of-town travel requests.**

Commissioner Howell seconded. The vote was unanimous.

B) Adoption of Resolution No. 3507 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. 3507 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.

Public Comment: None.

ACTION: **Commissioner Stephens moved to adopt Resolution No. 3507 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 Howell seconded. The vote was as follows:

AYES: Commissioners Blumenberg, Gardina, Rainey, Stephens, Howell
NOES:

Motion carried 5-0.

C) Award of Bid for the FY2024-2025 Ventura Harbor Village and Port District Outdoor Holiday Decorations and Lighting

Recommended Action: Roll Call Vote.

That the Board of Port Commissioners award the Ventura Harbor Village and Port District Outdoor Holiday Decorations and Lighting Contract to The Holly Workshop in the amount not to exceed $76,735.

Public Comment: None.

ACTION: **Commissioner Stephens moved to award the Ventura Harbor Village and Port District Outdoor Holiday Decorations and Lighting Contract to The Holly Workshop in the amount not to exceed $76,735.**

Commissioner Howell seconded. The vote was unanimous.

D) Adoption of Resolution No. 3508 Accepting the Work of F.C.T. Construction LLC for the Ventura Harbor Village 1559 and 1583 Spinnaker Drive Restroom Enhancements Project
Recommended Action: Roll Call Vote.
That the Board of Port Commissioners adopt Resolution No. 3508:

a) Accepting the work of F.C.T Construction LLC for the Ventura Harbor Village 1559 and 1583 Spinnaker Drive Restroom Enhancements Project.
b) Authorize staff to prepare and record a Notice of Completion with the Ventura County Recorder.

Public Comment: None.

ACTION: **Commissioner Stephens moved to adopt Resolution No. 3508:**

a) Accepting the work of F.C.T Construction LLC for the Ventura Harbor Village 1559 and 1583 Spinnaker Drive Restroom Enhancements Project.
b) Authorize staff to prepare and record a Notice of Completion with the Ventura County Recorder.

Commissioner Howell seconded. The vote was as follows:

AYES: Commissioners Blumenberg, Gardina, Rainey, Stephens, Howell
NOES:

Motion carried 5-0.

E) Adoption of Resolution No. 3510 Approving the Update to the Ventura Port District Conflict of Interest and Disclosure Code Policy and Rescinding Resolution No. 3457
Recommended Action: Roll Call Vote.
That the Board of Port Commissioners adopt Resolution No. 3510 approving the update to the Ventura Port District Conflict of Interest Code Policy and rescind Resolution No. 3457.

Public Comment: None.

ACTION: **Commissioner Stephens moved to adopt Resolution No. 3510 approving the update to the Ventura Port District Conflict of Interest Code Policy and rescind Resolution No. 3457.**

Commissioner Howell seconded. The vote was as follows:

AYES: Commissioners Blumenberg, Gardina, Rainey, Stephens, Howell
NOES:

Motion carried 5-0.

STANDARD AGENDA:

1) Approval of a Professional Services Agreement with Jensen Design & Survey for Architectural Services

Recommended Action: Voice Vote.

That the Board of Port Commissioners approve a Professional Services Agreement with Jensen Design & Survey in the amount of $97,000 for engineering, survey, design, permitting, bid support, and construction management for three District improvement projects.

Report by Todd Mitchell, Deputy General Manager.

Public Comment: None.

ACTION: **Vice-Chair Gardina moved to approve a Professional Services Agreement with Jensen Design & Survey in the amount of $97,000 for engineering, survey, design, permitting, bid support, and construction management for three District improvement projects.**

Commissioner Howell seconded. The vote was unanimous.

2) Consent to Assignment and Amendments of Fueling Facility Lease for 1551 Spinnaker Drive

Recommended Action: Voice Vote.

That the Board of Port Commissioners:

1. Consent to a First Amendment of the Fueling Facility Lease related to the premises located at 1551 Spinnaker Drive to revise the legal description and give clear title to Ventura Harbor Marine Fuel, Inc.
2. Consent to assignment and Second Amendment of Fueling Facility Lease related to the premises located at 1551 Spinnaker Drive, from Ventura Harbor Marine Fuel, Inc. to SHM Ventura Isle, LLC, existing ground lease tenant at 1363 Spinnaker Drive.
3. Authorize the General Manager to execute the First Amendment, Approval of Assignment of Lease, and Second Amendment, and to take or cause to be taken any and all such other actions as the General Manager shall deem necessary, appropriate or desirable in connection with the execution, delivery and performance of the Approval of Assignment of Lease and completion of the proposed assignment upon:
    a. District Legal Counsel review and approval of supporting transactional documents.
    b. Commitment to pay out of escrow for the underlying transaction Appreciation Rent in the amount of $54,000.
    c. Commitment to reimbursement of the District's legal fees associated with the transaction.

Report by Pablo De Leon, Lagerlof LLP and Todd Mitchell, Deputy General Manager.

Public Comment: None.

ACTION: **Commissioner Stephens moved to:**

1. **Consent to a First Amendment of the Fueling Facility Lease related to the premises located at 1551 Spinnaker Drive to revise the legal description and give clear title to Ventura Harbor Marine Fuel, Inc.**

2. **Consent to assignment and Second Amendment of Fueling Facility Lease related to the premises located at 1551 Spinnaker Drive, from Ventura Harbor Marine Fuel, Inc. to SHM Ventura Isle, LLC, existing ground lease tenant at 1363 Spinnaker Drive.**
3. **Authorize the General Manager to execute the First Amendment, Approval of Assignment of Lease, and Second Amendment, and to take or cause to be taken any and all such other actions as the General Manager shall deem necessary, appropriate or desirable in connection with the execution, delivery and performance of the Approval of Assignment of Lease and completion of the proposed assignment upon:**
    a. **District Legal Counsel review and approval of supporting transactional documents.**
    b. **Commitment to pay out of escrow for the underlying transaction Appreciation Rent in the amount of $54,000.**
    c. **Commitment to reimbursement of the District's legal fees associated with the transaction.**

Commissioner Howell seconded. The vote was unanimous.

3) Receive and File 2024 Ventura Harbor Survey Results
Recommended Action: Voice Vote.
That the Board of Port Commissioners receive and file the results from the 2024 Ventura Harbor Survey.

Report by Brian D. Pendleton, General Manager.

Public Comment: None. Closed at 7:50PM.

ACTION: **Commissioner Stephens moved to receive and file the results from the 2024 Ventura Harbor Survey.**

Commissioner Rainey seconded. The vote was unanimous.

4) Review of Saturday, September 14, 2024 Public Workshop
Recommended Action: Voice Vote.
That the Board of Port Commissioners receive a presentation regarding the planning efforts and agenda for the Board's Saturday, September 14, 2024 Public Workshop.

Report by Brian D. Pendleton, General Manager.

Public Comment: None. Closed at 8:15PM.

ACTION: **The Board of Port Commissioners received a report regarding the planning efforts and agenda for the Board's Saturday, September 14, 2024 Public Workshop.**

No action was taken.

5) Quarterly Update on the Ventura Port District 5-Year Objectives
Recommended Action: Voice Vote.
That the Board of Port Commissioners receive and file the quarterly update on the Ventura Port District 5-Year Objectives.

Report by Brian D. Pendleton, General Manager.

Public Comment: None. Closed at 8:47PM.

ACTION: **Commissioner Stephens moved to receive and file the quarterly update on the Ventura Port District 5-Year Objectives.**

Vice-Chair Gardina seconded. The vote was unanimous.

ADJOURNMENT: The meeting was adjourned at 9:13PM.

The next regular meeting is Wednesday, September 18, 2024.

Anthony Rainey, Secretary