

VENTURA PORT DISTRICT BOARD OF PORT COMMISSIONERS

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

Brian D. Pendleton, General Manager Todd Mitchell, Sr. Business Operations Manager Tom Bunn, Legal Counsel Jessica Rauch, Clerk of the Board

REGULAR MEETING WEDNESDAY, JANUARY 3, 2024

VENTURA PORT DISTRICT OFFICE 1603 ANCHORS WAY DRIVE VENTURA, CA 93001

CLOSED SESSION – 5:30PM OPEN SESSION – 6:00PM

PUBLIC PARTICIPATION OPTIONS

MEETINGS WILL BE CONDUCTED IN A HYBRID MODEL WITH BOTH IN-PERSON ATTENDANCE AND VIRTUAL PARTICIPATION.

WATCH THE MEETING LIVE

https://us02web.zoom.us/j/83276329300

Webinar ID: 832 7632 9300

1-669-900-6833 1-253-215-8782

PUBLIC COMMENT VIA ZOOM

To request to speak on an item, use the "raise hand" button to notify the Clerk. The Clerk will announce public speakers and unmute participants to speak. Please be mindful that the meeting will be recorded, and all rules of procedure and decorum apply for in-person attendees and those participating virtually.

SUBMIT PUBLIC COMMENT VIA EMAIL

To submit written comments on a specific agenda item, please do so via email by 4:00PM on the day of the meeting. When sending an email, please indicate in the subject line, the agenda item number (i.e. General Public Comment or Consent Item A). Written comments should be no more than 1,000 characters in length. Written comments will be distributed to the Commission and will be posted as a supplemental packet on the District's website at https://venturaharbor.com/board-meeting-documents/. Please submit your comment to the Clerk of the Board at jrauch@venturaharbor.com.

CLOSED SESSION 5:30PM

CALL TO ORDER: By Chair Michael Blumenberg.

ROLL CALL: By the Clerk of the Board.

PUBLIC COMMUNICATIONS (3 minutes)

The Public Communications period is set aside to allow public testimony on items only on the Closed Session Agenda. Each person may address the Commission for up to three minutes or at the discretion of the Chair.

CONVENE IN CLOSED SESSION

CLOSED SESSION AGENDA

1. CONFERENCE WITH LEGAL COUNSEL—EXISTING LITIGATION: (Verbal Report)

(Paragraph (1) of subdivision (d) of Section 54956.9)

Name of case: Ventura Port District dba Ventura Harbor Village v. Andres S. Fernandez, LLC Ventura County Superior Court Case No. 56-2023-00575929-CL-UD-VTA (Restaurant)

2. CONFERENCE WITH LEGAL COUNSEL—EXISTING LITIGATION:

(Paragraph (1) of subdivision (d) of Section 54956.9)

Name of case: Ventura Harbor Restaurant Associates, Inc. and Andria's Seafood Specialties, Inc. v. Ventura Port District

Ventura County Superior Court Case No. 56-2022-00572144-CU-MC-VTA

ADJOURNMENT

OPEN SESSION 6:00PM

CALL TO ORDER: By Chair Michael Blumenberg.

PLEDGE OF ALLEGIANCE: By Chair Michael Blumenberg.

ROLL CALL: By the Clerk of the Board.

ADOPTION OF AGENDA

Consider and approve, by majority vote, minor revisions to agenda items and/or attachments and any item added to or removed/continued from the Port Commission's agenda. Administrative Reports relating to this agenda and materials related to an item on this agenda submitted after distribution of the agenda packet are available for public review at the Port District's office located at 1603 Anchors Way Drive, Ventura, CA during business hours as well as on the District's website - www.venturaharbor.com.

APPROVAL OF MINUTES

The Minutes of the December 20, 2023 Port Commission Regular Meeting will be considered for approval.

PUBLIC COMMUNICATIONS

The Public Communications period is set aside to allow public testimony on items not on today's agenda. Each person may address the Commission for up to three minutes or at the discretion of the Chair.

CLOSED SESSION REPORT

Closed Sessions are not open to the public pursuant to the Brown Act. Any reportable actions taken by the Commission during Closed Session will be announced at this time.

BOARD COMMUNICATIONS

Port Commissioner's may present brief reports on port issues, such as seminars, meetings and literature that would be of interest to the public and/or Commission, as a whole. Port Commissioner's must provide a brief summary and disclose any discussions he or she may have had with any Port District Tenants related to Port District business.

STAFF AND GENERAL MANAGER REPORTS

Ventura Port District Staff, Legal Counsel and General Manager will give the Commission updates on important topics or items of general interest if needed.

CONSENT AGENDA:

Matters appearing on the Consent Calendar are expected to be non-controversial and will be acted upon by the Board at one time, without discussion, unless a member of the Board or the public requests an opportunity to address any given item. Approval by the Board of Consent Items means that the recommendation is approved along with the terms set forth in the applicable staff reports.

A) Approval of Assignment and Assumption of Lease between Ken Caparoni dba State Farm Agent and Ken Caparoni Insurance Agency Inc.

Recommended Action: Voice Vote.

That the Board of Port Commissioners approve an Assignment and Assumption of Lease between Ken Caparoni dba State Farm Agent and Ken Caparoni Insurance Agency Inc., a California corporation, for the premises located at 1583 Spinnaker Drive, suite 210, consisting of approximately 787 square feet.

B) Approval of New Month-to-Month Office Lease Agreement with David Richard for 1591 Spinnaker Drive #207

Recommended Action: Voice Vote.

That the Board of Port Commissioners approve a new Month-to-Month Office Lease Agreement between the Ventura Port District dba Ventura Harbor Village and David Richard for the premises located at 1591 Spinnaker Drive #207, consisting of approximately 1,420 square feet.

STANDARD AGENDA:

1) Status Report on Recent and Forecasted Pacific Storm Events

Recommended Action: Informational.

That the Board of Port Commissioners receive a report on recent and forecasted Pacific winter storm events impacting Ventura.

ADJOURNMENT

This agenda was posted on December 29, 2023 by 5:30 p.m. at the Port District Office and online at https://venturaharbor.com/board-meeting-documents/

In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact the Ventura Port District at (805) 642-8538 or the California Relay Service at 711 or (800) 855-7100. Notification 72 hours prior to the meeting will enable the District to make reasonable arrangements to ensure accessibility. (28 CFR 35.102.35.104 ADA Title II)



BOARD OF PORT COMMISSIONERS JANUARY 3, 2024

APPROVAL OF MINUTES
DECEMBER 20, 2023
REGULAR MEETING

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BOARD OF PORT COMMISSIONERS REGULAR MEETING MINUTES OF DECEMBER 20, 2023

VENTURA PORT DISTRICT Established 1952

CLOSED SESSION

CALL TO ORDER:

The Ventura Board of Port Commissioners Regular Closed Session Meeting was called to order by Chair Blumenberg at 6:01PM 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 Brian Brennan Chris Stephens

Commissioners Absent:

None

Port District Staff:

Brian Pendleton, General Manager Todd Mitchell, Sr. Business Operations Manager

Legal Counsel:

Tom Bunn, Lagerlof LLP via Zoom

Number of interested persons:

0 via zoom; 0 in-person

PUBLIC COMMUNICATIONS: None. Closed at 6:01PM.

CONVENED TO CLOSED SESSION AT 6:02PM.

ADJOURNMENT: Closed Session was adjourned at 6:49PM.

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 7:04PM 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 Jackie Gardina, Vice-Chair Anthony Rainey, Secretary Brian Brennan Chris Stephens

Commissioners Absent:

None

Port District Staff:

Brian D. Pendleton, General Manager
Todd Mitchell, Sr. Business Operations Manager
Gloria Adkins, Accounting Manager
Joe Gonzalez, Capital Projects Manager
Sergio Gonzalez, Facilities Manager
Wayne Hatch, Maintenance Supervisor
Pat Hummer, Senior Harbor Patrol Officer
Jessica Snipas, Business Operations Analyst via Zoom
Jennifer Talt-Lundin, Marketing Manager via Zoom
Dave Werneburg, Marina Manager via Zoom

Legal Counsel:

Tom Bunn, Lagerlof Lawyers LLP via Zoom

City of Ventura Liaisons

Councilmember McReynolds, City Council Liaison – Absent

Number of interested persons:

1 via zoom; 0 in person

ADOPTION OF AGENDA

ACTION: Commissioner Stephens moved to adopt the December 20, 2023 agenda

pulling Consent Item B to the Standard Agenda.

Commissioner Rainey seconded. The vote was as follows:

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

NOES: None ABSTAINED: None ABSENT: None

Motion carried 5-0.

APPROVAL OF MINUTES

The Minutes of the December 6, 2023 Port Commission Special Meeting were considered as follows:

ACTION: Vice-Chair Gardina moved to approve the Minutes of the December 6, 2023

Port Commission Special Meeting.

Commissioner Brennan seconded. The roll call vote was as follows:

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

NOES: None

ABSTAINED: None ABSENT: None

Motion carried 5-0.

PUBLIC COMMUNICATIONS: None. Closed at 7:07PM.

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

BOARD COMMUNICATIONS: Commissioner Stephens attended and enjoyed the annual Staff Holiday Luncheon. He also was able to attend the Poinsettia Awards and our tenant, Jeff Moorhouse, won an award and spoke highly of Ventura Harbor. Commissioner Rainey also enjoyed attending the annual Staff Holiday Luncheon. Chair Blumenberg commented on an article in the California Diving News that the Santa Barbara Channel earned the official designation as a whale heritage area.

STAFF AND GENERAL MANAGER REPORTS: Mr. Pendleton commented on the Parade of Lights and thanked boaters, judges, sponsors and staff for their support and effort. He also spoke about past and upcoming Holiday events at the Village.

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) Todd Mitchell, Sr. Business Operations Manager to attend Congressional meetings and CMANC Conference from February 13-16, 2024 in Washington DC.

- b) Michael Blumenberg, Commission Chair to attend Congressional meetings and CMANC Conference from February 13-16, 2024 in Washington DC.
- c) Jessica Rauch, Clerk of the Board to attend the JPIA 2024 Risk Management Academy from January 23-25, 2024 in Indian Wells, CA.
- d) Jessica Snipas, Business Operations Analyst to attend the JPIA 2024 Risk Management Academy from January 23-24, 2024 in Indian Wells, CA.

Public Comment: None.

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

Commissioner Brennan seconded. The vote was as follows:

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

NOES: None ABSTAINED: None ABSENT: None

Motion carried 5-0.

B) Adoption of Resolution Nos. 3490 and 3491 Approving Updates to the Expense Reimbursement Policies for Employees and Commissioners and Rescinding Resolution Nos. 3373 and 3374

Recommended Action: Roll Call Vote.

That the Board of Port Commissioners adopt:

- a) Resolution No. 3490 approving the updates to the Expense Reimbursement Policy for Employees and rescind Resolution No. 3473.
- b) Resolution No. 3491 approving the updates to the Expense Reimbursement Policy for Commissioners and rescind Resolution No. 3374.

This item was pulled from the Consent Agenda.

Public Comment: None.

ACTION:

Commissioner Stephens moved to adopt Resolution No. 3490 approving the updates to the Expense Reimbursement Policy for Employees and Resolution No. 3491 approving the updates to the Expense Reimbursement Policy for Commissioners with the following revision:

Section 2:

"...However, there may be times, where it is infeasible for an employee to obtain approval prior to the overnight travel. In these cases, approval shall may be granted after..."

and rescind Resolution No. 3473 and No. 3374.

Commissioner Brennan seconded. The vote was as follows:

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

NOES: None

ABSTAINED: None ABSENT: None

Motion carried 5-0.

STANDARD AGENDA:

1) Presentation from the City of Ventura's Public Works Department on Ventura Harbor Road Conditions and Managed Parking Implementation

Recommended Action: Informational.

That the Board of Port Commissioners receive a presentation from Ventura's Public Works Department on road conditions within Ventura Harbor, Capital Improvement plans for those roads, and an update on required agreements and ordinances to allow the implementation of Managed Parking in Ventura Harbor.

Presentation by Phil Nelson, Public Works Director; Jeff Herford, Transportation Manager; Peter Sheydayi, Assistant Public Works Director/City Engineer.

Public Comment: Michael Sondermann, owner of Portside Ventura appreciated this discussion and supported improvements to Navigator Dr. in 2024. He also discussed Portside's investment in Anchors Way Dr. and hoped that VenturaWaterPure would return to the street to its prior condition, rather than just patching trenches. Closed at 8:13PM.

ACTION:

The Board of Port Commissioners received a presentation from Ventura's Public Works Department on road conditions within Ventura Harbor, Capital Improvement plans for those roads, and an update on required agreements and ordinances to allow the implementation of Managed Parking in Ventura Harbor.

2) Presentation on Parcel 5 Preliminary Design

Recommended Action: Voice Vote.

That the Board of Port Commissioners:

- a) Receive a presentation of a new design concept prepared by RRM Design Group on behalf of the District for the grass lawn area of Parcel 5 between 1591 and 1691 Spinnaker Drive.
- b) Provide comment and direction to the General Manager regarding the proposed design.

Presentation by Lief McKay, Managing Partner and Nick Deitch, Principal from RRM Design Group.

Public Comment: None.

ACTION:

The Board of Port Commissioners received a presentation of a new design concept prepared by RRM Design Group on behalf of the District for the grass lawn area of Parcel 5 between 1591 and 1691 Spinnaker Drive.

Commissioner comments were as follows:

- Wind blocks are important
- Drought tolerant landscaping is needed
- Seek alternatives to Palm trees
- Budget We need to be "all in" to create a gathering space
- Making this space a destination very important
- Like the clam shell stage

- Like children's playground
- More accommodation generational electronic devices solar Wi-Fi
- Sustainability Build on Channel Islands National Park Visitor Center Pull in native plants
- Seek alternatives to oversized lawn chairs
- Operation and maintenance budget impacts will need to be evaluated
- What funding sources are available?
- Prevent skateboard grinding on concrete walls
- Security considerations will be important

3) Consider Participation in the Special District Leadership Foundation's District of Distinction

Recommended Action: Voice Vote.

That the Board of Port Commissioners consider participating in the Special District Leadership Foundation's District of Distinction.

Report by Brian D. Pendleton, General Manager.

Public Comment: None. Closed at 9:26PM.

ACTION: The Board of Port Commissioners would like more information on trainings and policies. Staff will bring back to a future meeting.

ADJOURNMENT: The meeting was adjourned at 9:27PM.

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

Anthony Rainey, Secretary	



BOARD OF PORT COMMISSIONERS JANUARY 3, 2024

CONSENT AGENDA ITEM A
APPROVAL OF ASSIGNMENT AND
ASSUMPTION OF LEASE BETWEEN
KEN CAPARONI DBA STATE FARM
AGENT AND KEN CAPARONI
INSURANCE AGENCY INC.

BOARD COMMUNICATION

CONSENT AGENDA ITEM A

Meeting Date: January 3, 2024

TO: Board of Port Commissioners

FROM: Todd Mitchell, Business Operations Manager

Jessica Snipas, Business Operations Analyst II

SUBJECT: Approval of Assignment and Assumption of Lease between Ken Caparoni dba

State Farm Agent and Ken Caparoni Insurance Agency Inc.

RECOMMENDATION:

That the Board of Port Commissioners approve an Assignment and Assumption of Lease between Ken Caparoni dba State Farm Agent and Ken Caparoni Insurance Agency Inc., a California corporation, for the premises located at 1583 Spinnaker Drive, suite 210, consisting of approximately 787 square feet.

SUMMARY:

This proposed Assignment and Assumption of Lease changes the tenant from Ken Caparoni dba State Farm Agent to Ken Caparoni Insurance Agency Inc.

GUIDING PRINCIPLES:

- 3) Grow financial sustainability through a reliable, recurring revenue stream supplemented with grants and public-private partnership investment while maintaining responsible budgeting
- 5) Build respectful, productive relationships with employees, tenants, residents, visitors, stakeholders, public officials, and elected representatives while promoting diversity, equity, and inclusion.

5-YEAR OBJECTIVES:

- R) Seek opportunities to grow revenues and secure grants; continue to improve the quality, efficiency, and transparency of financial reporting, monitoring, and property management.
 - 3) Leasing/Property Management

BACKGROUND:

Tenant is currently in their option period which expires June 30, 2026. Recently, tenant notified staff of the business name change, hence, to align the new business name with the lease, an assignment and assumption of lease is being recommended by staff.

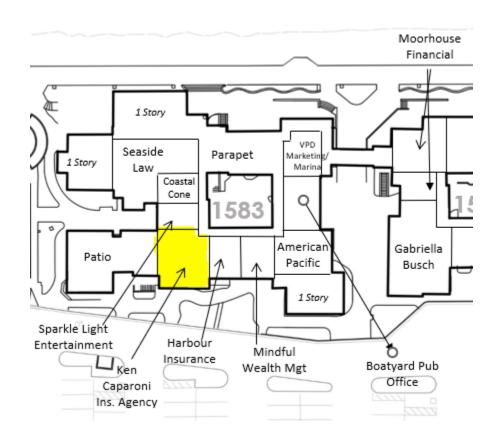
FISCAL IMPACT:

There is no fiscal impact for the business name change.

ATTACHMENTS:

Attachment 1 - Location Map

Attachment 1 - Location Map





BOARD OF PORT COMMISSIONERS JANUARY 3, 2024

CONSENT AGENDA ITEM B
APPROVAL OF NEW MONTH-TOMONTH OFFICE LEASE AGREEMENT
WITH DAVID RICHARD FOR 1591
SPINNAKER DRIVE #207

BOARD COMMUNICATION

CONSENT AGENDA ITEM BMeeting Date: January 3, 2024

TO: Board of Port Commissioners

FROM: Brian D. Pendleton, General Manager

Todd Mitchell, Sr. Business Operations Manager Jessica Snipas, Business Operations Analyst II

SUBJECT: Approval of New Month-to-Month Office Lease Agreement with David Richard for

1591 Spinnaker Drive #207

RECOMMENDATION:

That the Board of Port Commissioners approve a new Month-to-Month Office Lease Agreement between the Ventura Port District dba Ventura Harbor Village and David Richard for the premises located at 1591 Spinnaker Drive #207, consisting of approximately 1,420 square feet.

SUMMARY:

David Richard is a current tenant at 1591 #205 and his lease has come to an end. He is seeking a month-to-month (MTM) office lease at 1591 #207 commencing January 4, 2024, to bridge a gap until the construction of his newly purchased office is completed.

GUIDING PRINCIPLES:

- Grow financial sustainability through a reliable, recurring revenue stream supplemented with grants and public-private partnership investment while maintaining responsible budgeting practices.
- 5) Build respectful, productive relationships with employees, tenants, residents, visitors, stakeholders, public officials, and elected representatives while promoting diversity, equity, and inclusion.

5-YEAR OBJECTIVES:

- R) Seek opportunities to grow revenues and secure grants; continue to improve the quality, efficiency, and transparency of financial reporting, monitoring, and property management.
 - 3) Leasing/Property Management

BACKGROUND:

In February 2022, after eighteen years of tenancy, David Richard purchased an office building to continue his practice. Understanding that the permitting and construction time would be significant, the District and tenant agreed to a MTM lease in his current suite 1591 #205 until the construction of his new office was completed. Throughout his MTM status, staff and tenant were in communication. Once the tenant's contractor provided a completion date of November 2023, staff signed a new lease with a prospective tenant to commence in February 2024.

Unfortunately, the contractor needs more time to complete the office. Therefore, since 1591 suite #207 is vacant as of January 1, 2024, and no new tenant has been identified, David Richard has requested a MTM lease in suite #207 to cover the gap between the lease expiration of 1591 #205 and the move to his newly constructed office. While tenant is occupying suite #207, staff will show that suite to interested parties.

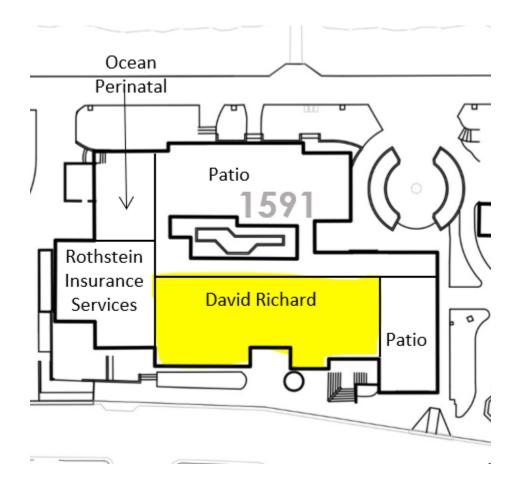
FISCAL IMPACT:

This lease reflects market rate with utilities included for office rent at Ventura Harbor Village. Tenant is estimating to stay for three months. The turnover to prepare the suite entailed minor clean up by staff.

ATTACHMENTS:

Attachment 1 - Location Map

ATTACHMENT 1 – LOCATION MAP





BOARD OF PORT COMMISSIONERS JANUARY 3, 2024

STANDARD AGENDA ITEM 1 STATUS REPORT ON RECENT AND FORECASTED PACIFIC STORM EVENTS

STANDARD AGENDA ITEM 1

Meeting Date: January 3, 2024

BOARD COMMUNICATION

TO: Board of Port Commissioners

FROM: Brian D. Pendleton, General Manager

Todd Mitchell, Sr. Business Operations Manager

John Higgins, Harbormaster

SUBJECT: Status Report on Recent and Forecasted Pacific Storm Events

RECOMMENDATION:

That the Board of Port Commissioners receive a report on recent and forecasted Pacific winter storm events impacting Ventura.

SUMMARY:

Recent and forecasted severe winter storms have impacted Ventura, with high swell and surf in and around Ventura County beaches and harbors during the past week. As a result, the U.S. Coast Guard closed the Ventura Harbor entrance channel beginning Thursday, December 28th. Beaches throughout the County were also closed. Forecasts call for high surf on Saturday, December 30th. Some Harbor docks and water damage has been reported.

GUIDING PRINCIPLES:

- 1) Maintain a safe, navigable, and resilient harbor.
- 3) Grow financial sustainability through a reliable, recurring revenue stream supplemented with grants and public-private partnership investment while maintaining responsible budgeting practices.
- 7) Provide high-quality Harbor and coastal visitor-serving amenities, services, facilities and infrastructure.

5-YEAR OBJECTIVES:

- D) Ensure dredging occurs annually at the federal Harbor entrance and as needed in the inner Harbor.
 - 3) Ventura Port District Dredging
- R) Seek opportunities to grow revenues and secure grants; continue to improve the quality, efficiency, and transparency of financial reporting, monitoring, and property management.
 - 1) Utilize grant funding opportunities for sustainable Harbor infrastructure
- V) Maintain and improve Harbor Village facilities, infrastructure, and amenities
 - 1) Ongoing investment in Harbor Village Infrastructure

BACKGROUND:

Staff has been meeting regularly throughout the events to monitor and respond accordingly. Staff has also been in direct communication with City, County and State officials. Closure signage has been placed at the public launch ramp and beaches as of Friday, December 29th, while the Village remains open to the public. Some damage to Harbor docks and water damage has been reported. For the most current information please visit vcemergency.com who on December 29th had the following statement along with closure information:

VCEMERGENCY.COM (December 29, 2023)

A strong, long-period swell driven by distant storms over the Northern Pacific Ocean will continue to impact the Ventura County coastline through this weekend. Breaking wave heights of 10-15 ft with sets to 20 ft are anticipated for much of the Ventura County Coast, particularly west-facing beaches. Potential hazards include large breaking waves, rip currents, and increased coastal runup. The National Weather Service has issued both a high surf warning, and coastal flood warning for our area, and is advising residents to remain out of the water.

Dangerous surf conditions; avoid coastal jetties and piers

- large waves can wash people off jetties and rocks
- o powerful waves and strong rip-currents pose a risk for drowning
- large, unexpected waves can sweep across the beach without warning; do not turn your back to the ocean

Significant flooding/beach erosion possible, particularly near times of high tide each morning

- o potential damage to coastal structures such as jetties and piers
- o potential flooding of low-lying roads and homes in beach communities
- o localized tidal flooding has already occurred in many low-lying areas

For more information, please see the forecast information from the National Weather Service.

FISCAL IMPACT:

Harbor Patrol is incurring additional overtime costs. If projected labor costs exceed the departmental budget, the General Manager will return with a request for additional funding.

ATTACHMENTS:

None.