

VENTURA PORT DISTRICT

BOARD OF PORT COMMISSIONERS REGULAR MEETING MINUTES OF DECEMBER 18, 2024



CLOSED SESSION

CALL TO ORDER:

The Ventura Port District Board of Port Commissioners Regular Closed Session Meeting was called to order by Chair Blumenberg at 6:00PM at the Ventura Port District Administration Office, 1603 Anchors Way Drive, Ventura, CA 93001 and via Zoom meeting.

ROLL CALL:

Commissioner's 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, Deputy General 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 6:01PM.

CONVENED TO CLOSED SESSION AT 6:01PM.

ADJOURNMENT: Closed Session was adjourned at 6:48PM.

OPEN SESSION

ADMINISTRATIVE AGENDA:

CALL TO ORDER:

The Ventura Port District 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 Joe Gonzalez.

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
Jessica Rauch, Clerk of the Board
Todd Mitchell, Deputy General Manager
Gloria Adkins, Accounting Manager
Joe Gonzalez, Capital Projects Manager
Sergio Gonzalez, Facilities Manager
Wayne Hatch, Maintenance Supervisor
John Higgins, Harbormaster
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

City of Ventura Liaisons:

Councilmember Duran, City Council Liaison – Absent

Number of interested persons:

2 via zoom; 1 in person

ADOPTION OF AGENDA

ACTION: Commissioner Stephens moved to adopt the December 18, 2024 agenda, pulling Items H and K from the from the Consent Agenda.

Commissioner Howell seconded. The vote was unanimous.

PUBLIC COMMUNICATIONS: None. Closed at 7:04PM.

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.

ATTORNEY REPORT: Mr. Bunn announced that the District won a significant victory in court last week. The District was sued by a sub-tenant in 2022 whose lawsuit challenged the District's practice of charging percentage rent. The District charges percentage rent to most of its tenants; a common practice in commercial real estate leasing. This lawsuit, however, claimed that percentage rent is not rent at all but a tax on the tenants' income. The CA Constitution, Prop 26, prohibits local agencies from charging taxes without the approval of the voters. The plaintiff said that it considers percentage rent to be a tax and the District was violating Prop 26. The District on the other hand said that percentage rent falls squarely within the definition of rent, which is exempt from Prop 26. Lagerlof filed a motion for summary judgment claiming there were no issues and that the District's interpretation of the constitution was correct. At a hearing on December 9th, the judge agreed with the District's position and granted the motion for summary judgment. The ruling completely disposes of all claims made against the District at the trial court level and allows the District to continue charging percentage rent.

BOARD COMMUNICATIONS: Commissioner Howell had a meeting with the General Manager, Deputy General Manager and Harbormaster on derelict boats. She also had the opportunity to go to the staff Holiday party. Commissioner Rainey had the pleasure of being a judge for the Parade of Lights. Vice-Chair Gardina had the privilege of representing the Board at the Poinsettia Awards where the District and Port Hueneme received the innovation award for the work that was done and the partnership that was created. The CA Legislature also gave the District a Certificate of Recognition. Chair Blumenberg attended the City Council meeting where he got to welcome the two new City Councilmembers and say farewell to Mayor Schroeder and Councilmember Johnson. Closed at 7:11PM.

STAFF AND GENERAL MANAGER REPORTS: Mr. Pendleton reported on the upcoming Holiday events and promotions at Harbor Village, recognized Wayne Hatch, Abel Gamino and Gloria Adkins for their successful completion of the CAJPIA's Supervisors' Essential Skills Program, attended Tuesday's City Council meeting where Mayor Schroeder and Councilmember Johnson were recognized, and announced that Commissioner Stephens was elected as LAFCo Special District Commissioner. Harbormaster, John Higgins gave an update on the commercial fishing boat incident.

PROCLAMATION HONORING JOE GONZALEZ FOR HIS 38 YEARS OF SERVICE

CONSENT AGENDA:

A) Approval of Out-of-Town Travel Request

Recommended Action: Voice Vote.

That the Board of Port Commissioners approve the out-of-town travel requests for:

- a) Brian D. Pendleton, General Manager to attend Congressional meetings and CMANC Conference from February 9-13, 2025 in Washington DC.
- b) Todd Mitchell, Deputy General Manager to attend Congressional meetings and CMANC Conference from February 9-13, 2024 in Washington DC.
- c) Jessica Snipas, Business Operations Analyst II to attend the CJPIA Supervisor Academy from January 13-16, 2025 in San Diego, CA.

Public Comment: None.

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

Commissioner Rainey seconded. The vote was unanimous.

B) Approval of a New Office Lease Agreement with Danielle Marie Sanchez dba Danielle Marie Sanchez

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 Danielle Marie Sanchez dba “Danielle Marie Sanchez”, for the premises located at 1559 Spinnaker Drive, Suite #205A, Ventura, California 93001, consisting of approximately 448 square feet.

Public Comment: None.

ACTION: Commissioner Stephens moved to approve a new Office Lease Agreement between the Ventura Port District dba “Ventura Harbor Village” and Danielle Marie Sanchez dba “Danielle Marie Sanchez”, for the premises located at 1559 Spinnaker Drive, Suite #205A, Ventura, California 93001, consisting of approximately 448 square feet.

Commissioner Rainey seconded. The vote was unanimous.

C) Approval of Amendment No. 1 to the Restaurant Lease Agreement with The Boatyard, Inc. dba Boatyard Pub

Recommended Action: Voice Vote.

That the Board of Port Commissioners approve Amendment No. 1 to the Restaurant Lease Agreement dated August 1, 2023 between the Ventura Port District and The Boatyard, Inc. dba Boatyard Pub for the premises located at 1583 Spinnaker Drive, Suite #109, consisting of approximately 2,675 square feet.

Public Comment: None.

ACTION: Commissioner Stephens moved to approve Amendment No. 1 to the Restaurant Lease Agreement dated August 1, 2023 between the Ventura Port District and The Boatyard, Inc. dba Boatyard Pub for the premises located at

1583 Spinnaker Drive, Suite #109, consisting of approximately 2,675 square feet.

Commissioner Rainey seconded. The vote was unanimous.

D) Approval of Amendment No. 3 to a Service Agreement with Medallion Protective Services for Ventura Harbor Village and Marina

Recommended Action: Voice Vote.

That the Board of Port Commissioners approve Amendment No. 3 to a Service Agreement with Medallion Protective Services to increase the compensation from \$250,000 to \$330,000 and to extend the term of the contract until June 30, 2025, for security services in Ventura Harbor Village and around the Marina.

Public Comment: None.

ACTION: Commissioner Stephens moved to approve Amendment No. 3 to a Service Agreement with Medallion Protective Services to increase the compensation from \$250,000 to \$330,000 and to extend the term of the contract until June 30, 2025, for security services in Ventura Harbor Village and around the Marina.

Commissioner Rainey seconded. The vote was unanimous.

E) Authorize a Letter of Support for NOAA's Establishment of Shellfish and Seaweed Aquaculture Opportunity Areas Near Ventura Harbor

Recommended Action: Voice Vote.

That the Board of Port Commissioners authorize the General Manager to submit a public comment letter to the National Oceanic and Atmospheric Administration in support of establishment of shellfish and seaweed Aquaculture Opportunity Areas near Ventura Harbor.

Public Comment: None.

ACTION: Commissioner Stephens moved to authorize the General Manager to submit a public comment letter to the National Oceanic and Atmospheric Administration in support of establishment of shellfish and seaweed Aquaculture Opportunity Areas near Ventura Harbor.

Commissioner Rainey seconded. The vote was unanimous.

F) Authorize a Letter of Support for the Ocean Rainforest Commercial-Scale Kelp Facility in Federal Navigable Waters

Recommended Action: Voice Vote.

That the Board of Port Commissioners authorize the General Manager to submit a public comment letter to the Army Corps of Engineers in support of the continued processing of the Ocean Rainforest, INC application to conduct commercial-scale cultivation of Giant kelp in federal waters proximate to Ventura Harbor.

Public Comment: Kaira Wallace, Ocean Rainforest, expressed her gratitude for the support that the Port District has provided so far in this process and hopes the Board authorizes the letter of support for the project.

ACTION: Commissioner Stephens moved to authorize the General Manager to submit a public comment letter to the Army Corps of Engineers in support of the continued processing of the Ocean Rainforest, INC application to conduct commercial-scale cultivation of Giant kelp in federal waters proximate to Ventura Harbor.

Commissioner Rainey seconded. The vote was unanimous.

G) Approval of Updates to the Ventura Port District Public and Civic Engagement Plan

Recommended Action: Voice Vote.

That the Board of Port Commissioners approve updates to the Ventura Port District Public and Civic Engagement Plan.

Public Comment: None.

ACTION: Commissioner Stephens moved to approve updates to the Ventura Port District Public and Civic Engagement Plan.

Commissioner Rainey seconded. The vote was unanimous.

H) Adoption of Resolution No. 3514 Approving the SEIU-Local 721 MOU Representing Full-Time and Part-Time Harbor Patrol Officers

Recommended Action: Roll Call Vote.

That the Board of Port Commissioners adopt Resolution No. 3514 approving the Memorandum of Understanding Collective Bargaining Agreement between the Ventura Port District and the Service Employees International Union, SEIU-Local 721, representing all regular full-time and part-time employees classified as the Harbor Patrol.

This Item was pulled from the Consent Agenda.

Public Comment: None. Closed at 7:54PM.

ACTION: Commissioner Rainey moved to adopt Resolution No. 3514 approving the Memorandum of Understanding Collective Bargaining Agreement between the Ventura Port District and the Service Employees International Union, SEIU-Local 721, representing all regular full-time and part-time employees classified as the Harbor Patrol with corrections.

Commissioner Howell seconded. The vote was as follows:

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

NOES: None.

ABSTAINED: None.

ABSENT: None.

Motion carried 5-0.

I) Adoption of Resolution No. 3515 Approving the Updated Reserve Policy and Rescinding Resolution No. 3225

Recommended Action: Roll Call Vote.

That the Board of Port Commissioners adopt Resolution No. 3515 approving the updated Ventura Port District Reserve Policy and rescinding Resolution No. 3225, dated August 28, 2013.

This Item was pulled from the Consent Agenda.

Public Comment: None.

ACTION: Commissioner Stephens moved to adopt Resolution No. 3515 approving the updated Ventura Port District Reserve Policy and rescinding Resolution No. 3225, dated August 28, 2013 with corrections.

Commissioner Rainey seconded. The vote was as follows:

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

NOES: None.

ABSTAINED: None.

ABSENT: None.

Motion carried 5-0.

J) Adoption of Resolution No. 3516 Approving the Updated Ventura Port District Investment Policy and Rescinding Resolution No. 3488

Recommended Action: Roll Call Vote.

That the Board of Port Commissioners adopt Resolution No. 3516 approving the updated Ventura Port District Investment Policy and rescinding Resolution No. 3488, dated December 6, 2023.

This Item was pulled from the Consent Agenda.

Public Comment: None. Closed at 8:03PM.

ACTION: Commissioner Howell moved to adopt Resolution No. 3516 approving the updated Ventura Port District Investment Policy and rescinding Resolution No. 3488, dated December 6, 2023 with corrections.

Commissioner Stephens seconded. The vote was as follows:

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

NOES: None.

ABSTAINED: None.

ABSENT: None.

Motion carried 5-0.

K) Adoption of Resolution Nos. 3517 and 3518 Approving Updates to the Expense Reimbursement Policies for Employees and Commissioners and Rescinding Resolution Nos. 3473 and 3474

Recommended Action: Roll Call Vote.

That the Board of Port Commissioners adopt:

- a) Resolution No. 3517 approving the updates to the Expense Reimbursement Policy for Employees and rescind Resolution No. 3473.
- b) Resolution No. 3518 approving the updates to the Expense Reimbursement Policy for Commissioners and rescind Resolution No. 3474.

This Item was pulled from the Consent Agenda.

Public Comment: None. Closed at 8:07PM.

- ACTION:** **Commissioner Stephens moved to:**
- a) **Adopt Resolution No. 3517 approving the updates to the Expense Reimbursement Policy for Employees and rescind Resolution No. 3473.**
 - b) **Adopt Resolution No. 3518 approving the updates to the Expense Reimbursement Policy for Commissioners with corrections and rescind Resolution No. 3474.**
 - c) **Direct staff to look into a policy for business lunches.**

Commissioner Rainey seconded. The vote was as follows:

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

NOES: None.

ABSTAINED: None.

ABSENT: None.

Motion carried 5-0.

STANDARD AGENDA:

1) Update on the District's Parking Management Program and Approval for Solicitation for Parking Management Services

Recommended Action: Voice Vote.

That the Board of Port Commissioners:

- a) Receive an update on the entitlements for the Parking Management Program (PMP).
- b) Receive an update on the final PMP Details.
- c) Approve staff to publish a request for proposals for Parking Management Services.

Report by Todd Mitchell, Deputy General Manager and Ben Verdugo, Dixon Resources Unlimited.

Public Comment: Jeff Moorhouse of Moorhouse Financial provided written comment that was posted online and distributed to the Commissioners. He is concerned that validation for visitors will not be provided if not settled before Board approval. Brian Bargiel of Andria's Seafood expressed serious concerns about the Parking Management Program's implementation, emphasizing the importance of addressing details like parking validation. While communication with staff has been positive, Bargiel suggested that the final implementation plan be formally endorsed by both Village tenants and District staff before being presented to the Board. He stressed that Village merchants rely solely

on customers who drive, park, and visit their businesses, warning that reduced visitor traffic due to the program could result in revenue losses, with tenants bearing the greatest impact.

ACTION: The Board of Port Commissioners received an update on the entitlements for the Parking Management Program and the final Program details.

ACTION: Commissioner Stephens moved to authorize staff to publish a request for proposals for Parking Management Services.

Commissioner Rainey seconded. The vote was unanimous.

2) Adoption of Resolution No. 3519 Approving the Amendments to the Ventura Port District Procurement and Purchasing Policy and Rescinding Resolution No. 3450

Recommended Action: Roll Call Vote.

That the Board of Port Commissioners adopt Resolution No. 3519 approving amendments to the Ventura Port District's Procurement and Purchasing Policy and rescinding Resolution No. 3450.

Report by Reid Miller, Lagerlof.

Public Comment: None. Closed at 9:19PM.

ACTION: Commissioner Howell moved to adopt Resolution No. 3519 approving amendments to the Ventura Port District's Procurement and Purchasing Policy and rescinding Resolution No. 3450 with the substitution of new language for Section IIIB.

Commissioner Rainey seconded. The vote was as follows:

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

NOES: None.


ABSTAINED: None.

ABSENT: None.

Motion carried 5-0.

ADJOURNMENT: The meeting was adjourned at 9:30PM.

The next regular meeting is Wednesday, January 15, 2025.



Anthony Rainey, Secretary