



# VENTURA PORT DISTRICT BOARD OF PORT COMMISSIONERS

Michael Blumenberg, Chair  
Elizabeth Howell, Vice-Chair  
Anthony Rainey, Secretary  
Chris Stephens, Commissioner  
Jackie Gardina, Commissioner

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

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## REGULAR MEETING WEDNESDAY, FEBRUARY 5, 2025

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

CLOSED SESSION – 6:30PM  
OPEN SESSION – 7:00PM

### 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](mailto:jrauch@venturaharbor.com).

**CLOSED SESSION  
6:30PM**

**CALL TO ORDER:** *By Secretary Tony Rainey.*

**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 – PER GOVERNMENT CODE PARAGRAPH (1) OF SUBDIVISION (D) OF SECTION 54956.9:**

Name of case: Ventura Harbor Restaurant Associates, Inc., et al. vs. Ventura Port District, Ventura Superior Court Case No. 56-2022-00572144-CU-MC-VTA. (verbal report)

**2. CONFERENCE WITH REAL PROPERTY NEGOTIATORS - PER GOVERNMENT CODE SECTION 54956.8:**

- a) Property: **1567 Spinnaker Drive, Suite #103**  
District Negotiators: Brian D. Pendleton, Todd Mitchell, Tom Bunn  
Negotiating Parties: Ashley & Alan Cook dba Treasure Cove  
Under Negotiation: **Price and Terms of Payment for New Retail Lease Agreements**

**ADJOURNMENT**

**OPEN SESSION  
7:00PM**

**CALL TO ORDER:** *By Secretary Tony Rainey.*

**PLEDGE OF ALLEGIANCE:** *By Secretary Tony Rainey.*

**ROLL CALL:** *By the Clerk of the Board.*

**ADOPTION OF AGENDA (Roll Call Vote)**

*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](http://www.venturaharbor.com).*

**APPROVAL OF MINUTES (Roll Call Vote)**

*The Minutes of October 16, 2024, November 20, 2024, December 18, 2024 and January 15, 2025 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 Amendment No. 1 to a Professional Services Agreement with Noble Consultants, Inc. for Engineering and Consulting Services**

Recommended Action: Roll Call Vote.

That the Board of Port Commissioners approve Amendment No. 1 to a Professional Services Agreement with Noble Consultants, Inc., increasing the compensation from \$50,000 to \$60,000 for engineering and consulting services.

### **B) Approval of a Rental Repayment Plan for Retail, Office and Marina Lease Agreements with Cantrell Aquatics Inc. dba Ventura Dive & Sport**

Recommended Action: Roll Call Vote.

That the Board of Port Commissioners approve a rental repayment plan for Retail, Office, and Marina Lease Agreements with Cantrell Aquatics Inc. dba Ventura Dive & Sport.

### **C) Approval of Amendment No. 1 to the Parcel 20 Master Lease**

Recommended Action: Roll Call Vote.

That the Board of Port Commissioners approve Amendment No. 1 to the Master Lease for Parcel 20 between the Ventura Port District and Derektor Marine Holdings, LLC.

## **STANDARD AGENDA:**

### **1) Presentation on California Cooperative Liquid Assets Securities System (CA CLASS) and Authorize the General Manager to Invest Funds with CA CLASS**

Recommended Action: Roll Call Vote.

That the Board of Port Commissioners:

- a) Receive a presentation on the California Cooperative Liquid Assets Securities System (CA CLASS).
- b) Authorize the General Manager to invest a portion of the District's reserves with CA CLASS.

**2) Update on State of Emergency to Address the Failure of the Elevator at 1591 Spinnaker Drive**

Recommended Action: Roll Call Vote.

That the Board of Port Commissioners determine by a four-fifths vote that there is a need to continue the emergency action adopted by the Board on January 15, 2025, set forth in Resolution No. 3520.

**ADJOURNMENT**

*This agenda was posted on Friday, January 31, 2025 by 6:30 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)*



VENTURA  
PORT DISTRICT  
*Established 1952*

# BOARD OF PORT COMMISSIONERS FEBRUARY 5, 2025

## APPROVAL OF MINUTES

OCTOBER 16, 2024

NOVEMBER 20, 2024

DECEMBER 18, 2024

JANUARY 15, 2025

REGULAR MEETINGS

# VENTURA PORT DISTRICT

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## BOARD OF PORT COMMISSIONERS REGULAR MEETING MINUTES OF OCTOBER 16, 2024

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### **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 6:01PM 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  
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 6:02PM

**CONVENED TO CLOSED SESSION AT 6:03PM.**

**ADJOURNMENT:** Closed Session was adjourned at 7:01PM.

**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 7:06PM at the Ventura Port District Administration Office, 1603 Anchors Way Drive, Ventura, CA 93001 and via Zoom meeting.

**PLEDGE OF ALLEGIANCE:** By Commissioner Stephens.

**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  
Joe Gonzalez, Capital Projects Manager  
Sergio Gonzalez, Facilities Manager  
Will McReynolds, Management Assistant  
Jessica Perkins, Accountant  
Jessica Snipas, Business Operations Analyst  
Jennifer Talt-Lundin, Marketing Manager

**Legal Counsel:**

Tom Bunn, Lagerlof, LLP

**City of Ventura Liaisons:**

Councilmember Duran, City Council Liaison – Absent

**Number of interested persons:**

1 via zoom; 0 in person

**ADOPTION OF AGENDA**

**ACTION:** Commissioner Stephens moved to adopt the October 16, 2024 agenda.

Vice-Chair Gardina seconded. The vote was unanimous.

## **APPROVAL OF MINUTES**

The Minutes of October 2, 2024 Board of Port Commissioners' Regular Meeting were considered as follows:

**ACTION:** **Commissioner Rainey moved to approve the Minutes of the October 2, 2024 Regular Meeting.**

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

**PUBLIC COMMUNICATIONS:** None. Closed at 7:09PM.

**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:** Commissioner Howell reported that she took a tour of Ventura West Marina with Natasha and also did her District Harbor boat tour with staff. Vice-Chair Gardina mentioned she popped into The Loose Cannon and is glad to see it open.

**STAFF AND GENERAL MANAGER REPORTS:** Mr. Pendleton reported on the upcoming Halloween events and promotions at Harbor Village, the VC Reporter's "Best of" winners, The Loose Cannon opening and City Director's Hearing results. Mr. Mitchell reported on issues with dredging.

## **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 request for Deputy General Manager Todd Mitchell to attend the California Mobility & Parking Association Conference from November 4-7, 2024 in Costa Mesa, CA.

Public Comment: None.

**ACTION:** **Commissioner Stephens moved to approve the out-of-town travel request for Deputy General Manager Todd Mitchell to attend the California Mobility & Parking Association Conference from November 4-7, 2024 in Costa Mesa, CA.**

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

### **B) Approval of a Professional Services Agreement with Rasmussen & Associates for Architectural Services**

Recommended Action: Voice Vote.

That the Board of Port Commissioners approve a Professional Services Agreement with Rasmussen & Associates in the amount of \$48,092 for the architectural design and permitting for 1559 Spinnaker Dr. Suite 101 & 102.

Public Comment: None.



**ACTION:** Commissioner Stephens moved to approve a Professional Services Agreement with Rasmussen & Associates in the amount of \$48,092 for the architectural design and permitting for 1559 Spinnaker Dr. Suite 101 & 102.

Commissioner Howell seconded. The vote was unanimous.

**C) Approval of a New Fishery Lease Agreement with J DeLuca Fish Company, Inc.**

Recommended Action: Voice Vote.

That the Board of Port Commissioners approve a new Fishery Lease Agreement between the Ventura Port District dba “Ventura Harbor Village” and J DeLuca Fish Company, Inc. dba “J DeLuca Fish Company,” for the premises located at 1449 Spinnaker Drive, Suite #D, Ventura, California 93001, consisting of approximately 1,350 square feet.

Public Comment: None.

**ACTION:** Commissioner Stephens moved to approve a new Fishery Lease Agreement between the Ventura Port District dba “Ventura Harbor Village” and J DeLuca Fish Company, Inc. dba “J DeLuca Fish Company,” for the premises located at 1449 Spinnaker Drive, Suite #D, Ventura, California 93001, consisting of approximately 1,350 square feet.

Commissioner Howell seconded. The vote was unanimous.

**D) Approval of Amendment No. 2 to the Retail Lease Agreement with Commissioned Desserts LLC dba Top This Chocolate**

Recommended Action: Voice Vote.

That the Board of Port Commissioners approve Amendment No. 2 to the Retail Lease Agreement between the Ventura Port District dba Ventura Harbor Village and Commissioned Desserts LLC dba Top This Chocolate for the premises located at 1559 Spinnaker Drive, Suite #109, Ventura, California 93001, consisting of approximately 1,381 square feet.

Public Comment: None.

**ACTION:** Commissioner Stephens moved to approve Amendment No. 2 to the Retail Lease Agreement between the Ventura Port District dba Ventura Harbor Village and Commissioned Desserts LLC dba Top This Chocolate for the premises located at 1559 Spinnaker Drive, Suite #109, Ventura, California 93001, consisting of approximately 1,381 square feet.

Commissioner Howell seconded. The vote was unanimous.

**E) Approval of a New Office Lease Agreement with the Buenaventura Art Association**

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 Buenaventura Art Association, for the premises located at 1591 Spinnaker Drive, Suite #207, Ventura, California 93001, consisting of approximately 1,420 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 Buenaventura Art Association, for the premises located at 1591 Spinnaker Drive, Suite #207, Ventura, California 93001, consisting of approximately 1,420 square feet.

Commissioner Howell seconded. The vote was unanimous.

**F) Approval of a New Office Lease Agreement with Junior Explorers – Ventura LLC**

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 Junior Explorers – Ventura LLC dba “Junior Explorers”, for the premises located at 1591 Spinnaker Drive, Suite #117B, Ventura, California 93001, consisting of approximately 811 square feet.

Public Comment: Written public comment was received from Trysten Hicks, owner of Junior Explorers. Letter was posted on the District website and distributed to Commissioners.

**ACTION:** Commissioner Stephens moved to approve a new Office Lease Agreement between the Ventura Port District dba “Ventura Harbor Village” and Junior Explorers – Ventura LLC dba “Junior Explorers”, for the premises located at 1591 Spinnaker Drive, Suite #117B, Ventura, California 93001, consisting of approximately 811 square feet.

Commissioner Howell seconded. The vote was unanimous.

**STANDARD AGENDA:**

**1) Receive and File the Public Workshop Report and Approve the Workshop Minutes of September 14, 2024**

Recommended Action: Voice Vote.

That the Board of Port Commissioners:

- a) Receive and file a report on the public workshop held on September 14, 2024.
- b) Approve the September 14, 2024 Workshop minutes.

Report by Brian D. Pendleton, General Manager.

Public Comment: None. Closed at 8:33PM

Commissioner’s comments:

Parking Management Implementation

- Focus on managing parking effectively as a scarce resource.
- Ensure a slow, steady rollout with functioning systems and clear communication.
- Consider the balance between net revenue and potential deterrence due to parking cost.
- Emphasize using parking fees as a tool for resource management.
- Clear messaging is essential, including a timeline for implementation and public communication during the rollout.
- QR code system for communication with the District.

- Validation for parking is a priority for businesses.
- Explore options for a trolley or water taxi while considering economic feasibility.
- Need reliable infrastructure for technology to be effective.

#### Harbor Sustainability & Resiliency

- Many restaurant owners find it economically unfeasible to eliminate plastics, Styrofoam, and similar materials.
- While promoting or encouraging sustainability changes remains a goal, it is recognized as a challenging path for achieving broader objectives.
- Trash and stagnant water in the harbor are significant concerns and potential solutions, like the VIM catchment system should be explored.
- Availability and maintenance of pump-out facilities are critical for harbor health.

#### Public Safety

- The life jacket loaner program was successful and should be expanded if needed.
- Although statistically not a major issue, underreporting is a concern as many incidents occur when boat owners are not present.
- Paddle boats present risk (damage to boats). There is a need to evaluate age requirements and vendor responsibilities.
- Issues like homeless individuals in the restrooms and digging through the trash create discomfort for families. Staff should focus on strategies to manage these problems effectively.

#### Economic Development

- Need strategy to attract younger generation.
- Like the events for children and schools as they build local engagement and a sense of community.
- Explore activities and gathering spots around the new fisheries building, emphasizing education.
- Significant enthusiasm for Parcel 5, with a stage being a top priority.

**ACTION: Commissioner Howell moved to:**  
a) **Receive and file a report on the public workshop held on September 14, 2024.**  
b) **Approve the September 14, 2024 Workshop minutes.**

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

**ADJOURNMENT:** The meeting was adjourned at 8:36PM.

The next regular meeting is Wednesday, November 20, 2024.

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Anthony Rainey, Secretary

# VENTURA PORT DISTRICT

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

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### **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 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  
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 5:31PM

**CONVENED TO CLOSED SESSION AT 5:31PM.**

**ADJOURNMENT:** Closed Session was adjourned at 7:03PM.

**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 7:08PM at the Ventura Port District Administration Office, 1603 Anchors Way Drive, Ventura, CA 93001 and via Zoom meeting.

**PLEDGE OF ALLEGIANCE:** By Chair Michael Blumenberg.

**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 Perkins, Accountant via Zoom  
Jessica Snipas, Business Operations Analyst  
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:**

3 via zoom; 11 in person

## **ADOPTION OF AGENDA**

**ACTION:** Commissioner Howell moved to adopt the November 20, 2024 agenda.

**Vice-Chair Gardina seconded. The vote was unanimous.**

**PUBLIC COMMUNICATIONS:** Gregg Kravich noticed the new Harbor Patrol boat and suggested opening up the naming to the community. Andrew Berner and David Livingstone, Hokuloa Outrigger Canoe Club updated the Board on the relocation of their assets. Closed at 7:14PM.

**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. The Board will reconvene in closed session to finish discussion on item 4.

**BOARD COMMUNICATIONS:** Commissioner Howell would like to discuss derelict boats on the next agenda. Closed at 7:15PM.

**STAFF AND GENERAL MANAGER REPORTS:** Mr. Pendleton reported on the upcoming Holiday events, decorations and promotions at Harbor Village. He also thanked all the Parade of Light sponsors. The Leasing Plan was mentioned, and the team has been meeting with several consultants and has expanded its marketing on Loopnet.com. Mr. Pendleton also commented on the new Harbor Patrol boat.

## **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) General Manager, Brian D. Pendleton to attend the LCW 2025 Annual Public Sector Employment Law Conference from January 29 – January 31, 2025 in San Diego, CA.
- b) Commissioner Elizabeth Howell to attend the to attend the National Working Waterfront Network 2025 Conference from February 3 – February 5, 2025 in San Diego, CA.

Public Comment: None. Closed at 7:33PM.

**ACTION:** Vice-Chair Gardina moved to approve the out-of-town travel requests.

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

### **B) Approval of a New Restaurant Lease Agreement with Ricardo and Christina Magana dba Baja Bay Surf n Taco**

Recommended Action: Voice Vote.

That the Board of Port Commissioners approve a new Restaurant Lease Agreement between the Ventura Port District dba “Ventura Harbor Village” and with Ricardo and Christina Magana dba “Baja Bay Surf n Taco”, for the premises located at 1567 Spinnaker Drive, Suite #104, Ventura, California 93001, consisting of approximately 773 of interior square feet and 623 of patio square feet.

Public Comment: None. Closed at 7:33PM.

**ACTION:** Vice-Chair Gardina moved to approve a new Restaurant Lease Agreement between the Ventura Port District dba “Ventura Harbor Village” and with Ricardo and Christina Magana dba “Baja Bay Surf n Taco”, for the premises located at 1567 Spinnaker Drive, Suite #104, Ventura, California 93001, consisting of approximately 773 of interior square feet and 623 of patio square feet.

Commissioner Rainey seconded. The vote was unanimous.

**C) Approval of a New Office Lease Agreement with Commercial Collections of America, LLC dba CCA**

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 Commercial Collections of America, LLC dba “CCA”, for the premises located at 1559 Spinnaker Drive, Suite #205, Ventura, California 93001, consisting of approximately 438 square feet.

Public Comment: None. Closed at 7:33PM.

**ACTION:** Vice-Chair Gardina moved to approve a new Office Lease Agreement between the Ventura Port District dba “Ventura Harbor Village” and Commercial Collections of America, LLC dba “CCA”, for the premises located at 1559 Spinnaker Drive, Suite #205, Ventura, California 93001, consisting of approximately 438 square feet.

Commissioner Rainey seconded. The vote was unanimous.

**D) Approval of Amendment No. 1 to the Office Lease Agreement with Elmo Iadevaia**

Recommended Action: Voice Vote.

That the Board of Port Commissioners approve Amendment No. 1 to the Office Lease dated January 1, 2022 between the Ventura Port District, and Elmo Iadevaia, for the premises located at 1567 Spinnaker Drive, Suite #203, consisting of approximately 370 square feet.

Public Comment: None. Closed at 7:33PM.

**ACTION:** Vice-Chair Gardina moved to approve Amendment No. 1 to the Office Lease dated January 1, 2022 between the Ventura Port District, and Elmo Iadevaia, for the premises located at 1567 Spinnaker Drive, Suite #203, consisting of approximately 370 square feet.

Commissioner Rainey seconded. The vote was unanimous.

**E) Approval of Amendment No. 1 to the Office Lease Agreement with American Pacific Mortgage Corporation**

Recommended Action: Voice Vote.

That the Board of Port Commissioners approve Amendment No. 1 to the Office Lease dated December 1, 2022 between the Ventura Port District, and American Pacific Mortgage Corporation, for the premises located at 1583 Spinnaker Drive, Suite #213, consisting of approximately 791 square feet.

Public Comment: None. Closed at 7:33PM.

**ACTION:** Vice-Chair Gardina moved to approve Amendment No. 1 to the Office Lease dated December 1, 2022 between the Ventura Port District, and American Pacific Mortgage Corporation, for the premises located at 1583 Spinnaker Drive, Suite #213, consisting of approximately 791 square feet.

Commissioner Rainey seconded. The vote was unanimous.

**F) Approval of the 2025 Port Commission Meeting Schedule**

Recommended Action: Voice Vote.

That the Board of Port Commissioners approve the 2025 Port Commission meeting schedule.

Public Comment: None. Closed at 7:33PM.

**ACTION:** Vice-Chair Gardina moved to approve the 2025 Port Commission meeting schedule, correcting March 16 to March 19.

Commissioner Rainey seconded. The vote was unanimous.

**G) Approval of a Professional Services Agreement with Noble Consultants, Inc. for Engineering and Consulting Services**

Recommended Action: Voice Vote.

That the Board of Port Commissioners approve a Professional Services Agreement with Noble Consultants, Inc. in the amount of \$50,000 for engineering and consulting services.

Public Comment: None. Closed at 7:33PM.

**ACTION:** Vice-Chair Gardina moved to approve a Professional Services Agreement with Noble Consultants, Inc. in the amount of \$50,000 for engineering and consulting services.

Commissioner Rainey seconded. The vote was unanimous.

**STANDARD AGENDA:**

**1) Ventura Yacht Club Dock Replacement Project Presentation**

Recommended Action: Informational.

That the Board of Port Commissioners receive a presentation on the completion of the Ventura Yacht Club Dock Replacement Project.

Presentation by Dave Boatner, Staff Commodore, Ventura Yacht Club.

Public Comment: Tom Derecktor, member of the Yacht Club, said they did an excellent job on the new docks.

**ACTION:** The Board of Port Commissioners received a presentation on the completion of the Ventura Yacht Club Dock Replacement Project.



**No action was taken.**

**2) Ventura West Marina Redevelopment Project Parcel 17 (APN 080-0-240-325)**

Recommended Action: Voice Vote.

That the Board of Port Commissioners:

- a) Approve a Professional Services Agreement with Impact Sciences in the amount of \$60,000 for the performance of an environmental review pursuant to the California Environmental Quality Act for the proposed redevelopment of Ventura West Marina Parcel 17.
- b) Receive a presentation and provide preliminary feedback on the proposed redevelopment of Ventura West Marina Parcel 17.

Report by Brian D. Pendleton, VPD General Manager; Beauchamp Leslie Development Management Team - Dick Beauchamp, President, Justin Pappa, VP of Development, Natasha Delamere, COO, Eric Leslie, CEO; and Bryce Fisher, Project Development Manager, Bellingham Marine.

Public Comment: None. Closed at 8:16PM.

**ACTION:** The Board of Port Commissioners received a presentation on the proposed redevelopment of Ventura West Marina Parcel 17.

**ACTION:** Commissioner Rainey moved to approve a Professional Services Agreement with Impact Sciences in the amount of \$60,000 for the performance of an environmental review pursuant to the California Environmental Quality Act for the proposed redevelopment of Ventura West Marina Parcel 17.

**Vice-Chair Gardina seconded. The vote was unanimous.**

**3) Adoption of Resolution No. 3513 Approving the Financial Statements and Checks for July through September 2024**

Recommended Action: Roll Call Vote.

That the Board of Port Commissioners adopts Resolution No. 3513 to:

- a) Accept the draft financial statements for the Quarter ending September 30, 2024, pending final year-end reconciliation adjustments and audit review.
- b) Review the payroll and regular checks for July through September 2024.

Report by Gloria Adkins, Accounting Manager.

Public Comment: None. Closed at 8:39PM.

**ACTION:** Commissioner Stephens moved to adopt Resolution No. 3513 to accept the draft financial statements for the Quarter ending September 30, 2024, pending final year-end reconciliation adjustments and audit review and review the payroll and regular checks for July through September 2024.

**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.**

**4) Ventura Port District 5-Year Objectives Annual Accomplishments and Quarterly Update**

Recommended Action: Voice Vote.

That the Board of Port Commissioners

- a) Receive and file the FY23-24 Ventura Port District 5-Year Objectives annual accomplishments.
- b) Receive and file the FY24-25 Ventura Port District 5-Year Objectives update.

Report by Brian D. Pendleton, General Manager.

Public Comment: None. Closed at 9:03PM.

Commissioner Comments: For future accomplishment reports, remove milestone column and bold font for completed tasks. For future quarterly reports, staff could come back to the Commission for approval to remove a strategy if it is not working.

**ACTION: Commissioner Howell moved to receive and file the FY23-24 Ventura Port District 5-Year Objectives annual accomplishments and FY24-25 Ventura Port District 5-Year Objectives quarterly update.**

**Vice-Chair Gardina seconded. The vote was unanimous.**

**5) Election of a Ventura Local Agency Formation Commissioner Representing Special Districts**

Recommended Action: Voice Vote.

That the Board of Port Commissioners elect a candidate to fill the four-year term of the Special District Regular Member for the Ventura LAFCo Commission.

Report by Brian D. Pendleton, General Manager.

Public Comment: Candidate Mohammed Hasan spoke as to why he should be considered for the Special District Regular Member. Candidate Stephen Huber provided written comment that was distributed to the Commissioners and posted on the website. Closed at 9:12PM.

**ACTION: Commissioner Rainey moved to elect Commissioner Chris Stephens to fill the four-year term of the Special District Regular Member for the Ventura LAFCo Commission.**

**Vice-Chair Gardina seconded. The vote was unanimous.**

**ADJOURNMENT:** The meeting was adjourned at 9:14PM.

**RECONVENED TO CLOSED SESSION AT 9:18PM.**

**CLOSED SESSION WAS ADJOURNED AT 9:38PM.**

**RECONVENED TO OPEN SESSION AT 9:40PM.**

**CLOSED SESSION REPORT:** Mr. Bunn stated that the Board reconvened in closed session and continued discussing item 4 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.

**ADJOURNMENT:** The meeting was adjourned at 9:41PM.

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

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Anthony Rainey, Secretary

# VENTURA PORT DISTRICT

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

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### **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 9<sup>th</sup>, 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.

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Anthony Rainey, Secretary

# VENTURA PORT DISTRICT

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## BOARD OF PORT COMMISSIONERS REGULAR MEETING MINUTES OF JANUARY 15, 2025

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### **CLOSED SESSION**

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

The Ventura Port District Board of Port Commissioners Regular Closed Session Meeting was called to order by Vice-Chair Gardina at 6:30PM at the Ventura Port District Administration Office, 1603 Anchors Way Drive, Ventura, CA 93001 and via Zoom meeting.

#### **ROLL CALL:**

##### **Commissioner's Present:**

Jackie Gardina, Vice-Chair  
Anthony Rainey, Secretary  
Chris Stephens  
Elizabeth Howell

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

Michael Blumenberg, Chair

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

Todd Mitchell, Deputy General 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 6:31PM.

**CONVENED TO CLOSED SESSION AT 6:31PM.**

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

**OPEN SESSION**

**ADMINISTRATIVE AGENDA:**

**CALL TO ORDER:**

The Ventura Port District Board of Port Commissioners' Regular Open Session Meeting was called to order by Vice-Chair Gardina 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 Pat Hummer.

**ROLL CALL:**

**Commissioners Present:**

Jackie Gardina, Vice-Chair  
Anthony Rainey, Secretary  
Chris Stephens  
Elizabeth Howell

**Commissioners Absent:**

Michael Blumenberg, Chair

**Port District Staff:**

Brian D. Pendleton, General Manager  
Jessica Rauch, Clerk of the Board  
Todd Mitchell, Deputy General Manager  
Gloria Adkins, Accounting Manager  
Brendan Donohue, Senior Harbor Patrol Officer  
Justin Fleming, Capital Projects 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

**Legal Counsel:**

Tom Bunn, Lagerlof, LLP via Zoom

**City of Ventura Liaisons:**

Councilmember Duran, City Council Liaison – Present

**Number of interested persons:**

1 via zoom; 11 in person

## **ADOPTION OF AGENDA**

**ACTION:** Commissioner Stephens moved to adopt the January 15, 2025 agenda, moving Standard Item 3 to 2 and Standard item 2 to 3.

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

**PUBLIC COMMUNICATIONS:** None.

**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:** Commissioner Howell reported that Mike Delaney, Treasurer of the Channel Islands Park Foundation reached out to her wanting to work with Island Packers to install a biosecurity station to clean & disinfect shoes before going to the Islands. She recommended he reach out to staff, which he did.

**STAFF AND GENERAL MANAGER REPORTS:** Mr. Pendleton reported on the upcoming events and promotions at Harbor Village, and introduced the new Capital Projects Manager, Justin Fleming.

## **PROCLAMATION HONORING PAT HUMMER FOR HIS 35 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) Dave Werneburg, Marina Manager, to attend the National Working Waterfront Network 2025 Conference from February 3 – February 6, 2025 in San Diego, CA.
- b) Jessica Rauch, Clerk of the Board to attend the 2025 International Institute of Municipal Clerks from May 18 – May 21, 2025 in St. Louis, MO.

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 Retail Lease Agreement with Feel Good Beauty, Inc. dba Frenchies Modern Nail Care**

Recommended Action: Voice Vote.

That the Board of Port Commissioners approve a new Retail Lease Agreement between the Ventura Port District dba “Ventura Harbor Village” and Feel Good Beauty, Inc. dba “Frenchies Modern Nail Care”, for the premises located at 1583 Spinnaker Drive, Suite #105, Ventura, California 93001, consisting of approximately 1,410 square feet of interior commercial space and approximately 206 square feet of exterior patio space.

Public Comment: None.

**ACTION:** Commissioner Stephens moved to approve a new Retail Lease Agreement between the Ventura Port District dba “Ventura Harbor Village” and Feel Good Beauty, Inc. dba “Frenchies Modern Nail Care”, for the premises located at 1583 Spinnaker Drive, Suite #105, Ventura, California 93001, consisting of approximately 1,410 square feet of interior commercial space and approximately 206 square feet of exterior patio space.

Commissioner Rainey seconded. The vote was unanimous.

**STANDARD AGENDA:**

**1) Ventura Port District 5-Year Objectives Quarterly Update**

Recommended Action: Voice Vote.

That the Board of Port Commissioners receive and file the FY24-25 2<sup>nd</sup> Quarter Ventura Port District 5-Year Objectives quarterly update.

Report by General Manager, Brian D. Pendleton.

Public Comment: None. Closed at 7:41PM.

**ACTION:** Commissioner Stephens moved to receive and file the FY24-25 2<sup>nd</sup> Quarter Ventura Port District 5-Year Objectives quarterly update.

Commissioner Howell seconded. The vote was unanimous.

**3) Amend the 5-Year Capital Improvement Budget and Adopt Resolution No. 3520 Declaring a State of Emergency to Address the Failure of the Elevator at 1591 Spinnaker Drive**

Recommended Action: Roll Call Vote.

That the Board of Port Commissioners:

1. Amend the District’s 5-Year Capital Improvement Project budget to add \$185,000 for the modernization of the elevator at 1591 Spinnaker Drive.
2. Adopt Resolution No. 3520, making certain findings as set forth in said Resolution, including, without limitation, the following:
  - A) Declare a State of Emergency due to the failure of the Elevator at 1591 Spinnaker Drive creating a public safety concern.
  - B) Find, based upon the evidence presented, the matter of the conditions of the Ventura Port District requires emergency actions.
  - C) The Board hereby delegates to the District’s General Manager the authority to:
    1. take any action required to respond to the emergency;
    2. submit any and all emergency permit applications and documents required to support obtaining any necessary permits to perform work; and,
    3. to procure the necessary equipment, services, and supplies for the purpose of making the District’s facilities, infrastructure, waterways and adjacent beach areas safe and usable, without giving notice for bids to let contracts.
  - D) The General Manager shall report to the Board of Port Commissioners at its next regularly scheduled meeting the actions taken to respond to the emergency; and,
  - E) The Board will review the emergency action at every regularly scheduled meeting hereafter until the emergency action is terminated, which will be triggered by the District entering into a contract to remedy the issue.



Report by Deputy General Manager, Todd Mitchell and Maintenance Supervisor, Wayne Hatch.

Public Comment: None.

- ACTION:** Commissioner Howell moved to:
1. Amend the District's 5-Year Capital Improvement Project budget to add \$185,000 for the modernization of the elevator at 1591 Spinnaker Drive.
  2. Adopt Resolution No. 3520, making certain findings as set forth in said Resolution, including, without limitation, the following:
    - A) Declare a State of Emergency due to the failure of the Elevator at 1591 Spinnaker Drive creating a public safety concern.
    - B) Find, based upon the evidence presented, the matter of the conditions of the Ventura Port District requires emergency actions.
    - C) The Board hereby delegates to the District's General Manager the authority to:
      1. take any action required to respond to the emergency;
      2. submit any and all emergency permit applications and documents required to support obtaining any necessary permits to perform work; and,
      3. to procure the necessary equipment, services, and supplies for the purpose of making the District's facilities, infrastructure, waterways and adjacent beach areas safe and usable, without giving notice for bids to let contracts.
    - D) The General Manager shall report to the Board of Port Commissioners at its next regularly scheduled meeting the actions taken to respond to the emergency; and,
    - E) The Board will review the emergency action at every regularly scheduled meeting hereafter until the emergency action is terminated, which will be triggered by the District completing the repairs.

Commissioner Stephens seconded. The vote was as follows:

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

**NOES:** None.

**ABSENT:** Chair Blumenberg

**ABSTAINED:** None.

**Motion carried 4-0.**

## **2) Election of Officers Pursuant to Harbor and Navigation Code Sections 6241.1 and 6248**

Recommended Action: Voice Vote.

That the Board of Port Commissioners elect the following officers for a two-year term pursuant to Harbor and Navigation Code Sections 6241.1 and 6248:

- a) Chair
- b) Vice-Chair
- c) Secretary

Report by Clerk, Jessica Rauch.

Public Comment: None. Closed at 7:41PM

**ACTION:** Vice Chair Gardina nominated Chair Blumenberg to continue to serve as Chair.

Commissioner Howell seconded.

Commissioner Stephens nominated Commissioner Howell to be Vice-Chair.  
Commissioner Rainey seconded.

Commissioner Stephens nominated Commissioner Rainey to continue to serve as Secretary.

Vice-Chair Gardina seconded.

The vote was unanimous.

**ADJOURNMENT:** The meeting was adjourned at 8:05PM.

The next regular meeting is Wednesday, February 5, 2025.

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Anthony Rainey, Secretary



VENTURA  
PORT DISTRICT

*Established 1952*

BOARD OF PORT COMMISSIONERS  
FEBRUARY 5, 2025

CONSENT AGENDA ITEM A  
APPROVAL OF AMENDMENT NO. 1 TO  
A PROFESSIONAL SERVICES  
AGREEMENT WITH NOBLE  
CONSULTANTS, INC. FOR  
ENGINEERING AND CONSULTING  
SERVICES

**VENTURA PORT DISTRICT  
BOARD COMMUNICATION**

**CONSENT AGENDA ITEM A**  
Meeting Date: February 5, 2025

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TO: Board of Port Commissioners  
FROM: Brian D. Pendleton, General Manager  
Todd Mitchell, Deputy General Manager  
SUBJECT: Approval of Amendment No. 1 to a Professional Services Agreement with Noble Consultants, Inc. for Engineering and Consulting Services

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**RECOMMENDATION:**

That the Board of Port Commissioners approve Amendment No. 1 to a Professional Services Agreement with Noble Consultants, Inc., increasing the compensation from \$50,000 to \$60,000 for engineering and consulting services.

**SUMMARY:**

The District has a Professional Service Agreements (PSA) with Noble Consultants, Inc. (Noble) to provide technical consulting services related to the Ventura Harbor navigational channel. This change order expanded the scope to address comments received from the California Coastal Commission regarding the Derecktor Marine Holdings application for a Coastal Development Permit.

**GUIDING PRINCIPLES:**

- 1) Maintain a safe, navigable, and resilient Harbor

**FIVE-YEAR OBJECTIVES:**

- M) Collaborate with Master Tenants and National Park Service to plan, improve and develop the Harbor in a financially and environmentally sustainable way.

**BACKGROUND:**

Ventura Port District requires the consulting support of an outside consultant on an as-needed basis to assess and evaluate waterfront infrastructure. That infrastructure includes both District-owned assets as well as assets owned by the District's tenants.

The District also requires the evaluation of many master tenant waterfront development projects to ensure they conform to standards set or recommended by such authorities as the American Society of Civil Engineers and the California State Parks Division of Boating and Waterways. These evaluations need to be conducted by professional engineers who are knowledgeable with these standards.

The District has relied upon the professional engineering services and institutional knowledge of Noble for projects of these nature for decades. The District entered into a PSA with Noble to provide technical civil, structural, and marine engineering and consulting services to District staff to provide technical support to the District in the review of the proposed redevelopment of Ventura West Marina Phase 1 and to perform a more comprehensive study of all harbor navigation channels.

In 2024, Derecktor Marine Holdings applied for a Coastal Development Permit for the development of a new marina for Parcel 20. The California Coastal Commission requested additional data to respond to comments from members of the public who are concerned about the proposed reduction to the width of the navigable waterway. This change order expanded upon

the scope of work for Noble to specifically respond to the data request from the Coastal Commission and included a third-party engineer's peer review of that work.

**FISCAL IMPACTS:**

The costs specifically related to the evaluation of the Ventura West Marina are reimbursable costs. The FY24-25 budget did not include costs for the navigational channel study nor this change order. Staff are working within the existing Administration budget to execute this PSA and the change order. Staff anticipate this will require an adjustment of the District's Administration budget as part of the Mid-Year Budget.

**ATTACHMENTS:**

None.



VENTURA  
PORT DISTRICT  
*Established 1952*

BOARD OF PORT COMMISSIONERS  
FEBRUARY 5, 2025

CONSENT AGENDA ITEM B  
APPROVAL OF A RENTAL REPAYMENT  
PLAN FOR RETAIL, OFFICE AND  
MARINA LEASE AGREEMENTS WITH  
CANTRELL AQUATICS INC. DBA  
VENTURA DIVE & SPORT

**VENTURA PORT DISTRICT  
BOARD COMMUNICATION**

**CONSENT AGENDA ITEM B**  
Meeting Date: February 5, 2025

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TO: Board of Port Commissioners  
FROM: Brian D. Pendleton, General Manager  
Todd Mitchell, Deputy General Manager  
Jessica Snipas, Business Operations Analyst II  
SUBJECT: Approval of a Rental Repayment Plan for Retail, Office, and Marina Lease Agreements with Cantrell Aquatics Inc. dba Ventura Dive & Sport

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**RECOMMENDATION:**

That the Board of Port Commissioners approve a rental repayment plan for Retail, Office, and Marina Lease Agreements with Cantrell Aquatics Inc. dba Ventura Dive & Sport.

**SUMMARY:**

Cantrell Aquatics, doing business as Ventura Dive & Sport (Cantrell Aquatics) is currently carrying rental balance on its three leases with the District: Retail, Office, and Slip. In consultation with the tenant, Staff and the tenant have discussed a rental repayment plan that distributes repayment over the months of July through December 2025.

The agreement will also require the tenant to explore methods for reducing overhead, improving operational efficiencies, and/or increasing revenue through consultation with third-party expert(s).

**BACKGROUND:**

Cantrell Aquatics is owned and operated by Zachary (Zach) and Kaitlyn Cantrell. They purchased Ventura Dive & Sport with a broker in June/July 2022 and entered a new lease for both the retail space and the office (both leases expire June 30, 2027, and both have an additional 5-year option). The owners also purchased the dive boat Raptor as part of the purchase, which has a slip at Ventura Harbor Village Marina. Slip agreements are month-to-month. The collective leases with Ventura Dive & Sport support the recreational dive community, an important use at Ventura Harbor.

The business began falling behind in slip rent in 2023 and then started struggling to keep up with rent for the retail space and office space in early 2024. Staff were in communication with the tenant on several occasions during 2024 to obtain updates, at which time the tenant advised that the industry was not doing well in 2023 and 2024. Independent Staff research confirmed this analysis.

Legal counsel prepared a repayment agreement outlining the conditions of repayment. The tenant is still required to make current rent payments, as per their leases.

**FISCAL IMPACT:**

The repayment plan ensures that all outstanding back rent is collected by the District. While payment is delayed until the end of 2025, there is no direct fiscal impact provided the tenant fulfills their obligations under the agreement.

**ATTACHMENTS:**

None.



VENTURA  
PORT DISTRICT  
*Established 1952*

BOARD OF PORT COMMISSIONERS  
FEBRUARY 5, 2025

CONSENT AGENDA ITEM C  
APPROVAL OF AMENDMENT NO. 1 TO  
THE PARCEL 20 MASTER LEASE



**VENTURA PORT DISTRICT  
BOARD COMMUNICATION**

**CONSENT AGENDA ITEM C**  
Meeting Date: February 5, 2025

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TO: Board of Port Commissioners  
FROM: Brian D. Pendleton, General Manager  
Todd Mitchell, Deputy General Manager  
SUBJECT: Approval of Amendment No. 1 to the Parcel 20 Master Lease

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**RECOMMENDATION:**

That the Board of Port Commissioners approve Amendment No. 1 to the Master Lease for Parcel 20 between the Ventura Port District and Derecktor Marine Holdings, LLC.

**SUMMARY:**

This lease amendment replaces Article 4 and Exhibit B of the Master Lease to explicitly include Parcel 14 as part of the Master Leases premises.

**GUIDING PRINCIPLES:**

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:**

M) Collaborate with Master Tenants and National Park Service to plan, improve, and develop the Harbor in a financially and environmentally sustainable way.  
1) Engagement and support of Master Tenants for successful business operations at the Harbor.

**BACKGROUND:**

The Master Tenant of Parcel 20 is Derecktor Marine Holdings (DMH). In their application for a Coastal Development Permit from the California Coastal Commission (Commission), the Commission staff determined that the Master Lease agreement was not sufficiently clear in specifying that the District's development Parcel 14 was part of the lease agreement. Upon review by District legal counsel, Lagerlof confirmed that this could be improved.

The lease amendment replaces Article 4 and Exhibit B of the Master Lease, and inserts Exhibits B-1 and B-2 to clarify the extent of the premises.

**FISCAL IMPACT:**

None.

**ATTACHMENTS:**

None.



**BOARD OF PORT COMMISSIONERS  
FEBRUARY 5, 2025**

**STANDARD AGENDA ITEM 1  
PRESENTATION ON CALIFORNIA  
COOPERATIVE LIQUID ASSETS  
SECURITIES SYSTEM (CA CLASS)  
AND AUTHORIZE THE GENERAL  
MANAGER TO INVEST FUNDS WITH  
CA CLASS**

**VENTURA PORT DISTRICT  
BOARD COMMUNICATION**

**STANDARD AGENDA ITEM 1**  
Meeting Date: February 5, 2025

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TO: Board of Port Commissioners  
FROM: Brian D. Pendleton, General Manager  
Gloria Adkins, Accounting Manager  
SUBJECT: Presentation on California Cooperative Liquid Assets Securities System (CA CLASS) and Authorize the General Manager to invest funds with CA CLASS

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**RECOMMENDATION:**

That the Board of Port Commissioners:

- a) Receive a presentation on the California Cooperative Liquid Assets Securities System (CA CLASS).
- b) Authorize the General Manager to invest a portion of the District's reserves with CA CLASS.

**SUMMARY:**

Staff recommends the Board authorize the General Manager to diversify the investment of a portion of the Districts reserves with the California Cooperative Liquid Assets Securities System (CA CLASS).

**GUIDING PRINCIPLES:**

- 3) Grow financial sustainability through a reliable, recurring revenue stream supplemented with grants and public-private partnership investment while maintaining responsible budgeting practices.
- 6) Provide exceptional public service and organizational transparency.

**FIVE-YEAR OBJECTIVES:**

- E) Encourage public and civic engagement; maintain high levels of organizational transparency; and promote Harbor-wide diversity, equity and inclusion through District policies, procedures, and programs.
  - 1) Collaborate with business partners 1) and stakeholders through increased engagement, communication, and participation.
- R) Seek opportunities to grow revenues and secure grants; continue to improve the quality, efficiency, and transparency of financial reporting, monitoring, and property management.
  - 5) Financial reporting

**BACKGROUND:**

CA Class is a Joint Powers Authority (JPA) Local Government Investment Pool that was launched in April of 2022. The sponsors of the JPA were the California Special Districts Association (CSDA) and the League of California Cities. California Class Prime is a money market style, liquid cash management fund with a stable net asset value and a variable yield that is reflective of short term, fixed income rates. The fund is compliant with California Code #53601 which outlines permissible securities for Public Fund investing in California. Public Trust Advisors is the investment manager and administrator of CA Class. Denver based Public Trust Advisors is the largest manager of Local Government Investment Pools in the country with \$92 billion in assets under management and investment management relationships with over 8,000 public agencies. CA Class currently has assets under management of \$1.7 billion and services 215 public agency participants across the state including special districts, cities and counties.

Staff reached out to Rick Wood, Chief Financial Officer of CSDA to inquire about CSDA's involvement in CA CLASS. He stated that CSDA and the League of California Cities created CA CLASS to offer public agencies a convenient method for investing in highly liquid, investment grade securities. CA CLASS also offers secure online access for transactions and account statements. CA CLASS is compliant with California Code #53601 so it is not necessary to amend the District's Investment policy to participate in CA CLASS.

### **Reference Checks**

Below are statements from CSDA and other agencies participating in CLASS:

*"I am the Chief Finance & Operations Officer of CSDA, and serve in that capacity for the Special District Leadership Foundation, and CSDA Finance Corporation. I also have the privilege of being a part time contracted CFO, through the CSDA Financial Services Program, for the Mark Twain Healthcare District, Mendocino Coast Recreation & Park District, and a few others. All these mentioned non-profits and public agencies use and embrace their relationship with California CLASS." ~ Rick Wood*

*"Given the amount of liquidity on many of our Association members' balance sheets, we are tremendously proud to have helped build California CLASS from the ground up specifically tailored to meet the needs of special districts and other local governments. The partnership with our investment advisor, Public Trust Advisors, provides a unique opportunity to work with an investment advisor that possesses a very successful track-record delivering cash management solutions exclusively for local governments nationally, successfully managing well over \$100 billion in assets. The client service experience, technological resources, and overall commitment to the local government investment pool space that Public Trust has brought to California CLASS results in a seamless cash management experience for California's diverse special districts. California CLASS is the only Local Government Investment Pool (LGIP) that CSDA exclusively endorses," said Neil McCormick, CEO of the California Special District Association.*

*"Our board is financially savvy, and they understood what our needs were. When they recognized the potential revenue that could be generated it was kind of a no-brainer." ~ Holland MacLaurie, Santa Cruz Port District General Manager. "In November of 2023, the district reported an additional \$50 thousand in monthly interest income due to their investment in California CLASS."*

*This investment has allowed our smaller community to get closer to achieving projects that have been long overdue. ~ Dina Breitstein, Town of Discovery Bay Community Services District. In January 2025, the district reported just under \$1 million in earnings from the first year of their investment in California CLASS.*

### **FISCAL IMPACT:**

Investing with CA CLASS offers the District flexibility and diversification of its funds with potential of competitive interest rates. There is no guarantee of interest return on investments.

### **ATTACHMENTS:**

Attachment 1 – California CLASS Fact Sheet

Attachment 2 – Central Coast California CLASS Participants



## Get to Know California CLASS

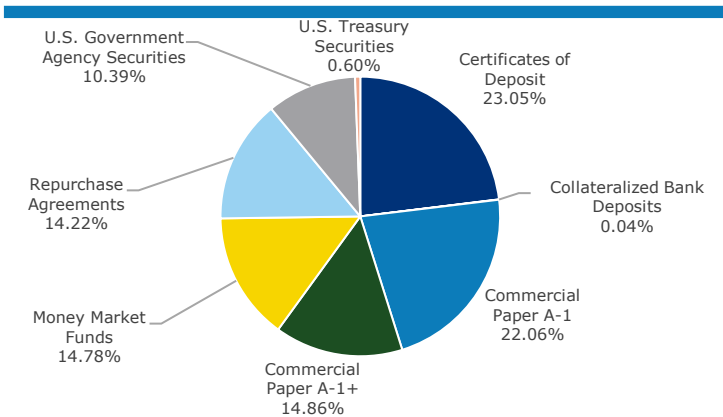
Holistic cash management designed with you in mind

California CLASS is a local government investment pool that was created under the Joint Powers Act. It allows eligible public agencies to invest their funds in a professionally managed Joint Powers Authority.

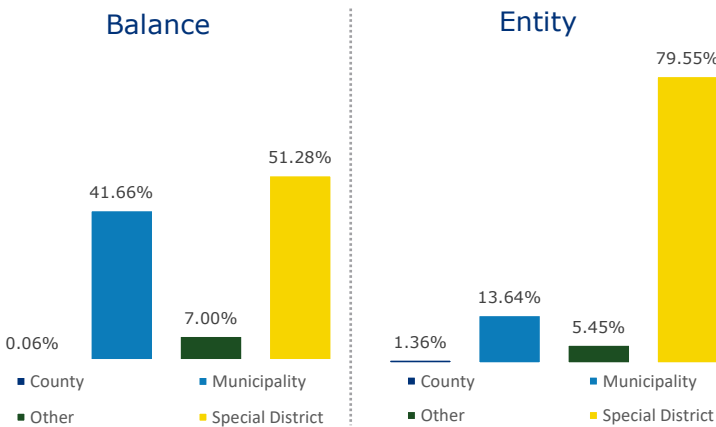
Participation is available to any California public agency under California Government Code 6500 and 6509.7. Investments are made in accordance with California Government Code Section 53601 and the California CLASS Investment Policies.

The California CLASS portfolio investment strategy prioritizes minimizing market risk and enhancing safety via diversified investments. Funds of the Participants are invested in prime or high grade, short-term fixed income instruments as illustrated to the left. We aim to provide competitive yields while adhering to all objectives of safety and liquidity. The California CLASS Prime Fund carries a 'AAAm' rating from S&P Global Ratings.

### Portfolio Allocation



### Participant Breakdown by Type



### California CLASS Board of Trustees

**Ryan Clausnitzer, Board Chair**  
General Manager  
Alameda County Mosquito Abatement District

**George Harris, Board Vice Chair**  
Director of Finance  
City of Lancaster

**Margaret Moggia, Board Treasurer**  
Finance Manager  
Town of Discovery Bay  
Community Services District

**Kevin Phillips, Board Secretary**  
Chief Financial Officer  
Paradise Irrigation District

**Christina Turner**  
City Manager  
City of Morgan Hill

Contact us to get started!  
[www.californiaclass.com](http://www.californiaclass.com)

California CLASS welcomes all public agencies without favor to one type. The Board membership represents the diversity of such agencies and works to maintain a product that services the needs of all California public agencies.

Data as of 12/31/2024. Data unaudited. Charts and/or values presented may not add up precisely to absolute figures due to rounding. Many factors affect performance including changes in market conditions and interest rates and in response to other economic, political, or financial developments. Investment involves risk including the possible loss of principal. No assurance can be given that the performance objectives of a given strategy will be achieved. California CLASS is not a bank. An investment in California CLASS is not insured or guaranteed by the Federal Deposit Insurance Corporation or any other government agency. Although the California CLASS stable NAV fund(s) seek to preserve the value of your investment at \$1.00 per share, this is not guaranteed. A 'AAAm' rating by S&P Global Ratings is obtained after S&P evaluates a number of factors including credit quality, market price exposure, and management. For a full description on rating methodology, please visit [www.spglobal.com](http://www.spglobal.com). Ratings are subject to change and do not remove credit risk. Please review the applicable Information Statement(s) before investing. **Past performance is no guarantee of future results. Any financial and/or investment decision may incur losses.**

Public Trust Advisors, LLC, a registered investment advisor with the U.S. Securities and Exchange Commission, provides investment advisory services to the Fund. PMA Securities, LLC, an affiliate of Public Trust Advisors, is a broker-dealer and municipal advisor registered with the SEC and MSRB and is a member of FINRA and SIPC and provides marketing, and securities and other institutional brokerage services.

**Central Coast California Class Participants – January 2025**

**Santa Maria Valley Airport District**

**Port of Oxnard**

**City of Solvang**

**Santa Ynez River Water District**

**Camarillo Healthcare District**

**Pleasant Valley Park and Recreation**

**Goleta Sanitary**

**Oceano CSD**

**Channel Islands Beach CSD**

**Gold Coast Transportation**

**Pleasant Valley County Water District**

**Montecito Sanitary District**

**Heritage Ranch CSD**

**Avila Beach CSD**

**Vandenburg Village CSD**

**San Simeon CSD**

**Ventura River Water District**

**Shandon San Juan Water District**



BOARD OF PORT COMMISSIONERS  
FEBRUARY 5, 2025

STANDARD AGENDA ITEM 2  
UPDATE ON STATE OF EMERGENCY  
TO ADDRESS THE FAILURE OF THE  
ELEVATOR AT 1591 SPINNAKER  
DRIVE

**VENTURA PORT DISTRICT**  
**BOARD COMMUNICATION**

**STANDARD AGENDA ITEM 2**  
Meeting Date: February 5, 2025

---

TO: Board of Port Commissioners  
FROM: Brian D. Pendleton, General Manager  
Todd Mitchell, Deputy General Manager  
Justin Fleming, Capital Projects Manager  
Sergio Gonzalez, Facilities Manager  
SUBJECT: Update on State of Emergency to Address the Failure of the Elevator at 1591 Spinnaker Drive

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**RECOMMENDATION:**

That the Board of Port Commissioners determine by a four-fifths vote that there is a need to continue the emergency action adopted by the Board on January 15, 2025, set forth in Resolution No. 3520.

**SUMMARY:**

On January 15, 2025, the adopted Resolution No. 3520 declaring a State of Emergency due to address the failure of an elevator at 1591 Spinnaker Drive and authorizing the General Manager to take emergency measures to respond to impacts to the District. The Board also amended the 5-Year Capital Improvement project budget to include \$185,000 for modernization of this elevator.

**GUIDING PRINCIPLES:**

- 7) Provide high-quality Harbor and coastal visitor-serving amenities, services, facilities and infrastructure.

**5-YEAR OBJECTIVES:**

- V) Maintain and improve Harbor Village facilities, infrastructure, and amenities
  - 1) Ongoing investment in Harbor Village Infrastructure

**BACKGROUND:**

The elevator at 1591 Spinnaker appears to be from the original construction of the building in the 1980's. While regularly maintained and inspected, the modernization of this elevator is in the District's 5-Year Capital Improvement Plan for FY25-26. This elevator serves three office tenants.

On November 14, 2024, the elevator exhibited issues with operation and a member of the public was temporarily trapped in the elevator. Staff were able to force the elevator open to allow the person out and our service provider was called in to repair the issue. Troubleshooting did not reveal the cause but some minor repairs were conducted and the elevator returned to service on November 19th.

During a subsequent inspection in December, the elevator was again taken out of service for additional attempts to repair. The elevator was again returned to service.

On January 10<sup>th</sup>, the elevator once again failed and trapped a member of the public inside. District staff were able to cycle power and free the individual. The service provider again returned to inspect and the elevator was taken out of service.

Given the risk of continued use of the elevator and the fact that without it, there is no ADA access to the upstairs suites, on January 15<sup>th</sup>, the Board approved Resolution No. 3520 declaring an emergency to address this issue and provide the General Manager authority to respond.



**REASONING FOR CONTINUING EMERGENCY DECLARATION:**

Three elevator specialty companies were contacted by the District and competitive quotes were received from two of them: TK Elevator (TKE), and Total Access Elevator (TAE). Ultimately TKE Elevators' bid of \$156,253.77, was recommended by the District's Capital Projects and Facilities teams, for the following reasons:

- While the TAE base proposal is slightly less expensive, addressing the lift hardware/jack was an extra cost. TAE would like to do an entire replacement of the jack, which would be roughly an additional \$50,000. In addition, a complete replacement will be time-consuming. In contrast, TKE is planning on doing a complete refurbishment of the existing jack. TKE have given staff assurance that this will last another 15-20 years. This approach is less expensive and far less time-consuming than a complete replacement.
- TKE has a subcontractor that will do the Fire Alarm system who is DIR compliant and will work closely with TKE in order to help meet our timeframe.
- TKE is already providing service to all our existing elevators, which makes continuity of maintenance and warranty issues far more cohesive.
- TKE has assured us that the modernization of said elevator will also bring the cab up to current ADA standards.

At the time of this report, District staff is working with TKE to finalize the non-fiscal terms of the contract. The contract will include \$100 per day as an early performance incentive or liquidated damages consequence for untimely performance.

While a contract should be executed prior to the Board meeting consistent with the Board's direction, Staff recommends that the State of Emergency remain in effect. Staff and TKE estimate that the time to fabricate, rehabilitate, and complete the elevator modernization will take until mid-to late-April.

**FISCAL IMPACT:**

The 5-Year Capital Improvement Project Budget included the modernization of the 1591 Spinnaker elevator for \$125,000 in FY25-26. The Board approved a budget increase of \$185,000 at the January 15, 2025, meeting to allow for optional additional work, change orders, as well as to account for possible surcharges associated with expediting the work.

The bid from TKE is for \$156,253.77 excluding any early completion incentive and also allows for additional funds being available to accommodate any unseen conditions that may arise during the modernization of the elevator.

**ATTACHMENTS:**

Attachment 1 – Resolution No. 3520



**RESOLUTION NO. 3520**

**RESOLUTION OF THE BOARD OF PORT COMMISSIONERS OF THE  
VENTURA PORT DISTRICT DECLARING A STATE OF EMERGENCY TO ADDRESS THE  
FAILURE OF THE ELEVATOR AT 1591 SPINNAKER DRIVE**

WHEREAS, on June 19, 2024, the Ventura Port District's (the "District") Board of Port Commissioners adopted the FY24-25 Budget including the 5-Year Capital Improvement and ADA Improvements Plan.

WHEREAS, said 5-Year Capital Improvement and ADA Improvements Plan included upgrading and modernizing the elevator ("Elevator") at 1591 Spinnaker Drive, which serves three of the District's office tenants and provides ADA access to the second floor and these office suites.

WHEREAS, on November 14, 2024, the Elevator failed and temporarily trapped a member of the public inside until District staff was able to physically force the Elevator doors open so the person could exit the Elevator.

WHEREAS, the District's service provider attempted to diagnose the underlying issue with the Elevator and, after being unable to determine such, performed repairs necessary to return the Elevator to service and recommended modernization of the Elevator.

WHEREAS, on January 10, 2025, the Elevator failed again and temporarily trapped a member of the public inside for a second time

WHEREAS, the District has the authority under the Public Contract Code (§20751.1) to declare an "emergency" condition where immediate action is necessary to protect life, health, or property, and to restore services subject to interruption in the event of another emergency.

WHEREAS, the Public Contract Code and the District's Procurement and Purchasing Policy ("Policy") provide that, where an emergency condition exists, the General Manager is authorized to expend necessary funds and take such action as may be necessary to prevent or mitigate the loss or impairment of life, health, or property without the need for competitive bidding or subsequent Board approval, where applicable.

WHEREAS, under the Policy, in the case of an emergency involving a "public project" under the UPCCA, the terms and conditions of Public Contract Code section 22035 will control.

ATTACHMENT 1

WHEREAS, under section 22035, when an emergency arises that makes repair or replacement necessary, the Board can immediately proceed to replace or repair any public facility without first having to adopt plans or specifications or give notice for informal or competitive bidding with this work being done by day labor under the Board's direction, by contractor, or by a combination of both.

WHEREAS, in case of an emergency, if notice for bids to let contracts will not be given, the public agency shall comply with Chapter 2.5 (commencing with [section 22050](#)).

WHEREAS, under section 22050, in emergency situations, the District, pursuant to a four-fifths (4/5) vote of the Board, can repair or replace a public facility, take any directly related and immediate action required by that emergency, and procure the necessary equipment, services, and supplies, without giving notice for bids to let contracts under the formal or informal bidding policies the District has adopted under the UPCCA.

WHEREAS, before the Board takes action, it must make a finding, based on substantial evidence set forth in the minutes of the meeting, that the emergency will not allow a delay resulting from the bid process, and that the action is necessary to respond to the emergency.

WHEREAS, if the Board takes action to approve the emergency actions under section 22050, the Board must review the emergency action at every regularly scheduled meeting thereafter until the emergency action is terminated, which will be triggered by the District completing the repair.

NOW, THEREFORE, BE IT RESOLVED that the Board of Port Commissioners DETERMINES, and ORDERS as follows:

1. Due to (i) multiple failures of the Elevator that have resulted in members of the public becoming temporarily trapped within the Elevator, the malfunctioning Elevator presents a public safety issue, and (ii) the fact that leaving the Elevator out of service restricts ADA access to tenant businesses located on the second floor of the premises, the Board finds that an emergency condition exists.
2. The District determines that the public interest and necessity demand the immediate expenditure of public money to promptly address the failure of the Elevator in order to maintain ADA access to the offices on the second floor of the premises at 1591 Spinnaker Dr.
3. The Board hereby delegates to Brian D. Pendleton, the District's General Manager, the authority to: 1) procure the necessary equipment, services, and supplies for the purpose of returning the Elevator to service, which may include replacing or modernizing all or a portion of the current Elevator, and 2) provide necessary staff resources to do so.
4. The General Manager shall report to the Board of Port Commissioners, at its next regularly scheduled meeting, the actions taken to respond to the emergency.

ATTACHMENT 1

5. That the Board will review the emergency action at every regularly scheduled meeting hereafter until the emergency action is terminated, which will be triggered by the District completing the repairs.

PASSED, APPROVED and ADOPTED this 15th day of January 2025 by the following vote:

AYES: Commissioners Gardina, Rainey, Stephens, Howell

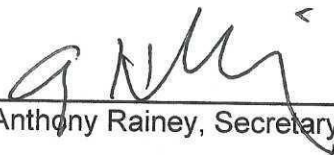
NOES:

ABSENT: Chair Blumenberg

ABSTAINED:

  
\_\_\_\_\_  
Jackie Gardina, Vice-Chair

Attest:

  
\_\_\_\_\_  
Anthony Rainey, Secretary

