



# 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, MARCH 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 Chair Blumenberg.*

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

**PUBLIC COMMUNICATIONS (3 minutes)**

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

**CONVENE IN CLOSED SESSION**

**CLOSED SESSION AGENDA**

**1. CONFERENCE WITH LEGAL COUNSEL—EXISTING LITIGATION – 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)

**ADJOURNMENT**

**OPEN SESSION  
7:00PM**

**CALL TO ORDER:** *By Chair Michael Blumenberg.*

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

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

**ADOPTION OF AGENDA**

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

**APPROVAL OF MINUTES**

*The Minutes of February 5, 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 Resolution No. 3524 Accepting the Work of F.C.T. Construction LLC for the Ventura Harbor Village 1567 Spinnaker Drive Façade Renovation Project**

Recommended Action: Roll Call Vote.

That the Board of Port Commissioners adopt Resolution No. 3524:

- a) Accepting the work of F.C.T Construction LLC for the Façade Renovation Project at 1567 Spinnaker Drive.
- b) Authorize staff to prepare and record a Notice of Completion with the Ventura County Recorder.

**B) Approval of Amendment No. 1 to a Professional Services Agreement with Jensen Design & Survey for Architectural Services**

Recommended Action: Voice Vote.

That the Board of Port Commissioners approve Amendment No. 1 to a Professional Services Agreement with Jensen Design & Survey, increasing the compensation from \$97,000 to \$140,000 for the engineering, design, permitting, bid support, and construction management for three District improvement projects.

**C) Approval of 2025 Lifeguard Services Contract**

Recommended Action: Voice Vote.

That the Board of Port Commissioners authorize the General Manager to enter into a contract with the Department of Parks and Recreation to provide Lifeguard Services from mid-May 2025 through Labor Day 2025 at Harbor Cove and Surfers Knoll beaches in the amount of \$200,078.50.

**STANDARD AGENDA:**

**1) Authorization to Execute Agreements with Yardi Systems, Inc and Balance Assets Solutions, LLC**

Recommended Action: Voice Vote.

That the Board of Port Commissioners:

- a) Authorize the General Manager to execute an Agreement with Yardi Systems, Inc for a three-year term in the amount not to exceed \$55,000 for the first year of the contract.
- b) Authorize the General Manager to execute an Agreement with Balance Asset Solutions, LLC for a one-year contract not to exceed \$83,475.

**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, February 28, 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  
MARCH 5, 2025

APPROVAL OF MINUTES  
FEBRUARY 19, 2025  
REGULAR MEETINGS

# VENTURA PORT DISTRICT

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## BOARD OF PORT COMMISSIONERS REGULAR MEETING MINUTES OF FEBRUARY 19, 2025

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### **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 7:00PM at the Ventura Port District Administration Office, 1603 Anchors Way Drive, Ventura, CA 93001 and via Zoom meeting.

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

##### **ROLL CALL:**

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

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

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

Jackie Gardina

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

Brian D. Pendleton, General Manager  
Todd Mitchell, Deputy General Manager  
Jessica Rauch, Clerk of the Board  
Gloria Adkins, Accounting Manager  
Ian Ayers, Marine Safety Officer  
Brendan Donohue, Senior Harbor Patrol Officer  
Justin Fleming, Capital Projects Manager  
Sergio Gonzalez, Facilities Manager  
John Higgins, Harbormaster  
Will McReynolds, Management Assistant  
Jessica Perkins, Accountant II via Zoom  
Jessica Snipas, Business Operations Analyst via Zoom  
Jennifer Talt-Lundin, Marketing Manager  
Dave Werneburg, Marina Manager

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

Reid Miller, Lagerlof, LLP

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

Councilmember Duran, City Council Liaison – absent

**Number of interested persons:**

0 via zoom; 0 in person

**ADOPTION OF AGENDA**

**ACTION:** Vice-Chair Howell moved to adopt the February 19, 2025 agenda.

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

**APPROVAL OF MINUTES**

The Minutes of February 5, 2025 Board of Port Commissioners' Regular Meetings were considered as follows:

**ACTION:** Commissioner Stephens moved to approve the Minutes of the February 5, 2025 Regular Meeting.

**Commissioner Rainey seconded. The vote carried 3-0-1 (Blumenberg abstained).**

**PUBLIC COMMUNICATIONS:** None. Closed at 7:03PM.

**BOARD COMMUNICATIONS:** Vice-Chair Howell reported on the NWWN Conference. Closed at 7:07PM.

**STAFF AND GENERAL MANAGER REPORTS:** Mr. Pendleton reported on the upcoming events and promotions at Harbor Village. Senior Harbor Patrol Officer Brendan Donohue recognized Harbor Patrol Officer George Kabris and Marine Safety Officer Ian Ayers for their response to the search for a missing fisherman.

**CONSENT AGENDA:**

**A) Approval of Out-of-Town Travel Requests**

Recommended Action: Voice Vote.

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

- a) John Higgins, Harbormaster, to attend the JPIA Public Safety Academy from March 11 – 13, 2025 in Huntington Beach, CA.
- b) Brendan Donohue, Senior Harbor Patrol Officer to attend the JPIA Public Safety Academy from March 11 – 13, 2025 in Huntington Beach, CA.

Public Comment: None. Closed at 7:28PM.

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

- a) John Higgins, Harbormaster, to attend the JPIA Public Safety Academy from March 11 – 13, 2025 in Huntington Beach, CA.
- b) Brendan Donohue, Senior Harbor Patrol Officer to attend the JPIA Public Safety Academy from March 11 – 13, 2025 in Huntington Beach, CA.

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

**B) Approval of a New Retail Lease Agreement with Ashley Cook and Alan Cook dba Treasure Cove**

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 Ashley Cook and Alan Cook dba Treasure Cove, for the premises located at 1567 Spinnaker Drive, Suite #103, Ventura California 93001, consisting of approximately 342 square feet.

Public Comment: None. Closed at 7:28PM.

**ACTION: Commissioner Stephens moved to approve a new Retail Lease Agreement between the Ventura Port District dba Ventura Harbor Village and Ashley Cook and Alan Cook dba Treasure Cove, for the premises located at 1567 Spinnaker Drive, Suite #103, Ventura California 93001, consisting of approximately 342 square feet.**

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

**C) Approval of Amendment No. 1 to the Professional Services Agreement with Rasmussen & Associates for Engineering and Consulting Services**

Recommended Action: Voice Vote.

That the Board of Port Commissioners approve Amendment No. 1 to a Professional Services Agreement with Rasmussen & Associates, Inc., increasing the compensation from \$185,000 to \$270,000 and extending the term for the architectural design, permitting, bid support, and construction management for three District improvement projects.

Public Comment: None. Closed at 7:28PM.

**ACTION: Commissioner Stephens moved to approve Amendment No. 1 to a Professional Services Agreement with Rasmussen & Associates, Inc., increasing the compensation from \$185,000 to \$270,000 and extending the term for the architectural design, permitting, bid support, and construction management for three District improvement projects.**

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

**STANDARD AGENDA:**

**1) Adoption of Resolution No. 3521 Approving the Financial Statements and Checks for October through December 2024**

Recommended Action: Roll Call Vote.

That the Board of Port Commissioners adopts Resolution No. 3521 to:

- a) Accept the financial statements as revised for the Quarter ending December 31, 2024.
- b) Review the payroll and regular checks for October through December 2024.

Report by Gloria Adkins, Accounting Manager.

Public Comment: None. Closed at 7:32PM.



- ACTION:** Commissioner Stephens moved to adopt Resolution No. 3521 to:
- a) Accept the financial statements for the Quarter ending December 31, 2024.
  - b) Review the payroll and regular checks for October through December 2024.

Commissioner Rainey seconded. The vote was as follows:

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

**NOES:**

**ABSTAINED:**

**ABSENT:** Commissioner Gardina

The motion passed 4-0.

**2) Adoption of Resolution No. 3522 Approving the Fiscal Year 2024-2025 Mid-Year Budget Adjustments and Capital Improvement Plan and Resolution No. 3523 Establishing the Salary Schedule for the Administrative Services Manager and Accounting Supervisor as Non-Represented Employee of the District Effective July 1, 2025**

Recommended Action: Roll Call Vote.

That the Board of Port Commissioners:

- a) Adopt Resolution No. 3522 approving the Mid-Year Budget Adjustments for Fiscal Year 2024-2025 effective January 1, 2025.
- b) Adopt Resolution No. 3523 establishing the Salary Schedule for the Administrative Services Manager and Accounting Supervisor as a Non-Represented Employee of the District effective July 1, 2025.

Report by Gloria Adkins, Accounting Manager.

Public Comment: None. Closed at 7:32PM.

- ACTION:** Vice-Chair Howell moved to:
- a) Adopt Resolution No. 3522 approving the Mid-Year Budget Adjustments for Fiscal Year 2024-2025 effective January 1, 2025.
  - b) Adopt Resolution No. 3523 establishing the Salary Schedule for the Administrative Services Manager and Accounting Supervisor as a Non-Represented Employee of the District effective July 1, 2025.
  - c) Revise the organizational chart to change the Deputy General Manager to 1 FTE and (Sr.) Business Operations Manager to 0 FTE effective July 1, 2025.

Commissioner Stephens seconded. The vote was as follows:

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

**NOES:**

**ABSTAINED:**

**ABSENT:** Commissioner Gardina

The motion passed 4-0.

**3) Approval of Amendment No. 2 to the Restaurant Lease Agreement with Aarmark Beer Gardens, Inc. dba The Loose Cannon**

Recommended Action: Voice Vote.

That the Board of Port Commissioners approve Amendment No. 2 to the Restaurant Lease Agreement with Aarmark Beer Gardens, Inc. a California corporation dba The Loose Cannon, and the Ventura Port District dba Ventura Harbor Village, for the premises located at 1567 Spinnaker Drive, Suite #100 consisting of approximately 5,736 square feet of commercial space and 600 of patio area.

Report by Brian D. Pendleton, General Manager and Todd Mitchell, Deputy General Manager.

Note: Staff gave a presentation clarifying questions from the Commission. The presentation can be found here: <https://venturaharbor.com/board-meeting-documents/>.

Public Comment: None. Closed at 8:22PM.

**ACTION:** Commissioner Rainey moved to approve Amendment No. 2 to the Restaurant Lease Agreement with Aarmark Beer Gardens, Inc. a California corporation dba The Loose Cannon, and the Ventura Port District dba Ventura Harbor Village, for the premises located at 1567 Spinnaker Drive, Suite #100 consisting of approximately 5,736 square feet of commercial space and 600 of patio area.

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

**4) 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.

Report by Justin Fleming, Capital Projects Manager.

Public Comment: None. Closed at 8:33PM.

**ACTION:** Commissioner Stephens moved to continue the emergency action adopted by the Board on January 15, 2025, set forth in Resolution No. 3520.

**Vice-Chair Howell seconded. The vote was as follows:**

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

**NOES:**

**ABSTAINED:**

**ABSENT:** Commissioner Gardina

**The motion passed 4-0.**

**ADJOURNMENT:** The meeting was adjourned in honor of Terry Wilmarth at 7:50PM.

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

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Anthony Rainey, Secretary



VENTURA  
PORT DISTRICT

*Established 1952*

BOARD OF PORT COMMISSIONERS  
MARCH 5, 2025

CONSENT AGENDA ITEM A  
APPROVAL OF RESOLUTION NO.  
3524 ACCEPTING THE WORK OF  
F.C.T. CONSTRUCTION LLC FOR THE  
VENTURA HARBOR VILLAGE 1567  
SPINNAKER DRIVE FACADE  
RENOVATION PROJECT

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TO: Board of Port Commissioners  
FROM: Todd Mitchell, Deputy General Manager  
Justin Fleming, Capital Projects Manager  
SUBJECT: Adoption of Resolution No. 3524 Accepting the Work of F.C.T Construction LLC  
for the Ventura Harbor Village 1567 Spinnaker Drive Façade Renovation Project

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**RECOMMENDATION:**

That the Board of Port Commissioners adopt Resolution No. 3524:

- a) Accepting the work of F.C.T Construction LLC for the Façade Renovation Project at 1567 Spinnaker Drive.
- b) Authorize staff to prepare and record a Notice of Completion with the Ventura County Recorder.

**SUMMARY:**

On October 5, 2022, the Board awarded a bid to F.C.T. Construction LLC (FCT) in the amount of \$698,000 for the Ventura Harbor Village 1567 Spinnaker Drive Façade Renovation Project. On April 3, 2024, the Board approved Amendment No. 1 to the contract and increased the budget for the project. The work is now complete to the satisfaction of the District staff, and it is appropriate to record a Notice of Completion.

**GUIDING PRINCIPLES:**

- 7) Provide high-quality Harbor and coastal visiting-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 remodel of the 1567 Spinnaker Drive Facade Renovation Project was competitively bid in FY22-23. On October 5, 2022, the Board awarded a contract to F.C.T Construction for the “Ventura Harbor Village 1567 Spinnaker Drive Facade Renovation Project” in the amount of \$698,000.

Over the course of the project’s construction, there were five change orders made to the project at the direction of District staff. Prior to exceeding the 10% limit on change orders (per the District’s procurement policy), on April 3, 2024, the Board approved Amendment No. 1 increasing the maximum contract value to \$862,070 to cover the change orders and allow for possible additional work.

Upon conclusion of the project, the final project cost was \$853,850 as no additional work was required.

The work has now been completed to staff satisfaction and, if approved, the final retention of \$76,865 will be paid to the contractor (FCT) 30 days after recording the Notice of Completion.

**FISCAL IMPACT:**

The project was included in the Capital Improvement Plan budget approved by the Board on June 29, 2022, and the project has continued to be included in each subsequent year's Capital Improvement Budget. When the Board approved Amendment No. 1 to the contract on April 3, 2024, the Board simultaneously amended the Capital Improvement Plan budget to reflect the Amendment.

**ATTACHMENTS:**

Attachment 1 – Location Map

Attachment 2 – Resolution No. 3524

Attachment 3 – Notice of Completion





**RESOLUTION NO. 3524**

**RESOLUTION OF THE BOARD OF PORT COMMISSIONERS  
OF THE VENTURA PORT DISTRICT  
ACCEPTING THE WORK OF F.C.T. CONSTRUCTION LLC FOR THE  
VENTURA HARBOR VILLAGE 1567 SPINNAKER DRIVE FAÇADE RENOVATION  
PROJECT**

WHEREAS, Brian D. Pendleton, General Manager of the Ventura Port District, advised the Board of Port Commissioners of said District that the work of F.C.T. Construction LLC on the project entitled "1567 Spinnaker Drive Façade Renovation Project" described in the Agreement between F.C.T. Construction LLC and the Ventura Port District, hereinafter referred to as "District", dated October 13, 2022, has been completed and recommends that said work be accepted.

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

1. Said work is hereby accepted.
2. Pursuant to the conditions and specifications of the Agreement and upon the recommendation of the General Manager, F.C.T. Construction LLC is released from the obligations under said contract, except as to the conditions of the performance bond, required guarantees and correction of faulty work after payment.
3. The General Manager of the District is hereby directed to execute on behalf of the District or cause to be executed on behalf of the District and be recorded in the office of the Ventura County Recorder a Notice of Completion of said work.
4. The General Manager is hereby directed to send a copy of this Resolution to F.C.T Construction LLC as the District's Notice of Acceptance of said work.

PASSED, APPROVED, AND ADOPTED at a Regular Meeting of the Board of Port Commissioners of the Ventura Port District held on March 5, 2025, by the following vote:

AYES:  
NOES:  
ABSTAIN:  
ABSENT:

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Michael Blumenberg, Chair

ATTEST:

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Anthony Rainey, Secretary



RECORDING REQUESTED BY:  
Ventura Port District

AND WHEN RECORDED MAIL TO:  
Ventura Port District  
1603 Anchors Way Drive  
Ventura, CA 93001-4229

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**NOTICE OF COMPLETION**

(Notice pursuant to Civil Code Section 3093, must be recorded within 10 days after completion)

**NOTICE IS HEREBY GIVEN THAT:**

1. The undersigned is an agent of the owner of the interest stated below.
2. The full name of the owner is Ventura Port District, a public benefit corporation and independent special district organized and existing under the laws of the State of California.
3. The full address of the owner is 1603 Anchors Way Drive, Ventura, CA 93001-4229.
4. The nature of the interest or estate is: fee simple.
5. The full name and full addresses of all co-owners who hold any title or interest with the above-named owner in the property are: Not applicable; there are no co-owners.
6. A work of improvement on the property hereinafter described was completed on February 19, 2025.
7. The work accomplished consisted of façade renovations at 1567 Spinnaker Drive.
8. The name of the contractor for the project is F.C.T. Construction LLC pursuant to the Agreement, dated October 13, 2022.
9. The property on which said work of improvement was completed is in the City of San Buenaventura, County of Ventura, State of California, and is described as Ventura Harbor Village.

Ventura Port District

Date: \_\_\_\_\_

By: \_\_\_\_\_  
Brian D. Pendleton, General Manager

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**VERIFICATION**

I, the undersigned, say that I am the General Manager of the declarant of the foregoing completion; I have read said Notice of Completion and know the contents thereof; the same is true of my own knowledge.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on \_\_\_\_\_, at Ventura, California.

\_\_\_\_\_  
Brian D. Pendleton, General Manager



VENTURA  
PORT DISTRICT

*Established 1952*

BOARD OF PORT COMMISSIONERS  
MARCH 5, 2025

CONSENT AGENDA ITEM B  
APPROVAL OF AMENDMENT NO. 1 TO  
A PROFESSIONAL SERVICES  
AGREEMENT WITH JENSEN DESIGN &  
SURVEY FOR ARCHITECTURAL  
SERVICES

**VENTURA PORT DISTRICT  
BOARD COMMUNICATION**

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

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TO: Board of Port Commissioners  
FROM: Brian D. Pendleton, General Manager  
Todd Mitchell, Deputy General Manager  
Justin Fleming, Capital Projects Manager  
SUBJECT: Approval of Amendment No. 1 to a Professional Services Agreement with  
Jensen Design & Survey for Architectural Services

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**RECOMMENDATION:**

That the Board of Port Commissioners approve Amendment No. 1 to a Professional Services Agreement with Jensen Design & Survey, increasing the compensation from \$97,000 to \$135,000 for the engineering, design, permitting, bid support, and construction management for three District improvement projects.

**SUMMARY:**

The District entered into a Professional Service Agreements (PSA) with Jensen Design & Survey (Jensen) to provide architectural services for three District capital projects on September 4, 2024.

Additional funding is required under this contract to cover the costs of additional engineering services for two of the three original projects and to fund two additional projects.

**GUIDING PRINCIPLES:**

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

**FIVE-YEAR OBJECTIVES:**

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

**BACKGROUND:**

On September 4, 2024, the District entered a PSA with Jensen for engineering, survey, design, permitting, bid support, and construction management for three capital improvement projects:

1. Lot 19A Improvements
2. Beach Restroom/Showers/Access Improvements
3. Fuel Tank/Commercial Fish area surface and subsurface utility location.

This amendment also adds two additional projects to the contract:

4. Boat Wash Stations
5. Restriping plan for the old Dry Storage lot.

These projects expanded upon work already performed by Jensen to develop preliminary conceptual designs during the previous fiscal year (1 & 2), assist the District with the replacement of Safe Harbor's underground fuel storage tanks (3), provide construction management support (4), and assist with the roll out of the District's parking management program (5).

Throughout the preconstruction and construction phases of projects 1 and 2, several conditions were encountered that resulted in necessary but additional impacts to Jensen's scope of services.

### **1. Lot 19A Improvements**

While under plan review by the City of Ventura (City), the City deemed it necessary to have Jensen provide additional calculations for the light pole bases. This coordination and the revisions to the electrical plans resulted in additional work, and the subsequent costs, associated with said work. Additionally, with these updated requirements, Staff has determined that the project value will require formal competitive bidding and therefore has made the decision, that, due to Jensen's in-depth knowledge of this project, to engage them in bid support as we move forward.

### **2. Beach Restroom/Showers/Access Improvements**

Processing first City Planning and California Coastal Commission approval followed by City Building and Safety plan check, the Beach Restrooms/Showers/Access projects at Surfers Knoll and Harbor Cove Beach, continues to require more work by Jensen than was originally budgeted.

### **3. Fuel Tank/Commercial Fish area surface and subsurface utility location.**

Completed within budget. No changes.

If approved, this contract amendment will add two additional projects to the contract:

### **4. Boat Wash Stations**

As construction of the boat wash stations began in January, there were several site conditions, including the need for changing the utility trenching location and potential sloping issues at the adjoining ramp that required additional engineering, consultation, and site visits.

### **5. Restriping plan for the old Dry Storage lot.**

When the improvements to Parcel 19A are complete, the boats in the current Dry Storage lot will be relocated there and the Dry Boat storage will be converted into a standard surface parking lot. The orientation and layout of the lot will change and Jensen will be tasked with producing a restriping plan for the new use.

### **FISCAL IMPACTS:**

The work for the first three projects was included as part of the overall Capital Improvement Project budget for the improvements to the various projects; however, as stated, there was additional work required outside of Jensen's original scope. The fourth and fifth projects were initially not included in the contract.

Jensen has estimated that these services require the addition of \$31,500 to the contract to complete the work required through June 30, 2025. If approved, Amendment No. 1 will increase the contract budget \$38,000 to allow for any additional work Staff might require to complete these projects. The amendment will therefore increase the contract value to \$135,000.

The District's FY24-25 Capital Improvement Plan budget included 1, 2, 4, and 5 and the Mid-Year Budget Adjustment addressed all changes considered in this contract Amendment through changes to both the Capital Improvement and changes to the Administration budget.

### **ATTACHMENTS:**

None.



**VENTURA  
PORT DISTRICT**  
*Established 1952*

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

**CONSENT AGENDA ITEM C  
APPROVAL OF 2025 LIFEGUARD  
SERVICES CONTRACT**

**VENTURA PORT DISTRICT  
BOARD COMMUNICATION**

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

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TO: Board of Port Commissioners  
FROM: Brian D. Pendleton, General Manager  
John Higgins, Harbormaster  
SUBJECT: Approval of 2025 Lifeguard Services Contract

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**RECOMMENDATION:**

That the Board of Port Commissioners authorize the General Manager to enter into a contract with the Department of Parks and Recreation to provide Lifeguard Services from mid-May 2025 through Labor Day 2025 at Harbor Cove and Surfers Knoll beaches in the amount of \$200,078.50.

**SUMMARY:**

Placing public safety as a high priority, the Ventura Port District took the lead in providing summer lifeguards at Harbor Cove Beach after the City of Ventura eliminated services in 2011. The solution at that time was to contract with California The services have been expanded to meet the demands of this higher population of visitors. The Lifeguard Contract for 2025 is estimated at \$200,078.50 (vs. \$158,125.93 in 2024) due to the increase in hourly rates for Lifeguard I/II, some off-season coverage options, and repair/rehab of towers.

**GUIDING PRINCIPLES:**

- 1) Maintain a safe, navigable, and resilient harbor.
- 5) Build respectful, productive relationships with employees, tenants, residents, visitors, stakeholders, public officials, and elected representatives while promoting diversity, equity, and inclusion.
- 6) Provide exceptional public service and organizational transparency.
- 7) Provide high-quality Harbor and coastal visitor-serving amenities, services, facilities and infrastructure.

**5-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.

**BACKGROUND:**

Ventura Harbor is one of the few locations in Ventura County that provides a complete user experience. Our Harbor, beaches, merchants, restaurants, National Park Headquarters, sport fishing boats, dive boats, and Island Packers give the visitor tremendous value and entertainment in one intimate location. As Southern California history has shown, the beach is a proven valuable commodity, and the government agency's investment returns are strong. Local visitors and outside tourists are attracted to safe, lifeguarded beaches, and the result is a robust local economy, higher property values, and consistently higher sales taxes. Our investment in a complete lifeguard service has brought us crowds mid-week and after the traditional summer months, which benefits our merchants and restaurants. We expect this trend to continue.

District Staff recommends entering into another contract with State Parks for \$200,078.50 as proposed. State Parks has performed well each year. Rescues continue to decrease with preventative lifeguarding and public education. The Harbormaster will continue to work with State Parks to ensure that the highest level of service is provided while managing Port District funds.

Staff will also continue to work with the City of Ventura Fire and Recreation Departments to evaluate cost-effective service delivery methods, such as joint-service concepts. Staff will report back to the Commission should any significant opportunities present themselves.

**FISCAL IMPACT:**

The Lifeguard Contract for 2025 is estimated at \$200,078.50 (vs. \$158,125.93 in 2024) due to the increase in hourly rates for Lifeguard I/II, some off-season coverage options, and repair/rehab of towers.

**ATTACHMENT:**

None.



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

**STANDARD AGENDA ITEM 1  
AUTHORIZATION TO EXECUTE  
AGREEMENTS WITH YARDI SYSTEMS,  
INC AND BALANCE ASSETS  
SOLUTIONS, LLC**



**VENTURA PORT DISTRICT  
BOARD COMMUNICATION**

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

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TO: Board of Port Commissioners  
FROM: Brian D. Pendleton, General Manager  
Gloria Adkins, Accounting Manager  
Jessica Perkins, Accountant II  
SUBJECT: Authorization to Execute Agreements with Yardi Systems, Inc and Balance Assets Solutions, LLC

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**RECOMMENDATION:**

That the Board of Port Commissioners:

- a) Authorize the General Manager to execute an Agreement with Yardi Systems, Inc for a three-year term in the amount not to exceed \$55,000 for the first year of the contract.
- b) Authorize the General Manager to execute an Agreement with Balance Asset Solutions, LLC for a one-year contract not to exceed \$83,475.

**SUMMARY:**

Staff recommends the authorization of two agreements. The first is for Yardi Voyager 8 software (Yardi) to replace the current accounting and property management software. The yearly cost for the Yardi Software three-year contract is \$25,000 with annual increases tied to the consumer price index (CPI). The initial set-up cost for Yardi is 29,200.

The second agreement is with Balance Asset Solutions (BAS), a licensed software migration specialist, to perform and ensure a complete and successful software migration to Yardi. BAS will expedite the transition to coincide with the end of the current fiscal year. Both agreements will enhance the current needs of the departments and optimize and establish a more robust and efficient accounting and property management workflow.

**LONG-TERM GOALS:**

- Goal 6: Public Service
  - Provide exceptional public service and transparency at all levels within the organization through effective leadership, training, mentoring, and oversight. This promotes accountability, increased public trust, and more efficient, effective and public focused organization.

**5-YEAR OBJECTIVES:**

- Objective E: Public and Civic Engagement Plan
  - Strengthen communication and further develop close working relationships with stakeholders, business partners, and civic leaders
    - 1: Collaborate with business partners and stakeholders through increased engagement, communication, and participation.

**BACKGROUND:**

In March 2022 staff migrated to MRI Commercial Property (MRI) accounting software to streamline the accounting and property management process and to improve efficiency. Unfortunately, the software has presented continuous challenges that neither the staff nor MRI have been able to resolve. Given that the three-year contract with MRI software expires on June 30, 2025, staff began researching alternative solutions in the fall, with meticulous attention to the District's unique requirements as a government agency generating >80% of its revenue through property management.

In our research three years ago, Yardi was identified as one of the accounting solutions to be equipped to meet the District's needs, including the complex percentage rent structures for Harbor Village and the Master Leases, in addition to performing the desired accounting functions. At the time when comparing the two software solutions, it was concluded that MRI was preferred due to the price point of the set-up and annual costs, and customer service support capabilities. The District's property management accounting needs proved to be too complex for MRI's capabilities combined with inefficiencies with customer support. Previously Yardi catered to large commercial property businesses which was beyond the District's price point. They now offer reasonably priced packages that accommodate smaller businesses with complex commercial property needs, such as those of the District. Tenants will continue to be able to access their accounts and pay their bills via a tenant portal with Yardi.

Staff have also determined that it would be in the District's best interest to retain a consultant to perform the accounting software migration to Yardi should the Board approve the Yardi agreement. Two consultants came highly recommended as certified Yardi migration specialists. Balance Asset Solutions (BAS) was able to best accommodate the District's needs, meet the desired schedule, and priced competitively. BAS will assume complete accountability and responsibility for the successful migration implementation. They will evaluate the District's needs, suggest procedural enhancements, perform all data migration and implementation set up and provide additional training. The usage of a migration specialist will ensure a successful setup of the new software that will best meet the District needs. This service will also significantly reduce the amount of staff resources needed during the migration process, enabling staff to continue to focus on their daily workloads.

Should the Board approve the recommended actions, the migration process will commence in March with an anticipated roll out by June.

**FISCAL IMPACT:**

The annual cost for Yardi Software is \$25,000 with an annual increase not to exceed CPI for the preceding year. The set-up costs for Yardi are \$29,200. The fee for BAS is \$83,475 billed in twelve monthly installments of which the first four months (\$27,825) will be due during the current fiscal year. The FY24-25 costs for these services were approved as part of the mid-year budget adjustment.

**ATTACHMENTS:**

None.



BOARD OF PORT COMMISSIONERS  
MARCH 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: March 5, 2025

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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 is in need of urgent modernization. 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 19<sup>th</sup> until a subsequent inspection in December, when it was taken out of service for additional repairs. On January 10<sup>th</sup>, the elevator once again failed and 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 to the General Manager and the contract has been executed. TKE has begun fabrication, and staff is in contact with TKE's project manager, Kim Boyle, who has confirmed that work is on schedule to begin onsite at 1591 Spinnaker on April 21, 2025.

Per the Board's direction, Staff recommends that the State of Emergency remain in effect until the elevator has returned to service in order to provide the General Manager the ability to take any further action required to promptly return the elevator to service.

**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<sup>th</sup> 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 for \$156,253.77 has been accepted and an initial materials deposit of \$78,126.89 has been issued in order for TKE to begin fabrication, which has begun.

The District has received a request for partial rent abatement from one of the affected tenants due to the elevator being out of service.

**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

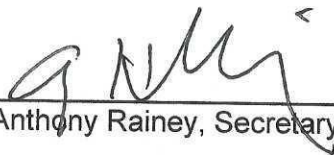
NOES:

ABSENT: Chair Blumenberg

ABSTAINED:

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

Attest:

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

