



## VENTURA PORT DISTRICT BOARD OF PORT COMMISSIONERS

Everard Ashworth, Chairman  
Brian Brennan, Vice Chairman  
Jim Friedman, Secretary  
Chris Stephens, Commissioner  
Jean Getchell, Commissioner

Oscar Peña, General Manager  
Brian Pendleton, Deputy General Manager  
Roland Trinh, Legal Counsel  
Jessica Rauch, Clerk of the Board

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### PORT COMMISSION AGENDA REGULAR MEETING SEPTEMBER 26, 2018 AT 7:00PM FOUR POINTS SHERATON BALLROOM 1050 SCHOONER DRIVE VENTURA, CA 93001

A **Closed Session** of the Board will be held at **5:30PM** at the Four Points Sheraton Captain's Room located at 1050 Schooner Drive, Ventura, CA to discuss the items on the Attachment to Agenda-Closed Session Conference with Legal Counsel.

The Board will convene in **Open Session** at the Four Points Sheraton Ballroom located at 1050 Schooner Drive, Ventura for its Regular Meeting at **7:00PM**.

#### **ADMINISTRATIVE AGENDA:**

**CALL TO ORDER:** By Chair Everard Ashworth.

**PLEDGE OF ALLEGIANCE:** By Chair Everard Ashworth.

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

#### **ADOPTION OF AGENDA (3 minutes)**

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) (Port District Business-Meetings & Agendas). Each item on the agenda shall be deemed to include action by an appropriate motion, resolution or ordinance to take action on any item.

#### **APPROVAL OF MINUTES (3 minutes)**

The Minutes of the September 12, 2018 Regular Meeting will be considered for approval.

#### **PUBLIC COMMUNICATIONS (3 minutes)**

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 (3 minutes)**

*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 (5 minutes)**

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

**DEPARTMENTAL AND GENERAL MANAGERS REPORTS (5 minutes)**

*Ventura Port District Staff and General Manager will give the Commission reports on their Department and items of general interest to the Port Commission and members of the public.*

**LEGAL COUNSEL REPORT (5 minutes)**

**CONSENT AGENDA: (5 minutes)**

*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 Out of Town Travel Requests**

Recommended Action: Voice Vote.

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

- A) Harbormaster, John Higgins to attend the California Harbormasters Conference; and
- B) Harbor Patrolman, Ryan Sutherland to attend the Division of Boating and Waterways Boating Accident Investigation training;

**B) Approval of New Office Lease Agreement for iPowerUp**

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 Jerry Bessa dba iPowerUp for the premises located at 1567 Spinnaker Drive #204 consisting of a total of 880 square feet for a two (2) year term.

**C) Approval of New Restaurant Lease Agreement for Le Petit Café Bakery**

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 Jean-Luc and Wendy Guionnet dba Le Petit Café Bakery for the premises located at 1591 Spinnaker Drive #112 consisting of a total of 2,534 square feet (700sf patio) for a four (4) year term with one four (4) year option.

## **STANDARD AGENDA:**

### **1) Ventura Shellfish Enterprise Site Selection**

Recommended Action: Voice Vote.

That the Board of Port Commissioners authorize the General Manager to:

- a) Prepare and submit a permit application to the U.S. Army Corps of Engineers (USACE) for use of 2,000 acres of sea water bottom in federal waters near Ventura Harbor in Block 664 and 665, the area generally depicted and described as CASS Report Alternative 1 for the Ventura Shellfish Enterprise (VSE) project; and,
- b) Prepare and submit all other applications to local, state and federal agencies as required for the VSE project including the California Coastal Commission; and,
- c) Prepare all necessary surveys, studies, reports and federal environmental review documents as directed by local, state and federal agencies as required for the VSE project; and,
- d) Return to the Board if there are any material changes to the proposed locations for federal permits for the VSE project resulting from the permitting and/or environmental review processes.

### **2) Award of Bid to Bellingham Marine Industries, Inc. for the Ventura Harbor Village Commercial Dock Replacement Project**

Recommended Action: Voice Vote.

That the Board of Port Commissioners award the Ventura Harbor Village Commercial Dock Replacement Project to Bellingham Marine Industries, Inc. in the amount of \$4,317,967.

## **AGENDA PLANNING GUIDE AND REQUEST FOR FUTURE AGENDA ITEMS**

## **ADJOURNMENT**

*This agenda was posted on Friday, September 21, 2018 by 5:00 p.m. at the Port District Office and on the Internet – [www.venturaharbor.com](http://www.venturaharbor.com) (Port District Business-Meetings & Agendas).*

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*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. Notification 48 hours before the meeting will enable the District to make reasonable arrangements to ensure accessibility.  
(28 CFR 35.102.35.104 ADA Title II)*

**ATTACHMENT TO PORT COMMISSION AGENDA  
CLOSED SESSION CONFERENCE WITH LEGAL COUNSEL**

**WEDNESDAY, SEPTEMBER 26, 2018**

**1. Conference with Real Property Negotiators - Per Government Code Section 54956.8:**

- a) Property: **Federal Authorized Sea Bottom**  
Negotiating Parties: Oscar Peña, Brian Pendleton, Roland Trinh,  
Army Corps of Engineers  
Under Negotiation: **Leasing/ Permitting for VSE Aquaculture Purposes**  
(Verbal Report)
- b) Property: **1567 Spinnaker Drive #204**  
Negotiating Parties: Oscar Peña, Brian Pendleton, Roland Trinh  
Proposed Lessee: Jerry Bessa dba iPowerUP  
Under Negotiation: **New Office Lease**
- c) Property: **1591 Spinnaker Drive #112**  
Negotiating Parties: Oscar Peña, Brian Pendleton, Roland Trinh  
Proposed Lessee: Jean-Luc and Wendy Guionnet dba Le Petit Café Bakery  
Under Negotiation: **New Restaurant Lease**
- d) Property: **1583 Spinnaker Drive #105**  
Negotiating Parties: Oscar Peña, Brian Pendleton, Roland Trinh  
Proposed Lessee: Health Minded, Corp. dba Frenchies Modern Nail Care  
Under Negotiation: **Proposed New Retail Lease**
- e) Property: **1575 Spinnaker Drive #108**  
Negotiating Parties: Oscar Peña, Brian Pendleton, Roland Trinh  
Proposed Lessee: Mahesh and Heeru Gehani dba Casa De Regalos  
Under Negotiation: **Proposed New Retail Lease**
- f) Property: **Parcel 5 and Parcel 8**  
Negotiating Parties: Oscar Peña, Brian Pendleton, Roland Trinh  
Proposed Lessee: H. Parker Hospitality  
Under Negotiation: **Lease Negotiations**  
(Verbal Report)

**2. Conference with Legal Counsel – Anticipated Litigation:** Significant exposure to litigation pursuant to paragraph (2) of subdivision (d) of Section 54956.9: Three Cases. (Verbal Report)