

OXNARD HARBOR DISTRICT MINUTES

MONDAY, JULY 13, 2009

Jesse Ramirez, President

Raymond E. Fosse, Vice President

Jess Herrera, Commissioner

Michael A. Plisky, Secretary

Manuel M. Lopez, Commissioner

The regular meeting of the Oxnard Harbor District, Board of Harbor Commissioners was called to order by President Jesse Ramirez at 5:00 p.m. on Monday, July 13, 2009 at 333 Ponomo Street, Port Hueneme, California. Following the Pledge of Allegiance, roll call was taken.

ROLL CALL:

Present: Commissioners Fosse, Herrera, Lopez, Plisky and Ramirez

Absent: None

PUBLIC COMMENT:

Ms. Robin Campos reported that the Wynema Walkers Relay for Life Team, raised \$4,320.00 for the American Cancer Society's fundraiser held on July 11th and 12th at the Hueneme High School. The Wynema Walkers were presented the first place award for the amount of money raised and team member participation. Ms. Campos thanked everyone who participated and contributed to the event. Commissioner Ramirez thanked Ms. Campos for all of her efforts and hard work.

Mr. Dan Canaton, Sr. Vice President and General Counsel for Wallenius Wilhelmsen Logistics commented on item N.1 and asked that Wallenius Wilhelmsen Logistics' rights under its contract with the District are protected and confirmed.

Mr. Len Mazzella, Vice President Western Region for Wallenius Wilhelmsen Logistics, commented on Board approval of item N.2.

President Ramirez announced that the closed session item will be withdrawn.

CONSENT AGENDA:

1. Minutes

RECOMMENDATION

Approve the minutes of the meeting of June 22, 2009.

2. **Consideration of California Special District Association Bylaws (CSDA) Amendments.**
RECOMMENDATION
Approve the adoption of the CSDA November 2008 Bylaws Amendments.

3. **Consideration and approval of professional services agreement extension for FY 2009-2010 on same terms and conditions with Gallagher 20:20 Communications.**
RECOMMENDATION
Approve Modification #2 to the Gallagher 20:20 Communications Consulting services agreement extending the term to June 30, 2010.

4. **Consideration and approval of Modification #1 to the CEC/Seabee Historical Foundation Contract adjusting the monthly contribution effective August 1, 2009 to \$500 per month.**
RECOMMENDATION
Approve Modification #1 to the District and CEC/Seabee Historical Foundation reducing the monthly payment from \$1,000 to \$500 per month.

Commissioner Plisky moved to approve the recommendation. Commissioner Lopez seconded. The vote was as follows:

AYES: Commissioners Fosse, Herrera, Lopez, Plisky and Ramirez
 NOES: None
 ABSENT: None

President Ramirez declared the motion carried.

CORRESPONDENCE

1. **Letter from the California Emergency Management Agency Notifying the District of Project Award**
RECOMMENDATION
Information.

The Executive Director reported that the California Emergency Management Agency notified the District that it has been awarded \$2.8 million in State Proposition 1B Round 2 grants for security upgrades. The Executive Director reported that the District has received a check from the State of California in the amount of \$471,387 for reimbursements submitted to the state in November for security projects.

2. **Letter from District Legal Counsel regarding bankruptcy of John Laing Homes**
RECOMMENDATION
Information.

The Executive Director reported that Laing Homes Chapter 11 reorganization has been converted to a Chapter 7 liquidation proceeding on June 5, 2009.

3. **Invitation to participate in the 14th Annual Multicultural Festival, Saturday, October 3, 2009, Plaza Park, Oxnard**
RECOMMENDATION
Information.

EXECUTIVE DIRECTOR'S REPORT

1. **Management Staff "To Do List"**
RECOMMENDATION
Information.

The Executive Director reported on a presentation given at the Ventura County Transportation Commission meeting seeking support for the District's Wharf stabilization and electrification project at a cost of \$10.1 million. The Executive Director reported the plan received unanimous approval by VCTC and is now part of the Southern California list of projects. Dr. Lopez commented that the VCTC Board was very receptive and supportive to the District's project.

2. **Public Relations Roadmap FY 2008-2009**
RECOMMENDATION
Information.

The Executive Director reported that the Public Relations Workshop scheduled on July 15th has been postponed to a future date in August.

3. **Approval of Revised Calendar of Events for FY 2008-2009**
RECOMMENDATION

Consider revisions to the Calendar of Events to include events for participation by members of the Board of Harbor Commissioners that are in the public interest or promote the business of the Harbor District.

Commissioner Plisky moved to approve the recommendation. Commissioner Lopez seconded. The vote was as follows:

AYES: Commissioners Fosse, Herrera, Lopez, Plisky and Ramirez
NOES: None
ABSENT: None

President Ramirez declared the motion carried.

REPORT OF ATTENDANCE AT MEETINGS, ACTIVITIES APPROVED ON THE CALENDAR OF EVENTS, OR CIVIC OR SPECIAL FUNCTIONS

1. Report on the Certificate of Special Congressional Recognition presented by Congresswoman Lois Capps on July 1, 2009

The Executive Director reported that during a recent visit to the Port by Congresswoman Lois Capps the Congresswoman presented to the District, NBVC and the Los Angeles District COE a certificate of special Congressional Recognition for the Hueneme Harbor Operations/Maintenance Dredging Project and the construction of the Confined Aquatic Disposal site.

FACILITIES DEVELOPMENT

1. Capital Outlay Program Status Report and Update
Information.

The Director of Facilities Development reported that the Port of Hueneme Maintenance Dredging and CAD Construction Project would be completed by the beginning of next week.

2. Consideration of Award of Contract for TWIC/Main Gate Security Project.
RECOMMENDATION

Approve award of contract to the lowest responsive responsible bidder Loyal Development at a bid amount of \$262,500 and approve additional work for slurry sealing at a cost of \$15,500.

The Director of Facilities Development reported on and recommended the award of contract for the TWIC/Main Gate Security Project to the lowest responsive responsible bidder Loyal Development at a bid amount of \$262,500 and approve additional work for slurry sealing at a cost of \$15,500. The Director of Facilities Development reported that Moffatt & Nichol reviewed the bid results and found that the apparent low bidder, Loyal Development, together with their subcontractors, is properly licensed and thus capable of performing the work.

Commissioner Plisky moved to approve the recommendation. Commissioner Fosse seconded. The vote was as follows:

AYES: Commissioners Fosse, Herrera, Lopez, Plisky and Ramirez
NOES: None
ABSENT: None

President Ramirez declared the motion carried.

REPORT DEPUTY EXECUTIVE DIRECTOR - ADMINISTRATION

1. **Report on the M/V Otello Damage Incidents (June 26, 2009 and June 30, 2009) and ratification of actions taken by District staff.**

RECOMMENDATION

Ratify the Agreement for Professional Services between the Oxnard Harbor District and Moffatt & Nichol for assessing the damage to and making repair recommendations for Wharf 1 at a cost not to exceed \$20,000.

The Deputy Executive Director - Administration reported on the June 26th incident involving the M/V Otello collision with Wharf 1 and the subsequent damages caused by the vessel on June 30th as it was on berth at Wharf 2. The Deputy Executive Director – Administration reported that Wallenius Wilhelmsen has been notified that the District will look to them to take responsibility to reimburse the District for cost of repairs and any additional costs associated with the incidents.

Commissioner Fosse moved to approve the recommendation. Commissioner Plisky seconded. The vote was as follows:

AYES: Commissioners Fosse, Herrera, Lopez, Plisky and Ramirez

NOES: None

ABSENT: None

President Ramirez declared the motion carried

2. **Report on Advance Payment and Defeasance of Revenue Bonds, Refunding Series 2000 and Revenue Bonds, Series 2004A.**

RECOMMENDATION

For information only.

The Deputy Executive Director - Administration reported that the advanced payment and defeasance of the August 1, 2009 principal payments and interest thereon of the Revenue Bonds, Refunding Series 2000 and Revenue Bonds Series 2004A (AMT) was accomplished on June 30, 2009.

3. **Consideration of Resolution No. 1036 – A Resolution of the Board of Harbor Commissioners of the Oxnard Harbor District approving and adopting the Debt Service Schedule for FY 2009-2010.**

RECOMMENDATION

Adopt Resolution No. 1036 – A Resolution of the Board of Harbor Commissioners of the Oxnard Harbor District approving and adopting the Debt Schedule for Fiscal Year 2009-2010.

The Deputy Executive Director – Administration reported on and recommended adoption of Resolution No. 1036 - A Resolution of the Board of Harbor Commissioners of the Oxnard Harbor District approving and adopting the Debt Service Schedule for FY 2009-2010.

Commissioner Herrera moved to approve the recommendation. Commissioner Lopez seconded. The vote was as follows:

AYES: Commissioners Fosse, Herrera, Lopez, Plisky and Ramirez
NOES: None
ABSENT: None

President Ramirez declared the motion carried.

MARKETING AND PUBLIC INFORMATION

1. Approval for hosting and sponsorship of the Oxnard/Port Hueneme Chambers of Commerce Military Mixer, August 20, 2009.

RECOMMENDATION

Approve the Oxnard Harbor District’s hosting and sponsorship of the Oxnard and Port Hueneme Chambers of Commerce Military Mixer on August 20, 2009 at the District Administration Building and authorize the expenditure of \$2,750 for the event.

The Director of Marketing and Public Information reported on and recommended hosting and sponsorship of the Oxnard and Port Hueneme Chambers Military Mixer on August 20, 2009 at the District Administration Building and authorize the expenditure of \$2,750 for the event. Commissioner Herrera commented that in addition to displays a program should be developed for the event showing how the District has formed different partnerships with the US Navy.

Commissioner Fosse moved to approve the recommendation. Commissioner Plisky seconded. The vote was as follows:

AYES: Commissioners Fosse, Herrera, Lopez, Plisky and Ramirez
NOES: None
ABSENT: None

President Ramirez declared the motion carried.

2. Approval for participation in the Hueneme Beach Festival, August 22-23, 2009.

RECOMMENDATION

Approve “Presenting Sponsor” sponsorship of the 11th Annual Hueneme Beach Festival for \$4,000.

The Director of Marketing and Public Information reported on and recommended approval of sponsorship of the 11th Annual Hueneme Beach Festival at a cost of \$4,000. The Director of Marketing and Public Information reported that the District will have a booth at the event and offer bus tours of the Port.

Commissioner Plisky moved to approve the recommendation. Commissioner Lopez seconded. The vote was as follows:

AYES: Commissioners Fosse, Herrera, Lopez, and Plisky
NOES: Commissioner Ramirez
ABSENT: None

President Ramirez declared the motion carried.

UNFINISHED OR DEFERRED BUSINESS

Commissioner Herrera requested that another opinion be given at the next meeting as to what prohibits him from listening to discussions on the BMW and WWL contracts.

Commissioner Herrera and Commissioner Ramirez indicated that they may have a possible remote financial interest in regards to the agreements with BMW of North America and Wallenius Wilhelmsen Logistics and left the Board room and did not participate in the discussion or action taken by the Board.

1. **Approval of the 4th Modification Addenda of the Agreement between the Oxnard Harbor District and BMW and authorization for the President and Secretary of the Board to execute.**

RECOMMENDATION

Approve the Fourth Modification Addenda of Agreement between BMW of North America and the Oxnard Harbor District and authorize the President and Secretary to execute.

The Executive Director reported on and recommended approval of the Fourth Modification Addenda of Agreement between BMW of North America and the Oxnard Harbor District and to authorize the President and Secretary to execute.

Mr. Dan Conaton, Sr. Vice President and General Counsel for Wallenius Wilhelmsen Logistics, referenced a letter sent to the Board on July 9th and expressed concern that Wallenius Wilhelmsen's rights and contract are not adversely impacted.

Mr. Len Mazzella, Vice President Western Region for Wallenius Wilhelmsen, referenced the letter of July 9th sent to the Board and concurred with Mr. Conatons remarks.

Mr. Salim Murr, National Manager Vehicle Distribution Centers, BMW North America, commented on BMW's long beneficial relationship with the District and continued cooperation of the Port to provide the BMW operation with the productivity that makes it attractive to do business at the Port of Hueneme. Mr. Murr asked the Board for their approval of the Fourth Modification Addenda to the Agreement with BMW of North America.

Mr. Peter Harris, Legal Counsel for BMW North America commented on the Fourth Modification Addenda to the Agreement and recommended approval.

Commissioner Plisky moved to approve the recommendation. Commissioner Lopez seconded. The vote was as follows:

AYES: Commissioners Lopez and Plisky
NOES: Commissioner Fosse
ABSENT: Commissioners Herrera and Ramirez

Vice President Fosse declared the motion carried.

2. **Approval of the 4th Modification of the Agreement between the Oxnard Harbor District and Wallenius Wilhelmsen Logistics, Inc. and authorization for the President and Secretary of the Board to execute.**

RECOMMENDATION

Final approval of the Fourth Modification of Agreement between Wallenius Wilhelmsen Logistics and the Oxnard Harbor District and authorize the President and Secretary to execute.

The Executive Director reported on and recommended approval of the Fourth Modification of Agreement between Wallenius Wilhelmsen Logistics and the Oxnard Harbor District.

Commissioner Plisky moved to approve the recommendation. Commissioner Lopez seconded. The vote was as follows:

AYES: Commissioners Fosse, Lopez, and Plisky
NOES: None
ABSENT: Commissioners Herrera and Ramirez

Vice President Fosse declared the motion carried.

DISBURSEMENTS

1. **July 13, 2009**
RECOMMENDATION
Approve.

Commissioner Plisky moved to approve the recommendation. Commissioner Lopez seconded. The vote was as follows:

AYES: Commissioners Fosse, Lopez and Plisky
NOES: None
ABSENT: Commissioners Herrera and Ramirez

Vice President Fosse declared the motion carried.

BOARD OF HARBOR COMMISSIONERS COMMENTS

Commissioner Herrera inquired as to the status of raising the plaque pedestal on the Promenade. The Director of Facilities Development responded that he has contacted the contractor and is awaiting a proposal.

CLOSED SESSION

1. **Pursuant to Government Code Section 54956.9(A): Michael A. Plisky v. Oxnard Harbor District, et. al. Ventura County Superior Court Case #56-2009-00345523-CU-BC-VTA.**

This item was withdrawn.

ADJOURNMENT

There being no further business to come before the Board, Commissioner Plisky moved to adjourn. Commissioner Ramirez seconded the motion.
Meeting adjourned at 6:45 p.m.

Respectfully Submitted,

Bettina L. Schmock
Executive Assistant