

OXNARD HARBOR DISTRICT MINUTES

MONDAY, AUGUST 10, 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, August 10, 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

CONSENT AGENDA:

1. **Minutes**
RECOMMENDATION
Approve the minutes of the meeting of August 10, 2009.
2. **Consideration of second modification to the contract between the Ventura County Maritime Museum and Oxnard Harbor District.**
RECOMMENDATION
Approve Modification #2 to the District and the Ventura County Maritime Museum reducing the monthly payment from \$525 to \$475 per month.
3. **Consideration of administrative changes to Joint Use Agreement N6871103RP03P36 approved modifications, 19, 20, 21 and 22 and authorizing the Executive Director to execute.**
RECOMMENDATION
Approve Modifications 19, 20, 21 and 22 to Joint Use Agreement N6871103RP03P36.

Commissioner Fosse as a member of the Board of Trustees of the Ventura County Maritime Museum recused himself from voting on the Consent Agenda.

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

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

President Ramirez declared the motion carried.

EXECUTIVE DIRECTOR'S REPORT

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

The Executive Director reported that Senator Fran Pavley visited the Port and was given a tour. The District is asking for Senator Pavley's support at CalTrans for the District's TIGER application.

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

3. **Discussion of the Revised Calendar of Events for FY 2008-2009**
RECOMMENDATION
Information.

The Executive Director reported that there are no additions or revisions to the Calendar of Events.

REPORT DEPUTY EXECUTIVE DIRECTOR – MARITIME SERVICES

1. **Report on the July Cargo Performance Maritime Services Business Line**
RECOMMENDATION
Information.

The Executive Director reported on cargo performance for July.

FACILITIES DEVELOPMENT

1. **Capital Outlay Program Status Report and Update**
Information.

The Director of Facilities Development reported that the Notice to Proceed for the Central Gate project was issued and the contractor would begin work this week.

REPORT DEPUTY EXECUTIVE DIRECTOR - ADMINISTRATION

1. **Report on the M/V Otello Damages and Claim**
RECOMMENDATION
Information.

The Deputy Executive Director – Administration reported that the cost to repair damages to Wharf 1 and Wharf 2 caused by the M/V Otello is estimated at \$339,079.62. The Executive Director reported that pending resolution of the damage claim by Wallenius Wilhelmsen, he has directed the withholding of the Revenue Sharing payment in the amount of \$278,000.

2. **Report on the Non-Terminal Real Estate Business Line Performance July 2009.**
RECOMMENDATION
Information.
3. **Consideration of Commercial Real Estate Brokerage Agreement with Fred J. Ferro, NAI Capital.**
RECOMMENDATION

Authorize the Executive Director to enter into sole-source negotiations with Fred J. Ferro, NAI Capital for Commercial Real Estate Brokerage Services. A proposed agreement will be returned to the Board of Harbor Commissioners for consideration at the August 24, 2009 meeting.

The Deputy Executive Director – Administration reported on and recommended the Executive Director be authorized to enter into sole-source negotiations with Fred J. Ferro, NAI Capital for Commercial Real Estate Brokerage Services.

Commissioner Plisky moved to approve the recommendation. Commissioner Herrera 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

- Report on upcoming August Events and Activities**
RECOMMENDATION
Information.

The Director of Marketing and Public Information reported on preparation for the Oxnard Chamber of Commerce and Port Hueneme Chamber of Commerce Military Appreciation Mixer to be hosted by the District on August 20, 2009. The Director of Marketing and Public Information reported on participation at the 11th Annual Hueneme Beach Festival to be held on August 22-23, 2009.

BOARD OF HARBOR COMMISSIONERS COMMENTS

Commissioner Herrera commented on a new plaque on the Promenade. The Director of Facilities Development responded that it was placed on the Promenade by the City of Port Hueneme.

DISBURSEMENTS

- August 10, 2009**
RECOMMENDATION
Approve.

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

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

President Ramirez declared the motion carried.

CLOSED SESSION

Commissioner Plisky reported that he has a conflict with regards to the closed session item and recused himself and left the Board Room and did not participate in discussion of the closed session item.

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.**

Legal Counsel reported that the Board instructed District's Legal Counsel to prepare a disposition of the lawsuit by way of a proposed settlement. Commissioner Ramirez was absent when the decision was made. The vote was three votes to none.

ADJOURNMENT

There being no further business to come before the Board, Commissioner Fosse moved to adjourn. Commissioner Herrera seconded the motion.
Meeting adjourned at 6:00 p.m.

Respectfully Submitted,

Bettina L. Schmock
Executive Assistant