

# OXNARD HARBOR DISTRICT MINUTES

MONDAY, OCTOBER 26, 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, October 26, 2009 at 333 Ponomo Street, Port Hueneme, California. Following the Pledge of Allegiance, roll call was taken.

## ROLL CALL:

Present: Commissioners Lopez, Plisky and Ramirez

Absent: Commissioners Fosse and Herrera

## CONSENT AGENDA:

### 1. Minutes

#### RECOMMENDATION

Approve the minutes of the meeting of October 12, 2009.

### 2. Approval to accept offer for third party damage to South Terminal truck bollard in the amount of \$1,200.16 and to authorize Executive Director to execute release.

#### RECOMMENDATION

Approve the offer for repairs to the bollard in the amount of \$1,200.16 and authorize the Executive Director to execute release approved by the District's Legal Counsel.

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

AYES: Commissioners Lopez, Plisky and Ramirez

NOES: None

ABSENT: Commissioners Fosse and Herrera

President Ramirez declared the motion carried.

## EXECUTIVE DIRECTOR'S REPORT

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

**RECOMMENDATION**

Information.

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

**RECOMMENDATION**

Information.

3. **Discussion of the 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 Lopez, Plisky and Ramirez

NOES: None

ABSENT: Commissioners Fosse and Herrera

President Ramirez declared the motion carried.

## FACILITIES DEVELOPMENT

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

**RECOMMENDATION**

Information.

The Executive Director reported on the status of the TWIC/Main Gate Security Project.

2. **Consideration of Change Order #1 to the TWIC/MAIN GATE SECURITY PROJECT**

**RECOMMENDATION**

Approve Change Order #1 with Loyal Development decreasing the Construction Contract price by \$76,000 from \$262,500 to \$186,500 and not adding any days for completion.

The Executive Director reported on and recommended approval of Change Order #1 with Loyal Development decreasing the Construction Contract price by \$76,000 from \$262,500 to \$186,500 and not adding any days for completion.

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

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

President Ramirez declared the motion carried.

**3. Authorization to purchase a “Porta-King Prefabricated Guard House” for the TWIC MAIN GATE SECURITY PROJECT**  
**RECOMMENDATION**

Authorize the purchase of a Porta-King Prefabricated Guard House from Porta-King Building Systems of Earth City, MO in accordance with their quotation #AD05589, dated 10/14/09 for a total net price of \$57,883.93.

The Executive Director reported on and recommended authorization to purchase a Porta-King Prefabricated Guard House from Porta-King Building Systems in accordance with their quotation #AD05589, dated 10/14/09 for a total net price of \$57,883.93.

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

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

President Ramirez declared the motion carried.

**4. Consideration of Engineering Services for Repairs of Wharf #1 Damages Associated with the M/V Otello Incident**  
**RECOMMENDATION**

1. Authorize a Professional Services Agreement with Moffatt & Nichol for the fixed fee amount of \$72,530.00 for design development, design and construction document preparation, attendance and participation in design and coordination meetings, and services during bidding and construction as more fully described in the Proposal dated October 19, 2009.
2. Authorize the Executive Director to execute a Professional Services Agreement on behalf of the District.

The Executive Director reported on and recommended approval of a Professional Services Agreement with Moffatt & Nichol for the fixed amount of \$72,530 as described in their Proposal dated October 19, 2009 and to authorize the Executive Director to execute a Professional Services Agreement on behalf of the District. The Executive Director reported that the District will seek full recovery of these costs from Wallenius Wilhelmsen Logistics.

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

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

President Ramirez declared the motion carried.

## **REPORT DEPUTY EXECUTIVE DIRECTOR - ADMINISTRATION**

1. **September 2009 Treasurer's Report**  
**RECOMMENDATION**  
Receive.

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

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

President Ramirez declared the motion carried.

2. **Report on the M/V Otello Damages and Claims.**  
**RECOMMENDATION**  
Information.

The Deputy Executive Director reported on the status of the M/V Otello damages and claims.

3. **Ratification of Placement of Workers Compensation Insurance Policy with State Compensation Insurance fund in the Amount of \$73,392.**  
**RECOMMENDATION**  
Ratify placement of Workers Compensation Insurance Policy with State Compensation Insurance Fund for the Period 10/22/09 to 10/22/10 in the amount of \$73,392.

The Deputy Executive Director reported on and recommended ratifying placement of Workers Compensation Insurance Policy with State Compensation Insurance Fund for the Period 10/22/09 to 10/22/10 in the amount of \$73,392.

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

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

President Ramirez declared the motion carried.

## **MARKETING AND PUBLIC INFORMATION**

1. **Report on upcoming District Events.**  
**RECOMMENDATION**  
Information.

The Director of Marketing discussed plans for the Ventura County Agricultural Advisory Group Meeting and President's Lunch at Limoneira Ranch and responded to questions from the Board.

## **DISBURSEMENTS**

1. **October 26, 2009**  
**RECOMMENDATION**

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

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

President Ramirez declared the motion carried.

## **CLOSED SESSION**

1. **Pursuant to Government Code Section 54956.8 CONFERENCE WITH REAL PROPERTY NEGOTIATIONS: Agency Negotiator: Anthony J. Taormina, Executive Director; Negotiating Parties: David Waggoner; Under Negotiations: 5725 Arcturus Avenue, Oxnard, CA.**

Legal Counsel reported that the Board in Closed Session gave instructions to its negotiator to the potential lease including obtaining an appraisal showing the fair rental value for the property.

2. **Pursuant to Government Code Section 54956.9(c) one case - CONFERENCE WITH LEGAL COUNSEL: Initiating Litigation.**

Legal Counsel reported that the Board in Closed Session decided not to initiate litigation.

**ADJOURNMENT**

There being no further business to come before the Board, Commissioner Plisky moved to adjourn. Commissioner Lopez seconded the motion.

Meeting adjourned at 5:25 p.m.

Respectfully Submitted,

Bettina L. Schmock  
Executive Assistant