



Special Closed & Regular Public Session of July 23, 2019

Santa Cruz Port Commission MINUTES

Commission Members Present:

Dennis Smith Chairman
Stephen Reed Vice-chairman
Toby Goddard Commissioner
Neli Cardoso Commissioner

Commission Members Absent:

Darren Gertler Commissioner

SPECIAL PUBLIC SESSION – 5:30 PM

Chairman Smith brought the special public session to order at 5:30 PM at the Santa Cruz Harbor Public Meeting Room, 365 A Lake Avenue, Santa Cruz, CA 95062.

1. Oral Communication
2. Announcement of Closed Session Pursuant to Government Code (Ralph M. Brown Act) Section 54957.6

At 5:30 PM, Chairman Smith announced the Commission will meet in closed session to discuss agenda item 3.

SPECIAL CLOSED SESSION

3. Public Employee Performance Evaluation
Title: Port Director

SPECIAL PUBLIC SESSION

4. Action and Vote Disclosure after Closed Session Pursuant to Government Code (Ralph M. Brown Act) Section 54957.1

Chairman Smith announced that the Commission took no reportable action in closed session on item 3.

Chairman Smith adjourned the special open session following the closed meeting at 6:45 PM.

REGULAR PUBLIC SESSION – 7:00 PM

Chairman Smith brought the regular public session to order at 7:00 PM at the Santa Cruz Harbor Public Meeting Room, 365 A Lake Avenue, Santa Cruz, CA 95062.

5. Pledge of Allegiance
6. Oral Communication

Discussion: Chairman Smith stated that the Commission took no reportable action in closed session on agenda item 3.

Audience member Jean Brocklebank, voiced concerns regarding the trash receptacles in the harbor. She recommended that the Port District invest in new dumpsters with self-closing lids to protect wildlife, especially birds, from ingesting harmful items while scavenging.

Audience member Joe Rigney, urged the Commission to take action to restore the Santa Cruz Harbor's water taxi service, noting that it is a valuable resource to the community.

Port Director Olin explained the circumstances leading to the stop in the water taxi service. She stated that the water taxi, *FreeRide I*, is now 52 years old and because of its advanced age, the Port Commission authorized funding for a replacement vessel in the current FY20 budget. In the process of researching a new vessel, it was discovered that the water taxi service does not comply with current Coast Guard regulations and therefore was immediately taken out of service on July 3, 2019.

Port Director Olin stated that the Port Commission and staff are in the process of reviewing and understanding the requirements, costs, and options for restoring service. She stated that the harbor community will be updated as the process unfolds.

Audience member, Tom Whieldon, stated that Santa Cruz Harbor's water taxi service is funded by the District's ratepayers. Mr. Whieldon suggested that a "no swimming" sign be placed in the north harbor.

In response to a comment made by Mr. Whieldon, Port Director Olin stated she will comment on Assembly Bill 516 in her oral Port Director Report.

Commissioner Goddard stated that he recently toured the harbor's facilities with members of the City of Santa Cruz Parks and Recreation Department.

CONSENT AGENDA

7. Approval of Minutes
 - a) Special Closed and Regular Public Session of June 25, 2019
8. Approval of Month-to-Month Rental Agreement at Santa Cruz Harbor Boatyard (Lance Clifford)

MOTION: Motion made by Vice-chairman Reed, seconded by Commissioner Cardoso to approve the consent agenda.
- *Motion carried. Commissioner Gertler ABSENT.*

REGULAR AGENDA

9. Approval of Resolution 19-05 – Honoring Senior Deputy Harbormaster D. Kinnamon

Discussion: Chairman Smith read Resolution 19-05 aloud. Port Director Olin thanked Senior Deputy Harbormaster (DHM) Kinnamon for his extraordinary effort and assistance in securing funding from the State of California for a new marine search and rescue patrol vessel.

The Commission expressed their appreciation for Senior DHM Kinnamon's inherent leadership qualities and willingness to act as an ambassador for the Santa Cruz Harbor.

Senior DHM Kinnamon thanked the Commission and staff for their support.

MOTION: Motion made by Commissioner Goddard, seconded by Commissioner Cardoso to approve Resolution 19-05 Honoring Senior Deputy Harbormaster D. Kinnamon.
- *Motion carried. Commissioner Gertler ABSENT.*

10. Award of Contracts for Aldo's Seawall Replacement Project:
- a) Mesiti-Miller Engineering – Coastal Development Permit Accessway Plans (NTE \$42,000)
 - b) Haro, Kasunich and Associates – Geotechnical Construction Monitoring (Revised Bid NTE \$60,902)

Discussion: Port Director Olin stated that as part of the California Coastal Commission's Coastal Development Permit for the Aldo's Seawall Replacement Project, the Port District is required to provide an Accessway Improvement Plan, which will provide clear and continuous pedestrian access through the site adjacent to the new seawall, among other items.

Port Director Olin stated that Haro, Kasunich and Associates, will be performing geotechnical construction monitoring for the Aldo's Seawall Replacement Project and has provided a revised bid in an amount not-to-exceed \$60,902.

A brief discussion ensued regarding the costs associated with maintaining permit compliance and ensuring permit milestones are met.

MOTION: Motion made by Vice-chairman Reed, seconded by Commissioner Goddard, to:

- a) Authorize the Port Director to execute a contract with Mesiti-Miller Engineering for Coastal Development Permit Accessway Improvement Plans for Aldo's Seawall Replacement Project in an amount of \$39,800, plus an approximate 5% contingency, for a total authorized amount not-to-exceed \$42,000; and
 - b) Authorize the Port Director to execute a contract with Haro, Kasunich and Associates, Inc., for Geotechnical Construction Monitoring Services for Aldo's Seawall Replacement Project in an amount not to exceed \$60,902.
- *Motion carried. Commissioner Gertler ABSENT.*

11. Award Contract for Concession Lot Parking Access and Revenue Controls System (PARCS) Project (NTE \$179,200)

Discussion: Port Director Olin stated that a Request for Proposals (RFP) for the PARCS Project was advertised commencing May 21, 2019. She stated that two bids were received and Scheidt and Bachmann was the low bidder.

Port Director Olin stated that the District's parking consultant, Watry Design, is familiar with Scheidt and Bachmann's work and is satisfied that the contractor can fulfill the bid requirements.

In response to a question posed by Vice-chairman Reed, Port Director Olin stated that project implementation will be timely, with minimal disruptions to tenants and visitors of the concession lot.

Port Director Olin stated that adequate funding for this project is available. She stated that in addition to the PARCS contract, a separate contract for approximately \$5,000 will be executed for the data and electrical cabling necessary to power the equipment.

In response to a question posed by Chairman Smith, Port Director Olin stated that the new equipment will include remote service support and on-site technical support when needed.

MOTION: Motion made by Commissioner Goddard, seconded by Vice-chairman Reed to award a contract to Scheidt and Bachmann for Concession Lot PARCS Project in an amount not to exceed \$179,200.

- *Motion carried. Commissioner Gertler ABSENT.*

12. Approval of Records Retention Policy and Schedule

Discussion: Administrative Services Manager MacLaurie reviewed the proposed records retention policy and schedule and stated that adoption of the policy will assist

staff in organizing, managing, and disposing of records in an efficient and legally compliant manner.

In response to questions posed by Commissioner Goddard, staff confirmed the following:

- The Port District's fixed asset schedule is retained in an electronic database and will be maintained in accordance with the retention schedule (page 62)
- The retention period for video monitoring tapes is 1 year (page 72)
- Material Safety Data Sheets are required to be retained for 30 years and are utilized to demonstrate permit compliance (Air Board requirement). (page 74)
- Documents of Historical or Research value to have a retention period of permanent (not listed)

Audience member, Dennis Navarra, stated that it is his belief that the language in the records retention policy pertaining to section 2.2 Transitory Messages (E-mail) is in violation of the Ralph M. Brown Act. Chairman Smith stated that the Port District utilized legal counsel in the development of this document to ensure compliance with all relative laws.

MOTION: Motion made by Vice-chairman Reed, seconded Commissioner Goddard to approve Record Retention Policy and Schedule.
- *Motion carried. Commissioner Gertler ABSENT.*

13. Approval of Cash / Payroll Disbursements – June 2019 (*There was no discussion on this agenda item*)

June disbursements will be presented for approval at the July meeting.

INFORMATION

14. Port Director's Report

Policy and Operations Committee Meeting

Port Director Olin stated that a Policy and Operations Committee Meeting has been scheduled for Wednesday, July 24, 2019, at 3:30 PM to discuss electronic key access for dry storage customers and to discuss a revised 99-pak charter application submitted by Team O'Neill, LTD. Committee Members are Chairman Smith and Commissioner Goddard.

Parker Dive

Port Director Olin stated that Parker Dive successfully removed the underwater pipe hazard from the swim area off Twin Lakes State Beach.

Assembly Bill 516

Port Director Olin stated that the California Association of Harbormasters and Port Captains (CAHMPC) has taken a position of opposition on AB 516 on behalf of its members. She stated that the Port Commission does not need to take separate action to take a position on AB 516.

Claims

Port Director Olin stated that two recent claims have been settled:

- Klopp – Vessel damage after being struck by *Dauntless* (\$1,670).
- Smith – Damage after a vessel was filled with gasoline, rather than diesel (\$1,782.82).

LAFCO

Port Director Olin stated that LAFCO has provided the District with an administrative draft of the Sphere of Influence Report for review. She stated that the report will be presented to the LAFCO board on August 7, 2019, for approval. The draft report recommends no change to the current sphere.

Audit

Port Director Olin stated that the FY19 audit fieldwork has been scheduled for August 7, 2019, and August 8, 2019.

15. Harbormaster's Report

In response to a question presented by Vice-chairman Reed, Harbormaster Marshall stated that all four emergency haulouts at the boatyard in June were during regular business hours. She stated that boatyard staff can be contacted after-hours if there is an emergency haulout.

Chairman Smith asked for additional information on the number of Deputy Harbormasters (DHM) who are certified for offshore vessel operations. Harbormaster Marshall confirmed that four DHMs are currently certified and the remaining three are advancing through the process. Chairman Smith stated that it will be beneficial to ensure all Deputy Harbormasters are certified for offshore vessel operations prior to the arrival of the new patrol boat.

In response to a question posed by Chairman Smith, Harbormaster Marshall confirmed that the new patrol bicycles are being stored in a bicycle locker located on the west side of the Harbor Office.

16. Facilities Maintenance & Engineering Manager's (FME) Report

FME Kerkes outlined scheduled maintenance work to be performed on *Dauntless* during the off-season, including painting and patchwork on the deck.

Port Director Olin complimented the maintenance crew for their efforts in completing the Aldo's building demolition.

Commission Goddard commended staff for completion of the west side access road area improvements.

17. O'Neill Sea Odyssey Annual Report

Administrative Services Manager Mac Laurie stated that O'Neill Sea Odyssey (OSO) has submitted its annual report, which reflects usage as 65% charter and 35% OSO.

A brief discussion ensued regarding future reporting requirements for the recently approved 99-pak charter operation.

18. Bi-Annual Slip Vacancy Report / Waitlist Statistics *(There was no discussion on this agenda item)*

19. 2018-19 Dredging Season Report

Commissioner Goddard stated that the 2018-19 Dredging Season Report provides a beneficial overview of the season. He stated that in addition to rain conditions, it will be important to monitor other significant weather events, like wave and surge conditions in future reports.

In response to a question by Commissioner Goddard, FME Kerkes confirmed that the damaged area on *Twin Lakes* port bow will be coated as part of the regular off-season maintenance.

20. Delinquent Account Reporting *(There was no discussion on this agenda item)*

21. Review of Financial Reports *(There was no discussion on this agenda item)*

a) Comparative Seasonal Revenue Graphs

22. Crime/Incident/Citation Report – June 2019

In response to questions posed by Commissioner Goddard, a brief discussion ensued regarding Harbor Patrol's roll in responding to "Code 3 Cover" mutual aid requests received from outside law enforcement agencies (as reported on June 1, 2019). Harbormaster Marshall confirmed that all law enforcement agencies typically respond and assist in "Code 3 Cover" mutual aid requests. In this case, Harbor Patrol responded to a mutual aid request from Metro Security and upon arrival assisted in apprehending and transporting an armed subject to County jail.

23. Written Correspondence

- a) Letter to Victor Kraft, from Port Director Olin
- b) Letter to Governor Newsom, from Chairman Smith
- c) Letter to Senator Monning, from Chairman Smith
- d) Letter to Assemblymember Stone, from Chairman Smith

- e) Letter to Bret Gladfelty, from Chairman Smith
- f) Letter to Board Chair Coonerty, from Chairman Smith
- g) Letter to Port Commission, from Thomas Whieldon

In regard to Item 23 (g), Chairman Smith stated that it is his belief that the letter submitted by Mr. Whieldon reflects inaccurate accounts of statements made by him at the meeting. As indicated in the minutes of June 25, 2019, Chairman Smith reaffirmed his position that the overflow lot at 7th and Brommer is minimally used.

Audience member, Dennis Navarra, requested that the Port Commission consider developing a policy and procedure for handling written correspondence.

- 24. Port Commission Review Calendar / Follow-Up Items *(There was no discussion on this agenda item)*

Chairman Smith adjourned the regular public session at 8:35 PM



Dennis Smith, Chairman