



Special Closed and Regular Public Session of September 28, 2021

**Santa Cruz Port Commission
MINUTES**

Commission Members Present:

| | |
|-----------------|---------------|
| Toby Goddard | Chairman |
| Reed Geisreiter | Vice-chairman |
| Dennis Smith | Commissioner |
| Darren Gertler | Commissioner |
| Stephen Reed | Commissioner |

SPECIAL PUBLIC SESSION – 5:00 PM

Chairman Goddard convened the special public session at 5:00 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, 54956.9(d)(4), 54956.8, and 54956.95

At 5:00 PM, Chairman Goddard announced that the Commission will meet in closed session to discuss agenda items 3 through 6.

SPECIAL CLOSED SESSION

3. Conference with Labor Negotiators
Agency Designated Representative: H. MacLaurie & T. Davis
Employee Organization: Harbor Employees Association, Harbor Management Group, and Operating Engineers Local No. 3
4. Conference with Legal Counsel – Anticipated Litigation
Initiation of Litigation (1 Case)
5. Conference with Real Property Negotiators
Property: 497 Lake Avenue
Agency Designated Representative: H. MacLaurie
Negotiating Parties: D. McDermott
Under Negotiation: Potential Acquisition
6. Conference with Legal Counsel – Liability Claim
Claimant: S. Zojaji
Claim Against the Santa Cruz Port District

SPECIAL PUBLIC SESSION

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

Chairman Goddard announced that the Commission took no reportable action in closed session on items 3 through 6.

Chairman Goddard adjourned the special open session following the closed meeting at 6:50 PM.

REGULAR PUBLIC SESSION – 7:00 PM

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

8. Pledge of Allegiance
9. Oral Communication

Chairman Goddard announced that the Commission took no reportable action in closed session on items 3 through 6.

Audience member, Robert Dewitt of the Santa Cruz Yacht Club introduced the club's new manager, Casey Dakessian.

Commissioner Gertler reported that he attended a virtual meeting relating to the California recreational halibut fishery.

CONSENT AGENDA

10. Approval of Minutes
 - a) Special Closed & Regular Public Meeting of August 10, 2021
 - b) Regular Public Meeting of August 24, 2021

Interim Port Director MacLaurie stated that a correction to the minutes of August 10, 2021, was made to reflect that the following comment was made during discussion of item 6, and not during oral communication.

“Prior to the motion, Chairman Goddard noted that neither the plaintiff Avaraham Sabaduqui or the plaintiff’s attorney Micah Fargey were in attendance.”

11. Denial of Claim – S. Zojaji
12. Approval of Amendment to Month-to-Month Leases – 495 Lake Avenue, Santa Cruz Harbor Boatyard (Tenants: L. Clifford, and M. Podoson)

MOTION: Motion made by Vice-chairman Geisreiter, seconded by Commissioner Smith to approve the consent agenda with the proposed amendment to the minutes of August 10, 2021.
- *Motion carried unanimously.*

REGULAR AGENDA

13. Acceptance of Final FY21 Audited Financial Statement

Discussion: Interim Port Director MacLaurie presented the final FY21 audited financial statement, noting one minor change based on input received from the Commission during a review of the draft audit in August. She stated that the introductory paragraph of the Management Discussion and Analysis was revised to include information regarding the steps taken to address COVID-19 related impacts during the fiscal year.

Interim Port Director MacLaurie reported that the District's debt service ratio, based on FY21 audit results, will be presented as an information item at next month's meeting.

MOTION: Motion made by Vice-chairman Geisreiter, seconded by Commissioner Reed to accept the FY21 audited financial statement.
- *Motion carried unanimously.*

14. Approval of Engineering Services for Site Improvements at 1025 Brommer Street (NTE \$69,500)

Discussion: Interim Port Director MacLaurie stated that at the regular public session of June 22, 2021, the Commission reviewed Mesiti-Miller Engineering's (MME) revised design concepts for the District-owned property on the northwest corner of 7th and Brommer and directed staff to solicit a proposal from MME for the development of construction documents and specifications for preferred options C5 (7th and Brommer) and C9 (North Harbor Dry Storage).

Vice-chairman Geisreiter requested that MME assess the feasibility of alternative design concepts that would allow for the California Buckeye tree (currently located along the southern fence of the 7th and Brommer dry storage yard) to remain in place. Chairman Goddard agreed.

MOTION: Motion made by Commissioner Reed, seconded by Commissioner Smith to:

1. Authorize the Interim Port Director to execute the following contracts for site improvements to District-owned property on the northwest corner of 7th and Brommer (1025 Brommer Street):
 - a. Mesiti-Miller engineering (NTE \$60,000)
 - b. Haro, Kasunich and Associates, Inc. (NTE \$9,500)

2. Approve funding reallocation from the Unallocated Capital Improvement Fund (F099) to the 7th and Brommer Reconnaissance Fund (F021)
 - *Motion carried unanimously.*

15. Award Contract for Reroofing the Maintenance Building (NTE \$57,000)

Discussion: Facilities Maintenance & Engineering (FME) Manager Wulf stated that the current condition of the maintenance building roof warrants repair.

FME Manager Wulf stated that bids for this project were solicited in accordance with the California Public Contract Code, and Premo Roofing submitted the lowest responsive bid in the amount of \$54,450.

In response to a question posed by Commissioner Smith, FME Manager Wulf confirmed that work under this contract only includes reroofing of the main maintenance building (other ancillary outbuildings in the maintenance yard are not included).

A discussion ensued regarding the roof condition of other Port District owned buildings. FME Wulf stated that due to the current condition of the maintenance building roof, it has been prioritized for repair.

Interim Port Director MacLaurie stated that this project is budgeted for in the FY22 Capital Improvement Project Building Restoration Fund (F11).

MOTION: Motion made by Vice-chairman Geisreiter, seconded by Commissioner Smith to authorize the interim Port Director to execute a contract with Premo Roofing to reroof the maintenance building at 425 Brommer Street Extension, in an amount not to exceed \$57,000.

- *Motion carried unanimously.*

16. Approval of Extended Warranty Contracts with Caterpillar for *Twin Lakes'* C32 and C18 Engines (NTE \$27,000)

Discussion: Facilities Maintenance & Engineering (FME) Manager Wulf recommended approval of the extended warranty contracts with Caterpillar for *Twin Lakes'* C32 and C18 engines. He stated that these two pieces of equipment are vital to the day-to-day dredging operation.

Interim Port Director MacLaurie stated that funding for the extended warranties is an unanticipated expense in FY22 and will be paid for out of the dredge program operating budget.

MOTION: Motion made by Commissioner Reed, seconded by Commissioner Gertler to approve the extended warranty contracts with Caterpillar in an amount not to exceed \$27,000.

- *Motion carried unanimously.*

17. Approval of Resolution 21-05 - Honoring Senior Deputy Harbormaster Kinnamon (*There was no discussion on this agenda item*)

MOTION: Motion made by Commissioner Smith, seconded by Vice-chairman Geisreiter to approve Resolution 21-05 - Honoring Senior Deputy Harbormaster Kinnamon.

- *Motion carried unanimously.*

18. Approval of Cash / Payroll Disbursements – August 2021

Discussion: Staff provided additional information on the following warrants:

- Warrant # 55451 - June Citation Processing
Fees associated with citation processing are charged on a per citation basis and paid monthly (\$375 monthly minimum).
- Warrant # 55430 - Use Tax for Maintenance Workboat
The new maintenance workboat was purchased out-of-state and subject to California DMV Use Tax.
- Warrant # EFT - CalPERS Unfunded Accrued Liability
The District's Unfunded Accrued Liability increased July 1, 2021 (start of CalPERS' fiscal year). Future annual increases are anticipated.

MOTION: Motion made by Commissioner Gertler, seconded by Commissioner Smith to approve cash and payroll disbursements for August 2021, in the amount of \$619,495.01.

- *Motion carried unanimously.*

INFORMATION

19. Port Director's Report

Regional General Permit (RGP)

Interim Port Director MacLaurie stated that the California Regional Water Quality Control Board has issued its final certification for the Port District's RGP. She noted that the U.S. Army Corps of Engineers' authorization is expected soon.

Murray Street Bridge Seismic Retrofit Project - Independent Appraisal

Interim Port Director MacLaurie stated that the Port District has entered into a contract with Associated Right of Way Services to conduct an independent appraisal for the Murray Street Bridge Seismic Retrofit Project. She stated that the lead time for appraisal completion is approximately 120 days (January 2022).

California Marine Affairs and Navigation Conference (CMANC) Fall Virtual Meetings

Interim Port Director MacLaurie stated that CMANC's 2021 Fall Virtual Meeting was held on September 16, 2021. A second virtual meeting is scheduled for September 30, 2021.

Deputy Harbormaster (DHM) Recruitment

Interim Port Director MacLaurie stated that recruitment for the vacant DHM position is underway. She stated that staff is currently reviewing applications and will be scheduling interviews for the upcoming week.

COVID-19 Relief Funding

Interim Port Director MacLaurie reported on two potential opportunities available to the District for COVID-19 funding relief:

- American Rescue Plan Act Funding for California Ports (\$250 million)
- State funding for California Independent Special Districts (\$100 million)

She stated that staff will perform additional research to determine which option best suits the District's needs.

20. Harbormaster's Report

Chairman Goddard stated that he had the opportunity to attend the meeting with representatives from Moose Boats at their facility in Vallejo to review construction progress on the Port District's new patrol boat and remarked on the high-quality fabrication.

21. Facilities Maintenance & Engineering Report

Facilities Maintenance & Engineering (FME) Manager Wulf stated that crews continue to service *Twin Lakes* in preparation for the upcoming dredge season. He stated that crews will begin mobilizing for the 2021-22 dredge season in the coming weeks, including moving *Twin Lakes* to the entrance channel.

FME Manager Wulf stated that the Facilities Department's new workboat, *Big Red*, was splashed on September 23, 2021.

Chairman Goddard expressed his appreciation to the dredge crew for their offseason maintenance and repair work on *Dauntless*.

22. 2020-21 Vessel Use List Review

In response to a question posed by Commissioner Gertler, Interim Port Director MacLaurie confirmed that vessels occupying space in dry storage are subject to use list provisions.

23. Financial Reports (*There was no discussion on this agenda item*)

- a) Comparative Seasonal Revenue Graphs

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

25. Harbor Patrol Incident Response Report – August 2021 (*There was no discussion on this agenda item*)
26. Written Correspondence (*There was no discussion on this agenda item*)
 - a) Letter to State Senator Feinstein from Chairman Goddard
 - b) Email to Port Commission from G. Stearns
 - c) Email to Port Commission from G. Stearns
27. Port Commission Review Calendar / Follow-Up Items (*There was no discussion on this agenda item*)

Chairman Goddard adjourned the regular public session at 7.51 PM.



Toby Goddard, Chairman