



Regular Public Session of June 28, 2022

**Santa Cruz Port Commission
MINUTES**

Commission Members Present:

Reed Geisreiter	Chair
Darren Gertler	Vice-chair
Dennis Smith	Commissioner
Stephen Reed	Commissioner
Toby Goddard	Commissioner

REGULAR PUBLIC SESSION – 7:00 PM

Chair Geisreiter convened the regular public session at 7:00 PM at the Harbor Public Meeting Room; 365 A Lake Avenue, Santa Cruz, CA (hybrid meeting platform).

1. Pledge of Allegiance
2. Oral Communication

Chair Geisreiter introduced the new hybrid meeting format, which enables members of the public to participate in-person at the Harbor Public Meeting Room or virtually on the Zoom video conferencing platform.

CONSENT AGENDA

3. Approval of Minutes
 - a) Special Closed and Regular Public meeting of May 24, 2022
4. Approval of Resolution 22-13 – Reauthorizing Virtual Public Meeting in Accordance with Assembly Bill 361

Port Director MacLaurie stated that a correction to the minutes of May 24, 2022, was made to reflect that Commissioner Goddard was absent from the meeting.

MOTION: Motion made by Commissioner Smith, seconded by Commissioner Reed to approve consent agenda items 3 and 4.
- *Motion carried unanimously.*

REGULAR AGENDA

5. General Election of November 2022
 - a) Approval of Resolution 22-14 – Serving Notice to County Clerk of Election Office to be Filled and Transmittal of Map and Boundaries

- b) Approval of Resolution 22-15 – Ordering an Election and Requesting Consolidation of the Election
- c) Administrative Calendar

Discussion: Commissioner Goddard noted that the District will be required to transition from at-large elections to district-based elections in 2024.

MOTION: Motion made by Commissioner Goddard, seconded by Commissioner Gertler to approve Resolution 22-14, serving notice to County Clerk of Election Office to be filled and transmittal of map and boundaries; and Resolution 22-15, ordering an election and requesting consolidation of the election.
- *Motion carried unanimously.*

6. Authorization to Dispose of Surplus Property – Fly Jibs

Discussion: Facilities Maintenance and Engineering Manager Wulf recommended that the Commission authorize disposal of two surplus fly jibs that were included with the original purchase of the District's Lorain and Link-Belt cranes. He stated that both pieces of equipment have never been placed into service and are not needed for conducting the Port District's business.

MOTION: Motion made by Commissioners Goddard, seconded by Commissioner Reed to declare two fly jibs as surplus property and authorize the Port Director to dispose of the equipment through auction, sale, trade-in, donation to charitable organization(s), or disposal in accordance with Port Commission policies.
- *Motion carried unanimously.*

7. Denial of Claim – Tomasello

Discussion: Port Director MacLaurie stated that the Commission has reviewed Mr. Tomasello's claim at its regular public session on April 26, 2022, and during closed session on May 24, 2022. She stated that the item is being presented tonight to reach a final determination.

Port Director MacLaurie recommended the claim be denied based on the following:

- Historically, claims involving collisions with dredge equipment and lost income have been denied by the Port Commission. Once denied, the claimant may seek to recover damages via insurance or civil action, depending on the claim amount.
- To substantiate a claim for lost wages, a claimant needs to prove what they would have made during the period in which they were unable to work by providing personal documentation, such as historical tax statements, or in this case, historical landing records. Considering a claim

for lost wages based on other commercial fishermen's productivity, as the claimant has done, is not a reasonable or recognized method for calculating lost wages.

- Language in the Port District's slip license agreement includes a clear and specific waiver that releases the District of liability in the event a vessel collides with dredge equipment.

Port Director MacLaurie stated that Mr. Tomasello's attorney, Mr. Geoffrey Rawlings, is in attendance at tonight's meeting (remotely) and may wish to address the Commission.

Mr. Rawlings addressed the Commission and stated that his client is interested in settling this matter. He stated that Mr. Tomasello has provided him with authorization to settle the claim for a total of \$15,000. Mr. Rawlings urged the Commission to consider the proposed settlement.

Commissioner Smith expressed support for settling Mr. Tomasello's claim for the newly proposed amount of \$15,000 and stated that in his opinion, the positioning of the dredge anchor cables created a hazard in the channel, which led to the collision. Vice-chair Gertler agreed.

Commissioners Reed stated that the Port District's slip license agreement includes a waiver that releases the District of liability in the event a vessel collides with dredge equipment. He stated that based on that sound documentation, and the precedent setting nature of this claim, he supports denial of the claim. Chair Geisreiter and Commissioner Goddard agreed.

In response to a question posed by Commissioner Smith, Harbormaster Anderson stated that at the time of the collision the dredge anchor cables were floating at approximately 9-feet, and not positioned on the channel floor.

Commissioner Smith stated that the waiver of claims in the Port District's slip license agreement may not apply to certain circumstance and requested that the document be reviewed by District counsel.

MOTION: Motion made by Commissioner Reed, seconded by Commissioner Goddard to deny the claim submitted by Joseph Tomasello.

- *Motion carried by roll call vote.*

- *Gertler:* NO
- *Smith:* NO
- *Reed:* YES
- *Goddard:* YES
- *Geisreiter:* YES

8. Approval of Cash / Payroll Disbursements – May 2022

Discussion: In response to a question posed by Commissioner Goddard, staff provided additional information on the following warrants:

- Warrant # 56678 – Santa Cruz Municipal Utilities (SCMU)
SCMU fees average approximately \$14,000 / month
- Warrant # EFT – CalPERS
The transition from an Empower Retirement based deferred compensation plan to a CalPERS based plan is currently underway.

MOTION: Motion made by Vice-chair Gertler, seconded by Commissioner Smith to approve cash and payroll disbursements for May 2022 in the amount of \$770,962.34.

- *Motion carried unanimously.*

INFORMATION

9. Port Director's Report

Second-Story Deck Repairs – 2222 East Cliff Drive

Port Director MacLaurie stated that effective June 1, 2022, the Port District assumed control of all second-story suites at 2222 East Cliff Drive. She stated that it has been a smooth transition and the District is now focusing its attention on repairing the second-story deck, which is in need of significant repairs.

RFP – Lease for a Restaurant Business to be Located at 616 Atlantic Avenue

Port Director MacLaurie stated that the commercial brokerage firm, Sherman & Boone has been retained to assist the District in identifying a tenant for the development of a new restaurant building at 616 Atlantic Avenue. Bid proposals will be accepted until Friday, August 12, 2022.

She stated that a formal extension request has been submitted to the Coastal Commission to extend the submission of final restaurant plans from December 31, 2022, to June 30, 2025.

Murray Street Bridge Retrofit Project Update

Port Director MacLaurie stated that the City of Santa Cruz recently announced its revised timeline for the Murray Street Bridge Seismic Retrofit Project. The project, which is currently awaiting final certification for right-of-way and issuance of regulatory permits, has been delayed to begin no earlier than Spring 2023.

7th & Brommer Dry Storage

Port Director MacLaurie stated that Mesiti-Miller Engineering has provided 50% plans and a construction cost estimate for the proposed reconfiguration of the District's dry storage yard located at 7th Avenue and Brommer Street (7BDS). The cost estimate is \$1.3 million and

does not include any work to reconfigure the north harbor paved dry storage lot (NHDS). The plans will be presented for Commission review at a future meeting.

Regional Electric Bike Share Program – Coming Soon!

Port Director MacLaurie stated that the City of Santa Cruz is currently in negotiations with a contractor for a Regional Electric Bike Share Program that would span across the country from UCSC to the City of Watsonville. The proposed program is a dock-based system, which will only allow a bike to start and/or stop at one of the docking stations. Port Director MacLaurie stated that a presentation from the City can be arranged to provide the Commission with more information on the program.

Contract Executed

Port Director MacLaurie stated that the following contract has been executed:

- Sala O'Brien Engineers, Inc. – Engineering and Consulting Services for Roof Replacement at 2218 East Cliff Drive (NTE \$6,010)

10. Harbormaster's Report

Harbormaster Anderson stated that visitorship to the harbor has been high and steady since April. He stated that operational planning is underway for the upcoming Fourth of July weekend.

In response to a question posed by Commissioner Goddard, Harbormaster Anderson stated that outside fish buyers play a critical role at the fishery. He stated that outside buyers are required to pay off-loading fees to the resident fish buyer.

A brief discussion ensued regarding CALE parking equipment improvements, including a phased implementation of new, user-friendly color touch screens to improve functionality.

11. Facilities Maintenance & Engineering Manager's Report

Facilities Maintenance & Engineering (FME) Manager Wulf stated that the Travelift jib crane has been repaired and is now fully operational.

In response to a question posed by Vice-chair Gertler, FME Manager stated that all of the essential off-season maintenance is on schedule for the upcoming 2022-23 dredge season.

FME Manager Wulf stated that recruitment for a Harbor Dredge Worker position is currently underway.

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

- a) Comparative Seasonal Revenue Graphs

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

14. Harbor Patrol Incident Response Report – May 2022

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

Chair Geisreiter adjourned the regular public session at 8:15 PM.



Reed Geisreiter, Chair