



Special Closed Session of July 7, 2016

**Santa Cruz Port Commission
MINUTES**

Commission Members Present:

Toby Goddard, Chairman
Dennis Smith, Vice-chairman
Reed Geisreiter, Commissioner

Stephen Reed, Commissioner
Bill Lee, Commissioner

SPECIAL PUBLIC SESSION

Chairman Goddard brought the special public session to order at 10:00 AM at the Santa Cruz Harbor Public Meeting Room, 365A Lake Avenue, Santa Cruz, CA 95062.

1. Oral Communication (*There was no discussion during Oral Communication*)
2. Announcement of Closed Session Pursuant to Government Code (Ralph M. Brown Act) Section 54956.9 and 54957.

Chairman Goddard announced the Commission will meet in closed session to discuss agenda item 3. He announced that the Commission will reconvene the closed session after conclusion of the special public session, to discuss item 4.

SPECIAL CLOSED SESSION

3. Conference with Legal Counsel
Potential Litigation (1 Case)
4. Public Employee Performance Evaluation
Title: Port Director
Item discussed out-of-order.

SPECIAL PUBLIC SESSION

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

Chairman Goddard re-convened the special public session at approximately 10:40 AM and announced that the Commission took no reportable action in closed session on item 3. He announced that the Commission will discuss item 4, following conclusion of the special public session.

6. Approval of Purchase of Fendering System for Dredge *Twin Lakes* (NTE \$70,000)

Port Director Ekers expressed her hope that Commissioners received her communication about the bid submitted by DSC for the dredge fendering system. She stated that the cost, which has escalated from an estimated \$70,000 to \$140,000 may be the result of DSC attempting to recoup unplanned expenses relating to construction and delivery of *Twin Lakes*.

Port Director Ekers explained that this item is a change order because the specification assumed fendering would be accomplished via chains and tires. Commissioners reiterated their support of improving the fendering system to ensure the coating is protected from chains and tires, which could nick, scrape and compromise the coating. Chairman Goddard commented that the cost of an improved fendering system, considering the \$5 million investment in the dredge, seems reasonable to lengthen the life of this equipment. Commissioner Geisreiter agreed, but commented he does not want the Port District taken advantage of.

No action was taken by the Commission. Commissioners tabled the item to give staff more time to research fendering system options.

7. Award of Contract for Preliminary Engineering and Conceptual Design of Seawall (NTE \$35,000)

Port Ekers reported that approximately \$30,000 of the \$150,000 advanced by Aldo's for project costs associated with the temporary repairs to the seawall and piles remains. She reported that Aldo's has authorized using the remaining funds for preliminary engineering and design of the seawall. Port Director Ekers reported that the District share will be larger than Aldo's. Additionally, there is a pending claim for failure of the temporary repairs with Bellingham Marine in the amount of \$22,000.

Port Director Ekers reported that there is no rental agreement with Aldo's for the temporary space on Mariner Park lawn yet. District counsel's opinion is that the rent credit would continue for the lawn space. Aldo's will be occupying parking space on the west side, but it appears that rent credits could offset the cost and result in net zero rent for the temporary lawn space.

A discussion ensued about the contract proposal by Mesiti Miller Engineering, which is limited to Aldo's seawall. Port Director Ekers reported that Aldo's designer is working on a building design that is supported by drilled concrete piers so the foundation will not be dependent on the seawall. Port Director Ekers commented that the Commission will need to consider the seawall's project scope at some point in the future, and its interface with the planned West Jetty Walkway improvements.

MOTION: Motion made by Commissioner Lee, seconded by Commissioner Geisreiter, to authorize the Port Director to execute a contract with Mesiti-Miller Engineering for preliminary engineering and conceptual design of the seawall at Aldo's Restaurant in an amount not to exceed \$35,000.

-Motion carried unanimously.

Chairman Goddard adjourned the special public session at 11:00 AM. He announced that the Commission will reconvene the closed session to discuss item 4.

SPECIAL CLOSED SESSION

- 4. Public Employee Performance Evaluation
Title: Port Director

Item discussed out-of-order.

SPECIAL PUBLIC SESSION

Chairman Goddard reconvened the special public session at approximately 12:11 PM, and announced that the Commission took no formal action in closed session on item 4. Formal action to amend and extend the Port Director's employment agreement will be considered at a future public meeting.

The special public session adjourned at approximately 12:15 PM.



Toby Goddard, Chairman