



Special Closed, Public Hearing, and Regular Public Session of March 28, 2023

**Santa Cruz Port Commission  
MINUTES**

*Commission Members Present:*

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

**SPECIAL PUBLIC SESSION – 5:30 PM**

Chair Gertler convened the special public session at 6:30 PM at the Harbor Public Meeting Room, 365 A Lake Avenue, Santa Cruz, CA (hybrid meeting platform).

1. Oral Communication
2. Announcement of Closed Session Pursuant to Government Code (Ralph M. Brown Act) §54956.9(d)(1)

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

**SPECIAL CLOSED SESSION**

3. Conference with Legal Counsel – Existing Litigation (2 cases)
  - I. Joseph Tomasello v. Santa Cruz Port District  
(Santa Cruz County Superior Court Case No. 22CV02701)
  - II. Michael Julian v. Santa Cruz Port District  
(Santa Cruz County Superior Court Case No. 22CV02471)

**SPECIAL PUBLIC SESSION**

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

Chair Gertler announced that the Commission took no reportable action in closed session on item 3.

Chair Gertler adjourned the special open session following the closed meeting at 6:50 PM.

## **PUBLIC HEARING – 7:00 PM**

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

5. Public Hearing to Receive Public Input on the Port District's Transition to District-Based Elections for its Commissioners Pursuant to Elections Code §10010.

Port Director MacLaurie stated that this is the second of four public hearings required as part of the Port District's redistricting process. She introduced the District's contracted demographer, Justin Levitt, Vice President of National Demographics Corporation.

Mr. Levitt provided a comprehensive overview of the districting process. At the conclusion of his presentation, public input was solicited, but no feedback was received.

A discussion ensued regarding the development of the draft maps. The Commission expressed support for the following:

- Support for viewing a draft map in which each district has a boundary touching the harbor.

Mr. Levitt stated that draft maps will be prepared and presented at the next public hearing on April 25, 2023.

## **REGULAR PUBLIC SESSION**

Chair Gertler convened the regular public session following the public hearing at the Harbor Public Meeting Room, 365 A Lake Avenue, Santa Cruz CA (hybrid meeting platform).

6. Pledge of Allegiance
7. Oral Communication

Chair Gertler announced that the Commission took no reportable action in closed session on item 3.

In response to a question posed by Commissioner Goddard, Port Director MacLaurie stated that staff has fielded numerous inquiries from the public regarding the bald eagles that have been sighted in the north harbor. She stated that all inquiries are being referred to the California Department of Fish and Wildlife to ensure species and habitat protection is maintained.

Chair Gertler reported that he recently attended a webinar regarding the recent closure of the 2023 salmon season.

## **CONSENT AGENDA**

8. Approval of Minutes
  - a) Special Public Budget Meeting of February 15, 2023
  - b) Special Public Meeting of February 23, 2023
9. Approval of Month-to-Month Rental Agreement – 2222 East Cliff Drive, Suite 216 (Tenant: Ancient Waves Wellness)

MOTION: Motion made by Commissioner Smith, seconded by Vice-chair Reed to approve consent agenda items 8 and 9.  
- *Motion carried unanimously.*

## **REGULAR AGENDA**

10. Approval of FY24 Fee Schedule

Discussion: Port Director MacLaurie stated that several fee categories are proposed for adjustment, including visitor parking, RV Park, and event fees. She stated that for discussion and comparison purposes, the proposed FY24 fee schedule includes a column depicting a 5% increase to each fee, which is commensurate with the FY24 marina fee increase.

The Commission reviewed the proposed FY24 fee schedule and supported the following changes:

- RV Park - \$65.00 / night
- Launch Ramp (RV w/o trailer) - \$65.00 / night
- Launch Ramp (RV w/ trailer) - \$83.00 / night
- Visitor Parking Pass: Hourly - \$2.00 / hour
- Waiting List Fee - \$125.00 / year
- Events – Harbor Beach (0-100 People) - \$400.00 / day

MOTION: Motion made by Commissioner Goddard, seconded by Commissioner Smith to approve the FY24 fee schedule, with the proposed revisions listed above, and authorize the Port Director to waive or adjust fees as deemed appropriate.  
- *Motion carried unanimously.*

11. Approval of Cash / Payroll Disbursements – February 2023 (*There was no discussion on this agenda item*)

MOTION: Motion made by Commissioner Smith, seconded by Commissioner Geisreiter to approve cash and payroll disbursements for February 2023, in the amount of \$710,311.89  
- *Motion carried unanimously.*

## **INFORMATION**

### 12. Port Director's Report

Port Director MacLaurie stated that the District recently received a notice of non-renewal from its incumbent insurer for its \$10 million bumbershoot policy. The notice of non-renewal was issued due to the District's recent adverse claim history. The incumbent carrier has agreed to extend coverage through April 15, 2023, to allow additional time for new coverage to be secured.

Port Director MacLaurie stated that the District has once again earned its Clean Marina designation, which is renewed every five years. She stated that the District earned its recertification with a high score of 93%.

### 13. Harbormaster's Report

Harbormaster Anderson stated that as a result of the recent salmon season closure, staff will be closely monitoring slip vacancies. He stated that currently, there have been two slips released as a direct result of the fishery closure.

### 14. Facilities Maintenance & Engineering Manager's Report

Facilities Maintenance Engineering Manager Wulf stated that the District is considering requesting a 2-week extension to dredge season.

### 15. 2023 California Marine Affairs and Navigation Conference (CMANC) Debrief (*There was no discussion on this agenda item*)

### 16. Slip Vacancy Bi-Annual Report / Waiting List Statistics

Port Director MacLaurie stated that a correction will be made to reflect that 26 customers are currently on the yacht club dry storage waiting list (not 106 as indicated on the report).

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

- a) Comparative Seasonal Revenue Graph

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

### 19. Harbor Patrol Incident Response Report – February 2023 (*There was no discussion on this agenda item*)

### 20. Written Correspondence (*There was no discussion on this agenda item*)

- a) Letter from Senator Laird to Senator Padilla
- b) Letter from Congressman Panetta to Office of Management and Budget
- c) Letter from Mayor Keely to Senator Padilla
- d) Letter from Supervisor Koenig to Senator Padilla

e) Letter from California's Central Coast Harbors to Governor Newsom

21. Port Commission Review Calendar / Follow-Up Items

Port Director MacLaurie stated that the Santa Cruz County Form 700 filing deadline is April 3, 2023. She stated that forms can now be filed electronically on the County's website.

Chair Gertler adjourned the regular public session at 8:20 PM.

A handwritten signature in black ink, appearing to read 'Darren Gertler', written over a horizontal line.

Darren Gertler, Chair