



MINUTES  
REGULAR MEETING  
OF THE BOARD OF HARBOR COMMISSIONERS  
MOSS LANDING HARBOR DISTRICT  
7881 Sandholdt Road  
MOSS LANDING, CA 95039  
April 23, 2014, 7:00 p.m.

**A. CLOSED SESSION**

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The Board adjourned to closed session at 6:00 p.m. to discuss the following:

1. Confer with real property negotiators pursuant to Government Code §54956.8 regarding Moss Landing Commercial Park (formerly National Refractories). Negotiating parties: General Manager and District Counsel.
2. Confer with real property negotiators pursuant to Government Code §54956.8 regarding APN 413.022.003 (NH Restaurant Pad). Negotiating parties: General Manager and District Counsel.
3. Confer with legal counsel and General Manager regarding one matter of litigation pursuant to Government Code § 54956.9(a): Cramer vs. MLHD, et al.
4. Confer with real property negotiators pursuant to Government Code §54956.8 regarding parcel(s) currently used for E & F Dock access easements (MBARI). Negotiating parties: General Manager and District Counsel.
5. Confer with Labor negotiators pursuant to Government Code §54857.6 re Carpenters 46 No. California Conference – Chief Negotiator General Manager Linda G. McIntyre.
6. Consider personnel matters pursuant to Government Code §54957 – General Manager annual performance evaluation.

**B. OPEN SESSION CALL TO ORDER - PLEDGE OF ALLEGIANCE**

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The meeting was called to order at 7:26 p.m. After the Pledge of Allegiance, roll was called.

Commissioners present:

Russ Jeffries – President  
Yohn Gideon – Vice President  
Vince Ferrante – Secretary  
Frank Gomes, Jr. – Commissioner  
Tony Leonardini - Commissioner

Staff present:

Linda G. McIntyre – General Manager  
Mike Rodriquez – District Counsel  
Marie Della Maggiore – Executive Assistant  
Wendy Cumming, CPA

**C. PRESIDENT'S REMARKS**

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President Jeffries stated that the Board met earlier in closed session and that direction was given to District Counsel and the General Manager and no other reportable action was taken. He stated that the Board had only discussed Item 1 on the closed agenda and will return to closed session at the conclusion of the open session.

**D. PUBLIC COMMENTS**

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No public comments.

## **E. MANAGER'S REPORTS**

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1. Projects Status/Update – Written report, no additional comments.
2. Community Relations; Requests/Issues – Written report, no additional comments.
3. Summary of Permits Issued – Written report, no additional comments.
4. Meeting Announcements - Written report, no additional comments.
5. Assigned Liveboard Report – Written report, no additional comments.
6. Assigned Slip Income Report – Written report, no additional comments.
7. Incident Report – Written report, no additional comments.

## **F. CONSENT CALENDAR**

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8. Approval of the March 26 Regular Meeting Minutes.
9. Approval of the April 3, 2014 Special Meeting Minutes.

A motion was made by Commissioner Gideon and seconded by Commissioner Ferrante to approve the March 26 and April 3, 2014 meeting minutes. The motion passed unanimously.

## **G. TREASURER'S REPORT**

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10. Wendy Cumming gave the financial report for the month ending March 31, 2014. She reported that nine months into the fiscal year we are operating right in line with budget and there were no significant changes over the last period. She added that the next report for April will show how we did during the salmon season opener.

A motion was made by Commissioner Gomes and seconded by Commissioner Ferrante to accept the month-ending March 31, 2014 financial report. The motion passed unanimously, all Commissioners voting aye.

## **H. COMMITTEE REPORTS**

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11. Finance Committee – No meetings reported.
12. Elkhorn Slough Advisory Committee – No meetings reported. Commissioner Leonardini mentioned that the Elkhorn Slough Foundation was featuring a Snowy Plover Exhibition.
13. Special Districts/LAFCO – President Jeffries reported that he and Commissioner Ferrante had attended the Special Districts of Monterey County meeting and heard a presentation on government agencies procurement processes.
14. Liveboard Committee – No meetings held.
15. Harbor Improvement Committee – No meetings held
16. Real Property Committee I – Meeting with CCC next week re NH restaurant project.
17. Real Property Committee II – No meetings held.
18. Ad Hoc Budget Committee – Chair Gomes said the committee had met and will report out later on the agenda.
19. Meetings attended by Commissioners at District expense since the last regular meeting of the Board (Per AB 1234 requirements) – Commissioner Ferrante reported that he had attended a CSDA Board meeting on April 4, 2014.

## **I. NEW BUSINESS**

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20. ITEM – Consider adopting the preliminary budget for FY 2014-2015.

a. Staff report – Written report. Budget Committee Chair Gomes reported that the process went very smoothly and quickly this year. He said the usual CPI adjustments were made and that the capital projects will require approximately \$3.5M. He thanked Commissioner Leonardini and staff for working together and producing a good budget.

b. Public comment – No public comment.

c. Board discussion – There was discussion of the expense for sea lion fencing. All agreed that the harbor could not take much more of the damage caused by the sea lions and that we have to try every deterrent method we possibly can.

d. Board action – A motion was made by Commissioner Ferrante and seconded by Commissioner Gomes to adopt the preliminary budget for FY 2014-2015. The motion passed unanimously, all Commissioners voting aye.

21. ITEM – Consider whether to support a proposed amendment to LAFCO cost sharing formula; authorize Board President to mark LAFCO ballot accordingly.

a. Staff report – GM McIntyre gave the staff report.

b. Public comment – No public comment.

c. Board discussion – President Jeffries gave a brief summary of the proposed amendment and recommended approval.

d. Board action – A motion was made by Commissioner Leonardini and seconded by Commissioner Gomes to vote in support of the proposed LAFCO cost sharing formula amendment. The motion passed 4-1-0, Commissioners Jeffries, Ferrante, Gomes and Leonardini voting aye; Commissioner Gideon voting no.

22. ITEM – Consider adopting Resolution 14-02 Calling for general election in November 2014.

a. Staff report – GM McIntyre gave the staff report, no additional comments.

b. Public comment – No public comment.

c. Board discussion – No additional discussion.

d. Board action – A motion was made by Commissioner Leonardini and seconded by Commissioner Gomes to adopt Resolution 14-02. The motion passed unanimously, all Commissioners voting aye.

23. ITEM – Consider adopting Resolution 14-03 nominating Commissioner Vince Ferrante to Region Five, Seat C CSDA Board.

a. Staff report – GM McIntyre gave the staff report, no additional comments.

b. Public comment – No public comment.

c. Board discussion – Commissioner Ferrante said he is currently the Board Secretary and gave a brief summary of changes to the CSDA regional boundaries.

d. Board action – A motion was made by Commissioner Gideon and seconded by Commissioner Gomes to adopt Resolution 14-03. The motion passed unanimously, all Commissioners voting aye.

24. ITEM – Commence negotiations and/or take attendant actions on proposed draft Project Development Agreement/Reimbursement Agreement between MLHD and Moss Landing Commercial Park, LLC.

a. Staff report – Written report, no additional comments.

b. Public comment – Mr. Paul Hart spoke on behalf of the project proponent. He said he believes he has provided the Board a complete list of tasks from start to finish of the project. He added that it indicates the line dividing EIR review responsibilities and stakeholder interests however he realizes it needs a lot more clarification. He addressed some of the points of the Moss Landing Commercial Park proposal (MLCP) laid out in the staff report. He said once the EIR process has been completed, either rejected or approved, the District would have the option to decline the option to purchase the project and no further obligations would be held. Commissioner Jeffries responded that to enter into the EIR certification agreement and then back out once completed does not imply good faith of the District. Commissioner Leonardini asked what would happen to the project after the EIR is approved and the District drops out. Mr. Hart replied that they would still need a public agency however he is certain that after EIR approval, many other agencies would then show interest. Commissioner Ferrante pointed out there is no mention of Moss Landing or North County communities in the proposed service area. Mr. Hart said he will get clarification but his understanding is that the project will not serve the Salinas Valley. President Jeffries said the Board would like to see at least some generic wording indicating other “areas of need” would be served now or in the future. Commissioner Ferrante said he could not support the project until he sees in writing that these areas in need of water will also be included. Safwat Malak, engineer for the proponent project, said the plan has been to build in modules to serve Salinas. President Jeffries said the Board is concerned that the timeframes requested are too fast tracked for us. He added that there seems to be a lot of inconsistencies with past verbal discussions. Commissioner Gomes said he could not accept this proposal. He said we (District) offered to help, not buy the project and that we know the project is committed to the Monterey Peninsula. President Jeffries asked if the pipeline to outlying wells, the tank farm and the power source are included in the deal to which Mr. Hart answered they are not. Mr. Hart requested future meetings be held with a District representative or committee or more Board meetings be scheduled in order to speed up the process. President Jeffries made it clear this matter will be discussed in open sessions with the full Board. He added that there is issue with the exclusivity clause in the proposal. Commissioner Gomes felt that being a stakeholder may be more than the District can do at this time. President Jeffries asked Mr. Hart to bring a rewritten proposal to the next meeting. Commissioner Gideon said the District offered to help get through the EIR process and never intended to purchase the project. Mr. Hart stated the EIR is now 97% complete and they are waiting cost analysis of the project.

Bill Hood asked whether the stakeholder interest must be financial; stated that you cannot have an EIR on a generic project, it must be specific, and also didn't think it was necessary to go that far to determine whether the District buys or leases.

- c. Board discussion – No further discussion.
- d. Board action – No action was taken.

The Board will reconvene to closed session to discuss further and if action be taken or decisions made, they will be reported out when the Board reconvenes in open session.

**J. COMMISSIONERS COMMENTS AND CONCERNS**

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No comments.

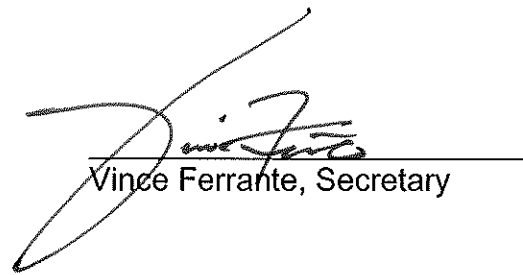
**K. ADJOURNMENT**

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At 9:05 p.m. President Jeffries said the Board will return to closed session after a 10 minute break and will return to open session to report out any action taken before adjourning the meeting.

The Board reconvened in open session at 10:47 p.m. President Jeffries reported that no action was taken and direction had been given to the General Manager and District Counsel. The meeting adjourned at 10:48 p.m.

Respectfully Submitted,



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Vince Ferrante, Secretary

ATTEST:



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Linda G. McIntyre, Deputy Secretary  
Board of Harbor Commissioners