



MINUTES  
RESCHEDULED REGULAR MEETING  
OF THE BOARD OF HARBOR COMMISSIONERS  
MOSS LANDING HARBOR DISTRICT  
7881 Sandholdt Road  
MOSS LANDING, CA 95039  
September 16, 2015 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. Negotiating parties: General Manager and District Counsel.
2. Confer with legal counsel and General Manager regarding two (2) matters of potential litigation pursuant to Government Code § 54956.9(a): Claim of Catalano and Claim of Adventure Alley, LLC.
3. Confer with legal counsel and General Manager regarding one (1) matter of significant exposure to litigation pursuant to Government Code §54956.9(d)(2).
4. Confer with real property negotiators pursuant to Government Code §54956.8 regarding APN 413.022.003 (NH Restaurant). Negotiating parties: General Manager and District Counsel.

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

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The meeting was called to order at 7:15 p.m. After the Pledge of Allegiance, roll was called.

Commissioners present:

Russ Jeffries – President  
Tony Leonardini – Vice President  
Vince Ferrante – Secretary  
Andrew Amaral – Commissioner  
Peggy Shirrel - Commissioner

Staff present:

Linda G. McIntyre – General Manager  
Mike Rodriguez – District Counsel  
Tom Razzeca – Assistant General Manager  
Marie Della Maggiore – Executive Assistant

**C. PRESIDENT'S REMARKS**

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President Jeffries reported that the Board met in closed session; no reportable action was taken and direction was given to the General Manager and District Counsel.

President Jeffries put the regular meeting on hold and opened the annual meeting of the Moss Landing Harbor District Financial Corporation.

The Board returned to the regular meeting at 7:21 p.m.

**D. PUBLIC COMMENTS**

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No public comment.

**E. CONSENT CALENDAR**

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1. A motion was made by Commissioner Ferrante and seconded by Commissioner Leonardini to approve the August 26, 2015 Regular Meeting Minutes. The motion passed 3-0-2 on a roll call vote; Commissioners Jeffries, Leonardini and Ferrante voting aye; Commissioners Shirrel and Amaral abstaining.

**F. FINANCIAL REPORT**

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2. GM McIntyre gave the financial report month ending August 31, 2015. She noted the following;
  - Marina Revenues are higher than budgeted by \$5k. Most of the higher than budget revenue is from South Harbor Parking.
  - Marina Expenses are lower than budgeted by \$63k. The variance is a largely due to a combination of repairs and maintenance costs, utilities, personnel, general and administrative expenses under budget by \$19k, \$21k, \$12k and \$10k. I think almost all of these expenses will be incurred later this year, but for right now they are running lower than budgeted.

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- Marina operations show a year to date profit of \$74k, which is higher than budgeted by \$72k.
- Lease and other operating revenue are still in line with budget.
- Lease and other operating expenses almost exactly in line with budget.
- Lease and other operations shows a year to date profit of 51k, which is just higher than budget by \$1k. It's nice to see our budgeted numbers fall so close to actual.
- Overall for the one month period combined operations show a profit of \$124k, higher than budget by \$74k.

A motion was made by Commissioner Shirrel and seconded by Commissioner Jeffries to accept the month ending August 31, 2015 financial report. The motion passed 5-0-0 on a roll call vote.

## **G. MANAGER'S REPORTS**

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

## **H. COMMITTEE REPORTS**

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10. Finance Committee – No meetings reported.
11. Elkhorn Slough Advisory Committee – No meetings reported.
12. Special Districts – Commissioner Ferrante reported that he, President Jeffries and Commissioner Leonardini attended the July 21, 2015 meeting of the Special Districts Association of Monterey County.
13. Liveboard Committee – No meetings reported.
14. Harbor Improvement Committee – No meetings reported.
15. Real Property Committee I – No meetings reported.
16. Real Property Committee II – No meetings reported.
17. Meetings attended by Commissioners at District expense since the last regular meeting of the Board (AB 1234 requirements). No additional meetings reported.

## **I. NEW BUSINESS**

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18. ITEM – Discuss potential draft Ordinance for Charter Vessel Fee.
  - a. Staff report - GM McIntyre gave the staff report. She elaborated on the possible implementation options.
  - b. Public comment - Harbor tenant Vicki Crow commented that there are no dedicated facilities for charter vessels and said facilities are deteriorating. She wants the Board to read the State charter. Carol Jones of Kahuna Sportfishing said she thinks enough money is made from parking revenues to cover the expenses and that the only reason people come here (ML) is because of the tour boat operators. Brian Ackerman of Whisper Charters said the facilities in the harbor are not adequate and for that reason, he uses the yacht club facilities. He agrees parking revenues should be adequate to cover maintenance costs. Joe Mancini of Elkhorn Slough Safari said the proposed fee seems like a drastic hike to start with. He asked if any other avenues will be explored before imposing fees on charter vessels. Harbor tenant Jed Beck of the fishing vessel FAITH said he agrees with previous speakers and thinks some money goes to waste. He compared the facilities to other harbors that charge more. Kate Spencer of Fast Raft said Moss Landing wildlife is the best and would like to see something fair and reasonable put into a fund for facilities upgrades. Jim Davis of Blue Ocean Whale Watch asked what happened to bring this up. President Jeffries answered they are aware of the need for upgrading the facilities and future parking lot maintenance. Mr. Davis said he estimates 2,800 cars parked here annually just from his business alone and also thinks parking revenues should be sufficient. He said he would

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gladly pay any amount if the harbor actively advertised and brought more visitors. Austin Shenk of Elkhorn Slough Safari said an annual fee would make sense for long term facility improvement planning. John Carlo Tomei of Sanctuary Cruises said he would rather see parking increased than a tax on tour operators.

c. Board discussion - President Jeffries addressed the audience. He said this Board has been very conservative so as to keep fees down. He appreciates all the activity tour operators bring to the harbor but maintaining facilities has become more and more expensive. He said it is a goal of the Board to be able to offer better facilities. He added the GM is looking out for all tenants and visitors and that there are a lot of associated costs that can't all be put on parking. He asked that anyone wanting to do so please email comments to the GM. Mr. Davis suggested a committee involving some of the tour operators and President Jeffries said it will be considered. Commissioner Amaral asked if the permit fee of \$500 would be paid on top of the passenger rating fee; GM said yes and explained that the permit fee is to reimburse the cost of the GM and Executive Assistant's time in reviewing and responding to applications for permits as well as issuing and monitoring them. He asked if the operator is rated for 50 passengers but only takes out 25 would they still pay the 50-passenger rating. The GM replied in the affirmative. Commissioner Ferrante said the District cannot raise parking fees because we have to abide by Coastal Commission guidelines which limit parking fees. Commissioner Amaral suggested the Harbor Improvement Committee should look into the issue to which President Jeffries said no, he wanted to direct it to the GM to bring back a recommendation; that the Harbor Improvement Committee is an altogether different issue.

d. Board action - Direction given to GM to review comments and bring back recommendations to the Board at a future meeting.

19. ITEM – Discuss potential draft Ordinance for Landing Fees.

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

b. Public comment - Harbor tenant Vicki Crow said the harbor is supposed to maintain the docks and facilities for the purpose of boating and commerce without discrimination and to her that means not charging commercial fishermen more than anyone else. Roger Whitney of Roger's Bay Fresh Seafood said if we're going to charge a fee for any business conducted over the water then the boat yard and fuel dock should also pay. He said he already pays fees to Fish and Game and other agencies and now the District is trying to get into his pockets too and he's being run out of business. Harbor Tenant Jed Beck of the fishing vessel FAITH asked what purpose the fees would be used for and how is fish offloading wear and tear on the facilities. GM McIntyre suggested Mr. Faith would be a useful resource going forward.

c. Board discussion - There was discussion of some proposed intent and implementation ideas.

d. Board action - Direction was given to the GM to consider these issues and comments and bring back a recommendation to the Board at a future meeting. .

**J. COMMISSIONERS COMMENTS AND CONCERNS**

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No comments.

**K. ADJOURN MEETING**

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President Jeffries adjourned the meeting at 8:25 pm.

Respectfully submitted.

ATTEST:

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Vince Ferrante, Secretary  
Board of Harbor Commissioners

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Linda G. McIntyre, Deputy Secretary  
Board of Harbor Commissioners

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