

MINUTES
REGULAR MEETING
OF THE BOARD OF HARBOR COMMISSIONERS
MOSS LANDING HARBOR DISTRICT
7881 Sandholdt Road, Moss Landing, CA 95039

April 26, 2017

A. CLOSED SESSION

A closed session was held immediately prior to the public open meeting to consider the following matters

1. Confer with legal counsel and General Manager regarding two (2) matters of litigation pursuant to Government Code § 54956.9(a): 1. Catalano vs. MLHD and 2. Deyerle vs. MLHD.
2. 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.

B. OPEN SESSION CALL TO ORDER - PLEDGE OF ALLEGIANCE

The meeting was called to order at 7:18 pm. After the Pledge of Allegiance, roll was called:

Commissioners Present:

Russ Jeffries – President
Tony Leonardini – Vice President
Vince Ferrante – Secretary
Peggy Shirrel – Commissioner
James Goulart - Commissioner

Staff Present:

Linda G. McIntyre – General Manager
Mike Rodriquez – District Counsel
Tommy Razzeca – Assistant General Manager
Shay Shaw – Administrative Assistant

C. PRESIDENT'S REMARKS

The President welcomed Shay Shaw, the new Administrative Assistant, on behalf of the Board. The President announced that the Board met in Closed Session and no decisions were made; that direction was given to the General Manager and to District Counsel.

D. PUBLIC COMMENTS

Members of the general public were invited to address the Board of Harbor Commissioners regarding any item that is not on the Agenda.

Herrick Andrews: Mr. Andrews is a Liveboard on B dock. He gave a lengthy account of an experience he had with the B dock gate being propped open and an encounter with a member of the District's staff. President Jeffries asked him to wrap up his remarks which he did. President Jeffries thanked him for his remarks.

Lynn Kent: She has a sailboat in North Harbor and wanted to know the District's plans for dredging, stating that "we need to maintain depth." The General Manager requested that Ms. Kent send an email to the GM so the GM can provide her with the process and status of obtaining permits to dredge.

E. CONSENT CALENDAR

1. Approval of the February 22, 2017 Regular Meeting Minutes. A motion was made by Commissioner Ferrante, seconded by Commissioner Shirrel, to approve the Minutes. The motion passed unanimously on a roll-call vote.

As President Jeffries proceeded to Item 2, Commissioner Ferrante asked if he could revisit Item 1. President Jeffries asked if he was withdrawing his Motion for approval of Item 1; Commissioner Ferrante replied that he was. President Jeffries asked if the seconder of the motion was willing to withdraw her second; Commissioner Shirrel agreed to do so based on Commissioner Ferrante's request to revisit the Minutes. Commissioner Ferrante stated that he wanted to point out a correction to the Minutes on Page 2, Item E., Public Comments, last line under Herrick Andrew's comments stating that "he likes it here..." Commissioner Ferrante pointed out that the word "here" was spelled "her" and was missing the last "e". Whereupon Commissioner Leonardini made a motion to adopt the February 22, 2017 Minutes as corrected, seconded by Commissioner Ferrante. On another roll call vote, the Motion passed unanimously.

2. Approve Amendment No. 7 to the ML Community Plan EIR Services Contract. GM McIntyre gave the staff report. Commissioner Ferrante wanted to know why the County keeps extending the deadline; the GM replied that the need for a traffic study arose and that will take added time; President Jeffries indicated that there were also many staff changes that interrupt the continuity of the process. A Motion was made by Commissioner Shirrel, seconded by Commissioner Ferrante, to approve the amendment. The motion passed unanimously on a roll-call vote.

F. FINANCIAL REPORT

3. Financial report month ending March 31, 2017 – GM McIntyre gave the highlights:

- Marina Revenues are higher than budgeted by \$33k. Liveaboard fees are higher than budget by \$11k, temporary berthing is higher than budget by \$46k, and assigned and transient berthing revenues are lower than budget by \$10k and \$18k, respectively.
- Marina Expenses are lower than budgeted by \$32k. The variance is largely due to a combination of repairs and maintenance costs and personnel expenses that came in under budget.
- General & Administrative costs came in above budget by \$83k, which is due primarily to attorney fees related to litigation for which we expect reimbursement.
- Marina operations shows a year to date profit of \$59k, which is higher than budgeted by \$62k.
- Lease and other operating revenues are better than budget by \$24k; mostly due to higher than anticipated property taxes of \$38k.
- Lease and other operating expenses are under budget by \$181k. This is due to the \$175k in election expense, while budgeted, was not incurred.
- Lease and other operations show a year to date profit of \$438k, which is higher than budgeted by \$205k.
- Overall for the year to date, combined operations show a profit of \$497k, higher than budget by \$267k.

There were no questions; Commissioner Leonardini made a motion, seconded by Commissioner Shirrel, to approve the financial report as presented. The motion passed unanimously on a roll-call vote.

G. MANAGER'S REPORTS

4. Projects Status/Update – Written report, no questions
5. Community Relations; Requests/Issues – Written report, no questions
6. Summary of Permits Issued – Written report, no questions
7. Meeting Announcements – Commissioner Ferrante asked if the GM knew if a replacement for former Commissioner Frank Gomes had been made on the Monterey County Fish & Game Commission. The GM did not know.
8. Assigned Liveboard Report – Written report, no questions
9. Slip Income Report – Written report, no questions
10. Incident Report – Written report, no questions

H. COMMITTEE REPORTS

11. Finance Committee – Ferrante/Goulart – no meetings
12. Elkhorn Slough Advisory Committee – Leonardini – no meetings
13. Special Districts – Jeffries/Ferrante – President Jeffries stated that he and Commissioner Ferrante attended the SDAMC dinner meeting; CSDA representatives were the guest speakers.
14. Liveboard Committee – Jeffries/ Goulart – no meetings
15. Harbor Improvement Committee – Shirrel/Goulart – no meetings
16. Real Property Committee I – Jeffries/Leonardini – President Jeffries reported that there had been one meeting with the RPC regarding negotiations; that direction was given to the GM and to District Counsel.
17. Real Property Committee II – Ferrante/Shirrel – no meetings
18. Ad Hoc Budget Committee – Leonardini/Shirrel – Commissioner Leonardini said a budget committee meeting is scheduled in the next couple of weeks.
19. Meetings attended by Commissioners at District expense since the last regular meeting of the Board (AB 1234 requirements). Commissioner Ferrante indicated he was giving a civics lesson to the audience and explained State, County, City, local and Special Districts; he reported on a CSDA Board meeting mentioning the CSDA.net website which provides updates on things within a particular District; there is a mapping feature which requires payment of a small fee to access; that Form 900 must be filled out. President Jeffries stated that he, Commissioner Leonardini, the GM, Assistant GM and Marc Del Piero met with the County staff - Mike Novo and David Mack - regarding Moss Landing Community Plan EIR.

I. NEW BUSINESS

20. ITEM – Update on North Harbor wharf/visitor dock access emergency repair project.
 - a. Staff report – GM McIntyre gave the report indicating the emergency conditions still exist but that construction has begun.
 - b. Public comment – Lynn Kent asked how soon it would be done and why it takes so long. The GM again advised Ms. Kent to send her an email or come see her; that she would love to share the process and obstacles with Ms. Kent.
 - c. Board discussion – No discussion
 - d. Board action – By consensus the Board indicated that emergency conditions continue to exist and that the provisions of Resolution No. 16-01 should continue in full force and effect.

21. ITEM – Update on B Dock emergency repair project
- a. Staff report – GM McIntyre gave the staff report, reporting that the project was complete.
 - b. Public comment – Herrick Andrews stated that we needed people to remain on the docks to keep the sea lions away.
 - c. Board discussion – General comments were made that the sea lions have been a problem for over 20 years and there are few if any deterrent methods that work for any length of time.
 - d. Board action – A motion was made by Commissioner Shirrel, seconded Commissioner Goulart, accepting the staff report on the completion of the project, the amount spent and declaring that the emergency has ended. The motion passed unanimously on a roll-call vote.

22. ITEM – Update on Maintenance Dock Erosion Emergency Project

- a. Staff report – GM McIntyre gave the status of the ACOE and RWQCB permit applications which are still under review.
- b. Public comment - None
- c. Board discussion - None
- d. Board action – the Board, by consensus, indicated that emergency conditions continue to exist and that the provisions of Resolution No. 17-01 should continue in full force and effect.

J. COMMISSIONERS COMMENTS AND CONCERNS

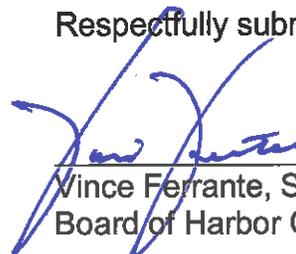
Commissioner Shirrel said the CSDA magazine features an article by Commissioner Ferrante. She mentioned that she went to the Elkhorn Yacht Club and they are doing pretty well; some members expressed concern regarding the silting up of North Harbor. Commissioner Goulart mentioned concern about the comment by a member of the public that the new docks are already in disrepair. GM McIntyre assured him they are not in disrepair and asked AGM Razzeca to weigh in. A lengthy discussion regarding sea lion deterrent methods ensued.

Commissioner Ferrante said he forgot to mention that the CSDA Finance Corporation has a good interest rate available. He also mentioned that there is a scholarship available to attend the annual conference. GM McIntyre showed the Board the issued North Harbor Building Permit that she had picked up at the County offices the previous day.

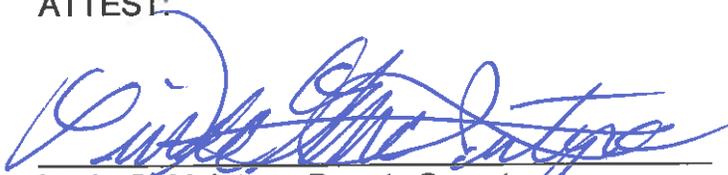
K. ADJOURNMENT

President Jeffries adjourned the meeting at 8:15 pm.

Respectfully submitted,


 Vince Ferrante, Secretary
 Board of Harbor Commissioners

ATTEST:


 Linda G. McIntyre, Deputy Secretary
 Board of Harbor Commissioners