



MINUTES
REGULAR MEETING
OF THE BOARD OF HARBOR COMMISSIONERS
MOSS LANDING HARBOR DISTRICT
7881 Sandholdt Road
MOSS LANDING, CA 95039
October 22, 2014, 7:00 p.m.

A. CLOSED SESSION

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. and one matter of potential litigation pursuant to Government Code §54956.9(e) (2) involving damage to the Santa Cruz Cannery Building.

B. OPEN SESSION CALL TO ORDER - PLEDGE OF ALLEGIANCE

The meeting was called to order at 7:13 p.m. After the Pledge of Allegiance, roll was called.

Commissioners present:

Russ Jeffries – President
Vince Ferrante – Secretary
Frank Gomes, Jr. – Commissioner
Tony Leonardini – Commissioner

Staff present:

Linda G. McIntyre – General Manager
Mike Rodriguez – District Counsel
Marie Della Maggione – Executive Assistant

Commissioners absent: Yohn Gideon

C. PRESIDENT'S REMARKS

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

D. PUBLIC COMMENTS

Harbor tenant Vicki Crow thanked staff for alleviating the sea lion problem on A dock.

E. SPECIAL PRESENTATION OF ANNUAL AUDITED FINANCIAL STATEMENT

1. Consider accepting the FYE June 30, 2014 Audited Financial Statement.
 - a. Staff report – GM McIntyre gave the staff report. She introduced Ryan Jolley who was present representing the audit firm Bryant Jolley CPA's and who was the lead auditor on the District's audit. Mr. Jolley presented the FYE June 30, 2014 Audited Financial Report. He briefly defined each section of the report and said no significant deficiencies or weaknesses in internal controls or District accounting policies were noted. There were no exceptions or disagreements with management. He added that

everything was consistent with last year's audit. He said everything went very smoothly and he thanked the staff for their very timely assistance.

b. Public comment – No public comment.

c. Board discussion – No further discussion.

d. Board action – A motion was made by Commissioner Ferrante and seconded by Commissioner Gomes to accept the FYE June 30, 2014 Audited Financial Report. The motion passed 4-0-1 on a roll call vote; Commissioners Ferrante, Gomes, Leonardini and Jeffries voting aye; Commissioner Gideon absent.

In consideration of the accountant's time, President Jeffries brought Item 10 forward on the agenda.

H. TREASURER'S REPORT

10. Financial Reports – Wendy Cumming CPA gave the financial report for the month ending September 30, 2014. She said the only notable change is to the cash on hand balance due to the elimination of the CIEDB loan through refinancing. Seasonal revenues are doing extremely well due to fishing and tourist activities. Combined operating revenues are above budget by \$87K.

A motion was made by Commissioner Leonardini and seconded by Commissioner Ferrante to accept the month ending September 30, 2014 financial report. The motion passed 4-0-1 on a roll call vote; Commissioners Jeffries, Ferrante, Gomes and Leonardini voting aye; Commissioner Gideon absent.

In consideration of the County representative and public present wishing to speak on the item, President Jeffries brought Item 20 forward on the agenda.

20. ITEM – Consider adopting Resolution No. 14-13 authorizing the General Manager to execute any and all documents necessary to grant a Public Utility Easement to the County of Monterey.

a. Staff report – GM McIntyre gave the staff report. She introduced Nick Nichols, Project Manager for the County of Monterey.

b. Public comment – Mr. Nichols thanked the GM for the very comprehensive analysis of the project and thanked the Board for hearing the matter tonight. He briefed the Board on the other key agencies involved in the project such as PG&E, AT&T, cable companies, etc. He said they anticipate going out to bid in January and starting construction sometime in March of 2015. He said it was clear to him that no construction or interference with harbor users and traffic would occur, especially during March and April due to salmon season. President Jeffries also commented that the Moss Landing Antique Fair is held in July and should be accommodated. He also had concerns regarding trenching along the water's edge. Mr. Nichols responded that they have done all the required compaction and pavement strength testing. Commissioner Ferrante asked if they would include water testing before digging up the parking lot and said he would like to see a 3-year guarantee on any repairs and/or replacement required as a result of the digging. Mr. Nichols said all the comments would be taken seriously and incorporated into the plans and permits. Harbor tenant Mark Tufts asked what kind of lighting was going to be installed around the parking lot to which Mr. Nichols answered it was basically the same lighting, the poles will be converted to steel and may possibly switch to LED and nicer fixtures if financially possible. Mr. Nichols said he will be happy to come back and update the Board any time.

c. Board discussion – No further discussion.

d. Board action – A motion was made by Commissioner Gomes and seconded by Commissioner Leonardini to adopt Resolution No. 14-13. The motion passed 4-0-1 on a roll call vote; Commissioners Jeffries, Ferrante, Gomes and Leonardini voting aye; Commissioner Gideon absent.

In consideration of the representatives present wishing to speak on the item, President Jeffries brought Item 21 forward on the agenda.

21. ITEM – Consider adopting Resolution No. 14-14 in support of establishing a CSU Monterey Bay campus at the National Steinbeck Center by forgiving unanticipated redevelopment tax revenues and entering into an Agreement for repayment of the unanticipated tax revenues

a. Staff report – GM McIntyre gave the staff report. She introduced Colleen Bailey of the National Steinbeck Center.

b. Public comment – Ms. Bailey said the Steinbeck Center has been struggling financially with building lease costs for a few years now and the opportunity to create a 4-year degree program through CSUMB at the center is a win-win for the community. She said there are 13 taxing entities that need to agree to a waiver of the tax revenues and all have been contacted and have given their approval. The Harbor District is the last entity to be approached and she thanked the Board for their consideration.

c. Board discussion – President Jeffries said he supports the project 100%. Commissioner Ferrante asked if the museum would continue to be open to serve the public. Ms. Bailey answered yes, the Steinbeck Center would retain 45% of the building and things will not look much different to the general public.

d. Board action - A motion was made by Commissioner Gomes and seconded by Commissioner Ferrante to adopt Resolution 14-14. The motion passed 4-0-1 on a roll call vote; Commissioners Jeffries, Ferrante, Gomes and Leonardini voting aye; Commissioner Gideon absent.

President Jeffries called for a 5-minute break. The Board returned to open session at 8:05 p.m.

F. MANAGER'S REPORTS

2. Projects Status/Update – Written report, no additional comments.
3. Community Relations; Requests/Issues – Written report, no additional comments.
4. Summary of Permits Issued – Written report, no additional comments.
5. Meeting Announcements – Written report. GM McIntyre added that the Moss Landing Chamber will host a Community Meeting on November 12, 2014 from 6-8 p.m.
6. Assigned Liveboard Report – Written report, no additional comments.
7. Assigned Slip Income Report – Written report, no additional comments.
8. Incident Report – Written report, no additional comments.

G. CONSENT CALENDAR

9. Approval of the September 24, 2014 Regular Meeting Minutes. – A motion was made by Commissioner Ferrante and seconded by Commissioner Gomes to approve the September 24, 2014 regular meeting minutes. The motion passed 4-0-1 on a roll call vote; Commissioners Jeffries, Ferrante, Gomes and Leonardini voting aye; Commissioner Gideon absent.

I. COMMITTEE REPORTS

11. Finance Committee – No meetings reported.

12. Elkhorn Slough Advisory Committee – No meetings reported.
13. Special Districts/LAFCO – Commissioner Ferrante reported that he, President Jeffries and GM McIntyre attended the Special Districts Association of Monterey County meeting on October 21, 2014 and the guest speakers were from the Water Management District and the CSDA Legislative Committee.
14. Liveaboard Committee – No meetings reported. President Jeffries said he will contact Commissioner Gideon about scheduling the next meeting.
15. Harbor Improvement Committee – No meetings reported.
16. Real Property Committee I – The committee met with GM McIntyre prior to the Board meeting on October 22 but there is nothing to report.
17. Real Property Committee II – No meetings reported.
18. Meetings attended by Commissioners at District expense since the last regular meeting of the Board (AB 1234 requirements). – Commissioner Ferrante reported he attended the CSDA conference in Palm Springs September 20 – October 2, 2014 and that he was elected Secretary of the CSDA Board of Directors.

J. NEW BUSINESS

19. ITEM – Consider Proposed Ordinance regarding water conservation on docks.
 - a. Staff report – Assistant GM Razzeca gave the staff report and asked for input from the Board. He said besides water conservation, we are hoping the Ordinance would save the District money in water usage and eliminate tripping hazards and other problems associated with unattended hoses on the docks. He added staff is recommending the topic be brought for discussion at a Liveaboard/tenant meeting.
 - b. Public comment – Harbor tenant Vicki Crow said the District would get more support if it was addressed more of a safety hazard or waste of water by leaving a hose running. She said commercial fishing boats would be affected the most and you need their input. She added it would be unfair to require boat owners to remove their hoses just to run to the parking lot for a short period. Harbor tenant Mark Tufts said his hose is hooked up 24/7 to supply his running water system. He suggested that at present there are not enough water spigots.
 - c. Board discussion – There was discussion of possible terms and conditions and different ways to enforce them. GM McIntyre said the problem exists and there is a drought and we will try to be as accommodating as possible in finding a solution.
 - d. Board action – Direction was given to staff to continue researching and evaluating options, and to bring the matter to the harbor tenants at the next Liveaboard meeting.
22. ITEM – Consider adopting Resolution No. 14-15 canceling the November and December regular meetings of the Board of Harbor Commissioners and fixing a substitute date therefor.
 - a. Staff report – GM McIntyre gave the staff report.
 - b. Public comment – No public comment.
 - c. Board discussion – The Board discussed a mutually acceptable date and determined December 11, 2014 would work for all.
 - d. Board action – A motion was made by Commissioner Gomes and seconded by Commissioner Jeffries to adopt Resolution No. 14-15 substituting December 11, 2014 as a substitute date for the November and December meetings. The motion passed 4-0-1; Commissioners Jeffries, Ferrante, Gomes and Leonardini voting aye; Commissioner Gideon absent.

K. COMMISSIONERS COMMENTS AND CONCERNS

Commissioner Gomes expressed that everyone should remember this is a “WE” Board and not an “I” Board.

L. ADJOURNMENT

The meeting adjourned at 8:47 pm.

Respectfully submitted,

Vince Ferrante, Secretary
Board of Harbor Commissioners

ATTEST:

Linda G. McIntyre, Deputy Secretary
Board of Harbor Commissioners