



MINUTES
REGULAR MEETING
OF THE BOARD OF HARBOR COMMISSIONERS
MOSS LANDING HARBOR DISTRICT
7881 Sandholdt Road
MOSS LANDING, CA 95039
May 28, 2014, 7:00 p.m.

A. CLOSED SESSION

The Board adjourned to closed session at 5:30 p.m. to discuss the following:

1. 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.
2. Confer with legal counsel and General Manager regarding one matter of litigation pursuant to Government Code § 54956.9(a): Cramer vs. MLHD, et al.
3. 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.
4. Confer with Labor negotiators pursuant to Government Code §54857.6 re Carpenters 46 No. California Conference – Chief Negotiator General Manager Linda G. McIntyre.
5. Consider personnel matters pursuant to Government Code §54957 – General Manager annual performance evaluation.
6. 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 7:10 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 Rodriguez – District Counsel
Marie Della Maggiore – Executive Assistant
Wendy Cumming, CPA

C. PRESIDENT'S REMARKS

President Jeffries reported the Board had met in closed session, no reportable action was taken, and the Board will return to closed session at the end of the open session. Any action taken will be reported out when the Board reconvenes in open session.

D. PUBLIC COMMENTS

Safwat Malak, engineer for the People's Moss Landing Desal Project, said they are working on the SOP and plan to present it to the Board in the next few weeks.

Mark Tufts, ML liveaboard, was upset because the fencing he put on the Harbor District's docks near his boat was taken down by staff. Vicki Crow said she thought Mr. Tuft's had gotten approval for the fencing. John Harder said there is a growing problem with the sea lions around his fishing vessel on B dock and suggested mooring a broken dock somewhere near the sandbar for the sea lions to use. David Auten said he likes the mooring idea but also thought people could use it as well for fishing and hanging out on lawn chairs.

There being no further Public Comments, President Jeffries brought Item 20 forward on the agenda.

I. PUBLIC HEARING

20. ITEM – Public Hearing and Fixing of the Final Budget of the Moss Landing Harbor District for the Fiscal Year 2014-2015. Recommendation: Hold Public Hearing, receive comments and make adjustments as necessary. Fix Final Budget.

- a. Staff report – GM McIntyre gave the staff report.
- b. Open Public Hearing – President Jeffries opened the public hearing. No public comment.
- c. Close Public Hearing – President Jeffries closed the public hearing.
- d. Board discussion – No further discussion.
- e. Board action – A motion was made by Commissioner Gomes and seconded by Commissioner Leonardini to fix the final budget of the MLHD for the FY 2014-2015. The motion passed unanimously; all Commissioners voting aye.

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

G. TREASURER'S REPORT

10. Wendy Cumming gave the financial report for the month ending April 30, 2014. She said bottom line marina revenues are \$13K below budgeted income. Marina expenses are below budget by approximately \$47K and overall marina operations are showing a loss of \$199K when we budgeted for a \$130K loss. Much of the reason is due to depreciation. All told we are better than budget in total income by \$111,000.

A motion was made by Commissioner Ferrante and seconded by Commissioner Gomes to accept the month ending April 30, 2014 financial report. The motion passed unanimously, all Commissioners voting aye.

In consideration of the architect's time, President Jeffries brought Item 21 under **NEW BUSINESS** forward on the agenda.

21. ITEM – Consider approving North Harbor Restaurant construction cost estimate.

- a. Staff report – GM McIntyre gave the staff report.
- b. Public comment – No public comment.
- c. Board discussion – Ken Turgen, architect with the firm Wald, Ruhnke & Dost, presented a comprehensive update on the North Harbor Restaurant project. He reported that they are through with the design development and the engineers are ready to start on the schematic designs. Monterey County has approved the design but it is yet to be known if the Coastal Commission has any concerns. There was a discussion of project expenses line-by-line. The Board inquired as to the best guess for final construction costs to which Mr. Turgen responded that several line items will now be removed because the tasks are completed and the design contingency line should cover any unforeseen changes. He added that he does not see any significant jumps in costs from this point forward. There was discussion of the traffic report and CalTrans input regarding entrances and exits. Mr. Turgen said this is a "mini project" and can be dealt with separately; the focus is getting to construction started. He added we are on target for going to bid in January. Commissioner Gomes expressed concerns about construction costs increasing nearly double so far. There was discussion of how the costs are spread out over a period of years and that the big picture is the return on the investment over the next 30 years. President Jeffries said we won't really know the costs for sure until we see the construction bids and may have to rethink the project if the bids come in much higher than anticipated.
- d. Board action – The Board directed Mr. Turgen to move forward with County approvals so we can go out to bid subject to final cost estimate.

E. MANAGER'S REPORTS

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

8. Approval of the April 23, 2014 Regular Meeting Minutes.
9. Ratify General Manager's authorization to extend the ML Community Plan Funding Agreement per Amendment No. 4.

A motion was made by Commissioner Gideon and seconded by Commissioner Leonardini to approve Items 8 and 9 on the consent calendar. The motion passed unanimously, all Commissioners voting aye.

H. COMMITTEE REPORTS

11. Finance Committee – No meetings reported.
12. Elkhorn Slough Advisory Committee – No meetings reported.
13. Special Districts/LAFCO – Next Monterey County Special Districts meeting is July 15, 2014.
14. Liveboard Committee – No meetings reported.
15. Harbor Improvement Committee – No meetings report.
16. Real Property Committee I – Reported out in Item 21.
17. Real Property Committee II – No meetings reported.
18. Ad Hoc Budget Committee – Committee done with budget for the year.
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 CSDA Legislative Days in Sacramento.

J. NEW BUSINESS

22. ITEM – Consider Ordinance No. 197 amending Chapter 20, "District Fee Schedule".
 - a. Staff report – GM McIntyre gave the staff report.
 - b. Public comment – No public comment.
 - c. Board discussion – GM McIntyre clarified the proposed changes to key deposit procedure.
 - d. Board action – A motion was made by Commissioner Gideon and seconded by Commissioner Gomes to adopt Ordinance No. 197. The motion passed unanimously; all Commissioners voting aye.
23. ITEM – Consider preliminary proposal from Umpqua Bank for consolidating District debts at a lower interest rate.
 - a. Staff report – GM McIntyre gave the staff report. She added that she and the Assistant GM had met with representatives from Umpqua Bank and Cameron Weist.
 - b. Public comment – No public comment.
 - c. Board discussion – There was discussion of the proposals and terms. A formalized proposal will be presented for the Boards approval at the June meeting.
 - d. Board action – The Board directed GM McIntyre to move forward with the Umpqua debt consolidation proposal.
24. ITEM – Consider approving the District's insurance renewal package.
 - a. Staff report – GM McIntyre gave the staff report.
 - b. Public comment – No public comment.
 - c. Board discussion – There was discussion of coverage for damage to docks and piers.
 - d. Board action – A motion was made by Commissioner Gomes and seconded by Commissioners Ferrante to approve the District's insurance renewal package as presented by Lockton Insurance Brokers. The motion passed unanimously; all Commissioners voting aye.
25. ITEM – Consider financing options for insurance renewal premiums.

- a. Staff report – GM McIntyre gave the staff report.
- b. Public comment – No public comment.
- c. Board discussion – Commissioner Gideon said he would like to see the premium paid in full instead of financed.
- d. Board action – A motion was made by Commissioner Gideon and seconded by Commissioner Leonardini to pay the 2014-2015 District insurance premium in full. The motion passed 3-2-0; Commissioners Gideon, Leonardini and Jeffries voting aye; Commissioners Ferrante and Gomes voting no.

26. ITEM – Consider requiring vessel insurance for slipholders.

President Jeffries tabled the item until the next Board meeting.

J. COMMISSIONERS COMMENTS AND CONCERNS

Commissioner Leonardini said the sea lions are really becoming a big issue and something needs to be done. President Jeffries said the problem has been ongoing and GM and staff are continually working on it. Commissioner Gomes said the idea of mooring a dock might work. Commissioner Gideon said he also thought a dock moored in North Harbor might work.

K. ADJOURNMENT

President Jeffries adjourned for a 10 minute break at 9:28 p.m. after which the Board returned to closed session.

The Board reconvened in open session at 10:21 p.m. President Jeffries stated no reportable action was taken and direction was given to the GM and District Counsel. The meeting adjourned at 10:22 p.m.

Respectfully submitted,

Vince Ferrante, Secretary
Board of Harbor Commissioners

ATTEST:

Linda G. McIntyre, Deputy Secretary
Board of Harbor Commissioners