

AGENDA
SPECIAL MEETING
OF THE BOARD OF HARBOR COMMISSIONERS
MOSS LANDING HARBOR DISTRICT
7881 Sandholdt Road
MOSS LANDING, CA 95039

December 17, 2014, 4:00 p.m.

Note: A Closed Session will be held immediately following the public open session. After the Closed Session has concluded the Board will reconvene in Open Session for the purpose of reporting out any action taken during the Closed Session.

A. OPEN SESSION CALL TO ORDER - PLEDGE OF ALLEGIANCE

Roll Call

Russ Jeffries – President	Linda G. McIntyre – General Manager
Yohn Gideon – Vice President	Tom Razzeca – Assistant General Manager
Vince Ferrante – Secretary	Mike Rodriquez – District Counsel
Frank Gomes, Jr. – Commissioner	Marie Della Maggiore – Executive Assistant
Tony Leonardini - Commissioner	

B. PRESIDENT'S REMARKS

The President will use this opportunity to inform the public of issues affecting the District and other items of a general nature not otherwise provided for on this agenda.

C. PUBLIC COMMENTS

Members of the general public may address the Board of Harbor Commissioners regarding any item that is not on the Agenda. The President may limit the total amount of time of testimony on particular issues and for each individual speaker.

D. SPECIAL PRESENTATION

1. ITEM – Presentation on and consider approval of final North Harbor Restaurant Development Project construction costs.

- a. Staff report
- b. Public comment
- c. Board discussion
- d. Board action

2. ITEM - Consider Resolution No. 14-20 approving additional architectural services required by the Development Permit issued by Monterey County Planning Department in connection with the North Harbor Restaurant Development Project.

- a. Staff report
- b. Public comment
- c. Board discussion
- d. Board action

E. COMMISSIONERS COMMENTS AND CONCERNS

Members of the Board of Harbor Commissioners may address items of concern at this time, and may request that items be placed on future agendas in accordance with the By-laws of the Board.

SERVING COMMERCIAL FISHING AND RECREATIONAL BOATING SINCE 1947

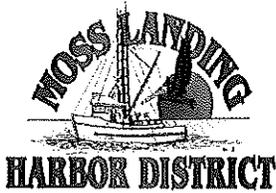
F. ADJOURN TO CLOSED SESSION

1. Confer with legal counsel and General Manager regarding one matter of litigation pursuant to Government Code § 54956.9(a): Cramer vs. MLHD, et al.

G. RECONVENE IN OPEN SESSION; ADJOURN MEETING

Any action taken during the Closed Session will be reported out at this time followed by Adjournment of the meeting.

The next Regular Meeting of the Board of Harbor Commissioners is scheduled for January 28, 2015 at the offices of the Moss Landing Harbor District, 7881 Sandholdt Road, Moss Landing, CA 95039. Individuals who require special accommodations are requested to contact the Executive Assistant to the General Manager by calling 831.633.5417 or by emailing dellamaggiore@mosslandingharbor.dst.ca.us no less than 72 hours prior to the meeting or in the case of a Special Meeting, as soon as possible after the Agenda is posted. Copies of the agenda will be available 72 hours prior to the meeting and may be obtained by contacting the District at (831) 633-5417. All meetings are noticed and conducted in accordance with the Ralph M. Brown Act.



BOARD OF COMMISSIONERS

Russ Jeffries
Yohn Gideon
Vincent Ferrante
Frank Gomes, Jr.
Tony Leonardini

7881 SANDHOLDT ROAD
MOSS LANDING, CA 95039

TELEPHONE – 831.633.5417
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EXECUTIVE
GENERAL MANAGER
HARBORMASTER
Linda G. McIntyre, Esq.

STAFF REPORT

ITEM NUMBER 1 – CONSIDER APPROVING FINAL CONSTRUCTION COSTS FOR THE
NORTH HARBOR RESTAURANT PROJECT
BOARD MEETING OF DECEMBER 17, 2014

At the May Board meeting the District's architect for the North Harbor Restaurant Project gave a presentation of the estimated costs of constructing the restaurant. He indicated that once the final design was approved he would send the project to an estimator for firmer numbers. He indicated that at that time, some of the tasks would be completed or deleted and the numbers would be more reliable.

After hearing the cost presentation and receiving answers to the Board's questions, the Board should approve a final construction cost, direct the architect accordingly and authorize the General Manager to proceed as appropriate.

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Linda G. McIntyre, Esq.

STAFF REPORT

ITEM NUMBER 2 – RESOLUTION NO. 14-20 APPROVING ADDITIONAL ARCHITECTURAL SERVICES
BOARD MEETING OF DECEMBER 17, 2014

The Harbor District entered into the Architectural services agreement with Wald, Ruhnke, Dost Architects for construction of the North Harbor restaurant. However, that agreement excluded services regarding the “Condition13” requirement that is still on the books under the Development Permit issued by the County for the North Harbor Development Project in early 2002. The restaurant is being constructed subject to that Permit, a decision that the Board made in order to avoid the lengthy delay of applying for a Coastal Development permit that would need to go before the California Coastal Commission.

Condition 13 requires consolidation of all entries/exits at North Harbor into one main entry/exit working in conjunction with Cal Trans which may involve obtaining encroachment permits, merge lanes, turn lanes, acceleration and deceleration lanes, etc.

The additional duties the Harbor District is required to carry out will involve performance of additional services by the Architect in the amount of \$35,000.00 as set out in the Additional Services Authorization No. 3 attached to Resolution No. 14-20.

Staff recommends that the Board adopt Resolution No. 14-20 authorizing the General Manager to execute Additional Services Authorization No.3 in an amount not to exceed \$35,000.00.

SERVING COMMERCIAL FISHING AND RECREATIONAL BOATING SINCE 1947

RESOLUTION NO. 14-20

A RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE MOSS LANDING HARBOR DISTRICT AMENDING THE ARCHITECTURAL AND ENGINEERING SERVICES AGREEMENT FOR CONSTRUCTION OF A RESTAURANT IN THE MOSS LANDING NORTH HARBOR

* * * * *

WHEREAS, at the September 26th, 2012 regular meeting of the Board of Harbor Commissioners, Resolution No. 12-18 was adopted awarding a contract for architectural and engineering services to Wald, Ruhnke & Dost Architects, and

WHEREAS, pursuant the Development Permit issued by Monterey County additional services need to be performed for the Harbor District, and

WHEREAS, those additional services were not included in the original proposal on which the contract was awarded, and

WHEREAS, on October 22, 2014 the Architect submitted an Authorization for Additional Services No.3 attached hereto marked Exhibit A, listing the specific additional services to be performed not to exceed \$35,000.

NOW THEREFORE, BE IT RESOLVED by the Board of Commissioners of the Moss Landing Harbor District that the General Manager is authorized to execute the architectural and engineering services agreement amendment between WALD, RUHNKE & DOST ARCHITECTS and the Harbor District subject to review and approval by District Counsel in an amount not to exceed \$35,000 for the additional services listed in the attached Authorization for Additional Services No. 3.

*** CERTIFICATION***

Resolution No.14-20 was duly passed and adopted by the Board of Harbor Commissioners of the Moss Landing Harbor District at a special meeting of the Board held on the 17th day of December, 2014, a quorum present and acting throughout, by the following vote, to wit:

AYES:

NOES:

ABSTAIN:

ABSENT:

ATTEST:

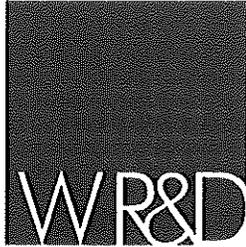
Russ Jeffries, President
Board of Harbor Commissioners

Linda G. McIntyre, Deputy Secretary
Board of Harbor Commissioners

Item 2
Exhibit A
Dec 17, 2014

ADDITIONAL SERVICES AUTHORIZATION #3

October 22, 2014



WALD RUHNKE & DOST
ARCHITECTS LLP

2340 Garden Road

Suite 100

Monterey, CA

93940-5347

T: (831) 649-4642

F: (831) 649-3530

www.wr&darch.com

In accordance with **the contract** dated October 3, 2012 and executed December 12, 2012 between Moss Landing Harbor District (herein called Client) and **Wald, Ruhnke & Dost Architects, LLP** (herein called WR&D), the Client hereby authorizes to proceed with Additional Services:

PROJECT:

North Harbor Restaurant Development Project
Tenant Design Services
2400 block of Highway 1, Moss Landing, CA.
APN: 413-022-003
WR&D Project Number 12158.3

DESCRIPTION OF ADDITIONAL SERVICES

The project for the Moss Landing Harbor District (MLHD) was approved through planning and currently is under review by the Monterey County Building Department. When we received planning approval, it was brought to the project teams' attention that the conditions of approval from the original 2002 General Development Plan (GDP) would need to be addressed. Condition #13 is the only condition that requires services over the original contract for design and reads:

"The applicant shall obtain an encroachment permit from the Department of Transportation District 5 to construct access improvements on Route 1, including but not limited to the consolidation of all project access into the main entrance (and closing the other two secondary entrances), widening the main entrance, providing acceleration and deceleration lanes (or right turn channelization) on southbound Route 1 at the main entrance, and providing left turn and median acceleration lanes on northbound Route 1 at the main entrance. Any work or improvements proposed within the Route 1 right-of-way (e.g.; temporary parking spaces, landscaping (planters), and coastal trail) will be subject to the Department's standards and requirements."

In order for the team to put the project out to bid, we will need to satisfy this requirement.

SCOPE OF SERVICES

Preliminary review of Caltrans Encroachment Permit Work.

Existing traffic studies, design plans, and other past documentation pertaining to revising the entrances of the Moss Landing north parking lot will be reviewed and used in coordination meetings with WRD, the project Civil Engineer, MLHD, and Caltrans. Create exhibits for alternative entry way locations/design for review and discussion.

Storm Water Control Plan – Monterey County Joint Effort requirements.

Monterey County is now implementing their latest storm water program (March 2014). The new permit requirements incorporate additional storm water control design and a Storm Water Control Plan Report. This will be

required in order to submit final grading and building plans to the County of Monterey.

Highway 1 (Caltrans) Right-of-Way, Moss Landing Yacht Club, and MLHD Property Boundary Resolution.

A property boundary resolution is required for Caltrans Encroachment Plans as well as parking lot improvements near the property boundary of the Moss Landing Yacht Club. A preliminary title report will be required for the Moss Landing north parking lot to ensure the correct legal parcels and easements. If a title report is not available, L&S Engineering can order the title report.

Highway 1 and adjacent Moss Landing north parking lot Topographic Base Map.

A topographic survey will be required for detailed improvement plans associated with the Caltrans encroachment work (revised turn lane striping, grading, additional asphalt, and other related items). Other areas may include the existing entrances to be removed that may require curbing, guard rails, fencing, and building relocation. It is uncertain as to the full extent of the survey area due to an unknown scope at this time.

Caltrans Encroachment Plans

A separate set of improvement plans will be required to be submitted to Caltrans for their review and approval for the proposed entrance revisions. The price below reflects a typical acceleration and deceleration taper encroachment only. It is uncertain at this time the full scope of work required to satisfy the condition of approval for the north parking lot entrance(s).

Compensation for Additional Services shall be invoiced as Project #12158.3 In consideration for WR&D providing the services noted above, the Client agrees to compensate WR&D the following *estimated* fee:

CONSTRUCTION ADMINISTRATION SUPPORT

Preliminary review of CalTrans encroachment work	\$ 5,850
Stormwater control plan	\$ 2,900
CalTrans right-of-way boundary resolution	\$ 5,000
Route 1 and MLHD topographic base map	\$ 6,250
CalTrans encroachment plans	\$ 15,000
Total:	\$ 35,000

SERVICES NOT INCLUDED:

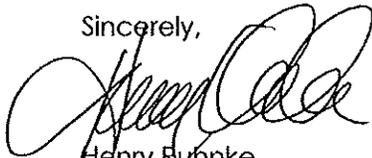
- Services other than mentioned above
- Services completed under other agreements
- Survey work beyond centerline of Route
- Reproductions
- Reimbursable expenses
- Permit fees, Caltrans right-of-way work fees.
- Traffic reports.
- Property monumentation, mapping, and easement revisions.

- Site landscaping, lighting and irrigation.
- Retaining wall structural details or calculations.
- Tree removal plans.
- PG&E, SBC & TV service connections.
- Construction staking or project review staking.
- Geotechnical Engineering.

Upon return of a fully executed authorization, WR&D will perform said Additional Services identified above and this service shall become a part of Proposal Agreement #12158.0.

Please contact Kenneth Turgen at 831-649-4642 if you require additional information or have any questions.

Sincerely,



Henry Ruhnke
Principal

Approved by:

Client

Date