



MINUTES
REGULAR MEETING
OF THE BOARD OF HARBOR COMMISSIONERS
MOSS LANDING HARBOR DISTRICT
7881 Sandholdt Road
MOSS LANDING, CA 95039
August 27, 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.
4. 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.

B. OPEN SESSION CALL TO ORDER - PLEDGE OF ALLEGIANCE

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

Commissioners present:

Russ Jeffries – President

Yohn Gideon – Vice President

Vince Ferrante – Secretary

Tony Leonardini - Commissioner

Commissioner Frank Gomes arrived at 7:24 p.m.

Staff present:

Linda G. McIntyre – General Manager

Mike Rodriguez – District Counsel

Marie Della Maggiore – Executive Assistant

C. PRESIDENT'S REMARKS

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

D. PUBLIC COMMENTS

No public comment.

In consideration of the speakers present, President Jeffries brought Item 18 forward on the agenda.

18. ITEM – Consider assumption of lead agency status/proposed deal points for Project Development Agreement for Water Desalination Project.

a. Staff report – Written report. GM McIntyre asked the representatives from the project to introduce themselves.

b. Public comment – Legal counsel for the project, attorney David Balch with the law firm Moncrief and Hart, introduced the environmental consultant, Steve Brown, Dennis Lewis also of Moncrief and Hart, and engineer Safwat Malik. Mr. Balch said the County of Monterey is the appropriate lead agency but if the County is agreeable to MLHD acting as Lead, then they would concur. There was further discussion. Dave Jablonski questioned the Harbor District's involvement and went on record opposing the District's taking the role of Lead Agency.

c. Board discussion – Counsel Rodriguez stated there is an agreement in place between the City of Pacific Grove and Peoples Desal Project and the preference would be that the agreement be terminated prior to the Harbor District undertaking any action.

d. Board action – A motion was made by Commissioner Ferrante to direct staff to consult with District Counsel and negotiate the process by which we will take on lead agency status for the purpose of the EIR. Commissioner Gomes said he is concerned that this project will consume too much time by staff and District counsel and GM McIntyre explained how the process should go with staff. The motion was seconded by President Jeffries. The motion passed 5-0-0, all eyes on a roll call vote.

President Jeffries called for a ten minute break at 8:48 p.m. The Board returned to open session at 9:02 p.m.

E. MANAGER'S REPORTS

1. Projects Status/Update – Written report, no additional comments.
2. Community Relations; Requests/Issues – Written report. Commissioner Gideon asked about the importance of attending training conferences such as the CAHMPC conference. GM McIntyre replied that due to budget constraints she will not be attending but that Assistant GM Razzeca will be attending a very similar conference to be held in Monterey at a substantial cost savings compared to the 4-day conference in Santa Barbara that would require paying for overnight accommodations.
3. Summary of Permits Issued – Written report. Commissioner Leonardini commented that the Budget Committee will be looking at permit issuance costs.
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. A motion was made by Commissioner Gideon and seconded by Commissioner Leonardini to approve the June 24, 2014 Regular Meeting Minutes. The motion passed unanimously on a roll call vote.

G. TREASURER'S REPORT

9. GM McIntyre noted that the financial report for the month ending July 31, 2014 represented the first month of the fiscal year and the accountant informed her we are generally on track. Commissioner Leonardini suggested the accountant does not need to be present at every meeting.

A motion was made by Commissioner Gomes and seconded by Commissioner Gideon to accept the month ending July 31, 2014 financial report. The motion passed unanimously on a roll call vote.

H. COMMITTEE REPORTS

10. Finance Committee – No meetings reported.
11. Elkhorn Slough Advisory Committee – No meetings reported.
12. Special Districts/LAFCO – President Jeffries and Commissioner Ferrante attended the July 15, 2014 meeting of the Special Districts Association of Monterey County.
13. Liveaboard 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) – Commissioner Gomes reported that the Budget Committee met with the GM to discuss possible cost cutting measures after learning of the \$450,000 election costs. He said no proposals had been made and that they plan to meet again and discuss the issues further after learning the actual cost of the upcoming election.

I. NEW BUSINESS

19. ITEM – Consider approving an At-Will Employment Agreement with the General Manager.
 - a. Staff report – Written report, no additional comments.
 - b. Public comment – No public comment.
 - c. Board discussion – Commissioner Ferrante commented that he appreciates Ms. McIntyre's willingness to commit to another three years. President Jeffries commented that the GM should be compensated for additional time and duties that will be required in the event the District becomes a lead agency for any projects.
 - d. Board action – A motion was made by Commissioner Leonardini and seconded by Commissioner Gomes to approve the At-Will Employment Agreement with the General Manager. The motion passed unanimously on a roll-call vote.
20. ITEM – Consider adopting Resolution Nos. 14-06, 14-07, 14-08, 14-09 and 14-10 approving proposals for a variety of environmental consulting services by Integral Consulting Inc. for 1) As-Needed Environmental Services, 2) Eelgrass Monitoring, 3) Dredged Material Management Plan, 4) 10-Year Dredge Permit, and 5) Stormwater Permit Compliance.
 - a. Staff report – Written report. GM McIntyre added that all agreements will be "subject to review and approval" by District Counsel.
 - b. Public comment – No public comment.
 - c. Board discussion – Commissioner Ferrante commented that it was Ken Israel who straightened out the Kirby Park construction issues on our behalf.
 - d. Board action – A motion was made by Commissioner Gideon and seconded by Commissioner Ferrante to adopt Resolution Nos. 14-06, 14-07, 14-08, 14-09 and 14-10 with the added language providing for actions required to terminate any remaining contracts with Sea Engineering Inc as needed and subject to review and approval by District Counsel. The motion passed unanimously on a roll-call vote.

21. ITEM – Consider authorizing the General Manger to send a letter to Monterey County outlining the District’s concerns with the proposed Moss Landing Community Plan.

a. Staff report – GM McIntyre gave the staff report. She commented that a document outlining District concerns had been drafted by consultant Marc Del Piero. She took the facts and information from his draft and created the letter before the Board for approval. In response to inquiry by Commissioner Ferrante, she said the consultant’s experience and institutional knowledge of the issues in this matter were invaluable.

b. Public comment – No public comment.

c. Board discussion – There was discussion of some of the key issues mentioned in the letter.

d. Board action – A motion was made by Commissioner Gideon and seconded by Commissioner Leonardini authorizing the GM to deliver the letter of concerns in connection with the proposed Moss Landing Community Plan to Monterey County. The motion passed unanimously on a roll-call vote.

J. COMMISSIONERS COMMENTS AND CONCERNS

Commissioner Gomes apologized for arriving late; he is working more than ever in his history. Commissioner Ferrante announced he had been elected CSDA Region 5 representative. President Jeffries mentioned that he thought Marc Del Piero should be hired to attend any future public forums on the MLCP but he would leave that up to the GM.

K. ADJOURNMENT

The meeting adjourned at 9:55 p.m.

Respectfully submitted,

Vince Ferrante, Secretary
Board of Harbor Commissioners

ATTEST:

Linda G. McIntyre, Deputy Secretary
Board of Harbor Commissioners