



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

December 13, 2018

A. CLOSED SESSION

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

1. Confer with real property negotiators (District Counsel and GM) pursuant to Government Code §54956.8 regarding (1) North Harbor property lease, (2) Moss Landing Commercial Park Leases.

B. OPEN SESSION CALL TO ORDER - PLEDGE OF ALLEGIANCE – ROLL CALL

The open session was called to order at 2:45pm. 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 Rodriguez – District Counsel
Tommy Razzeca – Assistant Gen. Mgr.
Shay Shaw – Administrative Assistant

Item J - At this time the President moved forward Item J: Public Hearing – Appeal by Marc Colman/Monterey Bay Hydrobikes of the decision of the General Manager to terminate his Facilities Use Permit. President Jeffries opened the Public Hearing and asked for a staff report.

- a. Staff report – GM McIntyre referred to the written report and gave additional information.
- b. Appellant Comments – Mr. Colman claimed he was given bad information and was misinformed and hopes the Board will forgive him. Colman claims he was never given a warning in the past in reference to parking. He requests that the Board have leniency and reinstate his business.
- c. Public Comments – Sergeant Daryl Simpson of the Monterey County Sheriff's office relayed the encounters he had with Colman and informed the Board that Colman first lied about painting the District's curbs and later admitted that he had it done.
- d. Board Discussion – President Jeffries had asked Mr. Colman several questions during his comments, as did other Commissioners. Mr. Colman admitted that he had the District's red curb and blue handicap space painted over in white but he didn't know it was District property. When asked if he obtained permission from the Yacht Club he said he did not. He also admitted that he parked in the cross-hatched area and infringed on one of the handicap spaces, but only for a short time while unloading his Hydrobikes. President Jeffries informed Mr. Colman that he could make a closing statement if he wished. Mr. Colman reiterated he meant no harm and was misinformed about the ownership of the property he painted. President Jeffries closed the Public Hearing.

e. Board Action - A motion was made by President Jeffries, seconded by Vice President Leonardini to uphold the decision of the General Manager and terminate Monterey Bay Hydro Bikes Facilities Use Permit. The motion passed unanimously on a roll call vote. District Counsel Rodriguez indicated that he will prepare formal Findings in support of the Board's decision and bring them to the next meeting for adoption.

C. PRESIDENT'S REMARKS

President Jeffries announced that the Board met in closed session, no decisions were made; direction was given to the GM and District Counsel. He wished everyone a Merry Christmas.

D. PUBLIC COMMENTS

None.

E. CONSENT CALENDAR

1. Approval of the October 24, 2018 Regular Meeting Minutes. A Motion was made by Commissioner Ferrante, seconded by Commissioner Goulart, to approve the October 24, 2018 Minutes. The motion passed unanimously on a roll call vote
2. A motion was made by Commissioner Ferrante, seconded by Commissioner Shirrel to adopt resolution 18-17 Declaring the 1995 Ford Ranger Surplus Property and Authorizing Disposal. The motion passed on a roll call vote. Commissioner Goulart asked how we would dispose of it and staff replied we are required to dispose of surplus property in "an appropriate manner" but because it is so old and has such high miles we may take it to Pick 'N Pull.

F. FINANCIAL REPORT

3. Financial report month ending November 30, 2018. GM McIntyre gave the highlights. A Motion was made by Commissioner Leonardini, seconded by Commissioner Shirrel, to accept the Financial Report. The motion passed unanimously on a roll call vote.

G. MANAGERS' REPORTS

The General Manager & Assistant General Manager made the following reports.

4. Projects Status/Update – Written report/ no questions
5. Community Relations; Requests/Issues – written reports/no questions
6. Summary of Permits Issued – Written report/no questions
7. Meeting Announcements – Written report/no questions
8. Liveaboard 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 – Nothing to report
12. Elkhorn Slough Advisory Committee – Leonardini – Nothing to report
13. Special Districts – Jeffries/Ferrante – Nothing to report
14. Budget Committee – Leonardini/Shirrel – Nothing to report
15. Liveaboard Committee – Goulart/Jeffries – Nothing to report
16. Harbor Improvement Committee – Shirrel/Goulart – Nothing to report
17. Real Property Committee I – Jeffries/Leonardini – Nothing to report
18. Real Property Committee II – Ferrante/Shirrel – Nothing to report
19. Meetings attended by Commissioners at District expense since the last regular meeting of the Board per AB 1234 requirements. President Jeffries, AGM Razzeca and Marc Del Piero attended the MLCP meeting and also had a meeting with the County which was also attended by the GM and District Counsel. President Jeffries believes we have an agreement on wording that will be in the new General Plan that specifically allocates sewer capacity to MLHD.

I. NEW BUSINESS

20. ITEM – Consider ratifying expenditure for new truck purchase.
- a. Staff report – AGM Razzeca gave the report
 - b. Public Comment – None
 - c. Board discussion – None
 - d. Board action – A motion was made by Commissioner Ferrante, seconded by Commissioner Shirrel to ratify the expenditure for a new truck purchase. The motion passed unanimously on a roll call vote.
21. ITEM – Consider adopting Resolution No. 18-18 authorizing the General Manager to enter into a Consulting Contract for the Moss Landing Community Plan/Monterey County General Plan Update.
- a. Staff report –GM McIntyre gave the report
 - b. Public Comment – None
 - c. Board discussion – Commissioner Goulart asked the relationship between President Jeffries and the proposed consultant. President Jeffries replied that he is President Jeffries' nephew and that he has no financial interest with his nephew.
 - d. Board action – A motion was made by Commissioner Leonardini, seconded by Commissioner Goulart to adopt Resolution No. 18-18 authorizing the General Manager to enter into a Consulting Contract for the Moss Landing Community Plan/Monterey County General Plan Update. The motion passed unanimously on a roll call vote.

J. SPECIAL PUBLIC HEARING

(This Item was moved forward on the Agenda and was heard immediately following Roll Call).

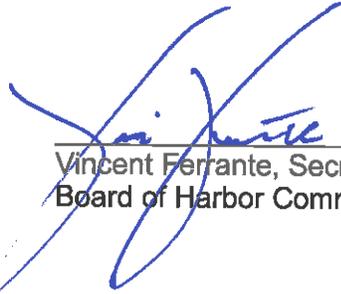
K. COMMISSIONERS COMMENTS AND CONCERNS

Commissioner Leonardini said he heard at the meeting we had with the County that a cul-de-sac and public parking lot were planned at the end of Sandholdt Road. Commissioner Leonardini mentioned that the garish red building on Moss Landing Road was signed off by Planning staff but the Planning Commission didn't catch it. Other Board members expressed concern over the gaudy red building; that the water well serving ML was sold at a tax lien sale, that ML has no representation on the North County Land Use Advisory Committee and that we should request reinstatement of the Moss Landing Land Use Advisory Committee. GM McIntyre said she would draft a letter to Supervisor Phillips regarding the above and would look into the water well tax lien sale.

L. ADJOURNMENT

The meeting was adjourned 4:20pm

Respectfully submitted,



Vincent Ferrante, Secretary
Board of Harbor Commissioners

ATTEST:



Linda G. McIntyre, Deputy Secretary
Board of harbor Commissioners