



AGENDA
SPECIAL MEETING
OF THE BOARD OF HARBOR COMMISSIONERS
MOSS LANDING HARBOR DISTRICT
7881 Sandholdt Road
Moss Landing, CA 95039
September 8, 2016, 2:30 P.M.

A. OPEN SESSION CALL TO ORDER - PLEDGE OF ALLEGIANCE

Roll Call

Russ Jeffries – President
Tony Leonardini – Vice President
Vince Ferrante – Secretary
Andrew Amaral - Commissioner
Peggy Shirrel - Commissioner

Linda G. McIntyre – General Manager
Mike Rodriguez – District Counsel
Tom Razzeca – Assistant General Manager
Marie Della Maggiore – Dir. Of Administrative
Services, Executive Assistant to the GM

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. NEW BUSINESS

1. ITEM – Consider adopting Resolution No. 16-18 Declaring an emergency project – B Dock Repair.
 - a. Staff report
 - b. Public comment
 - c. Board discussion
 - d. Board action

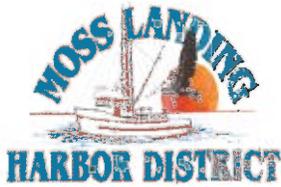
E. COMMISSIONERS COMMENTS AND CONCERNS

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.

F. ADJOURN MEETING

The next Regular Meeting of the Board of Harbor Commissioners is scheduled for September 28, 2016 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 logging onto www.mosslandingharbor.dst.ca.us or by contacting the District at 831.633.5417. All meetings are noticed and conducted in accordance with the Ralph M. Brown Act.

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BOARD OF COMMISSIONERS
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Tony Leonardini
Vincent Ferrante
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Linda G. McIntyre, Esq.

ASSISTANT GM/ASSISTANT HM
Tom Razzeca

STAFF REPORT

ITEM NUMBER – 1 – B DOCK EMERGENCY REPAIR BOARD MEETING OF SEPTEMBER 8, 2016

At approximately 12:15 on Sunday, September 4, 2016, the *F/V Sandra Lee*, while attempting to dock in Moss Landing South Harbor at B 169, lost control of its reverse gear and collided with the main walkway midway down the last leg of B Dock on the channel side.

The damage to several fingers and the main dock walkway was severe. See attached photo. Staff on duty placed barriers on the section immediately prior to the break; the General Manager was called and the USCG was called. The GM contacted Maintenance Lead Neal Norris who graciously and immediately sped to the Harbor; he moved two liveaboard vessels to locations not affected by the break and shut off water and isolated electricity. The next day an electrical fire flared up in the broken dock; was quickly extinguished and declared "out" by North County Fire; the circuit breaker for the entire length of the dock was then shut off and all affected vessel's owners were contacted.

The District's engineering consultant advised staff that immediate steps need to be taken to remove and replace the broken dock and fingers in order to avoid serious safety issues, potential hazards to navigation and to marine mammals. Staff requested a local floating dock company (whose design for 7 fingers on that dock is already in place) to come down and view the damage in order to confirm the emergency nature of the project as well as identify what information/specs it may need to commence design drawings to replace the damaged dock and fingers as soon as possible.

Based on these opinions as well as staff's physical observation of the dock, the inability to make the area safe despite best efforts, the continued voluntary use of some of the fingers beyond the broken portion, the lack of electricity on the dock rendering lighting virtually impossible making it particularly dangerous at night; no way to safely rig up any highly visible lights for incoming unsuspecting vessels, the dock needs to be immediately repaired.

We plan to place "no admittance - danger" on each pile by the affected slips that *might* be seen by a vessel arriving in the dark, but that's not a certainty. I hesitate to put ropes or other barriers from pile to pile because if they are not seen in the dark and someone is on the deck of an arriving vessel, it could knock them overboard or otherwise injure

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them. The span between the piles is huge and it isn't possible to put barriers between the piles to block access by vessels from the water with, for example, cross boards in the shape of an "X".

It is my opinion that although we can do our best, there is no way to protect the public safety without completely repairing the dock; therefore we need to do that as soon as possible without a 4 month delay that would occur if we went out to bid - 6 weeks for document prep, NIB publication, opening, awarding, bonding, executing contracts, etc. and another 8 to 10 weeks to build the docks which requires building forms in accordance with engineer specs, pouring the material into the forms, waiting for them to cure, shipping them out, etc. The company we called already has our specs and if I gave them the go-ahead they would start pouring almost immediately and installation could be completed as early as 8 weeks.....

In the meantime, staff has also placed barriers, yellow caution tape and signage announcing the danger and prohibiting passage along the dock; instructed staff to not allow any vessels to tie up to the broken area, and is keeping a log of times/dates that the area is checked by staff (three to four times daily) until this emergency project can be completed.

Staff recommends that the Board Adopt Resolution No.16-18 declaring the B Dock Repair project an emergency and authorizing the General Manager to proceed with the emergency repair and replacement at an initial estimated cost not to exceed \$300,000.

RESOLUTION NO. 16-18

**A RESOLUTION OF THE BOARD OF HARBOR COMMISSIONERS
OF THE MOSS LANDING HARBOR DISTRICT
DECLARING AN EMERGENCY PURSUANT TO SECTION 20168 OF THE PUBLIC
CONTRACT CODE AND AUTHORIZING THE EXPENDITURE OF DISTRICT
FUNDS FOR EMERGENCY REPAIR WORK IN AN INITIAL AMOUNT
NOT TO EXCEED \$300,000
* * * * ***

WHEREAS, on September 4, 2016, the *F/V Sandra Lee*, while attempting to dock in Moss Landing Harbor at B 169, lost control of its reverse gear and collided with the main walkway midway down the last leg of B Dock on the channel side severely damaging the dock walkway making it impassable and wrenching and damaging 3 fingers attached thereto; and

WHEREAS, the District's engineering consultant, Paul Roberts, has advised Staff that immediate steps need to be taken to remove and replace the aforementioned walkway section approximately 70" wide x 64' long on B Dock in order to avoid serious safety issues, potential hazards to navigation, and in general to ensure the health, safety and welfare of the Harbor's constituents, and

WHEREAS, Staff retained a local floating dock company, familiar with the unique design specifications utilized in the District's dock improvements, to come to the Harbor and view the damage to B Dock to confirm the urgent nature of the pending dock section replacement project and to identify what information might be necessary to prepare specifications for the project, and an engineer from said company confirmed the urgent need to replace the dock section as well as three fingers due to their skewed, broken and unsafe condition, and

WHEREAS, Staff has notified all vessel owners on B Dock affected by the damage of the conditions and pending repairs; placed barriers and yellow caution tape and rope along the Dock, and is monitoring the condition of the Dock on a daily basis until the repair project can be completed, and

WHEREAS, Staff is of the opinion that adherence to the contract bidding procedures established in the Public Contract Code will result in unacceptable delays before the District can commence correction of the unsafe conditions and repairs to B Dock, and

WHEREAS, Section 20168 of the Public Contract Code provides that in the case of an emergency, the District Board of Harbor Commissioners, by four-fifths vote, may pass a resolution declaring that the public interest and necessity demand the immediate expenditure of public funds to safeguard life, health and property, and that such monies may be expended without compliance with mandatory contract bidding procedures, and

WHEREAS, Section 1102 of the Public Contract Code defines emergency as a sudden, unexpected occurrence that poses a clear and imminent danger, requiring action to prevent or mitigate the loss or impairment of life, health or property, and the circumstances surrounding the sudden and dangerous condition of the fingers and that section of B Dock have created the need to take immediate action to replace the same, meeting this definition of emergency.

NOW THEREFORE, BE IT HEREBY RESOLVED, that the Board of Harbor Commissioners of Moss Landing Harbor District hereby resolves as follows:

1. Based on the recitals set forth above, which are incorporated herein by reference, the Board hereby declares that an emergency situation, as defined in Public Contract Code Section 1102, exists with respect to the need to take immediate action to replace three damaged fingers and the section of B Dock in the Harbor so as to ensure the integrity of these facilities, to protect the property and well-being of all members of the public who use and frequent said facilities, and to protect all those who traverse Harbor waters from potential navigation hazards.

2. By this Resolution, and the authority granted by Public Contract Code Section 20168, the Board finds that the public interest and necessity demand the immediate use of previously allocated funds to replace three fingers and the damaged section of B Dock without need to comply with formal bidding procedures, and approves and/or ratifies the action of Staff and the District's General Manager to enter into any contract and/or task order with appropriate service providers and construction companies to provide the necessary analytical and remedial services, in an amount not to exceed \$300,000.

3. Staff and the Board shall review the status of the emergency and all emergency actions taken at the Board's next regularly scheduled meeting, and at every regularly scheduled meeting thereafter, to determine whether the emergency and all work commenced in response thereto can be terminated.

4. Staff is further directed and authorized to take all other actions related to this emergency, such as the provision of notice to agencies with jurisdiction over the District's construction activities and notice to the public, and to report such actions at the next regularly scheduled Board meeting.

*****CERTIFICATION*****

Resolution No. 16-18 was duly adopted by the Board of Harbor Commissioners of the Moss landing Harbor District at a regular meeting of the Board held on the 8th day of September, 2016, a quorum present and acting throughout, by the following vote, to wit:

AYES:

NOES:

ABSTAIN:

ABSENT:

Russ Jeffries, President
Board of Harbor Commissioners

ATTEST:

Linda G. McIntyre, Deputy Secretary
Board of Harbor Commissioners

