

MINUTES
RESCHEDULED REGULAR MEETING
OF THE BOARD OF HARBOR COMMISSIONERS
MOSS LANDING HARBOR DISTRICT
7881 Sandholdt Road
Moss Landing, CA 95039
June 28, 2016, 7 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 APN 413.022.003 (NH Building Pad). Negotiating parties: General Manager and District Counsel.
2. Confer with real property negotiators pursuant to Government Code §54956.8 regarding proposed fencing at North Harbor on State Parks/District boundary (west side). Negotiating parties: General Manager and District Counsel.
3. Confer with legal counsel and General Manager regarding one (1) matter of significant exposure to litigation pursuant to Government Code §54956.9(d)(2).
4. Confer with legal counsel and General Manager regarding one (1) matter of potential litigation pursuant to Government Code § 54956.9(a): Claim of Samuel Frazier.
5. 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.
6. Confer with legal counsel and General Manager regarding two (2) matters of litigation pursuant to Government Code § 54956.9(a): 1. Catalano vs. MLHD and 2. Deyerle vs. MLHD.

B. OPEN SESSION CALL TO ORDER - PLEDGE OF ALLEGIANCE

The meeting was called to order at 7:17 p.m. After the Pledge of Allegiance, roll was called.

Commissioners present:

Russ Jeffries – President
Tony Leonardini – Vice President
Vince Ferrante – Secretary

Commissioners absent:

Andrew Amaral – Excused
Peggy Shirrel - Excused

Staff present:

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

C. PRESIDENT'S REMARKS

President Jeffries reported that the Board met in closed session; no reportable action was taken and direction was given to the General Manager and District Counsel. He said at the conclusion of the Open Session, the Board will return to Closed Session followed by reporting out any action taken in Closed.

D. PUBLIC COMMENTS

No public comment.

E. CONSENT CALENDAR

1. Approval of the May 31, 2016 Rescheduled Regular Meeting Minutes.
2. Approval of the City of Seaside Proposed Tax Sharing Agreement.

A motion was made by Commissioner Leonardini and seconded by Commissioner Ferrante to approve items 1 and 2 on the Consent Calendar. The motion passed 3-0-2 on a roll call vote; Commissioners Jeffries, Leonardini and Ferrante voting aye; Commissioner Amaral and Shirrel absent.

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F. TREASURER'S REPORT

Written report. GM McIntyre gave the highlights for the 11-month period ending May 31, 2016:

- Marina Revenues are better than budget by \$52k. South Harbor parking revenue is better than budget by \$43k, temporary berthing is better by \$16k, and live aboard fees are better by \$7k. This is offset by assigned and transient berthing below budget by \$5k and \$10k, respectively.
- Marina Expenses are lower than budgeted by \$106k. The variance is a largely due to a combination of repairs and maintenance costs and personnel expenses under budget by \$56k and \$58k, respectively. Other expense categories are reasonably within budget.
- Marina operations show a year to date profit of \$46k, which is higher than budgeted by \$158k.
- Lease and other operating revenues are better than budget by \$91k due to higher than anticipated property tax, amenity and dry storage revenues. The variance is further offset by lower than anticipated revenue for N.H. Use income of \$10k.
- Lease and other operating expenses are slightly below budget by \$2k.
- Lease and other operations shows a year to date profit of \$647k, which is higher than budget by \$93k.
- Overall for the eleven month period combined operations show a profit of \$693k, higher than budget by \$251k.

GM McIntyre commented that in view of the bleak salmon and crab seasons and some of the commercial fishermen struggling to pay their berthing fees, this is a pretty rosy report. She added that the District received a Monterey County Tax Appropriation in the amount of \$10,300 today.

A motion was made by Commissioner Ferrante and seconded by Commissioner Leonardini to accept the month ending May 31, 2016 financial report. The motion passed 3-0-2 on a roll call vote; Commissioners Jeffries, Leonardini and Ferrante voting aye; Commissioner Amaral and Shirrel absent.

G. MANAGER'S REPORTS

4. Projects Status/Update – Written report, no comments.
5. Community Relations; Requests/Issues – Written report, no comments.
6. Summary of Permits Issued – Written report, no comments.
7. Meeting Announcements – Written report, no comments.
8. Assigned Liveaboard Report – Written report, no comments.
9. Assigned Slip Income Report – Written report, no comments.
10. Incident Report – Written report, no comments.

H. COMMITTEE REPORTS

11. Finance Committee – No meetings reported.
12. Elkhorn Slough Advisory Committee – No meetings reported.
13. Special Districts/LAFCO – No meetings reported.
14. Liveaboard Committee – No meetings reported.
15. Harbor Improvement Committee – No meetings reported.
16. Real Property Committee I – No meetings reported.
17. Real Property Committee II – No meetings reported.
18. Meetings Commissioners attended at District Expense (AB 1234 requirement) – No other meetings reported.

I. NEW BUSINESS

19. ITEM – Update on North Harbor wharf/visitor dock access erosion emergency repair project.

- a. Staff report – GM McIntyre gave the staff report. Commissioner Ferrante asked how long it was anticipated the project would take to be completed to which GM McIntyre responded about a week.
 - b. Public comment – No public comment.
 - c. Board discussion – No further discussion.
 - d. Board action – The Board by consensus agreed that the emergency conditions necessitating the project still exist and that all terms and conditions of Resolution 16-01 remain in effect.
20. 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 – No further discussion.
 - d. Board action – A motion was made by Commissioner Leonardini and seconded by Commissioner Ferrante to approve the District's insurance renewal package. The motion passed 3-0-2 on a roll call vote; Commissioners Jeffries, Leonardini and Ferrante voting aye; Commissioner Amaral and Shirrel absent.
21. ITEM – Consider financing options for the District's annual insurance renewal premium.
- a. Staff report – GM McIntyre gave the staff report.
 - b. Public comment – No public comment.
 - c. Board discussion – No further discussion.
 - d. Board action – A motion was made by Commissioner Ferrante and seconded by Commissioner Leonardini to approve Financing Option #1. The motion passed 3-0-2 on a roll call vote; Commissioners Jeffries, Leonardini and Ferrante voting aye; Commissioner Amaral and Shirrel absent.
22. ITEM – Consider/select a candidate for CSDA Board of Directors, Coastal Network, Seat B.
- a. Staff report – Written report.
 - b. Public comment – No public comment.
 - c. Board discussion – Commissioner Ferrante recommended candidate Jeff Hodge.
 - d. Board action - A motion was made by Commissioner Ferrante and seconded by Commissioner Leonardini to cast their vote for Jeff Hodge in the CSDA Board of Directors election. The motion passed 3-0-2 on a roll call vote; Commissioners Jeffries, Leonardini and Ferrante voting aye; Commissioner Amaral and Shirrel absent.
23. ITEM – Consider denying the claim of Samuel Frazier.
- a. Staff report – Written report.
 - b. Public comment – No public comment.
 - c. Board discussion – No further discussion.
 - d. Board action – A motion was made by Commissioner Leonardini and seconded by Commissioner Jeffries to deny the claim of Samuel Frazier. The motion passed 3-0-2 on a roll call vote; Commissioners Jeffries, Leonardini and Ferrante voting aye; Commissioner Amaral and Shirrel absent.
24. ITEM – Consider State Parks' proposed fencing on the west side of North Harbor.
- a. Staff report – GM McIntyre gave the staff report. She said the Board is familiar with the issue and she will relay any concerns or suggestions to State Parks on behalf of the Board.
 - b. Public comment – No public comment.
 - c. Board discussion – Commissioner Ferrante said signage should be in several languages. Commissioner Leonardini said he would like to try signage first before installing a fence and, if fencing is still needed, a boundary should be surveyed. President Jeffries suggested "visual signage". GM McIntyre read the description of proposed standard State Parks fencing and costs and said the emails discussion included mention of installing buoys to keep kayakers and vessels away from the water side.

d. Board action – By Board consensus, direction was given to the GM on response to give to State Parks. President Jeffries and Commissioner Leonardini expressed concerns that these proposals would continue on up into the Slough. All agreed it will be tough to enforce any of it.

25. ITEM – Consider request from the ESNERR for Ramsar wetland designation.

a. Staff report – GM McIntyre gave the staff report.

b. Public comment – No public comment.

c. Board discussion – Commissioner Leonardini said there has not been any further Elkhorn Slough Advisory Committee meetings on the topic and, except for being a good neighbor, he did not see any real benefit to the District by joining in the application for Ramsar designation. GM McIntyre added that under that designation, the District may end up exposed to future expansion of regulations to “protect resources” by reason of the designation even though it currently does not subject the property owner to regulations.

d. Board action – The Board by consensus gave direction to the GM to decline the offer of inclusion in the Ramsar Wetland designation application.

J. COMMISSIONERS COMMENTS AND CONCERNS

Commissioner Leonardini inquired if any action has taken place in regards to the Monterey Fish proposals to install an electric box or lease the unimproved land next to the Cannery to which GM McIntyre responded no, the owner has indicated he is too busy to work on it. GM McIntyre told the Board Assistant GM Razzeca was looking into the possibility of solar power per the Board's request.

K. ADJOURN TO CLOSED SESSION

The meeting was adjourned at 8:03 p.m. After a short break, the Board returned to Closed Session to discuss the following Item:

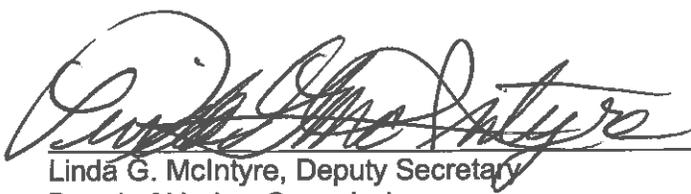
6. Confer with legal counsel and General Manager regarding two (2) matters of litigation pursuant to Government Code § 54956.9(a): 1. Catalano vs. MLHD and 2. Deyerle vs. MLHD.

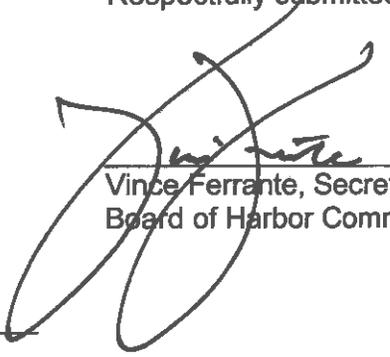
L. RETURN TO OPEN; ADJOURN MEETING

At 8:39 p.m. the Board returned to Open Session. President Jeffries reported that no action was taken in Closed. The meeting adjourned at 8:40 pm.

Respectfully submitted:

ATTEST:


Linda G. McIntyre, Deputy Secretary
Board of Harbor Commissioners


Vince Ferrante, Secretary
Board of Harbor Commissioners