

MINUTES
REGULAR MEETING
OF THE BOARD OF HARBOR COMMISSIONERS
MOSS LANDING HARBOR DISTRICT
7881 Sandholdt Road
MOSS LANDING, CA 95039
February 24, 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 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 Building Pad). Negotiating parties: General Manager and District Counsel.
3. Confer with real property negotiators pursuant to Government Code §54956.8 regarding Santa Cruz Cannery Building Lease. Negotiating parties: General Manager and District Counsel.
4. 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. MLH.
5. Confer with legal counsel and General Manager regarding two (2) matters of significant exposure to litigation pursuant to Government Code §54956.9(d)(2).

B. OPEN SESSION CALL TO ORDER - PLEDGE OF ALLEGIANCE

The meeting was called to order at 7:11 p.m. After the Pledge of Allegiance, roll was called.

Commissioners present:

Russ Jeffries – President

Tony Leonardini – Vice President

Vince Ferrante – Secretary

Andrew Amaral - Commissioner

Margaret "Peggy" Shirrel - Commissioner

Staff present:

Linda G. McIntyre – General Manager

Mike Rodriguez – District Counsel

Tom Razzeca – Assistant General Manager

Marie Della Maggiore – Dir. Of Administrative

Services, 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.

D. PUBLIC COMMENTS

Mr. Warren "Pete" Poitras, President Monterey County Regional Fire District, asked the Board to consider casting a vote for him in the upcoming election for Monterey County LAFCO Board Commissioner as the Special Districts representative. His extensive history in public service includes serving as President of the Board of the Carmel Valley Fire Protection District, serving as alternate on the LAFCO Commission and recently having been elected President of the Special Districts Association of Monterey County. Mr. Poitras said he would be a strong representative of special districts and would be honored to serve on their behalf.

E. CONSENT CALENDAR

1. Approval of the January 27, 2016 Regular Meeting Minutes.
2. Approval of the February 10, 2016 Special Meeting Minutes.

SERVING COMMERCIAL FISHING AND RECREATIONAL BOATING SINCE 1947

A motion was made by Commissioner Ferrante and seconded by Commissioner Shirrel to approve the meeting minutes of January 27, 2016 with one correction, and approve the meeting minutes of February 10, 2016 as is. The motion passed unanimously on a roll call vote.

F. TREASURER'S REPORT

3. GM McIntyre gave the financial report for the month ending January 31, 2016. The highlights were;

- Marina revenues are better than budgeted by \$28K. South Harbor parking is better by \$39K which is offset by assigned and transient berthing below budget by \$15K. Some of this is a result of the crab season closure and inability for crab fishermen to pay their slip fees. We anticipate that they will be back on track before the end of the fiscal year.
- Marina Expenses are lower than budgeted by \$64K. The variance is largely due to a combination of repairs and maintenance costs, utilities, and personnel expenses that are trending under budget.
- Marina operations show a year-to-date profit of \$13K which is higher than budgeted by \$92K.
- Lease and other operating expenses are slightly below budget by \$4K.
- Lease and other operations show a year-to-date profit of \$409K which is better than budget by \$65K.
- Overall for the seven month period combined operations show a profit of \$422K, higher than budget by \$157K.

A motion was made by Commissioner Leonardini and seconded by Commissioner Ferrante to approve the month-ending January 31, 2016 financial report. The motion passed unanimously on a roll call vote.

G. MANAGER'S REPORTS

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

H. COMMITTEE REPORTS

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

I. NEW BUSINESS

President Jeffries moved Item 21 forward on the agenda.

21. ITEM – Receive status update regarding The People's Desal Project including progress on Draft EIR; give direction to staff.

- a. Staff report – Written report.

b. Public comment – David Balch, attorney for the Peoples Moss Landing Desal Project, gave the Board a chronology of recent activity concerning the project. He said the proponents were very busy in February with studies, meetings and completing the final pipeline configurations which are due March 1st, that a copy would be provided to the District at that time; that chapters 1, 2 and 4 will be provided to MLHD on March 23rd. He pointed out that North County water allocations had been added back into the draft EIR and that Aspen can start their review on March 23. Mr. Balch said the documents for the Monterey Bay Marine Sanctuary permit are due the end of March and they expect to meet that deadline as well. President Jeffries commented that over two years ago the Board was told these documents were 98% complete so the Board has a “we’ll believe it when we see it” attitude. President Jeffries asked Mr. Balch if they had done anything to move forward with the Aspen agreement for services relating to NEPA review. Mr. Balch answered that they had not; and District Counsel interjected that he could not work on it until the reimbursement account had been made whole, which it was two weeks ago. Mr. Balch stated that Nader knows the agreement is coming and it is anticipated he will sign the agreement. President Jeffries said we cannot negotiate any leases until we know the pipeline details to which Mr. Balch again stated the engineers design would be delivered by March 1st.

c. Board discussion – No further discussion.

d. Board action – No action taken.

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

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

b. Public comment – No public comment.

c. Board discussion – No further discussion.

d. Board action – By consensus the Board agreed that it continues to be an emergency project.

20. Item - Update on B Dock emergency finger replacement project.

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

b. Public comment – No public comment.

c. Board discussion – There was discussion of the dock building process. GM McIntyre mentioned that sea lion fencing has been discussed but we’ll have to wait and see how salmon season goes; just need to get the docks in as soon as possible. Assistant GM Razzeca added that about 30 spaces will be lost during the project.

d. Board action – By consensus the Board agreed that it continues to be an emergency project.

22. ITEM – Consider Santa Cruz Cannery Building Lease Amendment for Running Stream Food & Beverage, Inc.

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 Shirrel to approve the lease amendment for Running Stream Food and Beverage, Inc. The motion passed unanimously on a roll call vote.

23. ITEM – Consider authorizing General Manager to file a Notice of Exemption from CEQA for new bilge water pumpout system and cigarette butt receptacles pursuant to a Prop 1 Grant Application.

a. Staff report – GM McIntyre gave the staff report. She added the grant is still in the application phase and if it is granted, she will bring it back to the Board for approval.

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 Amaral to authorize the General Manager to file a Notice of Exemption from CEQA in connection with the Prop 1 Grant application. The motion passed unanimously on a roll call vote.

24. ITEM – Consider Adopting Resolution 16-08 Updating Personnel Policies relating to meal reimbursement (last updated 1997).

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 adopt Resolution No. 16-08. The motion passed unanimously on a roll call vote.

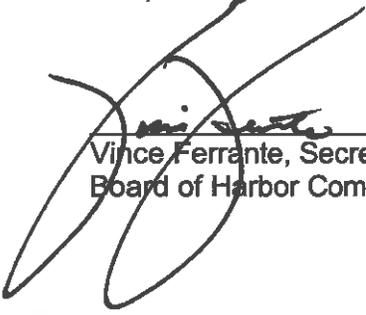
J. COMMISSIONERS COMMENTS AND CONCERNS

Commissioner Ferrante commented that it was really nice to see so much action and activity going on in the harbor this past weekend.

K. ADJOURN MEETING

The meeting adjourned at 8:17 p.m.

Respectfully submitted.



Vince Ferrante, Secretary
Board of Harbor Commissioners

ATTEST:



Linda G. McIntyre, Deputy Secretary
Board of Harbor Commissioners