



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

July 22, 2015

OPEN 5:30 PM, CLOSED AT 6:00 PM, OPEN at 7:00 PM

A. OPEN SESSION CALL TO ORDER - PLEDGE OF ALLEGIANCE

The meeting was called to order at 5:41 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

Staff present:

Linda G. McIntyre – General Manager
Mike Rodriguez – District Counsel
Tom Razzeca – Assistant General Manager
Marie Della Maggiore – Executive Assistant

B. SPECIAL CEREMONY

GM McIntyre administered the oath of office to Margaret “Peggy” Shirrel. Ms. Shirrel was sworn in as Commissioner to fill the remainder of the term on the seat left vacant by Commissioner Frank Gomes. The Board adjourned for a 15-minute break with the audience to enjoy cake and congratulate Ms. Shirrel.

C. CLOSED SESSION

The Board adjourned to a 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. 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 and Visitor Dock). Negotiating parties: General Manager and District Counsel.
3. Confer with real property negotiators pursuant to Government Code §54956.8 regarding unimproved lot next to Cannery Building. Negotiating parties: General Manager and District Counsel.
4. Confer with real property negotiations pursuant to government Code §54956.8 regarding extending a Lease at K Dock. Negotiating parties: General Manager and District Counsel.
5. Confer with legal counsel and General Manager regarding two (2) matters of potential litigation pursuant to Government Code § 54956.9(a): Claim of Catalano and Claim of Adventure Alley, LLC.
6. Confer with legal counsel and General Manager regarding two (2) matters of significant exposure to litigation pursuant to Government Code §54956.9(d)(2).
7. Confer with legal counsel and General Manager regarding one matter of litigation pursuant to Government Code § 54956.9(a): Cramer vs. MLHD, et al. (MLHD moved for dismissal of lawsuit; Court granted Motion to Dismiss).

RETURN TO OPEN SESSION

The Board returned to Open Session at 7:19 p.m.

D. 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.

E. PUBLIC COMMENTS

No public comments.

F. CONSENT CALENDAR

1. Approval of the June 24, 2015 Regular Meeting Minutes.
2. Approval of Resolution 15-07, Deyerle Brothers Seafood K Dock Lease Amendment.

A motion was made by Commissioner Ferrante and seconded by Commissioner Leonardini to approve the June 24, 2015 Regular Meeting Minutes. The motion passed 4-0-1 on a roll call vote; Commissioners Jeffries, Leonardini, Ferrante and Amaral voting aye; Commissioner Shirrel abstained.

President Jeffries continued Item 2 to a future meeting.

G. FINANCIAL REPORT

3. Financial report month ending June 30, 2015 - GM McIntyre gave the financial report for the eleven month period ended May 31, 2015. The highlights were:

- Marina Revenues are higher than budgeted by \$120k. Transient and temporary berthing makes up most of this variance.
- Marina Expenses are lower than budgeted by \$8k. The variance is largely due to a combination of repairs and maintenance costs under budget by \$86k, and finance costs over budget by \$62k (from initial costs of refinancing; but the refinancing will result in savings in future years)
- Marina operations shows a year to date loss of \$9k, which is better than budgeted by \$112k. Keep in mind the loss includes \$433k of depreciation expense which is a non cash item.
- Lease and other operating revenues are higher than budget by \$164k. This is due primarily as a result of higher than anticipated property tax revenue, (higher than budgeted by \$149k).
- Lease and other operating expenses are under budget by \$172k. This is due primarily to lower than anticipated election costs, which are under budget by \$136k, and also lower interest expense due to refinancing and consolidating our debts.
- Lease and other operations show a year to date profit of \$350k, which is higher than budgeted by \$336k.

A motion was made by Commissioner Leonardini and seconded by Commissioner Shirrel to approve the month-ending June 30, 2015 financial report. The motion passed unanimously on a roll call vote; Commissioners Jeffries, Leonardini, Ferrante, Amaral and Shirrel voting aye.

Commissioner Ferrante commended staff and the Budget Committee for a good job on the budget and keeping expenses down.

H. 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 Liveaboard Report - Written report, no additional comments.
9. Slip Income Report - Written report, no additional comments.
10. Incident Report - Written report, no additional comments.

I. COMMITTEE REPORTS

11. Finance Committee – Chair Ferrante/Vice Chair Leonardini - No meetings reported.
12. Elkhorn Slough Advisory Committee – Amaral/Alt. Leonardini - No meetings reported.
13. Special Districts – Jeffries/Ferrante - Commissioners Jeffries, Leonardini and Ferrante attended the Special Districts of Monterey County quarterly meeting on July 21, 2015. They heard presentations by the Monterey Bay Business Council Director on broadband plans. Neil McCormick, Executive Director of CSDA, gave a report on activities in Sacramento.
14. Liveaboard Committee – Chair Jeffries/Vice Chair Amaral – Meeting on July 14 with about a dozen liveaboards attending; made mostly favorable comments; some question re dumpsters and of course, sea lions. Good meeting overall.
15. Harbor Improvement Committee – Amaral - No meetings reported.

16. Real Property Committee I – Chair Jeffries/Vice Chair Leonardini - Chair Jeffries reported one meeting and that the project is closer to obtaining permits.
17. Real Property Committee II – No meetings reported.
18. Meetings attended by Commissioners at District expense since the last regular meeting of the Board (AB 1234 requirements). No other meetings reported.

J. NEW BUSINESS

19. ITEM – Consider revising Board Committee assignments.
 - a. Staff report - Written report.
 - b. Public comment - No public comment.
 - c. Board discussion - No Board discussion.
 - d. Board action - President Jeffries appointed Commissioner Shirrel to the committees previously served by Commissioner Gomes; Harbor Improvement Committee, Real Property Committee II and the Ad Hoc Budget Committee. All other appointments remain the same.
20. ITEM – Discuss and Consider options regarding bid for North Harbor Restaurant Project; consider awarding bid.
President Jeffries tabled Item 20 to the next Board meeting.
21. ITEM – Consider awarding a bid for the Cannery Building HVAC unit replacement.
 - a. Staff report - GM McIntyre gave the staff report. She added that the following three (3) bids were received: Geo. H. Wilson Contractors, \$14,514.00; Della Mora Heating, Sheet Metal and AC, \$13,870.00, and Advanced Air, Inc., \$9,982.00.
 - b. Public comment - No public comment.
 - c. Board discussion - There was a brief discussion of the project. Commissioner Shirrel asked if, due to the fact there was such a big difference in the three bids received, we could gather more information on the contractor before accepting a bid. GM McIntyre replied the tenants have been waiting an extremely long time for this action and that no contract will be executed without reference checks and verification that the proposal meets all the criteria and conditions. Also subject to review and approval by District Counsel who advised the Board that we would go to the next lowest bidder should this one fail to meet any conditions.
 - d. Board action - A motion was made by Commissioner Ferrante and seconded by Commissioner Amaral to award the Cannery Building HVAC project contract to Advanced Air, Inc. subject to satisfactory reference checks, contract conditions compliance and review and approval of District Counsel. The motion passed unanimously on a roll call vote, Commissioners Jeffries, Leonardini, Ferrante, Amaral and Shirrel voting aye.

K. COMMISSIONERS COMMENTS AND CONCERNS

No additional comments.

L. ADJOURN MEETING

The meeting adjourned at 7:43 p.m.

Respectfully submitted:

ATTEST:

Vince Ferrante, Secretary
Board of Harbor Commissioners

Linda G. McIntyre, Deputy Secretary
Board of Harbor Commissioners

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