



MINUTES
REGULAR MEETING
OF THE BOARD OF HARBOR COMMISSIONERS
MOSS LANDING HARBOR DISTRICT
7881 Sandholdt Road
MOSS LANDING, CA 95039
May 27, 2015, 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. 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 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.
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 7:32 p.m. After the Pledge of Allegiance, roll was called.

Commissioners present:

Russ Jeffries – President
Tony Leonardini – Vice President
Vince Ferrante – Secretary
Frank Gomes, Jr. – Commissioner
Andrew Amaral - Commissioner

Staff present:

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

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

Mary Ann Leffel, President of the Monterey County Business Council, spoke to the Board regarding the proposed Fish Farm at the Moss Landing Commercial Park and urged the Board to work out an agreement with the property owner so that the Fish Farm project could move forward. She said the project would bring approximately 82 jobs to the area. Mark Pender, developer for the Monterey Bluewater Farms project also spoke to the Board about the project and said they are working very closely with the Business Council and the property owner, Nader Agha, and hope a deal can be made soon. He added they are ready to break ground and there is a lot of investor funding on the line but they have been "dead in the water" for six months now waiting for the property owner to work out the lease details with the District. He requested the Board provide something in writing such as a letter indicating that the District would be issuing a grant deed to the property owner so that Bluewater Farms may enter into a long term lease of the property. There was discussion of the project operations and Mr. Pender stated that they have all the County permits required.

E. CONSENT CALENDAR

1. A motion was made by Commissioner Ferrante and seconded by Commissioner Gomes to approve the Consent Calendar consisting of the April 22, 2015 Regular Meeting Minutes. The motion passed unanimously on a roll call vote.

F. FINANCIAL REPORT

2. Written report. GM McIntyre noted that Marina Revenues were better than budget by \$113K largely due to South Harbor parking fees from whale watching visitors and that we had received higher than anticipated property tax revenues from the County.

A motion was made by Commissioner Leonardini and seconded by Commissioner Ferrante to approve the month-ending April 30, 2015 financial reports. The motion passed unanimously on a roll call vote.

G. MANAGER'S REPORTS

3. Projects Status/Update - Written report, no additional comments.

4. Community Relations; Requests/Issues - Written report, Commissioner Ferrante commented that No. 3, report of energy cost savings during the PG&E Peak Day Pricing Program days shows a nice effort on the part of liveboards and staff. GM McIntyre added that she and Assistant GM Tom Razzeca had a conference call with the RWQCB and were successful in getting them to issue a Notice of Termination for the Stormwater Permit. This will save money in testing, lab work and staff time. She added that we may decide to conduct our own testing occasionally to ensure our efforts for clean water are effective.

5. Summary of Permits Issued - Written report, no additional comments.

6. Meeting Announcements - Written report, no additional comments.

7. Assigned Liveboard Report - Written report, no additional comments.

8. Slip Income Report - Written report, no additional comments.

9. Incident Report - Written report, no additional comments.

H. COMMITTEE REPORTS

10. Finance Committee – No meetings reported.

11. Elkhorn Slough Advisory Committee – No meetings reported.

12. Special Districts – No meetings reported.

13. Liveboard Committee – Next meeting to be scheduled in July 2015.

14. Harbor Improvement Committee – No meetings reported.

15. Real Property Committee I – No meetings reported.

16. Real Property Committee II – One meeting; will report out later on the agenda.

17. Ad Hoc Budget Committee – No meetings reported.

18. Meetings attended by Commissioners at District expense since the last regular meeting of the Board (AB 1234 requirements). - No additional meetings reported.

I. PUBLIC HEARING

19. ITEM – Public Hearing and Fixing of the Final Budget of the Moss Landing Harbor District for the Fiscal Year 2015-2016. Recommendation: Hold Public Hearing, receive comments and make adjustments as necessary. Fix Final Budget.

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

b. Open Public Hearing - President Jeffries opened the public hearing. There were no public comments.

c. Close Public Hearing - President Jeffries closed the public hearing.

d. Board discussion - Commissioner Gomes, Chair of the Ad Hoc Budget Committee, commented that the new budget focused on moving forward with the restaurant project and if that situation changes, the committee will meet and recommend adjustments accordingly.

e. Board action - A motion was made by Commissioner Leonardini and seconded by Commissioner Gomes to fix the final budget for fiscal year 2015-2016. The motion passed unanimously on a roll call vote.

J. NEW BUSINESS

20. ITEM – Consider Adopting Ordinance No. 199 amending Chapter 20, “District Fee Schedule”.

- 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 Gomes and seconded by Commissioner Amaral to adopt Ordinance No. 199. The motion passed unanimously on a roll call vote.

21. ITEM – Consider denying the claim of Dan Catalano.

22. ITEM – Consider denying the claim of Adventure Alley LLC.

- a. Staff report - District Counsel Mike Rodriguez said that Items 21 and 22 can be taken together as they arose out of the same incident. No written report. Staff recommended denial of both claims.
- b. Public comment - No public comment.
- c. Board discussion - No further discussion.
- d. Board action - A motion was made by Commissioner Gomes and seconded by Commissioner Ferrante to deny the claim of Dan Catalano and the claim of Adventure Alley LLC. The motion passed unanimously on a roll call vote.

K. COMMISSIONERS COMMENTS AND CONCERNS

Commissioner Gomes asked for clarification of the issue raised by the Bluewater Fish Farm representatives. President Jeffries clarified that they want a long term lease with Nader Agha which isn't possible unless he negotiates a lease renewal with the District. Counsel Rodriguez said the District does not have any direct responsibility to provide anything they requested.

L. ADJOURN MEETING

President Jeffries adjourned the meeting at 8:15 pm.

Respectfully submitted.

Vince Ferrante, Secretary
Board of Harbor Commissioners

ATTEST:

Linda G. McIntyre, Deputy Secretary
Board of Harbor Commissioners