



MINUTES  
SPECIAL MEETING  
OF THE BOARD OF HARBOR COMMISSIONERS  
MOSS LANDING HARBOR DISTRICT  
7881 Sandholdt Road  
Moss Landing, CA 95039  
Wednesday, January 16, 2013 6:00 p.m.

**A. OPEN SESSION CALL TO ORDER - PLEDGE OF ALLEGIANCE**

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The meeting was called to order at 6:05 p.m. After the Pledge of Allegiance, roll was called

**Commissioners present:**

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

**Staff present:**

Linda G. McIntyre – General Manager  
Mike Rodriguez – District Counsel  
Marie Della Maggiore, Executive Assistant  
Wendy Cumming, CPA (to arrive at 7:00)

**Commissioners excused:**

Yohn Gideon, Vice President

President Jeffries dedicated the meeting to Melanie Mayer-Gideon who recently passed. There was a moment of silence in her honor.

**B. PROCESS WHEN NOMINEES UNCHALLENGED**

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1. ITEM – GM McIntyre gave the report on the process when only one person has been nominated for each Commission office vacancy.

**C. ADMINISTERING OATH OF OFFICE CEREMONY**

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2. ITEM – The Honorable Lou Calcagno, Monterey County 2nd District Supervisor, administered the Oath of Office to Russ Jeffries and Frank Gomes, Jr. There was a brief break to process election and oath documentation.

**D. ADJOURN TO CLOSED SESSION**

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The Board adjourned to closed session at 6:15 p.m. to discuss the following:

1. Confer with real property negotiators pursuant to Government Code §54956.8 regarding APN 413.022.003 (NH Restaurant Pad). Negotiating parties: General Manager and District Counsel.
2. Confer with real property negotiators pursuant to Government Code §54956.8 regarding parcel(s) currently used for E & F Dock access easements (MBARI). Negotiating parties: General Manager and District Counsel
3. Confer with District Counsel regarding litigation pursuant to Government Code Section 54956.9(b)(1) and is hereby of the opinion that a significant exposure to litigation exists.
4. Confer with real property negotiators pursuant to Government Code §54956.8 regarding Deep Water Desal/Biomineral Holdings. Negotiating parties: General Manager and District Counsel.
5. Confer with real property negotiators regarding APN 133.251.011/012 (Kett property) pursuant to Government Code §54956.8. Negotiating parties: General Manager and District Counsel.
6. Confer with District Counsel and General Manager regarding two matters of potential litigation pursuant to Gov. Code § 54956.9(a): (a) Claim of Cramer (b) Claim of Rubio

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## **E. RECONVENE IN OPEN SESSION - PRESIDENT'S REMARKS**

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The Board reconvened in open session at 7:45 p.m. President Jeffries commented that the no reportable action was taken and that direction was given to the General Manager and District Counsel.

## **F. ELECTION OF OFFICERS**

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3. ITEM – A motion was made by Commissioner Ferrante and seconded by Commissioner Leonardini to re-elect the existing slate of officers for the 2013 Board of Harbor Commissioners. The motion passed 4-0-1 (Gideon absent).

## **G. 2013 COMMITTEE APPOINTMENTS**

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4. ITEM - The President re-appointed members of the Board to the same Harbor District committees as last year. The 2013 committee members are as follows:

1. Elkhorn Slough Advisory Committee – Leonardini/Alt. Gomes
2. Liveaboard Committee – Chair Gideon/Vice Chair Jeffries
3. Harbor Improvement Committee – Chair Gideon/Vice Chair Gomes
4. Real Property Committee I – Chair Jeffries/Vice Chair Leonardini
5. Real Property Committee II – Chair Gomes/Vice Chair Gideon
6. Special Districts/LAFCO – Jeffries/Ferrante
7. Personnel Committee – Chair Ferrante/Vice Chair Jeffries
8. Finance Committee – Chair Ferrante/Vice Chair Gideon
9. Ad Hoc Budget Committee – Chair Gomes/Vice Chair Leonardini
10. Ad Hoc Ordinance Review Committee – Chair Leonardini/Vice Chair Gomes

## **H. PUBLIC COMMENTS**

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No public comment.

## **I. MANAGER'S REPORTS**

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

## **J. CONSENT CALENDAR**

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12. A motion was made by Commissioner Ferrante and seconded by Commissioner Gomes to approve the November 29, 2012 Rescheduled Regular Meeting Minutes. The motion passed 4-0-1 (Commissioner Gideon absent).

## **K. TREASURER'S REPORT**

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13. Wendy Cumming gave the month ending December 31, 2012 financial report. She noted accounts payable are \$210K over last year this period mostly due to all the projects currently in progress. Personnel costs and Lease income are right in line with budget. Marina expenses are over budget by \$1.1M due to dredging expenses however, Ms. Cumming explained how this cost

has been budgeted over the last three years accumulating in the operating fund and thereby offsetting this expense in the current year budget. The Budget Committee met the day before and agreed that variances could be satisfactorily explained with footnotes to the financial reports.

A motion was made by Commissioner Gomes and seconded by Commissioner Leonardini to accept the December 31, 2012 financial report. The motion passed 4-0-1 (Commissioner Gideon absent).

## **L. COMMITTEE REPORTS**

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14. Finance Committee – Commissioner Ferrante reported no meetings.
15. Elkhorn Slough Advisory Committee – Commissioner Leonardini reported no meetings.
16. Special Districts/LAFCO – Commissioner Ferrante reported that he, President Jeffries and Commissioner Leonardini had attended the Special Districts of Monterey County meeting and heard a presentation about legislation to make the EIR process smoother; that he, President Jeffries and Tom Moore of marina Coast Water had been appointed to a committee to look into an affiliation agreement.
17. Liveaboard Committee – President Jeffries reported no meetings.
18. Harbor Improvement Committee – Commissioner Gomes commented that the harbor keeps on improving. President Jeffries commented that the new tile in the harbor office looks great.
19. Real Property Committee I – President Jeffries reported the committee met and will be reporting out later on the agenda.
20. Real Property Committee II - Commissioner Gomes reported no meetings.
21. Ad Hoc FEMA Committee – Commissioner Gomes reported that the District had received the FEMA deadline extension on the piling project.
22. Ad Hoc Budget Committee – Commissioner Gomes commented that the committee met and had made its recommendation during the financial report earlier on the agenda and had nothing additional to report.
23. Meetings attended by Commissioners at District expense since the last meeting of the Board (per AB1234 requirements). Commissioner Ferrante reported that he had attended meetings of the CSDA Legislative Committee, will be attending the Regionalization Task Force tomorrow and the CSDA Education Committee and Membership Committee meetings on Friday.

## **M. NEW BUSINESS**

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24. ITEM – Consider adopting Ordinance No. 195 amending Chapters 12 and 26 of the District Ordinance Code to provide for an annual “launch only” fee for PWC and kayaks.
  - a. Staff report – GM McIntyre gave the staff report.
  - b. Public comment – Jessica and Dave Grigsby, owners of the Kayak Connection, were present. There was discussion of the impacts of fees on kayakers and kayak businesses. GM McIntyre pointed out that this was a new annual fee that benefitted kayakers over the “per launch” cost. Commissioner Gomes pointed out that the intention was to have all kayaks launching from designated areas such as the launch ramp in an effort to reduce congestion in and around docks. President Jeffries commented that a big issue is erosion, especially in the Slough and we need to control launching from shorelines. Commissioner Leonardini commented that kayak businesses are ballooning and must share in the cost of using the harbor. Someday he anticipates kayakers will be in need of additional facilities because of their growing numbers. Commissioner Gomes added that as a commission, they are addressing all commercial activities and cannot justify only slip holders paying for everything. He assured the Grigsbys this was not a new idea and that the Board had involved the previous Kayak Connection owners for over a year in discussions. The commissioners thanked the Grigsbys for their comments and for attending. They added the District is very appreciative of them having their business in Moss Landing.
  - c. Board discussion - No further discussion.

d. Board action – A motion was made by Commissioner Gomes and seconded by Commissioner Leonardini to adopt Ordinance No. 195. The motion passed 4-0-1 (Commissioner Gideon absent).

25. ITEM – Consider adopting Resolution No. 13-01 authorizing a contract for vessel removal and demolition services.

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

b. Public comment – No public comment.

c. Board discussion – There was clarification of funds to be used. Commissioner Leonardini said this can't go on and something needs to be done now. GM McIntyre said she has done an exhaustive search thru CAHM&PC and other harbors and no other viable solution has come up.

d. Board action – A motion was made by Commissioner Gomes and seconded by Commissioner Ferrante to adopt Resolution No. 13-01. The motion passed 4-0-1 (Commissioner Gideon absent).

26. ITEM – Consider adopting Resolution No. 13-02 approving the Termination of Existing Lease and Entering into New Lease Agreement between the Moss Landing Harbor District (lessee) and Biomineral Holdings, LLC (lessors).

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

b. Public comment – No public comment.

c. Board discussion – No Board discussion.

d. Board action – A motion was made by Commissioner Gomes and seconded by Commissioner Ferrante to adopt Resolution No. 13-02 and granting the option to renew at six (6) month intervals. The motion passed 4-0-1 (Commissioner Gideon absent).

27. ITEM – Consider adopting Resolution No. 13-03 to modify personnel salary & benefits plan

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

b. Public comment – No public comment.

c. Board discussion – A cap needs to be placed on the allowed amount of accumulated sick leave and vacation. Can work out the exact language with District Counsel.

d. Board action – A motion was made by Commissioner Ferrante and seconded by Commissioner Gomes to adopt Resolution No. 13-03 as read with limitation on accumulation of vacation & sick leave, subject to review and approval of District Counsel. The motion passed 4-0-1 (Commissioner Gideon absent).

## **N. COMMISSIONERS COMMENTS AND CONCERNS**

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Commissioner Gomes reported that he had been sworn in as a member of the Monterey County Sheriff Posse.

## **O. ADJOURNMENT**

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President Jeffries adjourned the meeting at 8:48 p.m.

Respectfully submitted,

ATTEST:

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Vince Ferrante, Secretary  
Board of Harbor Commissioners

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Linda G. McIntyre, Deputy Secretary  
Board of Harbor Commissioners

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