



MINUTES
RESCHEDULED REGULAR MEETING
OF THE BOARD OF HARBOR COMMISSIONERS
MOSS LANDING HARBOR DISTRICT
7881 Sandholdt Road
MOSS LANDING, CA 95039
MAY 29, 2013 7:00 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 Restaurant Pad). Negotiating parties: General Manager and District Counsel.
2. Confer with real property negotiators pursuant to Government Code §54956.8 regarding potential amendment to one Lease at Santa Cruz Cannery Building (Gregg Drilling). Negotiating parties: General Manager and District Counsel.
3. 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.
4. Confer with real property negotiators pursuant to Government Code §54956.8 regarding Coastal Conservancy easement at North Harbor. Negotiating parties: General Manager and District Counsel.
5. Consider personnel matters pursuant to Government Code §54957 – General Manager annual performance evaluation.
6. Confer with legal counsel and General Manager regarding two (2) matters of litigation pursuant to Government Code § 54956.9(a): 1) City of Salinas, et al, vs. County of Monterey, et al. 2) Cramer vs. MLHD, et al.

B. OPEN SESSION CALL TO ORDER - PLEDGE OF ALLEGIANCE

The meeting was called to order at 7:21 p.m. After the Pledge of Allegiance, roll was called.

Commissioners present:
Russ Jeffries - President
Yohn Gideon – Vice 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

C. PRESIDENT'S REMARKS

President Jeffries reported the Board had met in closed session, no reportable action was taken, and the Board will return to closed session at the end of the open session. Any action taken will be reported out when the Board reconvenes in open session.

D. PUBLIC COMMENTS

No public comments.

E. MANAGER'S REPORTS

1. Projects Status/Update – Commissioner Gideon commented that the new range markers look very professional, great job done with nice aluminum casings. Commended the GM for pursuing the project with the USCG and getting it done.
2. Community Relations; Requests/Issues – Written report, no further comments.
3. Summary of Permits Issued – Written report, no further comments.
4. Meeting Announcements – Written report, no further comments.
5. Assigned Liveboard Report – Written report, no further comments.
6. Assigned Slip Income Report – Written report, no further comments.
7. Incident Report – Written report, no further comments.

F. CONSENT CALENDAR

8. A motion was made by Commissioner Ferrante and seconded by Commissioner Gideon to approve the April 24, 2013 Regular Meeting Minutes. The motion passed unanimously.

G. TREASURER'S REPORT

9. Wendy Cumming gave the month ending April 30, 2013 financial report. She noted that cash balances were down substantially by \$1.2M largely due to dredging and pile replacement projects but that it is expected to even out when all FEMA grant funds are received. She pointed out that, as typical and as budgeted, April came in as a very strong month in revenues. Overall marina expenses are below budget by \$33K and she noted we are anticipating reimbursement of approximately \$65K from a USCG program for hazmat disposal costs.

A motion was made by Commissioner Gideon and seconded by Commissioner Ferrante to accept the month ending April 30, 2013 financial report. The motion passed unanimously.

H. COMMITTEE REPORTS

10. Finance Committee – Commissioner Ferrante reported the committee met with GM McIntyre and will report out later on the agenda.

11. Elkhorn Slough Advisory Committee – No meetings reported.

12. Special Districts/CSDA – Commissioner Ferrante reported he had attended the CSDA Board meeting and Legislative Days in Sacramento. He said he met Assemblyman Mark Stone who mentioned to him the efforts of GM McIntyre in getting him to sponsor Assembly Bill 727 changing the way State Lands Commission handles dredging applications.

13. Liveboard Committee – No meetings reported.

14. Harbor Improvement Committee – Commissioner Gomes reported he continues to see improvement.

15. Real Property Committee I – President Jeffries commented that the North Harbor Restaurant Project is moving ahead.

16. Real Property Committee II – No meetings reported.

17. Ad Hoc Budget Committee – Commissioner Gomes said the committee will report out later on the agenda.

18. Meetings attended by Commissioners at District expense since the last regular Board meeting (Per 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 2013-2014. 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.
- c. Close Public Hearing – Seeing none present, President Jeffries closed the Public Hearing.
- d. Board discussion – President Jeffries commended the Budget Committee and staff on a great job. Commissioner Gideon asked about the line item indicating revenues from excess equipment. He thought it would be in the current year budget. GM McIntyre explained that although the surplus items were approved to be sold this year, it would be next year before they could be properly noticed for sale and sold at auction.
- e. Board action – A motion was made by Commissioner Leonardini and seconded by Commissioner Gomes to fix the final budget for FY 2013/2014. The motion passed unanimously.

J. NEW BUSINESS

20. ITEM – Consider Ordinance No. 196 amending Chapter 20, “District Fee Schedule”.

- a. Staff report – GM McIntyre gave the staff report. She pointed out the increase to Use Permit Application fees and noted that these fees have not been adjusted in 11 years.
- b. Public comment – No public comment.
- c. Board discussion – There was explanation of the adjusted fees for credit card processing.
- d. Board action – A motion was made by Commissioner Gomes and seconded by Commissioner Leonardini to adopt Ordinance No. 196. The motion passed unanimously.

21. ITEM – Consider authorizing the GM to execute a retainer agreement with the Weist Law firm to pursue refinancing the District’s existing long-term obligations with a lower interest refunding mechanism.

- a. Staff report – GM McIntyre gave the staff report. Regarding prepayment penalties of current loans, Ms. McIntyre added that the Municipal Finance lease could be paid off early with a small, 1% penalty (approx \$3,400). However, the resulting savings would amount to over \$100K in interest. She also read references given for the Weist Law Firm by Santa Cruz Port District, Calaveras County Water District and San Lorenzo Valley Water District. All have done a number of transactions with the Weist Firm and specifically Cameron Weist, and all gave him excellent recommendations.
- b. Public comment – No public comment.

c. Board discussion – There was discussion of broker fees. GM McIntyre said there are no payable fees until an agreement has been signed. Only if the Board decides to pursue the refunding with another broker after the agreement has been prepared and bank offers have been obtained would the District be liable to Mr. Cameron for broker fees. President Jeffries said in moving forward, the GM and District counsel shall review the refunding agreement once received, and when all amended to their satisfaction, notify the Board. President Jeffries will call a special meeting if necessary to act in a timely manner.

d. Board action – Board directed GM McIntyre to proceed with entering into a Retainer Agreement with Cameron Weist and the Weist Law Firm.

22. ITEM – Consider the request by a Harbor District Facilities Use Permit holder for an ABC beer/wine sales license for use on his eco-tourism business vessel.

a. Staff report – Commissioner Gideon recused himself. GM McIntyre gave the staff report. She said that in response to her inquiries, she had heard from several other harbors and they all indicated that they place no additional conditions on the tour operators other than providing evidence of additional liquor liability insurance coverage. She added that she had conferred with the Districts' insurance broker and they provided verbiage for a liquor liability clause to add to Permittee's insurance policies.

b. Public comment – No public comment.

c. Board discussion – There was discussion of any possible conflicts and Counsel Rodriguez advised the District has no control over the issuance of a beer and wine sales license only the matter in which it is used on District property. He added there seems to be no conflicts as far as with other businesses or the manner in which it will be used. The Board suggested amending the permit on a one-year trial basis to allow the sale of wine and beer within the harbor jurisdiction and provisional upon compliance of all other conditions of the permit including but not limited to insurance provisions and obtaining other applicable agency permits.

d. Board action – Direction given to the GM to amend the Facilities Use Permit of Whisper Charters to allow the sale of beer and wine during his charter tours on a one-year trial basis and to require liquor liability coverage.

23. ITEM – Discussion to consider adopting an Ordinance adding a launch-fee payment requirement to PWC/kayak rental business Facilities Use Permits

a. Staff report – GM McIntyre gave the report, indicating the proposed Ordinance would provide a tool to make it more efficient to enforce payment of launch fees.

b. Public comment - none

c. Board discussion – The Board made a number of suggestions such as issuing stickers to place on vessels if they paid an annual launch permit fee, to ensure that any vessel that did not have a sticker could be easily identified brought from another location by a business. GM McIntyre said she had discussed the issue with the Ops Manager and they already had a plan of how they would implement the program. She added that it was not the end game but just a tool to maximize the efficiency of staff time; it is better than what exists now which requires a staffer to stand by as kayaks are launched and make sure each customer has paid a launch fee.

d. Board action – the Board directed the GM to look into the issues further and bring the proposed ordinance back at a future meeting.

K. COMMISSIONERS COMMENTS AND CONCERNS

Commissioner Ferrante commented that while attending CSDA Legislative Days, he was surprised to learn the number of special districts opposed to SCA11, a proposed amendment to the Constitution changing the voter threshold to a mere 55% on special district tax issues.

L. ADJOURNMENT

President Jeffries adjourned for a 10 minute break at 8:45 p.m. after which the Board returned to closed session at 9:00 pm.

The Board reconvened in open session at 9:34 p.m. President Jeffries stated no reportable action was taken and direction was given to the GM and District Counsel. The meeting adjourned at 9:35 p.m.

Respectfully submitted,

ATTEST:

Vince Ferrante, Secretary
Board of Harbor Commissioners

Linda G. McIntyre, Deputy Secretary
Board of Harbor Commissioners