



MINUTES
SPECIAL MEETING
OF THE BOARD OF HARBOR COMMISSIONERS
MOSS LANDING HARBOR DISTRICT
7881 Sandholdt Road
MOSS LANDING, CA 95039
June 8, 2011, 7:00 p.m.

A. CLOSED SESSION

The Board adjourned to closed session at 6 p.m. to consider the following matters:

1. Confer with Legal Counsel pursuant to Government Code §54956.9(a) regarding pending litigation which has been formally initiated and to which the District is a party – Jablonski vs. Moss Landing Harbor District, et al.
2. Confer with Labor negotiators pursuant to Government Code §54857.6 regarding employee group Carpenters 46 Northern California Conference – Chief negotiator General Manager Linda G. McIntyre.
3. Confer with real property negotiators pursuant to Government Code §54956.8 regarding North Harbor Development Project. Negotiating parties: General Manager and District Counsel.
4. Confer with real property negotiators pursuant to Government Code §54956.8 regarding APNS 413.022.003 (NH Restaurant Pad). Negotiating parties: General Manager and District Counsel.
5. Confer with real property negotiators regarding APN 133.241.01/02 (Gregg Drilling boundary line) pursuant to Gov. Code §54956.8. Negotiating parties: General Manager and District Counsel.
6. Confer with real property negotiators pursuant to Government Code §54956.8 regarding the closure of Moss Landing State Beach. Negotiating parties: General Manager and District Counsel.
7. Consider personnel matters pursuant to Government Code §54957 – General Manager.

B. OPEN SESSION CALL TO ORDER - PLEDGE OF ALLEGIANCE

President Jeffries called the meeting to order at 7:30 pm. 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 Rodriquez – District Counsel
Wendy Cumming, CPA
Marie Della Maggiore, Executive Assistant

C. PRESIDENT’S REMARKS

President Jeffries commented that the Board met earlier in closed session and that direction was given to the General Manager and District Counsel, no other reportable action was taken and the Board will return to closed session at the end of the open session.

D. PUBLIC COMMENTS

No public comment.

E. MANAGER’S REPORTS

1. Projects Status/Update – Written report. Commissioner Gideon commented that it was a very detailed report with a lot of good information.
2. Community Relations; Status of Requests/Issues – Written report, no additional comments.
3. Summary of Permits Issued – Written report, no additional comments.
4. Meeting Announcements – Written report, no additional comments.

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5. Assigned Liveboard Report – Written report, no additional comments.
6. Slip Income Report – Written report, no additional comments.
7. Incident Report – Written report, no additional comments.

F. CONSENT CALENDAR

8. A motion was made by Commissioner Leonardini and seconded by Commissioner Gomes to approve the March 23, 2011 regular meeting minutes. The motion passed unanimously.
9. A motion was made by Commissioner Gideon and seconded by Commissioner Leonardini to approve the April 7, 2011 special meeting minutes. The motion passed unanimously.
10. A motion was made by Commissioner Gideon and seconded by Commissioner Ferrante to approve the April 27, 2011 regular meeting minutes. The motion passed unanimously.

G. TREASURER'S REPORT

11. Wendy Cumming gave the financial report for the month ending April 30, 2011. She reported that there were no significant changes in the balance sheet, bottom line marina revenues were up over budget by \$65K, professional services were over budget by \$19K and personnel costs were right in line with budget. There was discussion of the new graph. A motion was made by Commissioner Ferrante and seconded by Commissioner Gideon to accept the month ending April 30, 2011 financial report. The motion passed unanimously.

H. COMMITTEE REPORTS

12. Finance Committee – Commissioner Gomes reported that he and Commissioner Ferrante had met with the General Manager regarding two Pinnacle Bank CDARS accounts that were expiring in July and August. The committee recommended rolling over the first account and cashing out the second account. With the \$750K proceeds from the cashed account, it was recommended that \$250K CD accounts be opened at Pinnacle Bank, Ally Bank and Pacific Valley Bank; the three banks found with the highest return interest at the moment. They also met to discuss the SBA loan which is later on the agenda.
13. Budget Committee – The committee will report later on the agenda.
14. Elkhorn Slough Advisory Committee – Commissioner Gideon reported there was a nice “grand opening” luncheon held by the Elkhorn Slough Foundation to introduce the newly completed Parsons Slough Sill Project. He added that the improvements made to the parking lot and dock at Kirby Park really look nice.
15. Special Districts/LAFCO – President Jeffries and Commissioner Ferrante reported no meetings.
16. Liveboard Committee – Commissioner Ferrante reported no meetings.
17. Harbor Improvement Committee – Commissioner Gomes reported no meetings.
18. Real Property Committee – President Jeffries reported one meeting in Sacramento with State Lands Commission. Discussion was limited to Closed Session.
19. Meetings attended by Commissioners at District expense since the last regular meeting of the Board (Per AB 1234 requirements) – Commissioner Ferrante reported he had attended the CSDA Membership and Improvement meetings in Sacramento. Commissioners Jeffries, Gideon, Ferrante and Leonardini attended the Moss Landing Chamber annual membership and awards dinner.

I. PUBLIC HEARING

20. ITEM – Public Hearing and Fixing of the Final Budget of the Moss Landing Harbor District for the Fiscal Year 2011-2012. Recommendation: Hold Public Hearing, receive comments and make adjustments as necessary. Fix Final Budget.

- a. Staff report – GM McIntyre gave the staff report. She added that line 19, Cannery Suites, had been adjusted down to reflect the discovery of a paid note in the terms of the Lund's Seafood lease (formerly the Sea Harvest lease).
- b. Open Public Hearing – President Jeffries opened the public hearing.
- c. Close Public Hearing – Hearing none, President Jeffries closed the Public Hearing.
- d. Board discussion – Budget Committee Chair Commissioner Gideon reported that a review of the leases had been done earlier in the year and the committee had also looked at potential uses of District property for the future. He added that many years ago the District did not have any financial reserves but

now, reserves have been built up to the point that we would be able to survive a catastrophic event. Commissioner Gomes said he would still prefer to wait until we have more information on dredging and piling cost predictions. President Jeffries said the budget is based on the info available now and must be adopted according to regulation deadlines. GM McIntyre added that we could always do a mid-year budget adjustment if necessary. Commissioner Gideon commented that the committee had met with the engineer specifically to discuss the piling replacement and dredging projects. President Jeffries recommended another meeting with the engineer after he has completed all of his evaluations.

e. Board action – A motion was made by Commissioner Ferrante and seconded by Commissioner Gideon to fix the final budget for FY 2011-2012. The motion passed unanimously.

J. NEW BUSINESS

21. ITEM – Consider adopting Ordinance No. 192 “District Fee Schedule”.

a. Staff report – GM gave the staff report indicating that when the budget is adopted, typically the fee schedule changes and there were a few changes this year, most notably assigned slip fees increased by CPI from \$6.31 to \$6.40, amenities fee went down to \$45 and adjustments were made to the dry storage fees to simplify those charges.

b. Public comment - none

c. Board discussion – commissioner Ferrante said he’d asked about the quarterly discounts and received a report from staff which was very complete and answered his questions. He thanked staff for the report.

d. Board action – Motion made by Commissioner Gomes, seconded by Commissioner Ferrante to adopt ordinance No. 192. Unanimous

President Jeffries brought Item 26 forward on the agenda.

26. ITEM – Consider Kirby Park signage request by the Elkhorn Slough Foundation.

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

b. Public comment – Nathan Chaney, ESNERR Project Consultant, thanked everyone for their assistance and said the sign previously approved by the Board for placement at North Harbor had been installed and looks great. He addressed the concerns of the Board regarding the aesthetics and security of placing a similar sign at Kirby Park. Mr. Chaney said that although ESNERR did not have the capacity or resources to secure the Kirby Park gate every day, they would agree to replace, repair or remove the signage if there were any problems with vandalism or at the request of the District.

c. Board discussion – President Jeffries suggested that any permit issued would be conditioned upon the District giving 10 days notice to the ESNERR in the event of vandalism or deterioration, and if not repaired/replaced within 10 days the District would remove the sign at ESNERR’s expense. Commissioner Ferrante suggested there be a frame or other stabilizing material, and supported location #2 in front of the restroom facility.

d. Board action – Commissioner Ferrante made a motion, seconded by Commissioner Gideon, to allow the installation of the sign at the restroom subject to the 10 day notice provision, frame provision, and subject to GM’s approval as to location and meeting the conditions. Unanimous.

22. ITEM – Discuss and consider adopting Ordinance No. 193 Signage on District property.

a. Staff report – GM reiterated signage issues and said this is just a “First reading” draft version for Board input and discussion.

b. Public comment - none

c. Board discussion – There was Board discussion regarding the fact that sandwich boards are cluttering the viewshed, that there needs to be uniformity, that the Ordinance should not become effective for 180 days to give vendors an opportunity to make compliance arrangements, etc. District Counsel said he wanted to tweak it to include some clarifying language; GM said once a draft is prepared by District Counsel she will circulate it among the vendors as a courtesy so they will have a heads up and can provide input.

- d. Board action – Motion made by Commissioner Leonardini for GM to massage language with District Counsel, circulate among customers and put on future Agenda for adoption, seconded by Commissioner Ferrante. Unanimous.
23. ITEM – Consider financing agreement for payment of District’s annual insurance premium in monthly installments, authorize General Manager to execute contract.
- a. Staff report – GM gave report.
 - b. Public comment - none
 - c. Board discussion - Commissioner Gomes said he thought we were looking to terminate this insurance broker. GM said the item before the Board is approval of annual insurance coverage financing agreement; discussion regarding insurance brokers is not on the Agenda. Further discussion regarding broker’s handling of District’s insurance.
 - d. Board action – Commissioner Leonardini made a motion to support Option 2, “Bank Direct Capital Finance” insurance financing agreement, seconded by Commissioner Ferrante. Unanimous.
24. ITEM – Consider adopting Reso No. 11-10 approving a contract with Sea Engineering for dredge material monitoring.
- a. Staff report – GM gave staff report. We’ve applied for FEMA funding for dredging needs arising out of the Tsunami and these services are a necessary preliminary step in the permitting process.
 - b. Public comment - none
 - c. Board discussion – Commissioner Leonardini said he wants to see some of the dredge reports and the locations to be dredged. GM said no problem, we will have them available once they’re completed. Discussion regarding engineering consultant services and dredging. GM McIntyre said MBARI and MLML will also contribute by reducing volume by piggy-backing on our dredge episode. President Jeffries said it would be helpful if the consultant, Ken Israel of Sea Engineering, could be present at a Board meeting to answer questions. GM McIntyre said she would ask him to attend a future meeting.
 - d. Board action – A motion was made by Commissioner Ferrante and seconded by Commissioner Gomes to adopt Resolution No. 11-10. Unanimous.
25. ITEM – Consider Reso No. 11-11 authorizing miscellaneous surplus property to be sold.
- a. Staff report – GM McIntyre gave the staff report.
 - b. Public comment – No public comment.
 - c. Board discussion – Employees and Commissioners cannot bid on surplus items.
 - d. Board action – A motion was made by Commissioner Leonardini and seconded by Commissioner Gomes to adopt Resolution No. 11-11. Unanimous.
27. ITEM – Approve Memorandum of Understanding between the Moss Landing Harbor District and Northern California Carpenters 46 et al.
- a. Staff report – GM McIntyre gave the staff report. She added that Carpenters Local was supposed to provide the final copy of the MOU for approval but she never received it so she had to prepare it at the last minute. She added that the language may still be adjusted but any substantive changes will be brought back to the Board.
 - b. Public comment – No public comment.
 - c. Board discussion – None.
 - d. Board action – A motion was made by Commissioner Gomes and seconded by Commissioner Leonardini to approve the MOU between MLHD and the Northern California Carpenters 46 et al. Unanimous.
28. ITEM – Consider Finance Committee report on US SBA loans.
- a. Staff report – GM McIntyre gave the staff report.
 - b. Public comment – No public comment.
 - c. Board discussion – Commissioner Gomes reported on the Finance Committee meeting held to discuss the SBA loan availability and application process. GM McIntyre said she had contacted the person referred by Commissioner Gomes with questions and will report back to the Board when she receives her answers.
 - d. Board action – No action taken

29. ITEM – Consider Reso No. 11-12 - SDRMA election ballot.
- a. Staff report – GM McIntyre gave the staff report.
 - b. Public comment – No public comment.
 - c. Board discussion – Commissioner Ferrante said he was familiar with two of the candidates, Ed Gray and Mike Scheafer, and recommended voting for them.
 - d. Board action – A motion was made by Commissioner Gideon and seconded by Commissioner Gomes to vote for Ed Gray and Mike Scheafer and submit adopted Resolution No. 11-12 indicating such to the SDRMA. Unanimous.
30. ITEM – Consider information/action regarding the closure of Moss Landing State Beach.
- a. Staff report – This item was inadvertently left on the agenda.
 - b. Public comment - None
 - c. Board discussion - None
 - d. Board action - None
31. ITEM – Consider Reso No. 11-13 canceling the Regular June meeting and substituting a date therefore.
- a. Staff report – Written report.
 - b. Public comment - None
 - c. Board discussion - None
 - d. Board action – A motion was made by Commissioner Leonardini and seconded by Commissioner Ferrante to adopt Resolution No. 11-13. Unanimous.

K. COMMISSIONERS COMMENTS AND CONCERNS

Commissioner Gideon commented that the Ducks Unlimited has communicated well on the projects in the salt ponds but eventually they will have to address erosion in the area. He asked how we could push the Coastal Commission to authorize erosion control to which President Jeffries answered the only thing you could try is to sue them.

L. ADJOURNMENT

President Jeffries adjourned the open session at 9:45 p.m. He said the Board will return to closed session for further discussion with the real property negotiators. The Board returned to open session at 10:05 p.m. President Jeffries reported no decisions were made and no additional direction was given. Adjourned at 10:06 p.m.

Respectfully submitted,

Vince Ferrante, Secretary
Board of Harbor Commissioners

ATTEST

Linda G. McIntyre, Deputy Secretary
Board of Harbor Commissioners