

**DON PEDRO RECREATION AGENCY
BOARD OF CONTROL - DON PEDRO PROJECT
SPECIAL MEETING MINUTES
April 20, 2016**

CALL TO ORDER: 10:12 a.m. Don Pedro Recreation Agency

VOTING MEMBERS PRESENT: Paul Campbell – Modesto Irrigation District (MID)
Charlie Fernandes – Turlock Irrigation District (TID)
Brent Hörger – City & County of San Francisco (CCSF)

OTHERS PRESENT: Tou Her – Turlock Irrigation District (TID)
John Davids – Modesto Irrigation District (MID)
Sara Lima – DPRA Legal Counsel
Travis Flosi – Moccasin Point Marina, Manager
Ross Swett – Private Houseboat Owner
Dave & Betty Gonzales – Private Houseboat Owners
Richard & Myra Souza – Private Houseboat Owners
Larry & Agatha Swanson – Private Houseboat Owners
Bob & Susie Lynar – Private Houseboat Owners
Keith Lynar – Private Houseboat Owner
Tony Pavlakis – Private Houseboat Owner
Phyllis & Joe Farenkamm – Private Houseboat Owners
Jerry Jenkins – Private Houseboat Owner
Wendy Hudelson – Private Houseboat Owner
Hiram & Kris Harlan – Private Houseboat Owners
Jeff Ashton – Private Houseboat Owner
Don Johnson – Private Houseboat Owner
Steve Vilas – Private Houseboat Owner

Board Chairman Campbell stated that the Public Participation portion of the meeting will take place after the action item is presented.

**MOCCASIN POINT MARINA – CANCELLATION OF EMERGENCY WAIVER TO
CONCESSION LEASE AGREEMENT**

Agency Director, Collett presented a request for the cancellation of the Emergency Waiver to the Moccasin Point Marina (MPM) Concession Lease Agreement (CLA). The waiver, which was approved by the Board in February 2014, authorized MPM to moor within the Lake Don Pedro Marina (LDPM) concession area while low lake levels prohibit MPM from mooring in Moccasin Bay. A 3.75% concession fee for the Low Water Location was approved by the Board in August, 2014, to be in effect during the execution of the waiver. When the waiver was approved, the Board stated that “the waiver continues until the DPRA Board of Control determines, based on a recommendation by the TID Planning Department, that it is safe and appropriate for the MPM to return to the Moccasin Point location. Critical lake elevations were reviewed, showing that the MPM can remain in its primary mooring location to an approximate elevation of 720’ ASL, but will only accommodate about 1/3 of the houseboat moorings. All of the houseboat moorings can be accommodated to approximately 730’ ASL, with just a few houseboats having to be moved to temporary locations. Mr. Collett reviewed lake level forecast information provided by the TID Strategic Issues and Planning Department, which in a dry scenario indicate an end of October elevation of 747.5’ ASL and 751.5’ ASL in an average scenario.

Discussion took place regarding historical lake elevation numbers, and what indicators may affect future elevations. Board Chairman Campbell, asked how likely it would be for Forever Resorts to have to move again in the next 12 months. Tou Her responded that there is no way to guarantee that would not happen, but agrees that it would have to be an historically unprecedented water year for that to occur. Discussion also took place regarding the cost of moving, and the difference between normal yearly concessionaire fees and concession fees during the waiver.

Supported by the TID Planning Department forecast, DPRA recommends approval of the Cancellation of the Emergency Waiver to the CLA and that providing Forever Resorts a five-week time period to return the MPM operation to the Moccasin Bay location would be timely and appropriate. The timeframe would begin April 25, 2016, with a completion date of May 30, 2016. At that point, MPM would resume providing all services required by the CLA, the concession fee will return to 5%, and all MPM houseboats will be back to their respective mooring locations.

PUBLIC PARTICIPATION CONCERNING AGENDA ITEMS

A question was asked regarding what size the marina is proposed to be. The Board agreed that it wouldn't matter if the current MPM is replaced with a smaller marina as long as all of the services are still provided.

Houseboat owner, Bob Lynar, stated that he could not see any scenario where the lake would go below a level of 630' in a year or even two years. Mr. Lynar added that Forever Resorts purchased the marina knowing that the lake could drop forcing them to move, and any costs of moving should be built into their operating plan to cover costs. Mr. Lynar asked what will happen if Forever Resorts decides they don't want to move, and will there be a penalty if they don't? Mr. Lynar suggested the Board consider a reduction to customers mooring rates as a penalty.

Houseboat owner, Larry Matteson, asked if the water level projections include any more expected rainfall. Tou Her responded by reviewing the charts and graphs for both the average and dry scenarios indicating that both scenarios include more rainfall expected for the remainder of the year.

Houseboat owner, Steve Vilas, stated that the goal is to get the houseboats back to their assigned locations as soon as possible.

Houseboat owner, Ross Swett, stated that he is really pleased with the lake level projections that were presented. Mr. Swett added that he and others are aware that there is ongoing litigation between the various agencies and Forever Resorts, and he is concerned that there isn't a contingency plan in regards to operation of the marina. Board Chairman Campbell responded that the Board cannot engage in discussion regarding litigation. Mr. Swett then asked what participation the Davis-Grunsky contract can have if the marina does not go back.

Houseboat owner, Joe Farenkamm stated that the marina must have a plan, but it would have been nice to hear from them directly.

MPM Manager, Travis Flosi, responded that if the Cancellation of the Emergency Waiver is approved, the houseboats will be going back to their assigned location.

Board member Fernandes motioned to approve the Cancellation of the Emergency Waiver with the 3.75% Concession Fee to remain in effect through the end of 2016. The motion died for lack of a second.

Board Member Hörger motioned to approve the Cancellation of the Emergency Waiver as presented. The motion was seconded by Chairman Campbell.

MOTIONS PASSED

On motion of Hörger, seconded by Campbell, the following motion was adopted:

2016-04-02 The Board approved the Cancellation of Emergency Waiver to Concession Lease Agreement as presented.

Upon roll call the following vote was had:

Ayes: Directors Campbell, Hörger
Noes: Director Fernandes

