

San Mateo County Harbor District Board of Harbor Commissioners Meeting Minutes

December 5, 2007
7:00 p.m.

Coastside County Water District Office
766 Main Street
Half Moon Bay, CA 94019

Roll Call

Commissioners

James Tucker, President
x Ken Lundie, Vice President
Leo Padreddii, Treasurer
Sally Campbell, Secretary
Pietro Parravano, Commissioner

Staff

Peter Grenell, General Manager
Eileen M. Wilkerson, Human Resource Manager
Marcia Schnapp, Director of Finance
Robert Johnson, Harbormaster
Dan Temko, Harbormaster
Theresa DellaSanta, Deputy Secretary
Marc Zafferano, District Counsel

x- absent

Public Comments/Questions - None

Staff Recognition- Temko recognized the staff at Pillar Point for their search and rescue efforts over the last day for two crab fishermen lost at sea.

Campbell informed the Board that she received an anonymous donation of \$500.00 for the families of the victims who were lost at sea. She added that the donation was made in hopes that it will give others impetuous to donate more. Tucker recommended that Temko prepare a press release.

Consent Calendar

All items on the consent calendar are approved by one motion unless a Commissioner requests at the beginning of the meeting that an item be withdrawn or transferred to the regular agenda. Any item on the regular agenda may be transferred to the consent calendar.

- 1** TITLE: **Minutes of Meeting November 21, 2007**
REPORT: Draft minutes
PROPOSED ACTION: Approval

Action: Motion by Parravano, second by Padreddii to approve Item 1. The motion passed.

Ayes: 4

Nays: 0

Public Hearing - None

Continued Business

- 2** TITLE: **Concept Design for Improvements to Lessees' Building, Pillar Point Harbor**
REPORT: Campbell, Temko, Memo
PROPOSED ACTION: Approve Design and Authorize General Manager to Implement Improvements

Temko handed out a letter from CSG Consultants which included preliminary cost estimates and drawing. He added that there are a few different options for the parking lot which include widening the promenade to about 20 more feet.

Sherry and Robert Ingles, Owners of Half Moon Bay Sportfishing, questioned the estimates and asked if a determination will be made by the Board tonight. Tucker said it is only an engineer's estimate and that no determination has been made yet. Sherry Ingles stated that she wants whatever works best for the Harbor and lessees.

Peggy Beckett, owner of Huck Finn Sportfishing, thanked the Board for their efforts in getting results for the lessees'. Beckett recognized Campbell, Parravano, Grenell, and Temko for their hard work putting this together and moving forward in a positive direction.

Albert Dunne, Ketch Joanne Restaurant and Harbor Bar, stated that any amount of money the District decides to spend will eventually pay for itself. He added that he would like to see this project move forward to help beautify the Harbor.

Tucker stated that he expected this to be a costly project and added that Campbell and Parravano did a fantastic job putting it together.

Campbell questioned whether the lessees' intent to add extra space for tables and chairs was included. Temko said the space was included, but he discussed with each lessee a request prior to construction to meet and discuss individual utility needs. He added that individual structures on the new promenade would be constructed by the lessee.

Campbell suggested that the Capistrano tree trim be done by Keet Nerhan and to include him in the crosswalk to Harbor Village. Campbell recommended that Grenell get a firm commitment from Keet Nerhan on participating in this project.

A short discussion on the build-outs on the lessees' building and the change in parking structure was held.

Action: Motion by Campbell, second by Tucker to approve the concept design and direct staff to work further with the Committee to implement it. The motion passed.

Ayes: 4

Nays: 0

New Business

- 3 TITLE: Proposed Sublease for Bob McLennan dba Fitness West, 360 Oyster Point Blvd., Oyster Point Village, Oyster Point Marina/Park, South San Francisco**
- REPORT: Grenell, Memo, Sublease
- PROPOSED ACTION: Approve Sublease for Bob McLennan dba Fitness West, 360 Oyster Point Blvd., Oyster Point Village, Oyster Point Marina/Park, South San Francisco

Grenell informed the Board that this item would be a sub-tenancy under a King Ventures lease to enable a new fitness center at Oyster Point Marina.

Campbell asked who determines the monthly rent for these situations. Grenell said it is determined by John King of King Ventures, but the Board can suggest otherwise. He added that he and Schnapp have been discussing updating subtenant lease terms.

Bob McLennan, Fitness West owner, stated that he has interest in moving forward and expanding the hotel spa and fitness operations.

Parravano suggested finding hard figures before approval of this item. Campbell added that she would like to see prices for square footage in surrounding areas and how much more space there is to sublet.

McLennan stated that the amount he pays King Ventures does not change anything for the District. Parravano said he needs more information on the master lease with King Ventures. Campbell concurred.

Tucker stated that King Ventures is the District's lessee and they were given the right to sublet. He added that he doesn't want to hold up Mr. McLennan.

Campbell said that if this sublease is approved there will be no opportunity to correct the sublease if the District is off fifty cents or a dollar per square footage.

Tucker added that he would like additional information as well, but not at the expense of the applicant.

Action: Motion by Padreddii, second by Tucker to approve Item 3. The motion failed.

Ayes: 2

Nays: 2 (Campbell, Parravano)

4 TITLE: Certified Employment List for Accounting Specialist
REPORT: Certified Employment List
PROPOSED ACTION: Approve Certified Employment List for Accounting Specialist

Action: Motion by Parravano, second by Padreddii to approve Item 4. The motion passed.

Ayes: 4

Nays: 0

5 TITLE: Certified Employment List for Accounting Technician/Administrative Assistant
REPORT: Certified Employment List
PROPOSED ACTION: Approve Certified Employment List for Accounting Technician/Administrative Assistant

Action: Motion by Padreddii, second by Parravano to approve Item 5. The motion passed.

Ayes: 4

Nays: 0

6 TITLE: Approve New Policy 6.2.9 Policy Against Violence in the Workplace
REPORT: Wilkerson, Policy, Resolution 36-07
PROPOSED ACTION: Adopt Resolution 36-07 Approving Policy 6.2.9 Policy Against Violence in the Workplace

Wilkerson stated that this policy would put the District in compliance with California law. She added that it has been approved by Grenell, the management team, both Unions, Labor Counsel and the District General Counsel.

Action: Motion by Parravano, second by Campbell to approve Item 6. The motion passed.

Ayes: 4

Nays: 0

- 7 TITLE: **Suspend Hiring Freeze for One Temporary Deputy Harbormaster (A) Position at Pillar Point Harbor**
REPORT: Grenell
PROPOSED ACTION: Approve Suspension of Hiring Freeze for one Temporary Deputy Harbormaster (A) Position at Pillar Point Harbor

Grenell informed the Board that Pillar Point Harbor has had six departures over the last two years, most recently the departure of Deputy Harbormaster Mike Bushnell last week. Grenell added that currently there is one temporary employee at Pillar Point whose tenure expires on December 8, 2007. Temko said that of those six employees that the District has lost, only three have been replaced, one as a temporary, and there is only so much they can do. Temko concluded that he is sad to lose Bushnell and that he was an excellent employee.

Assistant Harbormaster John Draper stated that his problems with temporary hires is that they are not properly trained, can't go to classes, can only work day shifts and have to cover phones in the office answering questions they don't really know about. He added that he would like the temporary position to move to permanent and an additional permanent hire on top of that.

Temko agreed with Draper and said he would like to bring an item to the next meeting for a permanent position. He added that he would have done that in place of this temporary extension if he had known about the departure that took place last week.

Temko clarified that his written report recommends extending the temporary hire and had been written before he knew Bushnell was departing, and that he would now recommend the Board approve a permanent hire instead. Temko added that he would like to amend his report to suggest that a permanent employee be hired from the certified list.

Grenell stated that he supports filling a permanent position and added that the Board can choose to support filling a permanent hire based on the active certified list or choose to do a transfer of one employee from Oyster Point to Pillar Point without having to create a new hire.

Grenell recommended at the least extending the temporary position until the end of the month and coming back to the Board at the next meeting with a formal recommendation.

Zafferano stated that since the item is on the Agenda for discussion the Board can make whatever decision they see fit with respect to the position identified, without having to come back to the Board.

Wilkerson suggested that the Board lift the hiring freeze to extend the temporary position until December 31st and to lift the hiring freeze to allow a permanent position to be placed at Pillar Point which would allow Grenell to go through the process of interviewing to hire from the certified list or recommend a transfer. Grenell concurred. Wilkerson added that if the

current temporary turns out to be the top choice after interviews, Grenell can start him immediately as permanent and end the temporary assignment without Board approval as long as these steps are followed.

Tucker clarified that there will be two actions to the motion, but only one position is being filled on a permanent basis.

Campbell asked when the temporary position will end. Tucker said it will end once the permanent position begins. Campbell said she will not vote for both hiring a permanent position and extending the temporary position. Grenell said it is staff's intent to fill one permanent position and end the temporary position once that is done.

Action: Motion by Tucker, second by Lundie to lift the hiring freeze on the temporary position and extend the assignment and lift the hiring freeze for one permanent position. Item 7 and 8 passed with this motion.

Ayes: 4
Nays: 0

Campbell stated that her vote was based on the understanding that the hiring freeze is being suspended to fill one full time permanent position only.

Tucker added that once the permanent position is offered, the temporary assignment ends.

8 TITLE: Extend Temporary Employment for One Temporary Deputy Harbormaster (A) Position at Pillar Point Harbor from Two (2) Months to Six (6) Months
REPORT: Temko, Memo
PROPOSED ACTION: Approve Suspension Extension of Temporary Employment for Temporary One Deputy Harbormaster (A) Position at Pillar Point Harbor from Two (2) Months to Six (6) Months

See Action on Item 7.

9 TITLE: Possible Cancellation of January 2, 2008 Harbor Commission Meeting
REPORT: Calendars
PROPOSED ACTION: To Be Determined

Action: Motion by Tucker, second by Parravano to approve Item 9. The motion passed.

Ayes: 4
Nays: 0

10 TITLE: Bills and Claims in the Amount of \$360,075.29

REPORT: Bills and Claims Detailed Summary
PROPOSED ACTION: Approval of Bills and Claims for payment and a transfer in the amount of \$360,075.29 to cover payment of Bills and Claims

Padreddii informed the Board that he has reviewed the bills and claims and found them in order. He recommended approval.

Action: Motion by Padreddii, second by Parravano to approve the Bills and Claims in the amount of \$360,075.29. The motion passed.

Ayes: 4

Nays: 0

Reports for Possible Discussion/Action

Administration and Finance

11 General Manager - Grenell

Grenell stated that Wilkerson's last day is Friday, December 14th. He said interviews for the HR position will take place on December 7th.

Grenell informed that Board that a transfer of Accounting Technicians (AT) will take place in the next few weeks which will enable both AT's additional training and experience.

Grenell said that the draft haul-out facility study is complete. Supplemental tenant survey responses were sent to Dornbusch last week. A final study report will follow

Grenell stated that the commercial activity permit for Doug Hayes of California Abalone Company is up for renewal. He added that he is meeting with Hayes and another party who is interested in wholesale purchases of abalone.

12 Director of Finance - Schnapp

Schnapp informed the Board that internal books went to the auditors.

Schnapp stated that the District just received back approximately \$92,000 of the \$97,000 they paid Granada Sanitary District for the sewer permit for the Pillar Point Restroom project.

13 Human Resources Manager - Wilkerson

Nothing further to add to written report.

Operations

14 Oyster Point Marina/Park - Johnson

Johnson informed the Board that the West Basin dredging is 99% complete and that Salt River Construction was able to dredge approximately 78,000 cubic yards in 61 days. Johnson commended Salt River Construction for their services and thanked the Oyster Point staff for their support.

Tucker asked if there were any prevailing wage issues. Wilkerson said there have been none.

Johnson informed the Board that during the permit process with the City of South San Francisco it has been identified that the restrooms in front of the fishing pier are not ADA-compliant. Johnson added that staff plans to bring a recommendation to the Board at the next meeting and there will be a change order needed. He concluded that the Board can choose to reject all bids and republish or continue reviewing the bids as submitted with the understanding that there will be a change order for approximately \$10,000.

Tucker said as long as he understands that there will be a change order going into the project rather than in the middle of the project he is ok with it. The rest of the Board agreed.

15 Pillar Point Harbor – Temko

Temko stated that crab fishery opened on Saturday the December 1st.

Temko added that a small vessel was lost at sea and two people are missing.

Board of Harbor Commissioners

- 16 A. Committee Reports - None
B. Commission Statements and Requests
The Board of Harbor Commissioners may make public statements and requests. Requests may be made to place items on future agendas.

- 17 TITLE: **Identify Real Property Negotiator Pursuant to Government Code §54956.8**
REPORT: Zafferano
PROPOSED ACTION: Identify Real Property Negotiator Peter Grenell

Tucker identified Grenell as real property negotiator.

Action: Motion by Parravano, second by Campbell to move to closed session. The motion passed unanimously at 8:34 p.m.

Closed Session

Tucker convened Closed Session at 8:38 p.m.

- 18** TITLE: **Conference with Legal Counsel-Anticipated Litigation, Significant Exposure to Litigation Pursuant to Government Code §54956.9(b) (1 Case)**
REPORT: Zafferano
PROPOSED ACTION: To Be Determined
- 19** TITLE: **Public Employee: Discipline/Dismissal/Release Pursuant to Government Code §54957**
REPORT: None
PROPOSED ACTION: To Be Determined
- 20** TITLE: **Conference with Real Property Negotiator: Parcels APN 015-010-060, 015-010-260, 015-010-270, Oyster Point Marina/Park, City of South San Francisco, San Mateo County; San Mateo County Harbor District with San Francisco Bay Regional Water Transit Authority Regarding Lease Price, Terms and Conditions, Pursuant to Government Code §54956.8**
REPORT: Grenell
PROPOSED ACTION: To Be Determined

Open Session, Continued

No reportable action on Items 18 and 20. On Item 19 the Commission accepted the Determination of the Board unanimously.

- 21** TITLE: **Lease Agreement with San Francisco Bay Regional Water Transit Authority for Construction and Operation of Oyster Point Ferry Terminal**
REPORT: Grenell, Memo, Agreement, Resolution 34-07
PROPOSED ACTION: Adopt Resolution 34-07 to Approve Lease Agreement
- 22** TITLE: **Amendments to Contract with San Francisco Bay**

Regional Water Transit Authority
REPORT: Grenell, Memo, Contract
PROPOSED ACTION: Approve Amendments to Contract with San Francisco Bay
Regional Water Transit Authority

Items 21 and 22 were taken up concurrently.

Action: Motion by Campbell, second by Padreddii to authorize the General Manager to sign the appropriate documents conditioned upon the final lease returning to the Commission for review and approval. The motion passed.

Ayes: 4

Nays: 0

Adjournment

Action: Motion by Parravano, second by Campbell to adjourn. The motion passed unanimously at 9:51 p.m.

APPROVED BY:

James Tucker

James Tucker
President

ATTESTED BY:

Theresa DellaSanta

Theresa DellaSanta
Deputy Secretary