

San Mateo County Harbor District Board of Harbor Commissioners Meeting Minutes

January 18, 2012
7:00 p.m.

Municipal Services Building
33 Arroyo Drive
South San Francisco, Ca. 94080

Roll Call

Commissioners

Pietro Parravano, President
James Tucker, Vice President
Leo Padreddii, Treasurer
Robert Bernardo, Secretary
x Sally Campbell, Commissioner

Staff

Peter Grenell, General Manager
Genevieve Frederick, Director of Finance
Marietta Harris, Human Resource Manager
x Jean Savaree, District Counsel
Debbie Nixon, Deputy Secretary
Charles White, Assistant Harbor Master (OPM)
John Draper, Assistant Harbor Master (PPH)

x- absent

Public Comments/Questions — Mike McHenry, a commercial fisherman and a current lease holder at the Pillar Point Harbor fish buyers building, spoke regarding the upcoming expiration of the three leases.

Tracy Pearson, a tenant at Pillar Point Harbor stated he attended two meetings and brought up the issue of the alleged dumping of raw sewage into the Harbor. He stated that the Commission has failed to address the issue. He stated that the commercial fishermen, the kayak company and local tourism are at jeopardy by allowing the continuation of dumping of the sewage. He stated that laws are being broken, such as the Clean Water Act of 1972. He stated that the issue is being taken care of now and he appreciates it.

Sabrina Brenan stated that a letter was passed out and was also sent out via e-mail. She spoke regarding the security cameras at Pillar Point Harbor that are not working. She stated that broken security cameras at Pillar Point Harbor have resulted in missed opportunities to reduce crime such as the sinking of the vessel *Tonita* back in November and other crimes that have been committed over the years. She urged the Commission to get the cameras fixed.

She also suggested that the Commission meetings be taped and aired which would provide a more transparent process.

Jim Salter, who has been a commercial fisherman out of Pillar Point Harbor, requested that an item be placed on the agenda to discuss the fish buyer's leases. He stated that there are concerns and would like the item to be agendized so the public may speak regarding their concerns.

Staff Recognition- None.

New Business

1	TITLE:	Reorganization of Harbor Commission: Selection of Officers
	REPORT:	Parravano
	PROPOSED ACTION:	To be determined

Action: Motion by Padreddii, second by Bernardo to nominate Tucker for President. The motion passed unanimously.

Ayes: 3
Nays: 0
Abstention: 1 (Tucker)
Absent: 1 (Campbell)

Action: Motion by Parravano, second by Bernardo to nominate Padreddii for Vice President. The motion passed unanimously.

Ayes: 3
Nays: 0
Abstention: 1 (Padreddii)
Absent: 1 (Campbell)

Action: Motion by Parravano, second by Padreddii to nominate Bernardo for Treasurer. The motion passed unanimously.

Ayes: 3
Nays: 0
Abstention: 1 (Bernardo)
Absent: 1 (Campbell)

Action: Motion by Tucker, second by Bernardo to nominate Parravano for Secretary. The motion passed unanimously.

Ayes: 3
Nays: 0
Abstention: 1 (Parravano)
Absent: 1 (Campbell)

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.

- 2 **TITLE:** **Minutes of Meeting December 7, 2011**
 REPORT: Draft minutes
 PROPOSED ACTION: Approval

Action: Motion by Parravano, second by Padreddii to approve the consent calendar. The motion passed.

Ayes: 4
Nays: 0
Absent: 1 (Campbell)

Public Hearing – None.

New Business, Continued

- 3 **TITLE:** **Proclamation for Nat Johnson**
 REPORT: Proclamation
 PROPOSED ACTION: Approve Proclamation

Grenell stated Nat Johnson passed away December 9, 2012 at 95 years of age. He was a long time fisherman at Pillar Point Harbor. He stated that this proclamation is just a small way the District can show its gratitude and appreciation of Mr. Johnson.

Action: Motion by Parravano, second by Bernardo to approve the proclamation. The motion passed.

Ayes: 4
Nays: 0
Absent: 1 (Campbell)

Parravano stated that losing a colleague is very difficult. He stated that he watched Johnson grow and lead over the years. Parravano stated that this is a tremendous loss for the Harbor.

- 4 TITLE: **Proclamation for Robert Johnson**
REPORT: Proclamation
PROPOSED ACTION: Approve Proclamation

Grenell requested that this item be removed from the Agenda per Johnson's request. He stated that before Johnson's departure, he stated that he did not want a proclamation. Grenell confirmed that with Johnson today.

Tucker stated that the item is removed from the Agenda.

- 5 TITLE: **Winzler and Kelly "Additional Task": Repair Estimates**
REPORT: Grenell, Memo, Attachments
PROPOSED ACTION: Authorize General Manager to add an Additional Task to Winzler & Kelly's contract pursuant to contract paragraph C.4 in a total amount not to exceed \$104,129.00 for repair estimates as identified in staff memorandum dated January 2012; and amend the FY2011/12 Budget to add \$104,129.00 under Pillar Point Harbor Capital Improvement Projects

Grenell stated that three items need immediate attention: the west parking lot and beach trail erosion control, replacement of utility lines under Johnson Pier, and stabilization of rip rap supporting the path to the recreational fishing pier. Grenell stated that the first step is to obtain a cost estimate. He would request this of Winzler & Kelly if the item is approved and bring the item back to the Commission for review.

Tucker confirmed that the \$104,129.00 was just for the pre-construction estimating for the projects, not for any of the actual repairs. Grenell confirmed that was correct. He stated that Craig Lewis from Winzler & Kelly was in the audience to answer questions. Tucker asked if Lewis has visited the areas that need repair. Grenell stated he had.

Parravano asked if this was the first attempt to have the cost analysis done. Grenell stated it was. Parravano stated that he would like to see other cost analyses. Grenell stated that the District currently has a contract with Winzler & Kelly and if staff requests an analysis from someone else, than a Request For Proposals would need to be issued and would delay the process by months.

Tucker asked Lewis if the \$104,129.00 was for the estimating only. Lewis stated that was correct, and for all three projects. Tucker confirmed that construction and permits costs were not factored into that total. Lewis confirmed that he was correct.

Bernardo asked if these were priority items due to public safety issues. Grenell confirmed he was correct.

Action: Motion by Tucker, second by Padreddii to authorize the General Manager to add an additional task to the Winzler & Kelly contract. The motion passed unanimously by a roll call vote.

Ayes: 4
Nays: 0
Absent: 1 (Campbell)

- 6 **TITLE:** **Bay Area Air Quality Management District**
 REPORT: Frederick, Memo, Resolution
 PROPOSED ACTION: Approve renewed contract with Bay Area Air Quality
 Management District

Frederick stated that we entered into an agreement with Bay Area Air Quality Management District five years ago. She recommended renewing the contract.

Action: Motion by Parravano, second by Padreddii to renew the contract. The motion passed.

Ayes: 4
Nays: 0
Absent: 1 (Campbell)

- 7 **TITLE:** **Claim of Kelsey Smith for Damages to Vessel**
 REPORT: Grenell, Memo, Attachment
 PROPOSED ACTION: Authorize payment of claim conditioned upon release of all
 claims

Grenell stated that several months ago, Google offered to provide volunteers to do some maintenance projects at Pillar Point Harbor to involve their employees. They were painting the dock fingers at the West End and some paint splattered onto Smith's vessel. He recommended authorization of payment of the claim.

Action: Motion by Parravano, second by Bernardo to pay the claim. The motion passed unanimously by a roll call vote.

Ayes: 4
Nays: 0
Absent: 1 (Campbell)

- 8** TITLE: **Conditional Authorization to Accept a Vessel and Approve the Write Off of a Debt Balance on the Account**
REPORT: Frederick, Memo, Resolution
PROPOSED ACTION: Adopt Resolution 01-12 to conditionally authorizing the acceptance of title to a vessel, the sale of the vessel, and the write off of any remaining debt

Frederick stated this is an effort to collect on a debt. She stated that a tenant sent in his pink slip to his vessel and wrote a letter to the District stating that he has no other assets. She stated that she is unable to run a credit report due to current laws. She stated that Legal Counsel suggested that the owner sign an affidavit stating he has no assets, then if it is discovered that he does have assets, the District would be able to pursue those assets. She stated that the vessel has an appraised value for tax purposes in excess of his balance but in reality the vessel is worthless and would need to be removed by a salvage company. She stated that it would be in the District's best interest to remove the vessel. She recommended pursuing obtaining the affidavit from the owner and proceeding with having the vessel removed from the Harbor. Bernardo asked Frederick if this is the least costly action for the District. She stated it is. Other paths that can be pursued are more costly and those costs would not be able to be recovered.

Action: Motion by Parravano, second by Padreddii to adopt resolution 01-12 to conditionally authorize the acceptance of title to a vessel, the sale of the vessel, and the write off of any remaining debt. The motion passed.

Ayes: 4
Nays: 0
Absent: 1 (Campbell)

- 9** TITLE: **Bills and Claims in the Amount of \$283,934.69 through January 11, 2012**
REPORT: Bills and Claims Detailed Summary
PROPOSED ACTION: Approval of Bills and Claims processed and paid in the amount of \$283,934.69 to cover payment through January 11, 2012 due to cancelled Board meetings.

Padreddii stated he 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. The motion passed unanimously by a roll call vote.

Ayes: 4
Nays: 0
Absent: 1 (Campbell)

- 10** TITLE: **Bills and Claims in the Amount of \$110,914.82**
REPORT: Bills and Claims Detailed Summary
PROPOSED ACTION: Approval of Bills and Claims for payment and a transfer in the amount of \$110,914.82 to cover payment of Bills and Claims

Padreddii stated he 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. The motion passed unanimously by a roll call vote.

Ayes: 4
Nays: 0
Absent: 1 (Campbell)

URGENCY ITEM

- 11** TITLE: **Permitting for Pillar Point Boat Launch Ramp Maintenance Dredging: Additional Task for Winzler & Kelly Engineers**
REPORT: Grenell, Memo, Attachment
PROPOSED ACTION: Authorize the General Manager to direct Winzler & Kelly Engineers (W&K) to carry out an additional task under Paragraph C.4 of the District's contract with W&K to prepare permit applications and supporting documentation including maintenance dredging plans, specifications, and bid documents in an amount not to exceed \$68,308.00 from funds previously approved for expenditure under the District's contract with W&K.

Action: Motion by Parravano, second by Bernardo to add the item to the Agenda. The motion passed.

Ayes: 4
Nays: 0

Absent: 1 (Campbell)

Grenell stated that this is a necessary maintenance task. He stated that it is an urgency item because he would like to have the project completed before the beginning of salmon season. Tucker asked what the cost for the project would be. Grenell stated \$68,308.00. Grenell stated that dredging previously occurred in 1998-1999 and in 2006 but they were emergency situations that did not require a full permit process. He stated that there is a complimentary value in doing this now. He stated that eventually permits will be needed for Perched Beach. Information gathered for the dredging permit now will also be needed for the Perched Beach permits. He stated that the dredging sediment will be placed on Perched Beach.

Tucker stated that when the District was considering the placement of 71 berths the dredging sediment from that project would not have been able to be placed onto Perched Beach. He asked why this sediment would be able to be placed there. Grenell stated that for the 71 berth project, the area to be dredged was much larger than what is to be dredged at the launch ramp.

Parravano stated that this will be the third time that the launch ramp will be dredged and suggested that maybe we look into our own equipment to cut back on future costs. He also stated that it seems as if there is a flow issue that and that maybe there needs to be a hole put into the breakwater to allow a flow of sediment out of the harbor. Grenell stated that he discussed that with the United States Army Corps of Engineers in the past and they concluded that it would cost more to do the analysis than the actual project with no guarantee it would be successful. He also stated that he will explore costs of acquiring a small dredger for the District.

Action: Motion by Parravano, second by Padreddii to authorize the General Manager to direct Winzler & Kelly to carry out the additional task. The motion passed by a roll call vote.

Ayes: 4
Nays: 0
Absent: 1 (Campbell)

Continued Business

- 11 TITLE: **Supplementary Local Sponsor Cost Share Payment to U.S. Army Corps of Engineers in the amount of \$62,763.00 for Oyster Point Marina Wave Attenuators (Floating Breakwaters)**
- REPORT: Grenell, Memo
- PROPOSED ACTION: Approve Cost Share Payment to the U.S. Army Corps of Engineers in the amount of \$62,763.00

Grenell stated that this is the last installment for the wave attenuator project. He stated that in the last twenty four hours he has toured the docks at Oyster Point Marina with the United Stated Army Corps of Engineers (USACE), Assistant Harbor Master White and himself. He stated that the USACE is ready to proceed with the project and the contractor has signed the

contract to do so. He also stated that he has sent a letter to the City of South San Francisco requesting the payment of \$600,000.00 toward meeting District costs as provided for in the City's agreement with the District of March 25, 2011.

Action: Motion by Parravano, second by Padreddii to approve the cost share payment to the U.S. Army Corps of Engineers. The motion passed unanimously by a roll call vote.

Ayes: 4
Nays: 0
Absent: 1 (Campbell)

Reports for Possible Discussion/Action Administration and Finance

12 General Manager – Grenell

Nothing further to add to written report.

13 Director of Finance – Frederick

Frederick stated that January 1, 2012 new health premiums went into effect. She stated that there will be a small increase to the bills and claims but will be a bigger impact to the OPEB liability.

14 Human Resources Manager – Harris

Harris stated that the Harbor Master application acceptance window closed yesterday. She stated that fifty two applications have been received and the review process has begun and will continue over the next few weeks.

Operations

15 Oyster Point Marina/Park – White

White stated that WETA is working on firming up a date for the Inauguration of the Ferry Terminal possibly at the end of April.

16 Pillar Point Harbor – Draper

Draper stated that there was an error on his report. He stated that he wrote the

Mavericks opening ceremony was on Saturday, January 7, 2012; it was actually Friday, January 6, 2012.

Board of Harbor Commissioners

17 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.

Bernardo asked when the Strategic Planning, Finance and Priorities Workshop was being held this year. Grenell stated it would be on Wednesday, March 7, 2012 on the Coastsides at the Mavericks Conference Center.

Tucker thanked Parravano for his leadership in 2011.

Tucker asked Grenell to produce a memo that summarizes the handout that was given to the Commission by McHenry. He also asked if packages were out for the leasing of the fish buyers building. Grenell stated they have. Tucker asked what the submittal date was. Grenell stated that they are due back mid February. He stated that per the Harbors and Navigation Code, it states that the Commission shall announce a date for a public hearing at which time they will consider the proposals. He stated that there could be more than one public hearing, but the District is required to announce the time and place of the public hearing. He stated that this is not a bid process: Harbors and Navigation Code 72, it states that the lessor must accept the highest bid. However, section 72.2, which the District is using with the permission of the Department of Boating and Waterways, is a proposal process. The status right now is the three existing lessees have received an application form and a sample lease to give them a sense of what the District is looking for. Additionally, two other parties have requested packets, so there are five interested parties. The District's awaiting proposals from all and have answered questions that have come up. Tucker asked Grenell when he thought he would be asking the Commission to hold the public hearing. He stated that he would be inclined to agendaize the item for a coast side meeting on April 4, 2012 but is not certain.

Closed Session – None.

Adjournment

Action: Motion by Parravano, second by Bernardo to adjourn the meeting. The motion passed unanimously at 8:13 p.m.

The next scheduled meeting will be held on February 1, 2012 at the Comfort Inn, 2930 Cabrillo Highway, Half Moon Bay at 7:00 p.m.

Debbie Nixon
Deputy Secretary

James Tucker
President