

San Mateo County Harbor District Board of Harbor Commissioners Meeting Minutes

December 2, 2009
7:00 p.m.

Comfort Inn
2930 Cabrillo Highway
Half Moon Bay, Ca. 94019

Roll Call

Commissioners

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

Staff

Peter Grenell, General Manager
Marcia Schnapp, Director of Finance
Marietta Harris, Human Resource Manager
Robert Johnson, Harbormaster
Dan Temko, Harbormaster
Marc Zafferano, District Counsel
Debbie Nixon, Deputy Secretary

x-absent

Public Comments/Questions — None.

Staff Recognition- Grenell stated that Bill Beckett passed away yesterday. Campbell requested a brief period of silence for Mr. Beckett.

Temko recognized Draper, Arrington, Smith and Walding who were involved in a rescue on November 27, 2009. It was a 34' boat with 2 people aboard. One person perished and the other was rescued. The vessel was recovered.

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calendar are approved by one motion unless a Commissioner requests at the beginning of the meeting that an item be withdrawn or transferred to the regular agenda.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 18, 2009**
 REPORT: Draft minutes
 PROPOSED ACTION: Approval

Action: Motion by Tucker, second by Parravano to approve item 1. The motion passed.

Ayes: Padreddii, Tucker
Nays: None
Absent: Lundie
Abstentions: Campbell, Parravano

Public Hearing - None

Mary Botham spoke and stated that next month will mark the 28th year since they signed their first lease at Pillar Point Harbor. The last few years have been difficult for them with the great increase in competition like Sam's Chowder House and Crab Landing. She thinks competition is fabulous but it does also make it hard to manage business. She would like the Board to consider that if they take on another restaurant that those people will not be eating in our two present leased restaurants. She would love to see a business at the Harbor that will bring something new to the area. Campbell asked what gave her the idea that the Board was considering another restaurant. Botham stated that the closed session item says that there is a sushi place. Campbell stated that she wasn't aware of that. Botham also stated that she thought Gulf of the Farallones visitor center would be a good choice for the Harbor but then found out that they charter party boats and that might be a conflict for others at the Harbor.

Grenell clarified that one of the four interested parties does have a restaurant in Half Moon Bay but the proposal is not for a restaurant. Also the Gulf of the Farallones does not run party boats.

Jeff Clark spoke and reiterated how successful his business is and how moving to Pillar Point Harbor will increase their business by being more visible. Having the Mavericks Surf Shop will really enhance the Harbor. He would like the Board to consider their application.

Ed Grant spoke on behalf of Jeff Clark. He is a former high school teacher and retired in 2002. When he retired he worked for Clark and also did photography. He thinks the shop will be a definite asset to the Harbor. Clark is a legendary surfer and board shaper.

URGENCY ITEM #1

TITLE: Request from Huck Finn Sportfishing (Huck Finn Center) for a Temporary Waiver of provisions of Lease Section 6.1 concerning Operating Schedule due to a family emergency

REPORT: Grenell, letter request, lease section 6.1

PROPOSED ACTION: Approve a temporary waiver of Lease Section 6.1 concerning operating schedule for Huck Finn Sportfishing (Huck Finn Center) as requested, with term of waiver not to extend past January 20, 2009 and the General Manager shall report to the Board of Harbor Commissioners at the next scheduled Harbor Commission meeting regarding the resumption of regular operating schedule by the Lessee.

Action: Motion by Tucker, second by Campbell to add the Urgency item to the Agenda. The motion passed unanimously.

Grenell stated that Beckett requested a temporary of waiver of Huck Finn Lease Agreement section 6.1 concerning the operating schedule so she can spend time with her ailing husband.

Action: Motion by Tucker, second by Campbell to approve a temporary waiver. The motion passed.

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

URGENCY ITEM #2

TITLE: Claim for damages of Clarence and Lori Williams

REPORT: Grenell, Memo, Attachments

PROPOSED ACTION: Deny claim of Clarence and Lori Williams

Action: Motion by Tucker, second by Campbell to add the Urgency item to the Agenda. The motion passed unanimously.

Grenell stated that staff's recommendation is to deny the claim. The incident report from Oyster Point Marina showed no district negligence.

Action: Motion by Tucker, second by Parravano to deny the claim. The motion passed unanimously.

Campbell asked if there was any District negligence. Johnson stated no.

Continued Business

- 2 **TITLE:** **Amendment to Tolling Agreement with the County of San Mateo**
 REPORT: Zafferano
 PROPOSED ACTION: Approve Amendment to Tolling Agreement with the County of San Mateo

Zafferano stated that the Tolling Agreement's purpose is to keep the District's rights intact and on hold pending county action on the SAM/GSD coastal development permit application for a storm water storage project.

Campbell wanted to know where the District stood if SAM backs out and we do not sell the District's property to GSD. Zafferano responded that the District would resume processing its CDP application.

Action: Motion by Tucker, second by Parravano to approve the amendment to the Tolling Agreement. The motion passed.

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

- 3 **TITLE:** **Adopt Resolution 24-09 for the Memorandum of Understanding Between the San Mateo County Harbor District and Operating Engineers Local Union 3 previously approved on November 18, 2009**
 REPORT: Memo, Resolution
 PROPOSED ACTION: Adopt Resolution 24-09

Grenell recommended adoption of Resolution 24-09.

Action: Motion by Campbell, second by Parravano to adopt Resolution 24-09. The motion passed.

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

New Business

4 TITLE: Oyster Point Marina/Park: Application for Grant Funds for Demolition of Three (3) Abandoned Vessels and Authorize General Manager to Execute Agreement with Bishop Diving and Salvage in an Amount Not to Exceed \$22,550.00

REPORT: Johnson, Report, Resolution

PROPOSED ACTION: Adopt Resolution 22-09 to Apply for a Grant from the Abandoned Watercraft Abatement Fund and to Approve Demolition of Three (3) Abandoned Vessels and Authorize General Manager to Execute Agreement with Bishop Diving and Salvage in an Amount Not to Exceed \$22,550.00

Johnson stated that there is a discrepancy between the Agenda and staff report. The Agenda reads 9 and it should be 3. This is due to a typographical error by the Deputy Secretary.

Action: Motion by Campbell, second by Parravano to adopt Resolution 22-09. The motion passed.

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

5 TITLE: Oyster Point Marina/Park: Authorize General Manager to Request and Execute the Agreement with the Department of Boating and Waterways for an amount not to exceed \$6,495.00 for improvement and repairs to the Oyster Point Marina Boat Pumpout Facilities

REPORT: Johnson, Report, Resolution

PROPOSED ACTION: Adopt Resolution 23-09 to authorize the General Manager to request and execute the agreement with the Department of Boating and Waterways for an amount not to exceed \$6,495.00 for improvement and repairs to the Oyster Point Marina Boat Pumpout Facilities

Johnson stated that he has requested grant funds to cover the cost 100% including Harbor District labor.

Action: Motion by Campbell, second by Parravano to adopt Resolution 23-09. The motion passed.

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

- 6 TITLE: **Limited Commercial Activity Permit for The Core Scholastic Surf League**
REPORT: Temko, Application
PROPOSED ACTION: Approve Limited Commercial Activity Permit for The Core Scholastic Surf League

Temko stated that The Core Scholastic Surf League usually holds this event at Francis Beach and would like to have the event at Surfers Beach if weather calls for this. He recommended approval with a waiver of fees.

Action: Motion by Campbell, second by Parravano to approve the Commercial Activity Permit with the waiver of fees. The motion passed.

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

- 7 TITLE: **Bills and Claims in the Amount of \$118,897.28**
REPORT: Bills and Claims Detailed Summary
PROPOSED ACTION: Approval of Bills and Claims for payment and a transfer in the amount of \$118,897.28 to cover payment of Bills and Claims

Parravano stated that he reviewed the bills and claims and recommended approval.

Action: Motion by Parravano, second by Campbell to approve the bills and claims. The motion passed.

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

Reports for Possible Discussion/Action Administration and Finance

- 8 **General Manager - Grenell**
Grenell stated that Parravano brought to his attention that nominations were in for the Annual Sustainable San Mateo County Award. As Fresh As It Gets has been nominated.

- 9 **Director of Finance - Schnapp**
Schnapp stated that Sam's Chowder House has donated \$250 for the Boat Decorating Contest.
- 10 **Human Resources Manager - Harris**
Nothing further to add to written report.

Operations

- 11 **Oyster Point Marina/Park - Johnson**
Johnson stated that there is an update to the Breakwater project. USACE is working on wave mitigation with its consultant. Also, Johnson is in contact with Salt River Construction Co. about renting a barge to protect the boats this winter. The WETA project dredging is not complete and they got a 15 day extension and the project should conclude on December 7, 2009.

Parravano inquired about the docks. Johnson said that they have been 80% recycled.

- 12 **Pillar Point Harbor – Temko**
Temko invited everyone to the Boat Decorating contest on December 19, 2009. He thanked Campbell for all her help organizing the event. Temko stated that he met with Jim McCarthy regarding getting more water for salmon.

Board of Harbor Commissioners

- 13 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.
Parravano thanked Temko for bringing the issue with McCarthy forward. He stated that back in 1992, then President Bush passed a Central Valley Improvement Project Act. Through that Act there were supposed to be 8,000 acres of water to be set aside for fisherman. Since then, this act has never been followed. The letter being sent to President Obama is to ask that this Act be followed since it has not been for the last 17 years.
- 14 TITLE: **Identify Real Property Negotiator Pursuant to Government Code §54956.8**
REPORT: Zafferano
PROPOSED ACTION: Identify Real Property Negotiator Peter Grenell

Zafferano identified Grenell as the Real Property Negotiator.

Joanne Franklin from Ketch Joanne's stated that she supports Jeff Clark and does not feel that another restaurant at the Harbor would not benefit anyone. The sewer system can't handle the restaurants that are there now. Having another restaurant there would hurt her restaurant.

Action: Motion by Tucker, second by Campbell to adjourn to Closed Session. The motion passed unanimously at 7:50 p.m.

Closed Session

- 15 TITLE: **Conference with Real Property Negotiator: Pursuant to Government Code Section §54956.8**
- PROPERTY: **Parcel 5, One Johnson Pier, Lessees Building, APN 047-083-060, Pillar Point Harbor, El Granada, San Mateo County**
- NEGOTIATING PARTIES: San Mateo County Harbor District and (1) Cassandra and Jeff Clark, Mavericks Surf Shop, LLC, (2) Melissa Manson, Half To Have It, (3) National Oceanic and Atmospheric Administration (NOAA), (4) Hirohito Shigeta
- UNDER NEGOTIATION: Lease terms and conditions

Action: Motion by Campbell, second by Tucker to adjourn to Open Session. The motion passed unanimously at 8:12 p.m.

Open Session, Continued

There was no reportable action from Closed Session.

Adjournment

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

The next scheduled meeting will be held on January 20, 2010 at the Municipal Services Building, 33 Arroyo Drive, South San Francisco at 7:00 p.m.

Debbie Nixon
Deputy Secretary

President