

**San Mateo County Harbor District
Board of Harbor Commissioners
Meeting Minutes**

**September 3, 2003
7:00 p.m.**

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

Roll Call

Commissioners

James J. Tucker, President
Leo Padreddii, Vice President
Pietro Parravano, Secretary / Treasurer
* Sally R. Campbell, Commissioner
Ken Lundie, Commissioner

Staff

Peter Grenell, General Manager
Lindsay A. Marks, Director of Finance
Robert Johnson, Harbormaster
Dan Temko, Harbormaster
Beverly Fontana, Deputy Secretary
Marc L. Zafferano, District Counsel

*arrived at 7:02 p.m.

**Public Comments/Questions — Public and Staff
Recognition**

Craig Mead of El Granada addressed the Board. Mr. Mead expressed his concern over some apparent problems in the area of A, B, and C docks. He stated that he does not know what the Board can do when violent tenants are members of the small harbor community, which was one of his concerns at this time.

He also addressed item 6 of the agenda. He commented that the Board should consider charging mooring users a liveaboard fee. Mead added that some items should not be included for the mooring user though, i.e. dock replacement charges, plumbing, electricity and other items that mooring users do not use.

Ray Flynn of El Granada addressed the Board. Mr. Flynn stated he agreed with Mr. Mead as to some issues of concern on the A, B, and C docks. He also stated that mooring users should pay fees for use of the facilities.

Susie Flynn of El Granada addressed the Board. Ms. Flynn stated she is afraid of Mr. Mead's appearance. She stated that she believes Mr. Mead is involved in selling illegal Internet connections off his vessel and stated the cable company is looking into that.

Both parties stated restraining orders stand against each other.

Consent Calendar

All items on the consent calendar are approved by one motion unless a request is made at the beginning of the meeting that an item be withdrawn or transferred to the regular agenda.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 August 20, 2003 Meeting**
 RECOMMENDATION: Approval

Action: Motion by Padreddii, second by Lundie to approve the Consent Calendar. Motion carried by a unanimous vote.

Public Hearing – none

Continued Business

- 2 TITLE: **Limited Commercial Activity Permit:**
 Mavericks Surf, Inc., Jeff Clark
 RECOMMENDATION: Approval

Action: Campbell requested item 8 be moved for discussion immediately after item 2. With no objection the item will be taken up next.

Grenell presented the report on this item. He stated that the request is for use of the west parking lot, access road and possibly the launch ramp. The Harbor District will have no jurisdiction over the event.

Campbell stated she wanted to discuss item 8 at the same time since they may fall on the same days. Grenell stated that had been addressed and Mavericks Surf Inc. will take precedence over all other contests. Clark will contact the District and other permittees of the dates when known.

Lundie asked about rescue arrangements if needed, since no personal watercraft are allowed for tow-ins. Grenell stated Clark will be providing his own PWC rescue personnel.

Parravano asked about the patrolmen's availability in the event of a vessel emergency. Temko stated the harbor patrol will only be in control of vessel traffic around the event. They will still be available for any rescue in the harbor in the event of an emergency.

Campbell passed on the fact that plants were destroyed on the hill by on-lookers of the last event. She stated local people had informed her of this. Temko stated he would mention it to Clark to perhaps pass on to his event viewers.

Motion by Campbell, second by Lundie to approve the Limited Commercial Activity Permit Application of Mavericks Surf, Inc. Motion carried by a unanimous vote.

8 TITLE: **Limited Commercial Activity Permit:
MavSurfer Publishing, Frank Quirarte/Bill
Sharp**
RECOMMENDATION: Approval

Action: Grenell presented the report on this item. He stated this is not an open competition event, it is a single day filming project.

Motion by Lundie, second by Parravano to approve the Limited Commercial Activity Permit Application of MavSurfer Publishing. Motion carried by a unanimous vote.

3 TITLE: **Exemption From Commercial Activity
Permit Fees for Veterans**
RECOMMENDATION: To Be Determined

Action: Grenell stated this item was brought up by Commissioner Lundie and temporarily set aside to allow District Counsel some time to research it. The research is now complete and the item is ready for further discussion.

There are still some pending questions about how to determine those entitled to the exemption. The fiscal impact on the District is also unknown at this time and what its fiscal impact may be.

Campbell asked if this exemption would be for veterans of any war, or of veterans of foreign wars. Lundie stated any veteran.

Padreddii stated he could not support an item for which no data on the fiscal impact is provided to the Board.

Tucker turned the conversation to Lundie, the author of this item. Lundie stated he was not hoping to use so much time spent on the research. He was approached by veterans and shown a State law regarding veterans and the exemption. He wanted to be sure the District was not in violation of that law.

Motion by Lundie, second by Campbell to approve an exemption for Commercial Activity permit fees for veterans, adding they be veterans of declared foreign wars.

Padreddii reiterated his disapproval of this item being approved without further investigation as to the loss of revenue to the District. Parravano agreed with Padreddii as to providing more fiscal information.

With approval of both the members of the motion and the second, this item will be postponed until a survey can be completed to see how many veterans the District may have who could take advantage of this exemption.

- 4 TITLE: **Loan Restructuring with Department of Boating and Waterways**
- RECOMMENDATION: Adopt Resolution 02 — 03 and Approve Loan Restructuring Agreement, Authorize President of the Harbor Commission to Execute the Agreement Documents, and Authorize General Manager to Forward Documents Pertaining (a) to Oyster Point Marina/Park to the City of South San Francisco and to (b) the County of San Mateo for Execution, and to forward all executed documents to the Department of Boating and Waterways for Signature

Action: Grenell requested this item be placed at the end of the meeting, before closed session and after a brief recess with District Counsel.

The request was granted.

- 5 TITLE: **Pillar Point Harbor Paving Contract: Bid Selection**
- RECOMMENDATION: Accept the Construction Bid of and Authorize the General Manager to Execute a Contract with the Firm of Granite Construction Company in an Amount not to Exceed \$185,581.00

Action: Grenell stated Granite Construction Company was the lowest responsible bidder. Staff recommended executing a contract with them for this project.

Motion by Padreddii, second by Lundie to accept the construction bid of and authorize the General Manager to execute a contract with the firm of Granite Construction Company in an amount not to exceed \$185,581.00. Motion carried by 5 ayes, 0 nays.

New Business

- 6 TITLE: **Amendment to Ordinance Code Section 3.04.180, Relating to Vessels on Moorings, Live Aboard Vessels**
- RECOMMENDATION: Introduce Draft Amendment to Ordinance Code Section 3.04.180 and Authorize Publication of Public Notice

Action: Grenell stated this item is just an introduction to amend an Ordinance addressing vessels with persons living aboard them.

After some lengthy discussion regarding the language in the proposed amendment, it was decided to continue this item to the next Board meeting.

- 7 TITLE: **Subordination of Payments from Redwood City Redevelopment Agency**
- RECOMMENDATION: Approve Subordination of Incremental Property Tax Revenues Generated in the Second Amendment Redevelopment Project Area of Redwood City

Action: Grenell stated a letter from Redwood City Redevelopment explains the issue. The fiscal impact to the District for this is about \$6,000 a year.

Motion by Parravano, second by Tucker to approve subordination of Incremental Property Tax revenues generated in the Second Amendment Redevelopment Project Area of Redwood City. Motion carried by 5 ayes, 0 nays.

- 8** TITLE: **Limited Commercial Activity Permit:
MavSurfer Publishing, Frank Quirarte/Bill
Sharp**
RECOMMENDATION: Approval

Action: This item was addressed earlier in the meeting.

- 9** TITLE: **Purchase of New Electric Pedestals at Pillar
Point Harbor**
RECOMMENDATION: Authorize Publication of Request for Proposals

Action: Temko presented the report on this item. He stated the budget has money set aside for this project.

Motion by Campbell, second by Lundie to authorize publication of Request for Proposals. Motion carried by 5 ayes, 0 nays.

- 10** TITLE: **Designation and Disposal of Surplus Crane**
RECOMMENDATION: Approve Designation of Crane as Surplus
Property and Authorize Sale of Crane

Action: Temko presented the report on this item. He stated this crane will be an “as is” item. Temko added the rest of the equipment at the boatyard could be resold as it is in good condition.

Motion by Campbell, second by Padreddii to approve designation of crane as surplus property and authorize sale of crane. Motion carried by unanimous vote.

11 TITLE: **Bills and Claims in the Amount of \$86,097.96**
RECOMMENDATION: Approval

Action: Parravano stated he has reviewed the Bills and Claims. He stated at the time he reviewed them many were not signed. He asked if they are now signed. Marks responded yes.

He stated staff has asked him to add 3 additional checks for approval. With the additional checks the amended amount for approval is \$90,424.49.

Motion by Parravano, second by Padreddii to approve the Bills and Claims in the amended amount of \$90,424.49. Motion carried by 3 ayes, 2 nays (Campbell, Lundie).

Reports for Possible Discussion/Action

Administration and Finance

12 General Manager Grenell

Action: Grenell stated he would answer any questions about his written report if there were any.

13 Director of Finance Marks

Action: Marks reported the auditors were recently in the office and have completed their fieldwork. There are a few things she needs to get out to them but the audit is basically complete.

Campbell asked if the auditors were going to supply a management letter. Tucker stated the Board would like to see a copy of the draft management letter sent to the District upon its arrival. Marks stated she would provide it.

Operations

14 Oyster Point Marina/Park — Johnson

Action: Johnson was on vacation so no written report was provided. He stated occupancy was at 65%, up 1%. Staff has repaired the fishing pier restrooms.

Lundie inquired about the concrete beam project. Johnson stated they are near completion. North Coast Divers should be out of the Oyster Point Marina facility by September 10th.

15 Pillar Point Harbor — Temko

Action: Temko stated he would answer any questions of his written report if there were any.

Board of Harbor Commissioners

16 A. Committee Reports

Action: Padreddii stated he attended a Water Transit Authority meeting today regarding the ferry. He gave a brief report on it.

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.

Action: No Commissioner statements or requests.

Continued Business — continued

- 17 TITLE: **Identify Real Property Negotiator Pursuant to Government Code §54956.8**
RECOMMENDATION: Identify General Manager Peter Grenell as District Property Negotiator

- 18 TITLE: **Identify Labor Negotiator Pursuant to Government Code §54957.6**
RECOMMENDATION: Identify General Manager Peter Grenell as District Labor Negotiator

Action: Grenell was identified as both the District's property and labor negotiator for the closed session by a unanimous vote.

Meeting was adjourned for a break at 8:23 p.m.

Meeting reconvened to open session at 8:33 p.m. to take up item 4.

- 4 TITLE: **Loan Restructuring with Department of Boating and Waterways**
RECOMMENDATION: Adopt Resolution 02 — 03 and Approve Loan Restructuring Agreement, Authorize President of the Harbor Commission to Execute the Agreement Documents, and Authorize General Manager to Forward Documents Pertaining (a) to Oyster Point Marina/Park to the City of South San Francisco and to (b) the County of San Mateo for Execution, and to forward all executed documents to the Department of Boating and Waterways for Signature

Action: Grenell stated the Board now had the Agreement from the Department of Boating and Waterways. This Agreement has been a long time coming. The documents have the changes "highlighted" for the Commissioners to identify and review. If the Commission chooses to accept the changes the Agreement will go before the South San Francisco City Council.

Once the documents are all approved and signed, they will be filed with the County of San Mateo. The approval of this agreement is good for the District, as it will release funds for the District to pursue the additional berths it needs and continue to allow an interest only payment back to the Department.

Campbell requested one legal wording change to a page in the Agreement. After some discussion of the wording request by Campbell it was decided not to make the change, as Counsel and the Board President felt it was not needed.

Motion by Padreddii, second by Lundie to Adopt Resolution 02 — 03 and approve Loan Restructuring Agreement, authorize President of the Harbor Commission to execute the Agreement Documents, and authorize General Manager to forward documents pertaining (a) to Oyster Point Marina/Park to the City of South San Francisco and to (b) the County of San Mateo for Execution, and to forward all executed documents to the Department of Boating and Waterways for signature. Motion carried by 5 ayes, 0 nays.

Meeting adjourned to closed session at 8:44 p.m.

Closed session began at 8:50 p.m.

Closed Session

- 19 **TITLE:** **Conference With Real Property Negotiator,
Government Code Section 54956.8**
- PROPERTY:** Parcel A at Oyster Point Marina/Park, City of
 South San Francisco
- NEGOTIATING** San Mateo County Harbor District and Raiser
PARTIES: Resources, LLC
- UNDER** Price and Terms of Payment for Lease
NEGOTIATION:
-
- 20 **TITLE:** **Conference with Labor Negotiator
Pursuant to Government Code § 54957.6:
Operating Engineers Local 3**
- AGENCY** Peter Grenell
NEGOTIATOR:
- PROPOSED ACTION:** To Be Determined

21 TITLE: **Public Employee Performance Evaluation:
General Manager Pursuant to Government
Code §54957**
RECOMMENDATION: To Be Determined

Motion by Lundie, second by Campbell to reconvene to open session.

Action: No Reportable action.

Adjournment

Motion by Campbell, second by Lundie to adjourn the meeting. Meeting adjourned at 9:58 p.m. by unanimous vote.

APPROVED BY:

ATTESTED BY:

James J. Tucker
President

Beverly Fontana
Deputy Secretary