

San Mateo County Harbor District Board of Harbor Commissioners Meeting Minutes

June 1, 2011
7:00 p.m.

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

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
Marietta Harris, Human Resource Manager
Robert Johnson, Harbormaster
Jean Savaree, District Counsel
Debbie Nixon, Deputy Secretary

x-absent

Public Comments/Questions — Bill Kehoe with the Mid Coast Committee invited the Commission to attend one of their meetings to give an update regarding the plans for the Harbor District i.e administrative offices, bulk head, and the coastal trail. Also invited Harbor Master Johnson.

Staff Recognition - None.

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calendar are approved by one motion unless a Commissioner requests at the beginning of the meeting that an item be withdrawn or transferred to the regular agenda.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 May 18, 2011**
 REPORT: Draft minutes
 PROPOSED ACTION: Approval

Action: Motion by Tucker, second by Bernardo to approve the consent calendar. The motion passed.

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

New Business

- 2 TITLE: **Pillar Point Circulation Study: San Mateo County
Resource Conservation District (RCD)**
 REPORT: Grenell, Kellyx Nelson, Memo, Study
 PROPOSED ACTION: To Be Determined

There was a request from the RCD to move this item to a future meeting.

Action: Motion by Tucker, second by Bernardo to move the item to a future meeting. The motion passed.

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

- 3 TITLE: **“Urban Shield Training Exercise” at Oyster Point Marina**
 REPORT: Grenell, Memo, Attachments
 PROPOSED ACTION: Authorize “Urban Shield Training Exercise” at Oyster Point
Marina on October 14-17, 2011 and authorize General
Manager to execute Urban Shield Agreement for limited use
of premises

Grenell stated that the District was approached through the San Mateo County Sheriffs to participate in the 5th annual Urban Shield Training Exercise. This year Oyster Point Marina/Park has been selected. The exercise will take place in October. Grenell stated that Lt. Art Martinez was present to address any question the Commission might have. Grenell stated that he, Johnson and White walked Lt. Martinez around the facility and mapped out the location for the exercise so there will be minimal disruption. He stated that he has contacted the City of South San Francisco to alert them of the exercise and was informed that the City Council does not need to take action but they do need to execute the agreement.

Padreddii stated that this is a good program and he supports this event.

Action: Motion by Padreddii, second by Tucker to authorize the urban shield training exercise. The motion passed.

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

- 4 TITLE: **Limited Commercial Activity Permit for Master Wan Ko Yee International Cultural Institute**
REPORT: Grenell, Memo, Attachment
PROPOSED ACTION: Approve Limited Commercial Activity Permit conditioned on event location to be on Princeton Beach only as shown on attached map

This item was removed from the agenda. The applicant withdrew their permit request.

- 5 TITLE: **Limited Commercial Activity Permit for Mavericks Community, LLC**
REPORT: Grenell, Memo, Application
PROPOSED ACTION: Approve Limited Commercial Activity Permit with conditions

Grenell stated that since the agenda was posted and documents were distributed, it was brought to his attention that there is a change in the applicant's name. The name is Mavericks Family, LLC not Mavericks Community, LLC. When the incorporation paperwork was filed, there was a mix-up and was filed as Mavericks Family, LLC. The staff recommendation is to approve the Limited Commercial Activity Permit with conditions. Grenell stated that the applicant's plan and proposal is the same as what the applicant submitted last year [note: the organization's name was different last year]. He would like to modify the recommendation to make it clear that the recommendation should be conditioned on the applicant providing additional information which is necessary for public record, consistent with what the applicant plans to do and to provide information to reflect the applicant's response to public safety agencies concerns and the communities concern on environmental concerns. Staff also would like a response back from the applicant on how the access trail from the parking lot to the beach will be monitored. Grenell restated that his recommendation is to approve the permit with the condition that once the documentation has been received it will be sent to legal counsel for approval.

Parravano questioned the dates and stated that they are different than last year. Grenell stated that the request for this event is November 1, 2011 through February 28, 2012, which is one month sooner than last year's permit. Historically the November through February period has been the window for the event.

Tucker asked if Mavericks Community, LLC is a corporation. Grenell stated that Mavericks Family, LLC is. Tucker asked if there is a corporation ID number. Grenell stated that he wasn't sure. Katherine Clark clarified that she has all the paperwork but didn't bring it with her. She stated that when you file paperwork, you file three names in case there are any problems with the first one. When the paper work was processed, Mavericks Family, LLC was used. Tucker stated that he would like to continue this matter to another meeting but would like to also hear what the applicant has to say. The application is in the name of Mavericks Community, LLC not Mavericks Family, LLC.

Bernardo stated that he would like to see how all these items fit into a special events policy, not that he is expecting to see a policy in place before this event is approved. He stated that the details that he will be looking for are crowd control, security, and safety. He will be looking at the broader picture like how is the local community going to be involved, how are local business going to be involved.

Grenell stated that staff is currently working on material for a special event policy and will bring that to the Board but couldn't specify a time frame.

Kelly Clark stated that when the original application was submitted there was a complete and full description regarding public safety. There have been several meetings with public agencies to make sure that a safety plan is in place and that everyone is working together.

Parravano stated that he had a speaker form from Jeff Clark. Clark read a letter to the Commission and addressed several points. "The applicant has no safety and security plan.", "there is no input from other agencies, no other alternatives heard, no funding in place." "Mavericks Community, LLC is not registered with the Secretary of State", "This is the third time the applicant (Katherine) is applying for a permit since last year, with 3 different organizations.", "The local businesses and surfers were not involved in the planning with the so-called Mavericks Community.", "I own Mavericks Surf Shop, the name and the brand. People associate me with Mavericks. Their plan and their name creates confusion in the marketplace, and right here in the harbor where I have my business", "As a tenant in the harbor, with a proven track record of putting on events and doing business fairly with the District, I would like to propose another choice, I would like the opportunity to present another event plan for consideration, one that doesn't leave the District and other agencies at risk.", "I ask that you defer making a decision on a permit until you complete your due diligence AND you have heard from us, your tenant, on a better event to celebrate surfing at Mavericks, benefit the local businesses and respect our local community." Clark provided no information to support his statements.

Tucker asked Clark if he will be filing an application for the same type of event. Clark stated yes but not the same type of event. It will be a similar event that will have much less impact

on the community and a more positive impact on the community. Tucker asked if his request will include surfing at Mavericks. Clark stated yes.

Padreddii asked Clark if he will have funding for the event. Clark stated he does.

Bernardo asked Clark when he is expecting to present his application. Parravano stated that Coastsides issues are typically addressed at the Coastsides meetings and the next Coastsides meeting is July 6. Tucker stated that he believes there is a quorum issue for the first July meeting and asked both potential applicants if the first August meeting would work without hurting their timelines. They both stated yes.

Action: Motion by Tucker, second by Bernardo to continue this item to the first August meeting. Grenell stated that District ordinance code stated that the Commission must act on an application within 60 days. Tucker stated that he retracts his original motion and moved to deny the permit request based on it is not factual, second by Bernardo.

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

Tucker stated that his denial motion is “without prejudice.”

- 6** **TITLE:** **Oyster Point Marina/Park Asphalt Repair**
 REPORT: Johnson, Staff Report, Attachment
 PROPOSED ACTION: Approve bid specifications and authorize General Manager to issue a public notice to solicit construction bids

Johnson stated that the bid specifications are attached to his report and he is looking for direction.

Action: Motion by Bernardo, second by Tucker to approve bid specifications and authorize General Manager to issue a public notice to solicit construction bids. The motion passed.

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

- 7** **TITLE:** **Wage and Salary Classification Schedule for FY2011-12**
 REPORT: Wage and Salary Classification Schedule, Resolution 08-11
 PROPOSED ACTION: Adopt Resolution 08-11 and Wage and Salary Classification

Harris stated that as of July 1, 2011 there will be 27 filled positions. Bernardo asked for clarification regarding range top and range bottom. Tucker stated that it is like a step. Harris concurred.

Tucker asked if CPI was a negotiated item. Grenell stated that the District has not been contacted by the Operating Engineers Local 3 yet to negotiate the new contract, but CPI was not discussed with Teamsters.

Action: Motion by Padreddii, second by Bernardo to adopt resolution 08-11 and approve the wage and salary classification schedule for FY2011-12. The motion passed unanimously by a roll call vote.

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

Continued Business

- 8 TITLE: **Pillar Point Harbor Metal Door Replacement Project:
Selection of Lowest Responsible Bidder and Execution of
Contract**
- REPORT: Johnson, Staff Report
- PROPOSED ACTION: Select Rodan Builders, Inc. as lowest responsible bidder and authorize General Manager to execute contract with Rodan Builders, Inc. in an amount not to exceed \$27,000.00

Johnson stated that Rodan Builders was the lowest responsible bidder. He stated that he had completed his due diligence and recommended approval. Parravano asked how many doors are being replaced. Johnson stated seven or eight doors.

Action: Motion by Padreddii, second by Bernardo to select Rodan Builders, Inc. as the lowest responsible bidder and authorize General Manager to execute contact with Rodan Builders, Inc. in an amount not to exceed \$27,000.00. The motion passed unanimously by a roll call vote.

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

- 9 TITLE: **Selection of Lowest Responsible Bidder for Pillar Point Harbor Abandoned Waste Oil Tank Removal Project and Authorization to Execute Contract**
- REPORT: Johnson, Memo
- PROPOSED ACTION: Approve selection of Applied Remediation Company, Inc. as lowest responsible bidder and authorize execution of contract with Applied Remediation Company, Inc. in an amount not to exceed \$16,900.00.

Johnson stated that Applied Remediation Company, Inc. was the lowest responsible bidder. He stated that he completed his due diligence and recommended approval.

Action: Motion by Tucker, second by Bernardo to approve selection of Applied Remediation Company, Inc. as the lowest responsible bidder and authorize execution of contract in an amount not to exceed \$16,900.00. The motion passed unanimously by a roll call vote.

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

Public Hearing

- 10 TITLE: **Continuance of Hearing: Preliminary Operating and Capital Budget for Fiscal Year 2011-2012**
- A. Declare Hearing Open: President Parravano
- B. Report of Notice Given: Grenell
- C. Staff Report and Recommendation: Preliminary Budget FY 2011/12
- D. Public Testimony:
- E. Harbor Commission Questions:
- F. Close Public Testimony: President Parravano
- G. Commission Deliberation:
- H. Recommended Commission Action:

Parravano declared the hearing open. Grenell stated that notice had been given. He stated that there is only one change in the budget document and it does not affect the preliminary budget for FY2011/12. The previous numbers for FY2010/11 were as of December 31, 2010; these have been updated to reflect through March 31, 2011.

Parravano declared the hearing closed and stated that the item will be continued at the next meeting.

Urgency Item

Parravano recused himself as he has a conflict of interest.

Tucker asked if this item had to be taken up tonight. Grenell briefly explained that there was important verbiage regarding a discount for commercial fishing and sport fishing operators.

Action: Motion by Tucker, second by Padreddii to add the item to the agenda. The motion passed.

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

- 11 TITLE: **Amendment to Rates and Fees for Pillar Point Harbor to reflect 15% Berth Discount for Full Time Commercial Fishing and Sport Fishing Operators**
- REPORT: Grenell, Memo, Attachments
- PROPOSED ACTION: Adopt Resolution 09-11 to supersede 06-11 and amend Rates and Fees Schedule for Pillar Point Harbor Fiscal Year 2011-12

Grenell stated that there is only one change and it is to Pillar Point Harbor. The change is to include the verbiage for the 15% discount.

Action: Motion by Padreddii, second by Bernardo to adopt resolution 09-11 to supersede 06-11 and amend the rates and fees. The motion passed.

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

Bernardo asked if there was a timeline regarding grant funding for the coastal trail related to the Perched Beach project. Grenell stated that staff has approached the Coastal Conservancy regarding grant funding and they expressed great interest. The coastal trail would be implemented as part of the bulkhead project. The status of the bulkhead project is that the District has received 35% plans from Winzler & Kelly. The Perched Beach committee which consists of Parravano and Tucker will be meeting on June 7th to review plans.

Tucker asked when the new Director of Finance begins work. Harris stated that her first day is July 25th.

13 Director of Finance -Harris

Nothing further to add to written report.

14 Human Resources Manager – Harris

Nothing further to add to written report.

Operations

15 Oyster Point Marina/Park - Johnson

Johnson stated that three of the pilings for floats for the ferry terminal are in place and one more will be installed tomorrow. Four fender pilings will be installed as well. Padreddii asked when the platform will be in place. Johnson stated that the ferry terminal platform is in place. The float has been launched in the east bay. Once the pilings are in place and the crane is out of the marina, the float will be able to be brought in. He will let everyone know when it is scheduled to arrive.

16 Pillar Point Harbor – Johnson

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.

- 18 TITLE: **Identify Labor Negotiator Pursuant to Government Code §54957.6**
REPORT: Savaree
PROPOSED ACTION: Identify Labor Negotiator Peter Grenell

Savaree identified Grenell as the labor negotiator.

Action: Motion by Tucker, second by Bernardo to adjourn to closed session. The motion passed unanimously at 8:00 p.m.

Closed Session

- 19 TITLE: **Conference with District Counsel Pursuant to Government Code Section §54956.9(a) Existing Litigation: One Case, Coats vs. San Mateo County Harbor District**
REPORT: Savaree
PROPOSED ACTION: To Be Determined
- 20 TITLE: **Conference with Labor Negotiator pursuant to Government Code §54957.6: Teamsters Local Union 856**
REPORT: Grenell
PROPOSED ACTION: To Be Determined
- 21 TITLE: **Public Employee Performance Evaluation for District's Counsel Pursuant to Government Code §54957**
REPORT: Grenell, Savaree
PROPOSED ACTION: To be Determined

Action: Motion by Tucker, second by Bernardo to adjourn to Open Session. The motion passed unanimously at 8:21 p.m.

Open Session

There was nothing further to report from Closed Session.

Adjournment

Action: Motion by Tucker, second by Bernardo to adjourn the meeting. The motion passed unanimously at 8:22 p.m.

The next scheduled meeting will be held on June 15, 2011 at the Municipal Services Building, 33 Arroyo Drive, South San Francisco at 7:00 p.m.

Debbie Nixon
Deputy Secretary

Pietro Parravano
President