

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

**September 20, 2006
7:00 p.m.**

**Municipal Services Building
33 Arroyo Drive
South San Francisco, CA 94083**

Roll Call

Commissioners

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

Staff

Peter Grenell, General Manager
Eileen M. Wilkerson, Human Resource Manager
Marcia Schnapp, Director of Finance
Robert Johnson, Harbormaster
Dan Temko, Harbormaster
Theresa N. Hayes, Deputy Secretary
Linda Noeske, District Counsel

x-Absent

Lundie was absent until 7:23pm, when he joined the meeting during consideration of item #2.

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

Randy Bankord and Mike Bushnell were recognized by Temko for capturing a pelican and removing a very large fishing lure from its leg. Temko submitted a letter and pictures from the Deputy Harbor Masters to the Commissioners. Temko said that day was very busy and he received a lot of positive feedback from the public.

report until October 18th because there were a number of questions which still needed answering and more information is needed. Grenell added that we have another three weeks to review this report and write a formal written response to LAFCo.

Parravano suggested that the Commission and staff review and provide comments to Grenell so he can propose a vigorous response to LAFCo.

Item 2 was taken up. Please see Item 2 for discussion.

New Business

5	TITLE:	Change Order #2 for Dutra Construction: Johnson Pier Rehabilitation Project
	REPORT:	Memo
	PROPOSED ACTION:	Approve Change Order #2 for Dutra Construction: Johnson Rehabilitation Project in amount not to exceed \$53,200.00

Temko stated that including this change order the project change orders are still less than 5% of entire contract. He said that on any repair jobs where you are tearing into the structure, or in this case a 46 year-old structure, it is possible to find additional damage and this change order is a reflection of that. Temko added he inspected the areas and believes the amount from Dutra is justified.

Tucker asked Temko what the procedure for a change order is.

Temko said the contractor brings to the attention of the engineer and Harbor Master the discrepancy between the plans and the actual conditions that are discovered. Temko said the engineer, contractor, and he meet to discuss the best way to do the extra work, then plans are developed, volumes are quantified, and the price is extrapolated. Lastly, the engineer provides a change order memo that is brought to the Commission for review and action. Temko confirmed that the General Manager is kept informed during the process.

Tucker stated that when there is additional work to be done there has to be additional plans to justify that work. He questioned at what point the Engineer bills the District for service (within this Change Order or separately). Temko will research.

Tucker said he would recommend to his colleagues a change in how Change Orders are proposed because he believes that Change Orders should be very hard to get but the Harbor routinely grants them. Tucker said that even though the total Change Orders are within 5% of the total contract, he wonders where the next lowest bidder for the contract was in their bid.

Tucker said he would like to have Grenell sign off on all future change orders. Grenell agreed to sign off.

Tucker asked Grenell if he understands and agrees with him on the matter of change orders. Grenell said he does agree and that in the future her will have things clarified before its gets to the Board.

Action: Motion by Padreddii, second by Tucker to approve Change Order #2 for Dutra Construction in an amount not to exceed \$53,200.00

Ayes: 4

Nays: 0

6 TITLE: **Grays Harbor Historical Seaport Limited Commercial Activity Permit**
REPORT: Temko, Application
PROPOSED ACTION: Approve Limited Commercial Activity Permit with partial fee waiver.

Temko explained that Grays Harbor Historical Seaport operates the tall ship *Lady Washington*, and is giving educational tours among other things to further appreciate tall ships. Temko said he spoke with Harbor Masters in other harbors where the *Lady Washington* is going to see if they are waiving fees and found out all harbors are waiving fees. He amended his recommendation from a partial fee waiver to a full fee waiver. Temko stated he believes it is not only beneficial, but also an honor to have the vessel pick Pillar Point Harbor.

Action: Motion by Tucker, second by Lundie to approve Limited Commercial Activity Permit. The motion passed.

Ayes: 4

Nays: 0

Parravano advised Grenell that the San Mateo County Visitors and Convention Bureau be notified of this event, as they have requested the District to do so with any events taking place in the Harbor.

Tucker requested that items 7, 8, and 9 be taken up all together. The Commission agreed.

7 TITLE: **Approve New Policy – 6.4.13 Worker’s Compensation**
REPORT: Memo, Policy, Resolution No. 56–06
PROPOSED ACTION: Adopt Resolution No. 56–06 Approving Policy

8 TITLE: **Approve New Policy – 6.4.14 Modified (Light) Duty**
REPORT: Policy, Resolution No. 57–06

PROPOSED ACTION: Adopt Resolution No. 57-06 Approving Policy

- 9 TITLE: **Approve New Policy- Benefits Coordination**
REPORT: Policy, Resolution No. 58-06
PROPOSED ACTION: Adopt Resolution No. 58-06 Approving Policy

Wilkerson stated these are the last three major policies we need in our personnel manual.

Action: Motion by Tucker, second by Lundie to adopt resolutions 56-06 for Worker's Compensation, 57-06 for Modified (Light) Duty, and 58-06 for Benefits Coordination. The motion passed unanimously.

Ayes: 4
Nays: 0

- 10 TITLE: **Bills and Claims in the Amount of \$139,417.89**
REPORT: Bills and Claims Detailed Summary
PROPOSED ACTION: Approval of Bills and Claims for payment and a transfer in the amount of \$139,417.89 to cover payment of Bills and Claims

Lundie advised he had reviewed the Bills and Claims.

Action: Motion by Lundie, second by Tucker to approve the Bills and Claims for Payment and a Transfer in the Amount of \$139,417.89 to Cover Payment of Bills and Claims. The motion passed.

Ayes: 4
Nays: 0

Reports for Possible Discussion/Action

Administration and Finance

- 11 **General Manager – Grenell**
Action: Nothing further to add to written report
- 12 **Director of Finance - Schnapp**
Action: Nothing further to add to written report
- 13 **Human Resources Manager – Wilkerson**
Action: Nothing further to add to written report

Operations

- 14 **Oyster Point Marina/Park - Johnson**
Action: Nothing further to add to written report

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Pillar Point Harbor – Temko

Temko stated that 30 participants from Pillar Point helped in the coastal clean up on Saturday, September 16th and were able to pick up 165 pounds of trash and 40 pounds of recyclables. On Sunday the 17th the Leukemia and Lymphoma Society Run went very well. Temko reminded the Commission of the “Rock the Dock” event scheduled for Friday, September 22nd from 5pm to 8pm hosted by the Half Moon Bay Coastside Chamber of Commerce. He also stated that the Harbor would not be participating in the annual Teddy Bear Clinic this year.

Parravano added that a large part of the recyclables picked up are plastic and since the participants were able to pick up 40 pounds that is a high volume. He thanked Peggy Beckett for all of her help and support in providing recyclable containers for used fishing line.

Board of Harbor Commissioners

- 16 A. Committee Reports
New Administration Office Committee (Tucker, Lundie)

- 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.

Lundie: Thanked Temko and his crew for the addition of two wheel carts on Dock 2, 3, and 4. The carts make it much easier to move things around on the docks. The tenants are pleased.

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

- 18 TITLE: **Identify Labor Negotiator Pursuant to Government**

Code §54957.6

REPORT: Noeske
PROPOSED ACTION: Identify Labor Negotiator Peter Grenell

District Counsel, Linda Noeske identified Grenell as the Real Property Negotiator and Labor Negotiator for closed session items 19, 20 and 21.

Motion by Tucker, second by Padreddii to adjourn to closed session. The motion passed.

Ayes: 4

Nays: 0

Lundie added that he would like to give Roger Jones an opportunity to address the Board before the Commission moves to closed session. Tucker wanted Jones to understand this is his last chance to address the Board.

Jones reiterated that he thinks he should have had an emergency phone call when his boat was sinking. He said he knows it is not District policy but thinks the Harbor Patrol could have done a better job by cutting the locks, or opening the windows on his boat to gain entrance. Jones added he put ten years into the boat and finally decided to move to the boat and make a living before it sunk.

The Board recessed for break at 7:50 p.m.

Closed Session

19 TITLE: Conference with Real Property Negotiator: Ketch Joanne Restaurant and Harbor Bar, Parcel 3, One Johnson Pier, Lessees Building, APN 047-083-060, Pillar Point Harbor, El Granada, San Mateo County Regarding Lease, Price, and Terms and Conditions Pursuant to Government Code Section §54956.8

REPORT: Grenell
PROPOSED ACTION: To Be Determined

20 TITLE: Conference with Real Property Negotiator: Oyster Point Marina Park Specific Plan Exhibit B, September 1983, Parcel #'s 1-11 Regarding Lease, Price, and Terms and Conditions Pursuant to Government Code Section §54956.8

REPORT: Grenell
PROPOSED ACTION: To Be Determined

- 21 TITLE: **Conference with Labor Negotiator Grenell pursuant to Government Code §54957.6: Operating Engineers Local Union No. 3**
 REPORT: Grenell
 PROPOSED ACTION: To Be Determined
- 22 TITLE: **Conference with Legal Counsel: Anticipated Litigation, Liability Claim of Roger Jones, Pursuant to Government Code Section §54956.95**
 REPORT: Claim
 PROPOSED ACTION: To Be Determined

Parravano convened the Closed Session at 7:59 p.m.

Motion by Lundie, second by Tucker to adjourn back to open session. By unanimous vote, closed session adjourned at 9:40 p.m.

Open Session, Continued

Noeske stated there was no reportable action for closed session.

Action: Motion by Padreddii, second by Tucker to adjourn the meeting. By unanimous vote, meeting adjourned at 9:41 p.m.

Adjournment

The next regularly scheduled meeting will be held on October 4, 2006 at the Coastside County Water District, 766 Main Street, Half Moon Bay, CA 94019, at 7:00 p.m.

APPROVED BY:

ATTESTED BY:

P. Parravano

Theresa N. Hayes

Pietro Parravano
 President

Theresa N. Hayes
 Deputy Secretary