

San Mateo County Harbor District Board of Harbor Commissioners Meeting Minutes

February 21, 2007
7:00 p.m.

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

Roll Call

Commissioners

James Tucker, President
Ken Lundie, Vice President
Leo Padreddii, Treasurer
Sally Campbell, Secretary
x Pietro Parravano, 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
Marc Zafferano, District Counsel

x- Absent

Public Comments/Questions- None

Staff Recognition- Grenell presented the Board with two plaques that were received at an awards ceremony held by the San Mateo County Convention and Visitors Bureau: one from the U.S. Department of Commerce and one from Congressman Tom Lantos in recognition of the District's participation in the County "As Fresh As it Gets," program, which promotes fresh produce and seafood. Grenell and Parravano attended the awards ceremony. Tucker thanked Parravano and Grenell for their efforts on this project.

New Business

1	TITLE:	Committee Assignments
	REPORT:	Memo
	PROPOSED ACTION:	To Be Determined

Tucker informed the Board that he reorganized the committee assignments to balance the workload since some Commissioners had more than others last year. Tucker asked if any of the Commissioners had objections. Padreddii stated that he would like to be removed from the Princeton Shoreline and Romeo Pier Development Committee. The Commission agreed to dissolve this committee since it is inactive.

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calendar are approved by one motion unless a Commissioner requests at the beginning of the meeting that an item be withdrawn or transferred to the regular agenda.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.

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|---|------------------|--|
| 2 | TITLE: | Minutes of Meeting February 7, 2007 |
| | REPORT: | Draft minutes |
| | PROPOSED ACTION: | Approval |
| 3 | TITLE: | Minutes of Meeting January 17, 2007 |
| | REPORT: | Memo Including Minutes Excerpt |
| | PROPOSED ACTION: | Approval |

Action: Motion by Padreddii, second by Lundie to approve item 2 and item 3. The motion passed.

Ayes: 4
Nays: 0

Public Hearing –

- | | | |
|----|----------------------------------|---|
| 4 | TITLE: | Amendment to Ordinance Code: Add Section 3.1.17.12 Residential Tenant with Multiple Vessels |
| A. | Declare Meeting Open: | President James Tucker |
| B. | Report of Notice Given: | Grenell |
| C. | Staff Report and Recommendation: | Approve Amendment to Ordinance Code: Add Section 3.1.17.12 Residential Tenant with Multiple Vessels |
| D. | Public Testimony: | |
| E. | Harbor Commission Questions: | |
| F. | Close Public Testimony: | President James Tucker |
| G. | Commission Deliberation: | |
| H. | Recommended Commission Action: | Approve Amendment to Ordinance Code: Add Section 3.1.17.12 Residential Tenant with Multiple Vessels |

Grenell reported that proper notice was given and statutory review period was adhered to and that no public comments were received. He said staff recommends adoption of the amendment to ordinance code.

Action: Motion by Lundie, second by Campbell to close public hearing. The motion passed.

Ayes: 4

Nays: 0

Action: Motion by Campbell, second by Lundie to approve amendment to Ordinance Code 3.1.17.12. The motion passed.

Ayes: 4

Nays: 0

Continued Business

5	TITLE:	Discussion Item: Rates and Fees Schedule for FY 2007-2008
	REPORT:	Rates and Fees Schedule for FY 2006-07 for Reference
	PROPOSED ACTION:	To Be Determined

Tucker said this item was put on the Agenda initially to make people aware that rates and fees will be changed and that worked; he requested that this item now be removed until the public hearing. He stated that both Harbormasters have scheduled tenant meetings to discuss the matter and it will come before the Board again in approximately one month.

Grenell stated that a notice has been put on all tenant monthly billings that rates and fees and FY 07-08 budget will be discussed at the Board meetings to enable maximum opportunity for public comment.

Campbell stated she had a meeting with Schnapp today about a new stream of revenue and questioned whether or not to speak of this tonight as there will probably be controversy surrounding it.

Schnapp said they discussed a particular lessee who pays five percent of retail fish sales to the District, but fishermen who sell off their boats are exempt from that charge. She added that substantial revenue would be generated if it were decided to charge the commercial fishermen that same five percent based on their landings reports to the California Department of Fish and Game.

Campbell said if the estimate is correct that approximately 300,000 lbs is landed, then the District is looking at possibly \$30,000 to \$40,000 in additional revenue.

Tucker said that a public hearing would have to be held.

Grenell said that the first budget workshop for FY 2007-08 would be held in Half Moon Bay on March 7th at the regular meeting and perhaps that would be a possibility for a public hearing.

Campbell requested that Schnapp look into this and how it affects the Harbor. Schnapp said she will be prepared to present this at the next meeting.

The Board agreed to remove rates and fees from the Meeting Agendas until a public hearing is held.

- 6 TITLE: **Agreement with Treadwell & Rollo, Inc. for Breakwater Modification Geotechnical Services at Oyster Point/Marina Park in an Amount not to Exceed \$100,490.00**
- REPORT: Staff Report
- PROPOSED ACTION: Authorize General Manager to Execute an Agreement with Treadwell & Rollo, Inc for Breakwater Modification Geotechnical Services in an Amount not to Exceed \$100,490.00

Grenell stated this contract is very similar in purpose to the contract approved with Treadwell & Rollo at the last Board meeting to do geotechnical work in connection with the Water Transit Authority ferry terminal. It is time-sensitive as there is only one drilling vessel in the Bay Area (owned by Gregg Drilling) that has the equipment to do this. Since approval of the first contract the District was informed by the United States Army Corps of Engineers (USACE) that they wanted to have Treadwell & Rollo do the oversight work for the breakwater drilling, also by Gregg Drilling. If approved, the District will contract with Treadwell & Rollo who will sub contract out the work to Gregg Drilling. Grenell concluded that the District will be reimbursed by WTA and/or the City of South San Francisco.

Campbell asked if the USACE is going to pay 80%.

Grenell said the total project cost is cost-shared between the Corps (80%) and District (20%), which will ultimately be reimbursed by the WTA.

Action: Motion by Campbell, second by Lundie to approve item 6. The motion passed.

Ayes: 4

Nays: 0

New Business, Continued

- 7 TITLE: **Introduce Amendment to Ordinance Code Section 3.4.13 : Temporary Removal of Vessels**
- REPORT: Memo

PROPOSED ACTION: Introduce Amendment to Ordinance Code Section 3.4.13: Temporary Removal of Vessels and authorize General Manager to Publish a Notice Pursuant to the Provision of Harbors and Navigation Code 6070.2

Temko stated that Oyster Point Marina/Park and Pillar Point Harbor have agreed that where a vessel can leave one Harbor and berth at the other without having to pay fees for both. He said that this may give customers incentive to use only District facility rather than outside facilities and should keep the overall occupancy at a higher rate. Temko added that the District will be able to sublease while the vacated berth is temporarily available.

Campbell said she spoke with a commercial fisherman at Pillar Point who is subletting and said he received the tax bill; he wondered if he should pay or should the original owner have to pay.

Temko said he believes the County bases it on the duration of time the vessel is berthed at a particular slip.

Johnson added that the District is obligated to provide a list of berths to the County tax assessor in January of each year. It is the responsibility of the individual to submit a letter to the County tax assessor stating they are berthed at a different Harbor. The County will then contact the Harbormaster's office to verify this with written proof.

Zafferano suggested that the last paragraph on page one of the staff report which states, "the introduced ordinance amendment would only be in effect if a berth is available and does not require that either facility accept a tenant from the other facility," should be added into the ordinance to avoid any potential problems.

Tucker asked that the title of the ordinance code be changed to temporary relocation of vessels.

Action: Motion by Campbell, second by Lundie to approve item 7. The motion passed.

Ayes: 4

Nays: 0

8 TITLE: Resolution 05-07 to Supersede 62-06 –Amendment to Policy 6.4.13- Workers Compensation
REPORT: Memo
PROPOSED ACTION: Adopt Resolution 05-07 to Supersede 62-06 Approving Amendment to Policy 6.4.13

Wilkerson reported that while Hayes was doing an audit on the District resolution numbering system, it was discovered that duplicated numbers were used on three resolutions from

calendar year 2006. She concluded that the purpose of this item is to reassign numbers to the resolutions that were duplicated.

Action: Motion by Campell, second by Lundie to approve item 8. The motion passed.

Ayes: 4

Nays: 0

- 9** TITLE: **Resolution 06-07 to supersede 63-06 –Amendment to MOU with Teamsters Local Union No. 856: Section 4.3 Salary on Temporary Promotion**
REPORT: Memo
PROPOSED ACTION: Approve Resolution 06-07 to supersede 63-06 Approving Amendment to MOU with Teamsters Local Union No. 856: Section 4.3 Salary on Temporary Promotion

Wilkerson informed the Board that items nine and ten are the same situation as item eight.

- 10** TITLE: **Resolution 07-07 to supersede 64-06 to Approve District Policy 6.4.12 –Qualified IRS Section 125 Flexible Spending Accounts**
REPORT: Memo
PROPOSED ACTION: Approve Resolution 07-07 to supersede 64-06 Approving District Policy 6.4.12

Action: Motion by Campbell, second by Lundie to approve items 9 and 10. The motion passed

Ayes: 4

Nays: 0

- 11** TITLE: **Mid-Year Budget Review**
REPORT: Staff Report
PROPOSED ACTION: To be determined

Schnapp informed the Board that the District is on track to break even this year due to a variety of cost control methods at the Harbors and the Administration office as well as new revenues the District received. Schnapp concluded that this is substantially better than the \$400,000+ deficit that was indicated at the beginning of the year.

- 12** TITLE: **Bills and Claims in the Amount of \$127,404.85**
REPORT: Bills and Claims Detailed Summary
PROPOSED ACTION: Approval of Bills and Claims for payment and a transfer in the amount of \$127,404.85 to cover payment of Bills and Claims

Padreddii informed the Board that he reviewed the bills and claims and found them in order.

Action: Motion by Padreddii, second by Campbell to approve the bills and claims in the amount of \$127,404.85. The motion passed.

Ayes: 4

Nays: 0

Reports for Possible Discussion/Action

Administration and Finance

13 General Manager - Grenell

Tucker asked Grenell whether information for the special meeting on Friday, February 23rd will be provided to the Board. Grenell stated that most of the information is in his staff report but he will have a few things to add before the special meeting.

Tucker said it is the desire of the Board to get enough input on each item to give staff substantial direction.

14 Director of Finance - Schnapp

Nothing further to add.

15 Human Resources Manager - Wilkerson

Nothing further to add.

Operations

16 Oyster Point Marina/Park - Johnson

Johnson informed the Board that a tenant meeting has been scheduled for Thursday, March 29th at 7 p.m. at the Oyster Point Yacht Club.

Tucker asked that if the Commission decides to raise Pillar Point Harbor live aboard fees, should Oyster Point Marina/Park be included.

Johnson said he would have to see what a 15% figure yields and if it's above the pre-established \$30.00. He added that he supports an increase in rates and fees because

of the increase in levels of services the Marina is offering to its tenants. Johnson concluded that the service Oyster Point Marina/Park offers its tenants is above market rate.

Tucker asked Johnson if he thinks an increase that large would cause controversy among tenants. Johnson said he gets at least four calls a day for live aboard accommodations and he feels that the Marina offers more security and levels of service than market value.

Campbell added she supports an increase in live aboard fees.

17 Pillar Point Harbor – Temko

Temko stated that Dutra Construction's subcontractors are scheduled to adjust the surface of the Johnson pier and the repair work on the area of epoxy layering that failed. Temko said the Board had indicated they had received a lot of positive feedback on Dutra Construction's work and interaction with the public and fisherman; he has drafted a letter of recommendation for Dutra Construction.

Lundie commended Temko for bringing in an excavator and removing all of the junk and derelict boats from the Harbor in a very neat and timely manner. Temko said his crew worked very closely with the contractor on this project.

Board of Harbor Commissioners

18 A. Committee Reports

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.

Campbell informed the Board that she met with staff at Oyster Point and it was a very productive meeting. She added that staff presented the information on the fishing derby to be held in May and she feels it will be a very successful event. Campbell said she informed Johnson if he needs financial support he should come to the Board for a small amount to be considered for the contest. She said this event will potentially bring more people into the Oyster Point Marina/Park and ultimately the District may get more berthing out of it.

Tucker stated that the District's new State Senator Leland Yee will be at the Oyster Point Yacht Club at 8 a.m. on February 23, 2007 to meet the Board of Harbor Commissioners.

**19 TITLE: Identify Real Property Negotiator Pursuant to
Government Code §54956.8**
REPORT: Zafferano

PROPOSED ACTION: Identify Real Property Negotiator Peter Grenell

Tucker identified Grenell as real property negotiator.

Action: Motion by Lundie, second by Campbell to move to closed session. The motion passed.

Ayes: 4

Nays: 0

Closed Session

20 TITLE: **Conference with Real Property Negotiator: Ship to Shore Fish Market and BBQ Deck, Parcel 5, One Johnson Pier, Lessee 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

Motion by Lundie, second by Campbell to adjourn to Open Session.

Ayes: 4

Nays: 0

Continued Business, continued

There was no reportable action from the Closed Session.

Adjournment

Motion by Lundie, second by Padreddii to adjourn the meeting. Motion passed by unanimous vote at 8:00 p.m.

The next regularly scheduled meeting will be held on March 7, 2007 at the Coastside County Water District, 766 Main Street, Half Moon Bay, CA 94019 at 7:00 p.m.

APPROVED BY:

James Tucker

James Tucker
President

ATTESTED BY:

Theresa N. Hayes

Theresa N. Hayes
Deputy Secretary