

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

August 17, 2011  
7:00 p.m.

Municipal Services Building  
33 Arroyo Drive  
South San Francisco, Ca. 94080

## 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  
Genevieve Frederick, Director of Finance  
Marietta Harris, Human Resource Manager  
Robert Johnson, Harbormaster  
Kathleen Kane, District Counsel  
Debbie Nixon, Deputy Secretary

x-absent

## Public Comments/Questions — Mary Botham of Princeton Seafood

Company spoke regarding the lease transfer of Huck Finn Sportfishing. She stated that the name of the lessee's business, Princeton Pantry, is very similar to the name of Princeton Seafood and had some concern with that but stated that they will work with the new owner to make the Harbor a community place. She was also concerned with the fact that Princeton Pantry would be selling food and beverage. She reminded the Commission that Princeton Seafood Company pays the District 5% on food and beverages while Ketch Joanne Restaurant pays 3% and to consider that if Princeton Pantry is allowed to sell food and beverage. Botham also stated that a letter was written to the District regarding some new business they would like to bring to the Harbor and the percentage rent that they felt would be fair. She didn't hear back and asked that an item be placed on the agenda so it can be discussed and questions can be answered. Botham asked that the Commission reconsider extending the sidewalk and stated that it would improve the Harbor and benefit all the lessees. She also asked that there be signage put up at the restrooms to clarify where they are. The public is not aware that those are restrooms, which has caused longer lines in their restaurant.

## **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calendar are approved by one motion unless a Commissioner requests at the beginning of the meeting that an item be withdrawn or transferred to the regular agenda.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:**                             **Authorized Updated List of Signatures for the San Mateo County Harbor District's Accounts at the San Mateo County Treasurer's Office**  
**REPORT:**                                 Harris, Memo, Resolution  
**PROPOSED ACTION:**             Adopt Resolution 15-11 to authorize the updated list of signatures for the San Mateo County Harbor District's accounts at the San Mateo County Treasurer's office
- 2**     **TITLE:**                             **U.S. Bank Master Signature Card**  
**REPORT:**                                 Harris, Memo, Attachment  
**PROPOSED ACTION:**             Authorize Execution of Master Signature Card
- 3**     **TITLE:**                             **Resolution 16-11 to Make Findings of No Significant Impact as Determined by the Environmental Assessment and Finding of No Significant Impact (FONSI)**  
**REPORT:**                                 Grenell, Memo, Attachment, Resolution  
**PROPOSED ACTION:**             Adopt Resolution 16-11
- 4**     **TITLE:**                             **Minutes of Meeting August 3, 2011**  
**REPORT:**                                 Draft minutes  
**PROPOSED ACTION:**             Approval

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

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

## **New Business**

- 5**     **TITLE:**                             **Adopt Resolution 17-11 and Authorize Destruction of Abandoned Vessels at Oyster Point Marina**  
**REPORT:**                                 Johnson, Memo, Agreement  
**PROPOSED ACTION:**             Adopt Resolution 17-11 to authorize the General Manager to

execute the grant agreement with the Department of Boating and Waterways for an amount not to exceed \$24,302.00

Grenell stated that there are vessels that need to be removed from Oyster Point Marina. This is the normal process that is done annually using a Department of Boating and Waterways grant. He recommended adoption of Resolution 17-11 and authorization to execute the grant agreement with the Department of Boating and Waterways for an amount not to exceed \$24,302.00.

**Action:** Motion by Padreddii, second by Parravano to adopt resolution 17-11 and execute the grant agreement. The motion passed unanimously by a roll call vote.

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

**Public Hearing** – None.

## Continued Business

- 6 TITLE: **Amendment to Commercial Activity Permit for Pillar Point Educational Fund, Inc.**  
REPORT: Grenell, Memo, Attachment  
PROPOSED ACTION: Approve amendment to Commercial Activity Permit as per staff recommendation

Leland Parsons of the Pillar Point Educational Fund, Inc. spoke and stated that about three years ago he bought the *F/V Irene* for one dollar and thought that it would only take a year to rebuild the boat. They have made a lot of progress over the last year. He stated that to be competitive with other charter boats, they established a \$15 ticket fee but didn't take into consideration that they would have to pay the District a fee of \$2.25 per passenger. He assumed it was a certain percentage. He stated that when he was informed of this, he wrote a letter to the District asking to be charged a lower passenger service fee and suggested a fee of \$1.00 for each walk-up ticket sold and \$1.25 for each charter trip. He also asked the Commission to consider not charging for child tickets. Currently, the rate for children under 13 is \$7 per ticket and children under 5 are free.

Grenell stated that something to consider is that there are other charter boats that work with non-profits in the harbor and approving a reduction in fees for one party could result in others coming forward and requesting similar discounts. This would result in a potential loss of revenue for the District. The amount might seem small but over a period of time and with the potential for others to request the same reduction, the revenue loss could be considerable.

Tucker stated that staff's recommendation is to charge \$1.75 and the current rate is \$2.25. He offered two suggestions: leave the fee at \$2.25 for an adult ticket and children 13 and under are free with a re-evaluation in 6 months, or change the fee to \$1.75 for adult tickets and children under 13 are free.

Bernardo stated that he completely supports educating the community but he is concerned from a bigger policy perspective that if we do this for one individual that others will want the same agreement. He stated that he is leaning more towards leaving the fee as is. Padreddii asked Bernardo how he felt about the charge to the children. Bernardo stated that he agrees with Tucker about not charging the children.

Parravano asked if there are any provisions that other lessees have regarding charges for children. Grenell stated there are none. Parravano also questioned if there was a different charge for adults versus children when the tall ships Lady Washington and Hawaiian Chieftain visit Pillar Point Harbor. Grenell stated he was not sure and stated that their permit is under review as well to ensure the adequate fees are being charged.

**Action:** Motion by Tucker, second by Bernardo to approve the fee paid to the District to be \$2.25 and children 13 and under not be charged a fee. The motion passed unanimously by a roll call vote.

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

**New Business Continued**

7 TITLE: Bills and Claims in the Amount of \$81,151.93  
REPORT: Bills and Claims Detailed Summary  
PROPOSED ACTION: Approval of Bills and Claims for payment and a transfer in the amount of \$81,151.93 to cover payment of Bills and Claims

**Action:** Motion by Padreddii, second by Tucker to approve the bills and claims. The motion passed unanimously by a roll call vote.

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

## **URGENCY ITEM**

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

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

**TITLE:** Letters of Opposition to SB 293 (Padilla) and SB 931 (Vargas)  
**REPORT:** Memo, Attachments  
**PROPOSED ACTION:** Authorize General Manager to send letters of opposition to SB 293 and SB 931 to District's legislative representatives

Grenell stated that there are two separate Senate bills for which the District should send letters of opposition. SB 293 (Padilla) is a bill that was brought to the Commission's attention earlier in the year. This bill is regarding public contracting restrictions. If passed, the bill would decrease the percentage amount of retention funds on public projects from 10% to 5%. The second Senate Bill is 931 (Vargas) which threatens to prohibit special districts from hiring outside legal consultants. The District retains outside counsel with Liebert Cassidy Whitmore and has had much success with the firm. The District would not be able to do that if this bill becomes law.

**Action:** Motion by Tucker, second by Bernardo to authorize the general manager to send the letters of opposition. The motion passed.

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

## **Reports for Possible Discussion/Action Administration and Finance**

### **8 General Manager - Grenell**

Grenell stated the San Mateo County Sheriff's office has been contacted by Gulf of the Farallones National Marine Sanctuary to see if they would be interested in training a volunteer rescue group to deal with Mavericks-related water safety. The District was contacted a while back but informed the sanctuary that the District is unable to do this and referred them to the county. The Sheriff is now exploring the idea.

Grenell stated that there is an ongoing concern regarding the need for restroom

facilities for beach goers at Surfer's Beach adjacent to the RV Park. Grenell stated that he has been following up on this issue. The concern is currently under investigation and an item will be brought to the Board at the September 7<sup>th</sup> Board meeting with conclusions and recommendations. Grenell stated that he inquired with the Coastal Commission to see if a coastal permit would be required to install either temporary or permanent restrooms adjacent to the day use parking lot and they said yes, one is needed. He stated that he has met twice with RV Park lessee Nerhan and has suggested that he write a letter stating what Nerhan's concerns are with placement of restrooms and past experiences. Grenell stated that he has met with counsel and reviewed the lease and what it may and may not provide. Kane will be sending the Commission a confidential attorney/client privilege memo regarding what we can require under the terms of the lease. Grenell stated he has a call into the County Parks Superintendent to inquire if they might be willing to incorporate some type of related improvement to that area as part of their Highway 1 corridor improvement process. He reiterated that the Harbor District is not required to provide public access to the shore; it is a charge of the Coastal Commission. Tucker asked Grenell if Surfer's Beach was in Half Moon Bay as opposed to being in the unincorporated area of San Mateo County. Grenell stated that was correct. He explained that the County owns the 15 acre Mirada West bluff lands which now has a trail that the County built across it. The County paid 6 million dollars to provide shoreline access. They could provide a location for a restroom and parking and other things. The beach below is a small sliver of the City of Half Moon Bay. The Harbor District's property is limited to the RV Park parcel and the trail below heading down into the Harbor. Tucker stated that the County is basically jurisdiction-wide and in the same position the District is and is adjacent to someone else's property. Grenell stated he was correct. Tucker stated that Half Moon Bay should be receiving these complaints. Grenell stated yes and that he will offer suggestions to the public on things they can do when he brings this item to the September 7 Board meeting.

Grenell stated that staff has been researching berthing fees and the commercial fishermen discount. He stated that the item will be on the September 7 Board meeting. All accounts are being reviewed to see what was being charged and what was collected over the past years. The accounts will be administered differently than they have been in the past. Tucker stated that he will not be at the September 7 meeting and feels it is an important topic that he would like to be a part of. He stated that past practice is that Coastside items are at Coastside meetings and asked that the item be placed on the first October meeting. Grenell stated that there have not been any questions or concerns and feels that it could wait until the October 5th meeting.

Grenell stated that he received a call from the non-profit Coastside Hope. They are looking to raise funds and want to hold an event at Pillar Point Harbor sometime in the next year. One idea they had was a seafood festival. Grenell encouraged that idea and expressed the recent ties the Harbor has had with Google and the fishing-related event that they are looking to do next year as well.

**9 Director of Finance - Frederick**

Frederick stated that journal entries for FY10/11 are complete. An audit of the commercial fishermen accounts is in process. She will bring the item to the Board at the first October meeting to review the findings and receive feedback.

**10 Human Resources Manager – Harris**

Nothing further to add to written report.

## **Operations**

**11 Oyster Point Marina/Park - Johnson**

Nothing further to add to written report.

**12 Pillar Point Harbor – Johnson**

Nothing further to add to written report.

## **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.**

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

Kane identified Grenell as the real property negotiator.

**Action:** Motion by Tucker, second by Parravano to adjourn to closed session. The motion passed unanimously at 7:54 p.m.

## Closed Session

- 15 TITLE: **Conference with Real Property Negotiator: Pursuant to Government Code Section §54956.8**
- PROPERTY: **Half Moon Bay Sportfishing, Parcel 4, Concessionaires Building, Pillar Point Harbor, El Granada, APN 047-083-060**
- REPORT: **060**
- NEGOTIATING PARTIES: San Mateo County Harbor District, Half Moon Bay Sportfishing
- UNDER NEGOTIATION: Lease Price, Terms and Conditions
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- 16 TITLE: **Conference with Real Property Negotiator: Pursuant to Government Code Section §54956.8**
- PROPERTY: **Pillar Point Seafood, Area 3, Johnson Pier, Pillar Point Harbor, El Granada, APN 047-083-060: Three Captains Sea Products, Inc., Area 2, Johnson Pier, Pillar Point Harbor, El Granada, APN 047-083-060: Morning Star Fisheries, Area 1, Johnson Pier, Pillar Point Harbor, El Granada, APN 047-083-060**
- REPORT:
- NEGOTIATING PARTIES: San Mateo County Harbor District, Pillar Point Seafood, Three Captains Sea Products, Inc., Morning Star Fisheries
- UNDER NEGOTIATION: Lease Price, Terms and Conditions

**Action:** Motion by Padreddii, second by Bernardo to adjourn to open session. The motion passed unanimously at 8:17 p.m.

There was no reportable action from closed session.



## Adjournment

**Action:** Motion by Padreddii, second by Bernardo to adjourn the meeting. The motion passed unanimously at 8:18 p.m.

The next scheduled meeting will be held on September 7, 2011 at the Comfort Inn, 2930 Cabrillo Highway, Half Moon Bay at 7:00 p.m.

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Debbie Nixon  
Deputy Secretary

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Pietro Parravano  
President