

San Mateo County Harbor District Board of Harbor Commissioners Meeting Minutes

December 19, 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
x Leo Padreddii, Treasurer
x Sally Campbell, Secretary
Pietro Parravano, Commissioner

Staff

Peter Grenell, General Manager
Marcia Schnapp, Director of Finance
Robert Johnson, Harbormaster
Dan Temko, Harbormaster
Theresa DellaSanta, Deputy Secretary
Marc Zafferano, District Counsel

x- absent

Tucker stated that Item 2 will be held over until the applicant arrives and Items 20 and 24 will be removed from the Agenda.

Public Comments/Questions – Bill Pope, Operating Engineers Local Union #3 Representative, stated that after reviewing the minutes of the last meeting he understood that the Board agreed to a new hire for Pillar Point Harbor. He said that the current Agenda staff report from the General Manager now desires a transfer from Oyster Point to Pillar Point. He added that he is against the transfer and recommends a new hire since Pillar Point is short positions.

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calendar are approved by one motion unless a Commissioner requests at the beginning of the meeting that an item be withdrawn or transferred to the regular agenda.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 December 5, 2007**
 REPORT: Draft minutes
 PROPOSED ACTION: Approval

Action: Motion by Parravano, second by Tucker to approve Item 1. The motion passed.

Ayes: 2

Nays: 0

Abstention: 1 (Lundie)

Public Hearing - None

Continued Business

- 3 TITLE: **Selection of Lowest Responsible Bidder for Oyster Point Marina/Park Launch Ramp Project Bid and Authorize Contract Execution**
 REPORT: Johnson, Staff Report
 PROPOSED ACTION: Approve JMB Construction as lowest responsible bidder and authorize execution of contract with JMB Construction in an amount not to exceed \$1,122,000

Johnson informed the Board that of the four bids received the two lowest bidders were deemed non-responsive. He added that after analyzing the bids he found ProVen Management non-responsive because the project manual specifies that the contractor must do at least 75% of the work and ProVen listed 29% of their work being done by subcontractors. Johnson added that Gordon N. Ball filed a protest which became inactive since ProVen had already been deemed non-responsive due to the discrepancies in their bid schedule.

Tucker asked if JMB Construction has done any work for Oyster Point. Johnson said no, but they have completed a lot of work for Government agencies including South San Francisco.

Lundie asked if there are any grants available for this project. Johnson said that staff has already received a grant of \$828,000 from DBAW.

Parravano asked if there has been any discussion regarding change orders with JMB Construction. Johnson said he did discuss with JMB Construction the change order that is forthcoming regarding the ADA accessibility restrooms and stressed that if there are any other concerns to bring them up now because the Board will not accept any additional change orders.

Action: Motion by Parravano, second by Lundie to approve Item 3. The motion passed.

Ayes: 3

Nays: 0

- 4 TITLE: Contract for Professional Services for Parcel Map Survey at Oyster Point Marina/Park with Mid Valley Engineering**
REPORT: Grenell, Staff Report
PROPOSED ACTION: Approve Proposal of Mid Valley Engineering and Authorize General Manager to Execute Contract with Mid Valley Engineering in an Amount Not to Exceed \$20,890

Grenell stated that in order for the District to develop the desired commercial and administration building at Oyster Point a parcel must be designated in the preferred location, which currently is only known as “Remainder Parcel.”

Grenell said that after initial research with the planning department at the City of South San Francisco it has been determined that at least two parcels will be identified, possibly three.

Parravano asked why the City isn’t doing the parcel mapping. Grenell stated that the Joint Powers Agreement turned over the entire maintenance and development of Oyster Point from the City to the District. Tucker added that the District reaps all of the benefits.

Action: Motion by Parravano, second by Lundie to approve Item 4. The motion passed.

Ayes: 3

Nays: 0

New Business

- 5 TITLE: Proclamation Honoring Human Resource Manager Eileen Wilkerson**
REPORT: Grenell, Proclamation
PROPOSED ACTION: Approve Proclamation Honoring Human Resource Manager Eileen Wilkerson

Action: Motion by Tucker, second by Lundie to approve Item 5. The motion passed.

Ayes: 3

Nays: 0

- 6 TITLE: Certified Employment List for Human Resource Manager**
REPORT: Certified Employment List
PROPOSED ACTION: Approve Certified Employment List for Human Resource Manager

Action: Motion by Lundie, second by Parravano to approve Item 6. The motion passed.

Ayes: 3
Nays: 0

7 TITLE: Suspend Hiring Freeze for Human Resource Manager
REPORT: Grenell, Memo
PROPOSED ACTION: Approve Suspension of Hiring Freeze for Human Resource Manager

Action: Motion by Parravano, second by Lundie to approve Item 7. The motion passed.

Ayes: 3
Nays: 0

8 TITLE: Human Resource Manager Pay Schedule
REPORT: Grenell, Memo
PROPOSED ACTION: Approve Human Resource Manager pay Schedule

Action: Motion by Lundie, second by Parravano to approve Item 8. The motion passed.

Ayes: 3
Nays: 0

9 TITLE: PTO Reimbursement for Oyster Point Harbormaster
REPORT: Grenell, Memo
PROPOSED ACTION: Approve PTO Reimbursement for Oyster Point Harbormaster

Grenell informed the Board that Johnson was unable to take his scheduled PTO due to the scope of responsibilities for the West Basin Dredge project and the response required to the Cosco Busan oil spill. During that time he lost 51 hours of accrued PTO and requests reimbursement for it.

Lundie stated that the West Basin Dredge project took a lot of supervision and protection of the Marina. He said he is in support of the reimbursement.

Tucker stated that he has always been in support of Management staff taking time off so they are not overworked. He feels that more work should have been delegated and that Johnson should have taken the time off. He stated that while he respects the work Johnson did, he is not in support of the reimbursement, but is, however, in support of giving him more time off.

Parravano stated that he doesn't have enough information to make a decision.

Action: Motion by Lundie. The motion failed due to lack of a second. Item 9 failed.

The applicant for Item 2 arrived and it was taken up.

- 2 TITLE: Proposed Sublease for Bob McLennan dba Fitness West, 360 Oyster Point Blvd., Oyster Point Village, Oyster Point Marina/Park, South San Francisco**
- REPORT: Grenell, Memo, Sublease
- PROPOSED ACTION: Approve Sublease for Bob McLennan dba Fitness West, 360 Oyster Point Blvd., Oyster Point Village, Oyster Point Marina/Park, South San Francisco

Grenell informed the Board that further research was conducted to see if the rent being charged is at “fair rental value” as requested by the Board at the previous meeting. He added that King Ventures hired Colliers International to do a comparable rent study and it was determined that it is indeed the price to expect for the proposed size and quality of space.

Action: Motion by Parravano, second by Lundie to approve Item 2. The motion passed.

Ayes: 3
Nays: 0

Parravano thanked Bob McLennan for understanding and allowing the extra time to conduct the rent study research.

- 10 TITLE: Fiscal Year 2007-2008 Interdepartmental Budget Transfers**
- REPORT: Schnapp, Memo
- PROPOSED ACTION: Approve Fiscal Year 2007-2008 Interdepartmental Budget Transfers

Schnapp stated that the interdepartmental transfers are necessitated by the need to balance the operating budget since the Board reduced expense for Contractual Services by \$75,000 and subsequent to that accepted a bid for the Oyster Point Marina Dredge project that was \$500,000 below what was originally budgeted, and lastly, staff re-allocation among the departmental units.

Schnapp concluded that approval of the interdepartmental budget transfers will not increase the overall Fiscal Year 2007-2008 Budget approved by the Board in June 2007.

Action: Motion by Lundie, second by Parravano to approve Item 10. The motion passed.

Ayes: 3
Nays: 0

- 11 TITLE: **Authorization to Pay Bills and Claims Occurring Between December 12, 2007 and January 8, 2008 in an Amount not to Exceed \$500,000**
REPORT: Bills and Claims General List
PROPOSED ACTION: Approve Authorization to Pay Bills and Claims Occurring Between December 12, 2007 and January 8, 2008 for payment and transfer in an Amount not to Exceed \$500,000

Tucker stated this has been done in previous years to cover payments for the extra time in between meetings that the Board does not meet.

Action: Motion by Lundie, second by Parravano to approve Item 11 in an amount not to exceed \$500,000. The motion passed.

Ayes: 3
Nays: 0

- 12 TITLE: **Bills and Claims in the Amount of \$2,801,406.59**
REPORT: Bills and Claims Detailed Summary
PROPOSED ACTION: Approval of Bills and Claims for payment and a transfer in the amount of \$2,801,406.59 to cover payment of Bills and Claims

Schnapp informed the Board that Campbell had reviewed the bills and claims and recommended approval. Schnapp added that the approval will include an approximately \$2.4 million payment for the District loan from DBAW and an approximately \$240,000 payment to Salt River Construction for the Oyster Point Dredge project.

Action: Motion by Lundie, second by Parravano to approve the bills and claims in an amount of \$2,801,406.59. The motion passed.

Ayes: 3
Nays: 0

Reports for Possible Discussion/Action

Administration and Finance

13 General Manager - Grenell

John Draper, Pillar Point Assistant Harbormaster and OE3 Shop Steward, stated that at the last meeting the Board agreed to suspend the hiring freeze and hire a new

employee off the certified list. Draper questioned why the GM report states that there will now be a transfer from Oyster Point to Pillar Point. Tucker stated that his intent was to hire an individual to an existing position and there should be no transfer. Parravano agreed.

Grenell said he was acting pursuant to Board direction to balance the budget and reorganize staff. He added that a new hire will have direct and adverse implications on the budget. Grenell concluded by asking the Board for their recommendation.

Tucker said to move forward with balancing the budget, withhold the transfer and hire a new employee.

14 Director of Finance - Schnapp

Nothing further to add to written report.

15 Human Resources Manager - Wilkerson

Nothing further to add to written report.

Operations

16 Oyster Point Marina/Park - Johnson

Johnson stated that the cost for the West Basin Dredge project came in below the \$1,029,000 estimate.

17 Pillar Point Harbor – Temko

Temko stated that crabbing is strong and catches are good.

Temko informed the Board that the boat lighting contest went very well. He thanked the 15 judges who participated and the Half Moon Bay Yacht Club. Temko extended his thanks to Oyster Point Accounting Technician Shari Chapin and Commissioner Campbell for their efforts in helping put the contest together.

Temko added that he just received approval from San Mateo County Planning Department for street names in the Harbor.

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.

Lundie asked Johnson his overall opinion and view of Salt River Construction's work on the West Basin Dredge project. Johnson said they were very responsive and accurate with their certified payroll. He added that overall operations were very impressive and he would definitely use them again.

Parravano wished everyone happy holidays. He added that he appreciates the work and dedication from the District employees. He said he was impressed with the constructive dialogue from employees and shop stewards. Parravano concluded that he appreciated the public participation throughout the year.

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

Tucker identified Parravano as real property negotiator.

Action: Motion by Lundie, second by Parravano to move to closed session. The motion passed unanimously at 8:12 p.m.

Closed Session

Tucker convened the session at 8:20 p.m.

- 20** TITLE: **Conference with Legal Counsel-Existing Litigation, Pursuant to Government Code §54956.9(a) SMCHD v. Coats**
REPORT: Zafferano
PROPOSED ACTION: To Be Determined
- 21** TITLE: **Conference with Real Property Negotiator: Parcels APN 015-010-060, 015-010-260, 015-010-270, Oyster Point Marina/Park, City of South San Francisco, San Mateo County; San Mateo County Harbor District with San Francisco Bay Regional Water Transit Authority Regarding Lease Price, Terms and Conditions, Pursuant to Government Code §54956.8**
REPORT: Grenell
PROPOSED ACTION: To Be Determined

Action: Motion by Lundie, second by Parravano to adjourn to Open Session. The motion passed unanimously at 8:29 p.m.

Open Session, Continued

No reportable action from Closed Session.

- 22** TITLE: **Lease Agreement with San Francisco Bay Regional Water Transit Authority for Construction and Operation of Oyster Point Ferry Terminal**
REPORT: Grenell, Memo, Agreement, Resolution 34-07
PROPOSED ACTION: Adopt Resolution 34-07 to Approve Lease Agreement
- 23** TITLE: **Amendments to Contract with San Francisco Bay Regional Water Transit Authority**
REPORT: Grenell, Memo, Contract
PROPOSED ACTION: Approve Amendments to Contract with San Francisco Bay Regional Water Transit Authority

Items 22 and 23 were considered concurrently.

Action: Motion by Parravano, second by Lundie to adopt Resolution 34-07. The motion passed 3-0.

Action: Motion by Parravano, second by Lundie to approve contract amendments. The motion passed 3-0.

- 24** TITLE: **Retain Litigation Counsel**
REPORT: Zafferano, Grenell
PROPOSED ACTION: To Be Determined

Item 24 was not taken up.

Adjournment

Action: Motion by Lundie, second by Parravano to adjourn. The motion passed unanimously at 8:29 p.m.

APPROVED BY:

James Tucker

James Tucker
President

ATTESTED BY:

Theresa DellaSanta

Theresa DellaSanta
Deputy Secretary

