

San Mateo County Harbor District Board of Harbor Commissioners Meeting Minutes

May 20, 2009
7:00 p.m.

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

Roll Call

Commissioners

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

Staff

Peter Grenell, General Manager
Marcia Schnapp, Director of Finance
Marietta Harris, Human Resource Manager
Robert Johnson, Harbormaster
Dan Temko, Harbormaster
Marc Zafferano, District Counsel

x-absent

Public Comments/Questions — None.

Staff Recognition- Grenell announced that Brian O'Neill, General Superintendent of Golden Gate National Recreation Area passed away. There is going to be a celebration of his life at Crissy Field in San Francisco on Friday May 29, 2009 at 11:00 am.

Johnson gave recognition to Madrigal and the Oyster Point Marina crew for their efforts with the Fishing Derby. Padreddii stated that this was the biggest turn-out over the years.

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calendar are approved by one motion unless a Commissioner requests at the beginning of the meeting that an item be withdrawn or transferred to the regular agenda.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 6, 2009**
 REPORT: Draft minutes
 PROPOSED ACTION: Approval

Action: Motion by Tucker, second by Campbell to approve item 1. The motion passed.

Ayes: 2

Nays: 0

Abstentions: 1 (Tucker)

URGENCY ITEM

- TITLE: **Resolution and Letter to Legislators Regarding Taking of Additional Local Property Tax Revenues and Adoption of Additional Unfunded Mandates by the State of California**
- REPORT: Memo, Attachments
- PROPOSED ACTION: (1) Adopt Resolution 11-09 and (2) Authorize the General Manager to send letters and the Resolution to the District's State Senate and Assembly representatives expressing opposition to suspension of Proposition 1-A (2204) and borrowing of property tax revenues from independent special districts and other local governments, subject to prior State action to suspend Proposition 1-A (2004).

Action: Motion by Campbell, second by Tucker to add urgency item to agenda. The motion passed.

Ayes: 3

Nays: 0

Abstentions: 0

Grenell recommended that the Board adopt Resolution 11-09 and authorize him to send the letters with the understanding that these documents will not be sent unless the State suspends Proposition 1-A.

Action: Motion by Tucker, second by Campbell to adopt Resolution 11-09 and allow Grenell to send the letters with the understanding that these documents will not be sent unless the state suspends Proposition 1-A.

Public Hearing

- 2 TITLE: **Continuance of Hearing: Preliminary Operating and Capital Budget for Fiscal Year 2009-10**
- A. Declare Hearing Open: President Padreddii
B. Report of Notice Given: Grenell
C. Staff Report and Recommendation: To Be Determined
D. Public Testimony:
E. Harbor Commission Questions:
F. Close Public Testimony: President Padreddii
G. Commission Deliberation:
H. Recommended Commission Action: To Be Determined

Grenell informed the Board that Notice was given.

Action: Continued to the next meeting

New Business

- 3 TITLE: **Limited Commercial Activity Permit for The Leukemia & Lymphoma Society: Silicon Valley and Monterey Chapter**
- REPORT: Temko, Limited Commercial Activity Permit Application, Permit
- PROPOSED ACTION: Approve Limited Commercial Activity Permit

Temko stated that this is a practice run for their participants. They are expecting 130 participants and are asking the Harbor District to waive the fee. This brings a good crowd of people and will have no negative affect on staff.

Action: Motion by Tucker, second by Campbell to approve the Limited Commercial Activity Permit and waive the fee.

Ayes: 3

Nays: 0
Abstentions: 0

- 4 TITLE: **Selection of Independent Auditor to conduct audit of and prepare the Annual District Financial Statements**
REPORT: Schnapp, Staff Report, Attachments
PROPOSED ACTION: Approve the selection of Shwiff, Levy & Polo, LLP as independent financial auditors, and authorize General Manager to execute a contract with Shwiff, Levy & Polo, LLP, to complete and deliver the annual financial audit and financial statements for the San Mateo County Harbor District for Fiscal Year 2008-09, with options to extend for an additional 3 years covering Fiscal Years 2009-10, 2010-11 and 2011-12, in amounts not to exceed the following:
- \$25,000 for Fiscal Year 2008-09;
\$16,000 for Fiscal Year 2009-10;
\$16,000 for Fiscal Year 2010-11;
\$16,000 for Fiscal Year 2011-12
- with an additional \$5,000 due for each year requiring a federal OMB circular A-133 single audit and with annual opt-out provisions.

Grenell turned this item over to Schnapp.

Schnapp stated that the RFP was issued and recommended that the District select Shwiff, Levy & Polo, LLP as the auditor. Schnapp stated that Elizabeth Shwiff was available for questions.

Tucker asked if the Commission has an Audit Committee.

Grenell stated that in the past there has been, but we do not currently have one.

Action: Motion by Tucker, second by Campbell to approve the selection of Shwiff, Levy & Polo, LLP as the District's financial auditor.

Ayes: 3
Nays: 0

Abstentions: 0

- 5 **TITLE:** **Bills and Claims in the Amount of \$ 247,868.19**
 REPORT: Bills and Claims Detailed Summary
 PROPOSED ACTION: Approval of Bills and Claims for payment and a transfer in the
 amount of \$247,868.19 to cover payment of Bills and Claims

Schnapp stated that Parravano reviewed the bills and claims and has sent an e-mail as confirmation of their acceptability.

Action: Motion by Padreddii, second by Tucker to approve the bills and claims in the amount of \$247,868.19. The motion passed.

Reports for Possible Discussion/Action

Administration and Finance

- 6 **General Manager – Grenell** – Written report only.
7 **Director of Finance – Schnapp** - Written report only.
8 **Human Resources Manager – Harris** - Written report only.

Operations

- 9 **Oyster Point Marina/Park – Johnson** – Johnson stated that there were 300 participants at the fishing derby on May 16th and 100 boats. The first place prize went to Brett Hobb who caught a 29.97 lb halibut, second place went to Lester Edwards who caught a 17 lb stripper, and third place went to Brian Gollier who caught a 16.68 lb halibut.
10 **Pillar Point Harbor – Temko** – Temko stated that Rock the Block was very successful this year and brought a lot of people to the Harbor District’s booth. People were very curious about the Ferry Terminal planned of Oyster Point Marina.

Board of Harbor Commissioners

- 11 A. Committee Reports

Padreddii stated that he and Grenell attended the meeting of the Water Transit Advocates in Redwood City. Everyone was given an update regarding the ferry service coming to South San Francisco and Redwood City.

- 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.

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

Zafferano identified Grenell as the Labor Negotiator.

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

Zafferano identified Grenell as the Real Property Negotiator.

Action: Motion by Tucker, second by Campbell to adjourn to closed session. The motion passed at 7:17 pm.

Closed Session

- 14 TITLE: Conference with Labor Negotiator pursuant to Government Code §54957.6: Operating Engineers Local Union No. 3**
REPORT: Grenell
PROPOSED ACTION: To Be Determined

- 15 TITLE: Conference with Labor Negotiator pursuant to Government Code §54957.6: Teamsters Local Union 856**
REPORT: Grenell
PROPOSED ACTION: To Be Determined

- 16 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 King Ventures Regarding Lease Price, Terms and Conditions, Pursuant to Government Code §54956.8**
REPORT: Grenell
PROPOSED ACTION: To Be Determined

17 TITLE: **Conference with Real Property Negotiator: Median Strip, APN 047-262-010, El Granada, San Mateo County: Regarding Sale or Lease Price and Terms and Conditions Pursuant to Government Code Section §54956.8**
REPORT: Grenell
PROPOSED ACTION: To Be Determined

18 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 Water Emergency Transportation Authority (WETA) Regarding Lease Price, Terms and Conditions, Pursuant to Government Code §54956.8**
REPORT: Grenell
PROPOSED ACTION: To Be Determined

Action: Motion by Tucker, second by Campbell to adjourn to Open Session. The motion passed unanimously at 8:00 pm.

Open Session, Continued

No reportable action from Closed Session.

Continued Business

19 TITLE: **Memorandum of Understanding among San Mateo County Harbor District, City of South San Francisco, and the South San Francisco Redevelopment Agency**
REPORT: Grenell, Memo, MOU, Resolution 09-09
PROPOSED ACTION: Adopt Resolution 09-09 to approve and authorize the General Manager to execute the MOU

Action: Motion by Tucker, second by Campbell to continue this item to the next regular Board meeting. The motion passed.

Ayes: 3
Nays: 0
Abstentions: 0

- 20 TITLE: Assignment and Amendment of Ground Leases for Oyster Point Marina/Park Parcels B, C, D-1 and E, E-1, E-2, E-3 and E-4**
REPORT: Grenell, Memo, Resolution 07-09, Attachments
PROPOSED ACTION: Adopt Resolution 07-09 to approve and authorize the General Manager to execute consent to Assignment Documents
Action: Motion by Tucker, second by Campbell to continue this item to the next regular Board meeting. The motion passed.

Ayes: 3
Nays: 0
Abstentions: 0

- 21 TITLE: Tolling Agreement between San Mateo County Harbor District and The County of San Mateo**
REPORT: Grenell, Memo, Tolling Agreement, Resolution 08-09
PROPOSED ACTION: Adopt Resolution 08-09 to approve and authorize the General Manager to execute the Tolling Agreement

Grenell recommended that the Board approve this item and stated that the County Counsel has already signed the agreement.

Action: Motion by Tucker, second by Campbell to approve the Tolling Agreement. The motion passed.

Ayes: 3
Nays: 0
Abstentions: 0

- 22 TITLE: Vacant Land Purchase Agreement with the Granada Sanitary District to Enable Sale of the District's El Granada Property APN 047-262-010**
REPORT: Grenell, Memo, Purchase Agreement, Resolution 10-09
PROPOSED ACTION: Adopt Resolution 10-09 to approve and authorize the General Manager to execute the Purchase Agreement

Grenell recommended that the Board approve this item.

Action: Motion by Tucker, second by Campbell to approve the Purchase Agreement. The motion passed.

Ayes: 3

Nays: 0

Abstentions: 0

- 23 TITLE: Settlement Agreement between San Mateo County Harbor District and The Department of Boating and Waterways**
- REPORT:** Grenell, Memo, Settlement Agreement, Resolution 06-09
- PROPOSED ACTION:** Adopt Resolution 06-09 to approve and authorize the General Manager to execute Settlement Agreement

Grenell recommended moving this item to the next regular Board meeting.

Action: Motion by Tucker, second by Campbell to move this item to the next regular Board meeting. The motion passed.

Ayes: 3

Nays: 0

Abstentions: 0

- 24 TITLE: Lease Agreement with San Francisco Bay Water Emergency Transit Authority (WETA) for Construction and Operation at Oyster Point Ferry Terminal**
- REPORT:** Grenell, Lease Agreement, Resolution 01-09
- PROPOSED ACTION:** Adopt Resolution 01-09 to Approve Lease Agreement with San Francisco Bay Water Emergency Transit Authority (WETA) for Construction and Operation at Oyster Point Ferry Terminal

Grenell recommended moving this item to the next regular Board meeting.

Action: Motion by Tucker, second by Campbell to move this item to the next regular Board meeting. The motion passed.

Ayes: 3
Nays: 0
Abstentions: 0

- 25 TITLE: Oyster Point Marina East Basin Maintenance Dredging Engineering**
REPORT: Johnson, Staff Report
PROPOSED ACTION: Authorize General Manager to execute contract with the firm of Moffatt & Nichol Engineers in an amount not to exceed \$139,403.00.

Grenell turned this item over to Johnson.

Johnson stated that time is of the essence for dredging of the berthing area. Due to the fact that item 24 did not proceed, he questioned if the Phase 1 work of Water Emergency Transit Authority will proceed.

Grenell stated that the dredging will need to be done soon, therefore the preliminary pre-dredging and engineering needs to be done, we should be prepared to move forward quickly if WETA does get their money and proceeds. The advantage is that if WETA begins, they will do their dredging and we will be able to contract with their contractor and save mobilization and demobilization costs. If they do not proceed, we will still have the information to be able to proceed on our own.

Action: Motion by Tucker, second by Campbell to approve the engineering only. The motion passed.

Ayes: 3
Nays: 0
Abstentions: 0

SECOND URGENCY ITEM

The second Urgency item was put over until the next meeting.

Adjournment

Action: Motion by Tucker, second by Campbell to adjourn the meeting. The motion passed at 8:06 pm.

The next regularly scheduled meeting will be held on June 3, 2009 at the Comfort Inn, 2930 Cabrillo Highway, Half Moon Bay at 7:00 p.m.

Peter Grenell
Acting Deputy Secretary

Leo Padreddii
President