

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

**July 6, 2005
7:00 p.m.**

**Coastside County Water District Office
766 Main Street
Half Moon Bay, CA 94019**

Campbell called the meeting to order at 7:00 p.m.

Roll Call

Commissioners

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

Staff

Peter Grenell, General Manager
X Eileen Wilkerson, Human Resources Manager
X Robert Johnson, Harbor Master
Charles White, Deputy Harbor Master
Dan Temko, Harbor Master
Michele Shahrok, Deputy Secretary
Marc Zafferano, District Counsel

X **Absent:** Wilkerson and Johnson were absent.

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

The Public may directly address the Board of Harbor Commissioners for a limit of three minutes, unless a request is granted for more time, on any item of public interest within the subject matter jurisdiction of the San Mateo County Harbor District, Board of Harbor Commissioners that is not on the regular Agenda. If a member of the public wishes to address the Board on an Agenda Item, that person must complete a Public Speaker Form and wait until that Item comes up for discussion. Agenda material may be reviewed at the administration offices of the District, 400 Oyster Point Blvd., Suite 300, South San Francisco, CA 94080.

Persons requiring special accommodation with respect to physical disability are directed to make such requests per the Americans With Disabilities Act to the Deputy Secretary to the Board at 650-583-4400.

Grenell recognized Captain John Teixeira, who passed away on Sunday evening, July 3, 2005. Grenell said he was a long time fisherman and denizen of Pillar Point. There was a discussion regarding adopting a Proclamation or sending flowers or a donation to the family.

Campbell offered compliments for the work done on the docks at Pillar Point Harbor. Grenell mentioned a favorable comment from a boater about the new bumpers on the launch ramp docks. Temko commended the crew and advised that, during the July 4 festivities, no one was injured. Campbell said she heard positive comments also.

White commended the Oyster Point Marina staff and advised that there were no incidents during the July 4th holiday. He advised that Dante Madrigal is back from his teaching in South America.

Attorney Bryan Jones spoke on behalf of the Teixeira family. He thanked the Board for their comments about Captain John and advised that the lease negotiations are coming to a conclusion.

Bob Ingles identified himself and advised that they are a seven-day working operation and can do a lot for the harbor. They will be hardworking, honest and lawful business people.

Consent Calendar

All items on the consent calendar are approved by one motion unless a request is made 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 July 6, 2005 Meeting |
| | REPORT: | Draft Minutes |
| | PROPOSED ACTION: | Approve Minutes |
|
 | | |
| 3 | TITLE: | Certified Employment List for Harbor Worker B |
| | REPORT: | Certified List |
| | PROPOSED ACTION: | Approve Certified Employment List for Harbor Worker B |

- 4** TITLE: **Records Destruction**
REPORT: Staff Report, Resolution 19-05
PROPOSED ACTION: Adopt Resolution 19-05 to Approve Destruction of District Records

Action: Campbell pulled Item 2. Motion by Tucker, second by Lundie to approve Items 1, 3, and 4. Motion carried by 5 Ayes and 0 Nays.

New Business

- 2** TITLE: **Certified Employment List for Director of Finance**
REPORT: Certified List
PROPOSED ACTION: Approve Certified Employment List for Director of Finance

Action: With regard to Item 2, Certified Employment List for Director of Finance, Campbell said she understood that the Commission raised the pay range maximum for a special individual with special experience. However, she wants this figure to be lowered to the previous approximately \$100,000 maximum at the July 20 meeting.

Motion by Tucker, second by Lundie to approve Item 2. Motion carried by 5 Ayes and 0 Nays.

- 5** TITLE: **Proclamation Honoring Ian MacLeod**
REPORT: Proclamation
PROPOSED ACTION: Approve Proclamation

Action: Grenell stated that Ian MacLeod was not able to attend tonight's meeting regarding his Proclamation. Suggestion was made to approve and sign it in his absence and allow him to pick it up later. Motion by Lundie, second by Parravano that the proclamation be signed. Motion carried by 5 Ayes and 0 Nays.

- 6** TITLE: **Complaint of Andrew M. Daniels vs. San Mateo County Harbor District**
REPORT: Citizen Complaint Form
PROPOSED ACTION: Deny Claim

Action: Campbell addressed the complaint of Daniels regarding damage to aluminum propellers allegedly caused by an underwater boulder on the launch ramp. Temko advised this case occurred at an extremely low tide and that mariners should be aware of unusual tides and wind caused by "Mother Nature". Temko recommended denying the claim or the District will

get more about matters we cannot prevent. Tucker suggested a disclaimer sign should be placed at each harbor to “launch at your own risk”.

Lundie advised this was an “exception” to claims without merit in that the citizen did everything he should have reasonably done to protect his vessel.

After much discussion, Commissioners supported approval of Daniels’ claim. Motion by Lundie, second by Parravano to approve Daniels’ claim in an amount not to exceed \$740.85 with the understanding that Temko and White will provide warning signs, if not already present. Campbell advised Temko to use the proper legal jargon to cover liability as a result of boaters going aground at low tide. Motion carried by 5 Ayes and 0 Nays.

7 TITLE: **Request for Proposals (RFP) for Analysis of District Leases**
REPORT: Memo, Request for Proposals
PROPOSED ACTION: Authorization to Publish Request for Proposals

Action: Grenell advised the District needs to take stock of its leasehold assets to create a solid base for future lease transactions and referred to the list of current leases attached to the Request for Proposals. He advised that the District should hire a firm to prepare an analysis of any lease that may come up for assignment, sale or amendment and that will advise the District what to do about amendments. He stated that \$50,000 is available in this year’s budget.

Campbell advised that the problem is that the District presently has long-term leases made years ago. Grenell advised that as many as six leases could come up soon so now is the time to investigate at least those. Campbell feels that this is the time to correct deficiencies.

Motion by Tucker, second by Padreddii to authorize staff to publish the Request for Proposals. Motion carried by 5 Ayes and 0 Nays.

8 TITLE: **Countywide Multi-Jurisdictional Aerial Photography for San Mateo County**
REPORT: Memo and Attachment
PROPOSED ACTION: Authorize General Manager to Send Letter of Commitment as a Partner Agency to the San Mateo County Department of Public Works in an Amount Not to Exceed \$10,000

Action: Grenell advised this is a new source of information to tap into. He advised the Board set an upper limit not to exceed and not to commit to a specific amount.

Motion by Padreddii, second by Tucker to authorize the General Manager to send the letter of participation. Motion carried by 5 Ayes and 0 Nays.

- 9 TITLE: **California Special District Association Board of Directors Nominations: Region 3, Seat C**
REPORT: California Special District Association Materials
PROPOSED ACTION: To Be Determined

Action: Grenell advised that the Board has until July 22, 2005 to submit a nomination. Campbell asked if the Board must submit one to which Grenell responded it does not. He advised that Seat C is presently occupied by Sherry Sterrett. The item was continued to the July 20 Commission meeting.

Continued Business

- 10 TITLE: **Minor Policy Amendment: Bank Account Signatures**
REPORT: Staff Report, Resolution 20-05
PROPOSED ACTION: Adopt Resolution 20-05 to Approve Minor Policy Amendment

Action: Motion by Tucker, second by Lundie to adopt Resolution 20-05 to approve the minor policy amendment. Motion carried by 5 Ayes and 0 Nays.

- 11 TITLE: **Construction Management Services for Oyster Point Marina/Park Dock Gatehouses Project: Contract Extension with Grossman Design Group**
REPORT: Staff Report
PROPOSED ACTION: Authorize General Manager to Execute Contract Extension with Grossman Design Group for Construction Management Services in an Amount Not To Exceed \$27,390.

Action: Campbell noted that the scope of work extends through “punch list” final inspection. Motion by Lundie, second by Padreddii to authorize General Manager to execute a contract extension with Grossman Design Group for construction management services in an amount not to exceed \$27,390. Motion carried by 5 Ayes and 0 Nays.

- 12 TITLE: Interpretive Signs for Pillar Point Harbor:
Memorandum of Agreement (MOA) with National
Marine Sanctuary Program (NMSP)**
REPORT: Memo, Draft MOA, Resolution 21-05
PROPOSED ACTION: Adopt Resolution 21-05 to Approve MOA and Cost
Share Not To Exceed \$35,000 for Interpretive Signs
for Pillar Point Harbor and Authorize General Manager
to Execute MOA with National Marine Sanctuary
Program

Action: Campbell asked for a sense of the Board. Motion by Parravano, second by Tucker to adopt Resolution 21-05 to approve the MOA and cost share not to exceed \$35,000 for interpretive signs for Pillar Point Harbor and authorize General Manager to execute the MOA with National Marine Sanctuary Program. Motion carried by 5 Ayes and 0 Nays.

- 13 TITLE: Bills and Claims in the Amount of \$296,740.33**
REPORT: Bills and Claims Detailed Summary
PROPOSED ACTION: Approve Bills and Claims for Payment and a Transfer
in the Amount of \$296,740.33 for payment of the Bills
and Claims

Action: Tucker advised that he reviewed the Bills and Claims and there is a new total of \$296,846.83 due to two bills that were not included, in the total amount of \$106.50. Motion by Tucker, second by Lundie to approve the Amended Bills and Claims and transfer the amount of \$296,846.83 for payment thereof. Motion carried by 5 Ayes, and 0 Nays.

14 General Manager Grenell

Action: Grenell reported that the letter is being sent from the Department of Boating and Waterways to go ahead with the 40-berth expansion and boat haul-out project. The loan restructuring agreement documents are presently being recorded by the County.

15 Director of Finance – There is no Director of Finance.

16 Human Resource Manager Wilkerson – Absent

Action: Wilkerson was absent.

Operations

17 Oyster Point Marina/Park — Johnson

Action: Johnson was absent. Deputy Harbor Master White reported that the lifeguard is now on duty at Oyster Point Marina/Park beach. He said there were approximately 50 adults and children at the beach over the July 4th weekend and that there is now a handicapped accessible porto-potty thanks to Padreddii. He added that the crew has refurbished the lifeguard stand.

He advised that the Bait Shop is doing well and that they have been edging and rototilling the beach sand on a regular basis. Padreddii observed that the lawns look the best ever and White said that the tractor has paid for itself.

White stated they have requested quotes for a new entrance sign.

18 Pillar Point Harbor — Temko

Action: Temko advised that the Harbor is 100 percent occupied. He thanked Grenell and Zafferano for reviewing the Moffatt and Nichol contract and said that the engineers have commenced work. They performed the underwater exam and have inspected the fuel dock.

Tucker asked how the price of diesel at the Harbor compares with that at other harbors. Temko advised that the price tends to creep upward but that they perform surveys regularly and have similar prices to San Francisco, Santa Cruz and Moss Landing.

There was a discussion about paying the fuel taxes. Campbell requested Temko to find out why Keet Nerhan pays the full tax load and to report to the Board within thirty days. Tucker requested that Temko also advise what he does to monitor.

Board of Harbor Commissioners

19 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.

Action: Padreddii advised that the Treasurer of the Oyster Point Yacht Club approached him at a function there and inquired about a \$4,000 tax bill he had received from the County. Campbell stated that the District owns the Yacht Club land and it should be exempt. She requested that Zafferano look into the matter.

Parravano advised that Temko, Johnson, Grenell and he met on June 16th with regard to Commercial Activity Permits. He stated that it was a very positive meeting but that there were divergent opinions regarding whether the Permits should be “site specific” or “Distric-wide.”

20 TITLE: **Identify Real Estate Negotiator Pursuant to Government Code § 54956.8**
REPORT: Zafferano
PROPOSED ACTION: Identify Real Estate Negotiator Peter Grenell

Action: Zafferano identified Grenell as the Real Estate Negotiator.

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

Action: Zafferano identified Grenell as the Contract Negotiator.

Motion by Tucker, second by Lundie to adjourn to Closed Session. Motion carried by 5 Ayes, and 0 Nays. The meeting adjourned to Closed Session at 8:15 p.m.

Closed Session

22 TITLE: **Conference with Labor Negotiator with Regard to Memorandum of Understanding (MOU) with Teamsters Local Union 856**
REPORT: Grenell
PROPOSED ACTION: To Be Determined

23 TITLE: **Conference with Real Property Negotiator: Parcel #AP 047-264-030, El Granada, San Mateo County, San Mateo County Harbor District and Half Moon Bay Fire Protection District, Regarding Lease or Sale Price, Terms, and Conditions Pursuant to Government Code §54956.8**
REPORT: Grenell
PROPOSED ACTION: To Be Determined

24 TITLE: **Conference with Real Property Negotiator:
Captain John's Fishing, Inc., Parcel 4,
One Johnson Pier, Lessee's Building, Pillar Point
Harbor, El Granada, San Mateo County, and San
Mateo County Harbor District Regarding Lease,
Price, and Terms and Conditions Pursuant to
Government Code §54956.8**
REPORT: Grenell
PROPOSED ACTION: To Be Determined

Action: Open Session resumed at 9:15 p.m. Zafferano stated there was no reportable action on Items 22 to 24 from Closed Session.

New Business - Continued

26 TITLE: **Discussion and Possible Action on Interim
Operating Agreement Between Captain John's
Fishing, Inc. and Half Moon Bay Sportsfishing.**
REPORT: Memo, Draft Agreement
PROPOSED ACTION: Approve Agreement

Action: Campbell continued Item 26 to the July 20 meeting. Sherry Ingles asked whether Campbell anticipates moving promptly on this Item. Campbell responded that it is up to Grenell. Motion by Tucker, second by Lundie to adjourn to Closed Session. Motion carried by 5 Ayes, and 0 Nays. The meeting adjourned to Closed Session at 9:16 p.m.

Closed Session - Continued

25 TITLE: **General Manager's Performance Evaluation
Pursuant to Government Code § 54957**
REPORT: Grenell
PROPOSED ACTION: To Be Determined

Open Session resumed at 9:47 p.m. with no reportable action from Closed Session.

New Business - Continued

27 TITLE: **General Manager's Contract Extension and Compensation**
REPORT: Harbor Commission
PROPOSED ACTION: To Be Determined

Action: There was a discussion regarding the General Manager's contract extension and compensation. Grenell advised he wishes to remain with the District. Campbell said she wants to see how he performs with the new staff in place. Campbell asked whether, if Grenell gets a raise this year, he would ask for another next year. He advised he would not. Campbell advised Grenell to bring the matter back before the Board for approval as a Consent item.

Adjournment - Motion by Parravano, second by Padreddii to adjourn the meeting. Motion carried by unanimous vote at 10:15 p.m.

APPROVED BY:

ATTESTED BY:

Sally Campbell
President

Ken Lundie
Secretary

Michele Shahrok
Deputy Secretary