

San Mateo County Harbor District Board of Harbor Commissioners Meeting Minutes

April 18, 2007
7:00 p.m.

Oyster Point Yacht Club
911 Marina Blvd.
South San Francisco, CA 94083

Roll Call

Commissioners

James Tucker, President
Ken Lundie, Vice President
Leo Padreddii, Treasurer
Sally Campbell, Secretary
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

Public Comments/Questions- None

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calendar are approved by one motion unless a Commissioner requests at the beginning of the meeting that an item be withdrawn or transferred to the regular agenda.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 April 4, 2007**
REPORT: Draft minutes
PROPOSED ACTION: Approval

Action: Motion by Parravano, second by Lundie to approve item 1. The motion passed.

Ayes: 4

Nays: 0

Abstention: 1 (Tucker)

Public Hearing –

- 2 TITLE: **Negative Declaration for the Oyster Point Marina/Park West Basin Dredging Project as Required by the California Environmental Quality Act (CEQA)**
- A. Declare Meeting Open: President James Tucker
B. Report of Notice Given: Grenell
C. Staff Report and Recommendation: Accept Public Comment on Proposed Negative Declaration
D. Public Testimony:
E. Harbor Commission Questions:
F. Close Public Testimony: President James Tucker
G. Commission Deliberation:
H. Recommended Commission Action: Accept Public Comment on Proposed Negative Declaration

Grenell reported that proper notice was adhered to and this item is to accept any public comment on the proposed negative declaration. This item will be on the next meeting agenda for approval.

Action: Motion by Padreddii, second by Lundie to accept the public comment on the proposed negative declaration. The motion passed.

Ayes: 5

Nays: 0

Continued Business

- 3 TITLE: **Revised Draft Preliminary Budget**
REPORT: Revised Draft Preliminary Budget
PROPOSED ACTION: To Be Determined

Schnapp brought up the idea of possible boat hoists at Oyster Point Marina/Park and asked Johnson to further describe the advantages.

Johnson said staff is doing a study to find out what people would pay for a boat hoist. He will work with Schnapp on a cost benefit ratio and will discuss further with Temko his interest so the District might receive price breaks.

Carmie Newcomb questioned the Board about the budget. She asked how many employees the District has and asked for it to be broken down by Department.

Schnapp informed Newcomb that the District has five Board members, 13 employees at Pillar Point Harbor, 12 employees at Oyster Point/Marina and five employees at the Administration office.

Newcomb stated that with this breakdown, Administration has more than half the salaries and wages in the budget and this seems a bit top heavy. Newcomb asked why there is a 10% increase in salaries and wages for FY2007-08.

Wilkerson stated that the District has relatively new employees and each new employee has guaranteed salary increase steps each year.

Newcomb asked why there is more money budgeted for Administration under travel, conference and meetings than any other department. Wilkerson said that money is budgeted for District-wide training. Newcomb asked that staff look at what they are paying for; she said that the conference may have value but does it have enough.

Lundie stated that it has been custom to send the General Manager and two Commissioners to CMANC every year and the Board has cut that back to sending only the General Manager. Newcomb asked why Oyster Point is budgeted for more than Pillar Point in travel expenses.

Johnson stated that he has different allocations in his budget than the Pillar Point Harbor facility. Each Harbor allocates things under different items. He advised Newcomb to focus more on the overall operation budget for each Harbor.

Tucker informed Newcomb that she has gone over her limit of three minutes to speak to the Board and advised her to put her questions in writing to the District who will in turn answer those.

Newcomb concluded by asking if it is possible for Zafferano to put in writing the legality of having one facility cover expenses of the other facility. She asked for his definition and legal opinion.

Tucker informed Newcomb that Zafferano cannot do that for her because he works for the District at the District's direction.

Schnapp clarified that Pillar Point has 360 berths at 100% and Oyster Point has 600 with 319 tenants which is why their operating expenses are so similar.

No action was taken.

4	TITLE:	Discussion Item: Classification Study Update
	REPORT:	Grenell, Wilkerson
	PROPOSED ACTION:	To Be Determined

Campbell asked Wilkerson how much time she has spent at Pillar Point Harbor for the time and motion study. Wilkerson said she has spent approximately 20 hours at Pillar Point. Campbell asked Wilkerson if she can begin observations at Oyster Point and finish Pillar Point once that is done.

Tucker asked Grenell what he recommends. Grenell said he perceived the Commission's main concern was Pillar Point which is why he directed Wilkerson to start observations there.

Parravano stated that the bottom line is looking at both Harbors and which comes first doesn't matter. Tucker directed Wilkerson to continue with Pillar Point Harbor then go to Oyster Point Marina/Park.

- 5 TITLE: Request for Proposals (RFP) for Conceptual Designer for Pillar Point Lessees' Building Improvements**
REPORT: Memo
PROPOSED ACTION: Authorize General Manager to Issue a Request for Proposals for a Conceptual Designer for Pillar Point Harbor Lessees' Building Improvements and to Retain Design Services in an Amount not to Exceed \$5,000.00

Grenell said this item is to get formal approval to issue an RFP. He added that staff intends to get the work done for less than \$5,000. Grenell said the RFP does not ask for architectural details. The intention is to follow up on the Promotion and Marketing Committee's recommendation to find ways to improve the visibility and appearance of the Lessees' Building, ultimately to attract more customers and revenue.

Parravano asked if this item would become moot if the roof repair for this building is approved. He questioned why staff would want to do the conceptual design before the roof repair.

Temko said that the reason the roof repair is being put off is to see what comes from the concept design that may influence the roof work.

Action: Motion by Padreddii, second by Lundie to approve item 4. The motion passed.

Ayes: 4
Nays: 1 (Parravano)

New Business

- 6 TITLE: License Agreement and Commercial Activity Permit for California Abalone Company: Doug Hayes**
REPORT: Memo, Attachments

PROPOSED ACTION: To Be Determined

Grenell reported that this item was put on the Agenda to enable Doug Hayes to speak to the Board. Grenell recommended that the Board defer any action on this item pending deliberation during closed session (see item #17).

Hayes stated that he had sent in the \$5,000 license fee and the check was returned to him and he did not understand why.

Tucker explained that the District received a letter from Hayes stating he was not going to pursue the matter any further and rescinded his CAP application. Since then his time for appeal to reinstate his license has expired.

Padreddii asked Hayes if he plans to apply for a new permit and if so is he aware of the conditions the Board has asked him to meet. Hayes said yes.

Padreddii asked Hayes if he is willing to sell both retail and wholesale and if he is willing to comply with the Board's terms and conditions. Hayes said yes.

Lundie asked Hayes if the new Marine Protected Areas will affect his ability to obtain kelp from Monterey for the animals. Hayes said that ultimately the restrictions will impact him, but he will be able to continue.

Parravano asked Hayes what the square footage of his rented area is. Hayes said he pays per square foot and 10% of that for an area that he does not use.

Parravano asked Hayes if he maintains business records within the County of San Mateo. Hayes said he resides in Alameda County. Parravano asked if Hayes has a crop and license insurance. Hayes stated yes.

Lundie said that at a previous meeting Hayes had mentioned he has abalone that are larger than others, and asked if Hayes was purchasing them from more than one supplier. Hayes said legally he only purchases from one vendor and there is not a set size at which he has to buy them. He said he has bought thousands at an inch and hundreds at five inches and feeds them every week and they all grow at different rates. Hayes added that he has more abalone than he has cage space and he is "in over his head."

Lundie asked Hayes if his operations take off would he ask for more space in the Harbor. Hayes said his business is very modest and he doesn't foresee it getting bigger than it is now. He added that he wouldn't be able to handle any more than he has now.

Lundie concluded that his original concern was that the area between the inner and outer breakwater is Harbor of safe refuge and was concerned the anchors might present a problem. No action was taken.

- 7 TITLE: **Pillar Point Harbor Roof Repair Project: Approval of Construction Documents and Specifications and Authorize Issuance of a Notice for Sealed Construction Bids**
REPORT: Staff Report, Attachments
PROPOSED ACTION: Approve Construction Documents and Specifications and Authorize General Manager to Publish Construction Bid Solicitation Notice

This item has been postponed.

- 8 TITLE: **Single Exception PTO Payout for Robert Johnson**
REPORT: Memo
PROPOSED ACTION: Approve Single Exception PTO Payout for Robert Johnson for 320 hours.

Tucker stated that this item was brought before the Board several years ago. The Board was concerned with PTO rising too high and costing the District too much.

Grenell said this item does not refer to a payout of accrued PTO, it refers to the limit on the number of hours an employee is allowed to draw upon in a year. An employee is currently allowed to draw upon 160 hours per year.

Tucker said that the Board had hoped that the employee would take the time off. Grenell said that Johnson's request has been prompted by extraordinary demands placed on his time by several major capital projects underway at Oyster Point Marina/Park.

Tucker asked Johnson when the last time he asked for a single exemption payout was.

Johnson said he hadn't asked for a single exemption payout, but two years ago did lose twenty hours of PTO and was given a chance by the Board to use it within a certain time period. He added that this payout would keep him from losing his PTO during the next 18 months which is critical due to capital projects.

Tucker said that an employee received a single exemption payout within the last few years. Parravano suggested that staff find out when this type of request was last brought before the Board and check to see what direction was given. Tucker suggested that this item be brought back to the next meeting.

Tucker concluded that the Board would like District employees to take the time off.

- 9 TITLE: **Bills and Claims in the Amount of \$123,032.38**
REPORT: Bills and Claims Detailed Summary
PROPOSED ACTION: Approval of Bills and Claims for payment and a transfer in the amount of \$123,032.38 to cover payment of Bills and Claims

Padreddii informed the Board that he has reviewed the Bills and Claims and they looked in order except for the change in an invoice for Phil's Tire & Auto Service of four cents. He recommended approval of the bills and claims in the amount of \$123,032.42.

Action: Motion by Padreddi, second by Lundie to approve item 9. The motion passed.

Ayes: 5

Nays: 0

Reports for Possible Discussion/Action

Administration and Finance

10 General Manager - Grenell

Grenell informed the Board that the District received a proposal from Half Moon Bay Kayak Company for a small expansion of their facility which would enable them to sell retail kayak products. He added that they are prepared to pay a sizable increase to the District. Grenell concluded that this item will be on the next agenda.

Grenell reported that he attended the Marine Life Protection Act Initiative's socio-economic workshop today and passed out an information packet to the Board. He added that the new marine protected areas will have major impact on both commercial and sport fishermen: if the fishermen can't fish, they can't make money and ultimately that affects revenue to the District.

Temko added that boaters are very concerned with this and are very pleased with Grenell's efforts.

11 Director of Finance - Schnapp

Nothing further to add to written report.

12 Human Resources Manager - Wilkerson

Nothing further to add to written report.

Operations

13 Oyster Point Marina/Park - Johnson

Nothing further to add to written report.

Padreddii complimented Johnson and his staff for their excellent maintenance of the grounds in the Harbor. Campbell and Parravano thanked Johnson and his staff for the

Promotion and Marketing Committee's tour of Oyster Point/Marina today.

14 Pillar Point Harbor – Temko

Nothing further to add.

Board of Harbor Commissioners

15 A. Committee Reports
Lease Negotiations (Campbell, Parravano)

Campbell reported that she spoke with Joanne Franklin of Ketch Joanne Restaurant and Harbor Bar, and Franklin requested that it be written into her lease that as long as she has her lease the District won't rent out the Harbormaster building.

Campbell said she asked Franklin if she is interested in that building and Franklin said yes.

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.

Parravano informed the Board that he is hosting a meeting for the commercial fishermen and intends to bring them to Pillar Point Harbor.

Padreddii informed the Board that he has a newspaper article on the Marine Life Protection Act and an article on the development of the ferry terminal service in the Bay Area. He will give them to staff to have them available for anyone who wants a copy.

16 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 Parravano to adjourn to closed session. The motion passed at 8:16 p.m.

Ayes: 5
Nays: 0

Closed Session

Tucker convened the Closed Session at 8:25 p.m.

- 17 TITLE: **Conference with Real Property Negotiator: Area of submerged lands and overlying water approximately 60 feet wide by 248 feet long, its southeast corner approximately 175 feet at 339 degrees from the knuckle of the Pillar Point Harbor West Breakwater, Pillar Point Harbor, El Granada, San Mateo County. Negotiating Party Doug W. Hayes: Regarding Price and Terms of Payment Pursuant to Government Code Section §54956.8**
- REPORT: Grenell
- PROPOSED ACTION: To Be Determined

Action: Motion by Parravano, second by Campbell to adjourn back to Open Session. The motion passed.

Ayes: 5
Nays: 0

Open Session Continued

Zafferano stated there was no reportable action from Closed Session.

Adjournment

Action: Motion by Tucker , second by Lundie to adjourn the meeting. The motion passed unanimously at 8:48 p.m.

APPROVED BY:

James Tucker

James Tucker
President

ATTESTED BY:

Theresa N. Hayes

Theresa N. Hayes
Deputy Secretary