

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

**June 17, 2009
7:00 p.m.**

**Municipal Services Building
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
Ken Lundie, Commissioner

Staff

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

x-absent

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calendar are approved by one motion unless a Commissioner requests at the beginning of the meeting that an item be withdrawn or transferred to the regular agenda.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.

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|----------|-------------------------|--|
| 1 | TITLE: | Minutes of Meeting June 3, 2009 |
| | REPORT: | Draft minutes |
| | PROPOSED ACTION: | Approval |

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

Ayes: 3
Nays: 0
Abstentions: 1 (Campbell)

Public Hearing

- 2 TITLE: **Fix and Adopt the Final FY2009-2010 Operating and Capital Budget by Resolution 14-09 Pursuant to Harbors and Navigation Code §6093.1**
- A. Declare Hearing Open: President Padreddii
B. Report of Notice Given: Grenell
C. Staff Report and Recommendation: Resolution 14-09, Budget FY 2009-2010
D. Public Testimony:
E. Harbor Commission Questions:
F. Close Public Testimony: President Padreddii
G. Commission Deliberation:
H. Recommended Commission Action: Adopt Resolution 14-09 Adopting the Final 2009-2010 Operating and Capital Budget

Grenell stated that Notice was given.

Campbell asked if there were any changes to the budget.

Grenell deferred the question to Schnapp. Schnapp stated that there is an \$115,000 carry-over for the Pillar Point Harbor sidewalk project.

Tucker moved to close the public hearing portion of this item, second by Campbell. The motion passed unanimously.

Action: Motion by Campbell, second by Lundie to adopt resolution 14-09 and to adopt the 2009-2010 operating and capital budget. The motion passed.

Ayes: 4
Nays: 0
Abstentions: 0

Continued Business

- 3 **TITLE:** **CSDA Board of Directors call for nominations for Region 3, Seat A**
 REPORT: Grenell, CSDA Memo
 PROPOSED ACTION: To Be Determined

Grenell stated that staff researched the possibility of a potential nominee within the Special District ranks within San Mateo County. They did not come up with a nominee and recommended that the incumbent may be nominated.

Campbell asked if the Commission has the option to not elect anyone and leave it open. Grenell stated that Commission has that option.

Padreddii stated that it is the wish of the Commission to not nominate anyone.

New Business

- 4 **TITLE:** **Amendment to License Agreement of California Abalone Company, LLC**
 REPORT: Memo, Letter
 PROPOSED ACTION: Approve amendment to License Agreement with conditions.

Grenell stated that Mr. Hayes indicated that he desires to sell his business and to assign his license. He is asking for the restoration of his original 5-year term in order to make the business more marketable. Grenell also stated that Hayes was in the audience for questions.

Campbell asked if the Commission restores the extension and the business did not sell, would Hayes vacate the premises and make sure that it is left clean.

Hayes stated that there are provisions for that in the license already.

Campbell wanted verification from staff.

Grenell stated that if Hayes terminates his business, that would be the case.

Campbell clarified her concern: if Hayes did not sell the business, what will happen to everything that is out there now.

Grenell stated that upon expiration or termination, Hayes would need to remove everything. It is staff's recommendation to restore the 5-year term but to have it become operative only for an assignee for the business.

Padreddii's understanding is that Hayes' license is valid and nothing is going to change as of right now. This is for the purpose of selling the business. If the business sells, that needs to be brought before the Commission and they will let the new business owner know if they are going to approve the license assignment with the 5-year term.

Campbell stated that she is trying to cover and clarify a potential problem. If the Commission extends the lease for 5 years and if he does not sell the business, that the premises will be removed by him or maintained by him.

Padreddii clarified that they are not giving Hayes a 5-year license; the 5-year term would be only for the new business owner.

Grenell clarified that the recommendation is to restore the 5-year term but it would only become operative for the new buyer. Basically, it would be on paper so Hayes can market the business with a 5-year lease.

Action: Motion by Campbell, second by Tucker to approve the amendment to the license agreement with conditions. The motion passed.

Ayes: 4

Nays: 0

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| 5 | TITLE: Commercial Activity Permit for Jackson L. and Linda A. Chapman dba Lovely Linda Sportfishing |
| | REPORT: Johnson, Commercial Activity Permit Application, Permit |
| | PROPOSED ACTION: Approve Commercial Activity Permit Lovely Linda Sportfishing including waiver of permit fee under District veterans exemption |

Johnson stated that Chapman is requesting a waiver of fees due to the District's Veterans Exemption. This permit is specific for Oyster Point Marina. He recommended approval.

Padreddii stated this is a good time as fishing has been good out at Oyster Point Marina this year.

Action: Motion by Tucker, second by Lundie to approve the Commercial Activity Permit and waive the permit fee. The motion passed.

Ayes: 4

Nays: 0

- 6 **TITLE:** **Renewal of Limited Commercial Activity Permit for Mavericks Surf Ventures, Inc.**
 REPORT: Memo, Attachment
 PROPOSED ACTION: Approve renewal of Limited Commercial Activity Permit with an amended start date of November 1, 2009

Grenell stated that Maverick’s Surf Ventures asked to renew their Limited Commercial Activity Permit to hold their surfing contest. There is no change to the permit except to change the beginning date to November 1 as opposed to December 1 and recommended approval.

Action: Motion by Lundie, second by Campbell to approve the Limited Commercial Activity Permit. The motion passed.

Ayes: 4
Nays: 0

Campbell stated that she printed out flyers and passed them out to the community.

- 7 **TITLE:** **Amended Limited Commercial Activity Permit for Fifth Annual Pillar Point Half Marathon, 10K and Family Fun Run to benefit the Coastside Infant/Toddler Center**
 REPORT: Temko, Limited Commercial Activity Permit Application, Permit
 PROPOSED ACTION: Approve Amended Limited Commercial Activity Permit with amended event date of November 22, 2009

Temko stated that the Coastside Infant/Toddler Center had a permit to hold this event on Sunday, May 17 and for unknown reasons, they did not have that event. They would like to now hold the event on Sunday, November 22, 2009. Temko sees no conflict and recommended approval.

Action: Motion by Lundie, second by Campbell to approve the Limited Commercial Activity Permit. The motion passed.

Ayes: 4
Nays: 0

- 8 **TITLE:** **FY2008-2009 Budget Adjustments**
 REPORT: Schnapp, Staff Report, Attachments
 PROPOSED ACTION: Approve FY2008-2009 Budget Adjustments

Schnapp stated that she wants to set up a line item in the restricted reserves for the current fiscal year 2008/2009 for approximately 30% of the District's Employment Benefit liability, and wants Commission approval to adjust this year's budget.

Tucker asked if this was strictly a compliance issue. Schnapp confirmed that it is.

Action: Motion by Campbell, second by Tucker to approve the budget adjustment. The motion passed.

Ayes: 4

Nays: 0

- 9** **TITLE:** **Classification Wage and Salary Schedule for FY2009-10**
 REPORT: Classification Wage and Salary Schedule, Resolution 15-09
 PROPOSED ACTION: Adopt Resolution 15-09 and Classification Wage and Salary
 Schedule for FY2009-10

Grenell stated that standard Harbor Commission practice is each year, along with adopting the Final Budget, the Commission adopts the Rates and Fees, which has already been adopted, and the Classification Wage and Salary Schedule. Staff recommended approval.

Campbell asked if there were any changes. Grenell stated that on page 3 of 4, there was no number listed in column 2 for Accounting Specialist, but as there are 2 people in that position this is just filling in a blank. Nothing else has changed.

Action: Motion by Campbell, second by Tucker to approve the Classification Wage and Salary Schedule. The motion passed.

Ayes: 4

Nays: 0

- 10** **TITLE:** **Bills and Claims in the Amount of \$ 107,568.65**
 REPORT: Bills and Claims Detailed Summary
 PROPOSED ACTION: Approval of Bills and Claims for payment and a transfer in
 the amount of \$107,568.65 to cover payment of Bills and
 Claims

Lundie informed the Board that he reviewed the bills and claims and found them in order. He recommended approval.

Action: Motion by Lundie, second by Tucker to approve the bills and claims in the amount of \$107,568.65. The motion passed.

Ayes: 4

Nays: 0

Reports for Possible Discussion/Action

Administration and Finance

11 General Manager - Grenell

Grenell stated that the Commission received information regarding the upcoming Community Planning event for coastside, which came from Samuel Herzberg of the County Parks Department. Grenell wanted to clarify where the information originated.

12 Director of Finance - Schnapp

Nothing further to add to written report.

13 Human Resources Manager - Harris

Nothing further to add to written report.

Operations

14 Oyster Point Marina/Park - Johnson

Nothing further to add to written report.

Padreddii asked how many berths are full. Johnson stated 331 berths.

15 Pillar Point Harbor – Temko

Nothing further to add to written report.

Padreddii asked how the opening of rockfish season has been. Temko stated that is off to a great start.

Board of Harbor Commissioners

16 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.

Campbell requested a written or verbal response at the next meeting regarding progress on the crosswalk cutting across Capistrano to Pillar Point Harbor.

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

Kane identified Grenell as labor negotiator.

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

Kane identified Grenell as the real property negotiator.

Action: Motion by Tucker, second by Campbell to adjourn into closed session. The motion passed unanimously at 7:25 pm.

Closed Session

- 19 TITLE: **Conference with Labor Negotiator pursuant to Government Code §54957.6: Operating Engineers Local Union No. 3**
REPORT: Grenell
PROPOSED ACTION: To Be Determined
- 20 TITLE: **Conference with Labor Negotiator pursuant to Government Code §54957.6: Teamsters Local Union 856**
REPORT: Grenell
PROPOSED ACTION: To Be Determined
- 21 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: To Be Determined
- 22 TITLE: **Conference with Real Property Negotiator: Rental space at Suite 300, 400 Oyster Point Blvd., SSF, Ca. 94080, San Mateo County; San Mateo County Harbor District with Cushman and Wakefield, Inc. for Kashiwa Fudosan America, Inc. Regarding Lease Price and Terms and Conditions, Pursuant to Government Code §54956.8**
REPORT: Grenell
PROPOSED ACTION: To Be Determined

Open Session, Continued

There was no reportable action from Closed Session.

Continued Business, Continued

- 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

Action: Motion by Campbell, second by Tucker to adopt Resolution 06-09 and approve the settlement agreement. The motion passed.

Ayes: 4

Nays: 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, Memo, 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

Action: Motion by Tucker, second by Lundie to adopt Resolution 01-09 and approve the lease agreement. The motion passed.

Ayes: 4

Nays: 0

Adjournment

Action: Motion by Tucker, second by Lundie to adjourn the meeting. The motion passed unanimously at 8:00 pm.

The next regularly scheduled meeting will be held on July 1, 2009 at the Comfort Inn, 2930 Cabrillo Highway, Half Moon Bay, CA 94019 at 7:00 p.m.

Agenda Posted As Required:

June 11th at 3:00 p.m.

Peter Grenell
Acting Deputy Secretary

Leo Padreddii
President