



Board of Harbor Commissioners

Virginia Chang Kiraly, President
Nancy Reyerling, Vice President
Nancy Reyerling, Secretary
Tom Mattusch, Treasurer
Sabrina Brennan, Commissioner
Edmundo Larenas, Commissioner

Jim Pruett, General Manager
Trisha Ortiz, District Counsel

San Mateo County Harbor District Board of Harbor Commissioners

“To assure the public is provided with clean, safe, well-managed, financially sound and environmentally pleasant marinas.”

REGULAR MEETING MINUTES

December 18, 2019

6:30 PM

San Mateo County Harbor District
Conference Room
504 Avenue Alhambra, Ste. 200
El Granada, CA 94018

A) Roll Call 6:39 PM All Commissioners present.

B) Staff Introduction/Recognition

- **Jim Pruett** - General Manager
- **Chris Tibbe** - Harbormaster – Pillar Point Harbor
- **Owen Moore** - Deputy Harbormaster A
- **Jeff “Duke” Brouwer** - Deputy Harbormaster A

- **Proclamation given to John Moren in his former position as Interim General Manager over the past year.**

C) 1. Public Comments/Questions

- **Pam Van Stavern, Stripe, Inc.** – In support of increasing ferry service at Oyster Point Marina.
- **John Ullom** – Comments regarding article in the Half Moon Bay Review regarding attendance of Commissioners at Board meetings.

2. Commissioner Comments

- **Commissioner Larenas** – Comments regarding attendance at committees, and work of some of the individual committees over the past year.
- **Commissioner Mattusch** – Comments about the Commercial Crab season opener being very successful.
- **Commissioner Brennan** – Shared highlights of her advocacy work over the past year for work towards equal pay, work on committees.

- **Commissioner Chang Kiraly** – Comments regarding the canceling of the Lighted Boat Festival; successful in hiring of the new General Manager.
- **Commissioner Brennan** - reported out regarding her meeting with First Partner Jennifer Siebel Newsom and Controller Betty T. Yee with Lighthouse Consulting, August 2019.

3. Committee Updates

Standing Committees

- Climate Change Resilience
- Finance
- Oyster Point Liaison – *met on December 12, 2019 – Commissioners Chang Kiraly and Reyerling attended.*
- Social Media/Public Outreach
- Wildlife Protection

Ad Hoc Committees

- Strategic Plan
- Office Design
- RV Lot/CDP – *Commissioners Larenas and Mattusch had first meeting and are looking forward to moving ahead and interviewing with the three firms that submitted proposals.*

Public Comment

- **John Ullom** – Acknowledged the good work of many agencies and individuals to get this restroom project to this good point.
- Schulz Claim – *Ad Hoc Committee did meet. Closed session item later on this agenda with report out.*

D) Consent

ITEMS PULLED FROM CONSENT WILL BE HEARD AFTER DISCUSSION ITEMS.

Commissioner Brennan pulled Item 1.

2. Minutes – Special Meeting November 20, 2019 (Gehret)

Recommendation: Approve Minutes of the Special Meeting of November 20, 2019.

3. Minutes – Regular Meeting November 20, 2019 (Gehret)

Recommendation: Approve Minutes of the Regular Meeting of November 20, 2019

4. Monthly Capital Projects Update (Moren)

Receive and file.

5. Commercial Activity Permit for the “The Mavericks Experience” Guided Eco-Tours (Moren)

Recommendation: Approve attached Commercial Activity Permit for “The Mavericks Experience” (TME), authorizing educational guided walking tours along the West Trail, with docent providing local surfing history, and organizing boating tours with already District permitted vessels.

6. Commercial Activity Permit for Fathom Ventures LLC to Charter and Host Events on Vessel at Pillar Point Harbor (Moren)

Recommendation: Board consider approval of the Commercial Activity Permit (CAP) for Fathom Ventures LLC to charter and host events on the inspected vessel ‘Sacajawea’ at Pillar Point Harbor until December 31, 2020 and authorize the General Manager to execute the permit in a form approved by legal counsel.

Motion: (Brennan/Mattusch) Approve Consent Items 2-6.

Ayes: All in favor.

Motion passed.

E) Discussion

1. Bills and Claims (van Hoff)

Motion: (Chang Kiraly/Mattusch) Review Pre-Approved Bills and Claims in the amount of \$518,372.88. Pre-Approve \$500,000 in Bills and Claims until next meeting.

Ayes: All in favor.

Motion passed.

7. Pillar Point Harbor H-Dock Replacement and Johnson Pier Terminus Expansion Project Update; Presentation (Moren)

Presentation received.

❖ **8:13 PM** Commissioner Brennan leaves.

❖ **8:15 PM** Commissioner Brennan returns.

8. Final Consideration of Amendment to the San Mateo County Harbor District Ordinance Code Section 3.35.020 - Marina/Harbor Parking Ordinance (Moren)

Motion: (Reyering/Mattusch) Approve Ordinance Code amendment and execute the Resolution to amend the District Parking Ordinance Code Section 3.35.020.

Ayes: All in favor.

Motion passed.

9. Bid Consideration; Pillar Point Harbormaster Office Alteration Project (Moren)

Motion: (Mattusch/Reyering) Authorize the General Manager to enter into an Agreement with the sole bidder, CWS Construction Group Inc., pursuant to an Invitation for Bid, to make alterations to the Pillar Point Harbor Harbormaster Office improving staff security, ADA compliance, public access, workflow and efficiency of the building for an amount not-to-exceed \$376,000 and establish a contract contingency in the amount of 10% of the contract amount for unanticipated additional expenses associated with the contract and authorize the General Manager to issue change orders up to the contingency amount.

Ayes: All in favor.

Motion passed.

Motion: (Reyering/Mattusch) Approve \$376,000 and establish a contract contingency in the amount of 10% of the contract amount for unanticipated additional expenses associated with the contract and authorize the General Manager to issue change orders up to the contingency amount.
Approve increase in Capital Project Appropriations of \$413,600.

Ayes: All in favor.

Motion passed.

10. John Mathews Architects Construction Support Proposal Consideration; Pillar Point Harbormaster Office Alteration Project (Moren)

Motion: (Reyering/Mattusch). Authorize the General Manager to enter into a Professional Services Agreement with consultant John Mathews Architects for the Construction Administration and Support Phase of the Pillar Point Harbor Harbormaster Office Alterations Project for an amount not-to-exceed \$20,000, based on an hourly basis. Approve an increase in Capital Project Appropriations of \$20,000.

Ayes: All in favor.

Motion passed.

11. Valentine Corp Change Order Consideration for the Pillar Point Harbor Fishing Pier Rehabilitation Project (Moren)

Motion: (Mattusch/Larenas) Authorize the General Manager to implement two Change Orders to the previously approved Pillar Point Harbor Fishing Pier Rehabilitation Project Agreement with Valentine Corp, increasing the construction cost by \$88,681.56, and approve an increase in Capital Project Appropriations by the same amount.

Amended Motion (Mattusch/Brennan): Authorize the General Manager to implement two Change Orders to the previously approved Pillar Point Harbor Fishing Pier Rehabilitation Project Agreement with Valentine Corp, increasing the construction cost by \$88,681.56, and approve an increase in Capital Project Appropriations by the same amount, this will also include a 10% contingency fund if it is needed.

Ayes: All in favor.

Motion passed.

12. Board Acceptance of Project Bid Submittal to Repair Support Pilings at Pillar Point Harbor Johnson Pier Timber Platform (Moren)

Motion: (Brennan/Reyering) Move to authorize the General Manager to enter into an agreement with the lowest qualified bidder, DRS Marine, Inc., for piling repairs at Pillar Point Harbor Johnson Pier Terminus for \$34,775, with a 10% contingency in the event there is a need for Change Orders due to unforeseen challenges and authorize the General Manager to issue change orders up to the contingency amount. Approve increase in Capital Project Appropriations of \$38,253.

Ayes: All in favor.

Motion passed.

13. Information Technology Services Contract with Think Connected (van Hoff)

Motion: (Reyering/Mattusch) Approve panel recommendation of rating Think Connected as highest ranking firm and authorize the General Manager to execute a Professional Services Agreement (PSA) for Information Technology (IT) Services. The estimated costs are \$42,900 for the remainder of fiscal year 2019/20 and \$80,000 for fiscal year 2020/21 and shall increase at 3.5% each year thereafter.

Ayes: All in favor.

Motion passed.

14. Direction to Staff Regarding Decorative Old Fishing Vessel at Pillar Point Harbor Entrance (Moren)

Direction given to staff to demolish vessel, consider landscaping options, improve safety and ADA concerns at the corner and consider alternative replacement of the vessel, that would be brought back to the Board in the future for consideration.

- **Public Comment**

- **John Ullom** – Suggests consideration of continuing to record meeting, and to consider live streaming.

❖ **9:25 PM Motion:** (Brennan/Larenas) Extend the Board meeting to 10:00 PM.

Ayes: All in favor.

Motion passed.

❖ **9:55 PM Motion:** (Brennan/Larenas) Extend the Board meeting to 10:30 PM.

Ayes: All in favor.

Motion passed.

15. Social Media and Public Outreach Services (van Hoff)

Motion: (Reyering/Mattusch) Option 2) Harbor District Communication Analyst will be primary on social media postings, and work with Phondini Partners on an as needed basis on Social Media postings, which will be re-assessed after six (6) months. Phondini Partners will continue to facilitate the Public Outreach.

Amended Motion: (Reyering/Chang Kiraly) Direction to staff to bring information and updates to the Board, rather than through the Social Media/Outreach Committee.

Amended Motion: (Reyering/Chang Kiraly) Phondini Partners will assist with social media postings over the next six (6) months and facilitate Public Outreach for the next twelve (12) months.

Ayes: Chang Kiraly, Reyering

Nays: Brennan, Larenas

Abstain: Mattusch

Tie vote. Motion failed

Motion: (Reyering/Chang Kiraly) Continue using Communication Analyst for in house posting of social media content; Interface with Phondini Partners for all public outreach. Within six (6) months we will review in house posting of social media and Phondini Partners for public outreach, which is approximately \$16,200 per year (sic 12 months), and Phondini to interface with staff to bring information forward to the Board.

Ayes: All in favor.

Motion passed.

- ❖ **10:27 PM** Commissioner Brennan leaves.
- ❖ **10:29 PM** Commissioner Brennan returns.
- ❖ **10:29 PM Motion:** (Mattusch/Larenas) Extend the Board meeting to 10:45 PM.
Ayes: All in favor.
Motion passed.

Public comment

- **John Ullom** – In support of the plaintiff in the ADA claim.

- ❖ **10:31 PM** Adjourn to Closed Session.
- ❖ **10:42 PM Motion:** (Brennan/Larenas) Adjourn Closed Session.
Ayes: All in favor.
Motion passed.

16. CONSIDERATION OF MERIT BONUS FOR INTERIM GENERAL MANAGER

Motion: (Brennan/Larenas) Approve 15% merit bonus to John Moren.

Ayes: All in favor.

Motion passed.

- ❖ **10:44 PM Motion:** (Brennan/Larenas) Extend the Board meeting to 10:50 PM.
Ayes: All in favor.
Motion passed.

17. Closed Session:

TITLE: CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION

(Government Code Section 54956.9(d)(1))

Name of Case: John Schulz v. San Mateo County Harbor District, et al.;

(U.S. District Court No. C 19-992 JSC)

- **Report out by Legal Counsel: In Closed Session the District Board approved, all in favor, the settlement agreement in connection with the case John Schulz v. San Mateo County Harbor District. The key points of the settlement agreement are:**

INJUNCTIVE RELIEF

- The Harbor District will remediate the restroom as set forth in the remediation chart by June 1, 2020.
- The Restaurant will complete the remaining remediation issues as set forth in the remediation chart by June 1, 2020.
- The Defendants commit to reopening the restrooms. The Restaurant will post a sign regarding the public restrooms for those needing accommodations and provide assistance.

MONETARY DAMAGES

- The Harbor District (through SDRMA) will pay Plaintiff \$63,000 by January 8, 2020.
- The Restaurant will pay the Harbor District \$10,000 in 10 equal installments of \$1,000 each starting the first business day of February 2020.

F) Discussion/Action on Pulled Consent Items (if any)

G) Future Agenda Items

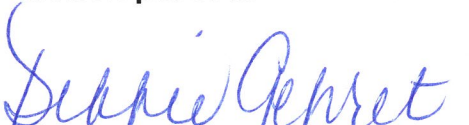
H) November Activity Reports: Interim General Manager/Operations, Administration

Information only.

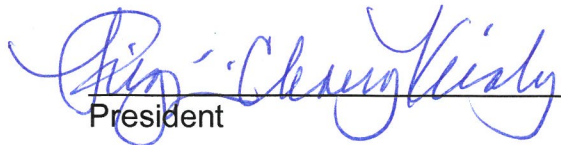
I) Adjourn 10:45 PM Motion: (Reyering/Mattusch) Adjourn meeting.

Ayes: All in favor.

Motion passed.



Debbie Gehret
Deputy Secretary



President