



HARBOR COMMISSION BOARD MEETING Minutes July 28, 2015

Commissioners present: Bill Barrow, Mary Matakovich and Dave Kirk

Commissioners absent: Jim Blecha and Drew Brandy

Staff present [for Closed Session]: Steve McGrath, Harbor Manager; Julie van Hoff, Business Manager; and Phil Sexton, Treasurer

Staff present [for Open Session]: Steve McGrath, Harbor Manager; Julie van Hoff, Business Manager; Loch Dreizler, Facilities Manager; and Phil Sexton, Treasurer

Legal Counsel present: Dave Cumberland [for Closed Session only]

Legal Counsel present by phone: Dennis S. Roy, Liner LLP [for Closed Session only]

CALL TO ORDER / PUBLIC COMMENT

President Barrow called the meeting to order at 5:02 p.m. There was no public comment.

CLOSED SESSION

President Barrow adjourned to closed session at 5:02 p.m., **Pursuant to Government Code §54956.9(a): Conference with Legal Counsel** – Existing litigation: *Diaz vs. Port San Luis Harbor District*; *Leckenby vs. Port San Luis Harbor District*.

Pursuant to Government Code §54957.6: Conference with Real Property Negotiators - Property: Approx. 32 Acres commonly known as Harbor Terrace; Agency Negotiators: Dennis S. Roy, Liner LLP and Harbor Manager Steve McGrath; Negotiating Parties: Port San Luis Harbor District; HomeFed Corporation; Under Negotiation: price and terms of payment of development and lease agreement

ADJOURN TO OPEN SESSION / ROLL CALL / FLAG SALUTE

President Barrow adjourned to open session at 6:02 p.m. and advised that the Board provided direction to staff, but took no reportable action in closed session.

Commissioner Matakovich led the flag salute.

PUBLIC COMMENT

Brad Hagemann introduced himself and advised that he is the new General Manager at the Avila Beach Community Services District.

Brad Snook, Co-chair of the SLO Surfrider Foundation, read a statement commenting on the Commission's June 23, 2015 action to oppose the proposed Chumash Heritage National Marine Sanctuary, which expressed the Surfrider's concern about the precedent set by taking such action.

Facilities Manager Loch Dreizler advised that Kristi Balzer, the Executive Director of the Point San Luis Lighthouse Keepers (LHK), is resigning her position with the Keepers as she is moving to Oregon with her family, and he recognized Ms. Balzer for being an asset to both the District and the LHK for her many contributions to the Lighthouse.

Kristi Balzer thanked Loch Dreizler for his kind words, and said she is proud and honored to have worked with the Harbor Commission and she hopes to see all of the Commissioners at the Lighthouse's 125th anniversary celebration in August.

Debbie Wood, Patriot Sportfishing, complimented the Board for taking action to oppose the proposed marine sanctuary.

There was no further public comment.

INTRODUCTION OF NEW DISTRICT STAFF MEMBERS

Harbor Manager Steve McGrath introduced newly-hired Port Maintenance Worker I Jake Reilly and Harbor Patrol Officers Kyle Thomson and Michael Cueto, and they each briefly addressed the Board.

CONSENT ITEMS

Consent Items A, B, C, F, G, K and P were pulled for discussion.

President Barrow invited comments from the public on the remaining Consent Items. There was no public comment.

Upon a motion duly made and seconded, the following Consent Items were unanimously approved without discussion:

- D. Minutes:** June 23, 2015 minutes
 - E. Lighthouse Keepers:** June 2015 update was received
 - H. Mobile Hoist Pier Rehabilitation Project:** June 2015 update was received
 - I. 2015 Dredge Operations:** June update was received
 - J. Quarterly Vehicle, Vessel and Equipment Maintenance Report:** July 2015 update was received
 - L. 2014/15 Employee Reimbursements:** was received
 - M. Harbor Patrol Boat III Engine Replacement:** Purchase from Port San Luis Boatyard; was approved
 - N. Zippy's at the Pier Bait and Tackle Lease Agreement:** Abatement of rent and suspension of lease term was approved
 - O. Stormwater Pollution Prevention Plan Update and Annual Report:** was received
 - Q. James Palmese Claim for Damages:** was received
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DISCUSSION ITEMS

DISCUSSION ITEM A) FAT CAT'S CAFÉ LEASE AGREEMENT: STATUS UPDATE:

Business Manager Julie van Hoff introduced the item and addressed questions from the Board.

The Commissioners discussed the matter and Commissioner Matakovich expressed apprehension in waiting three years for more action to be taken towards ADA improvements, although she appreciates the lift being installed.

Carl Barbettini, the owner of Fat Cat's Café, said it would be cost prohibitive to make further ADA upgrades at this time, rather than waiting until the corporation's bankruptcy is concluded in October 2018.

President Barrow invited comments from the public.

Anne Brown, Avila Beach, inquired as to where the responsibility lies regarding ADA compliance.

There was no further public comment, and the Board took no action on the matter.

There was a break in the meeting, and the Commission reconvened at 7:14 p.m.

DISCUSSION ITEM B) HARFORD PIER FISH CLEANING STATION UPDATE: RECEIVE REPORT; PROVIDE DIRECTION TO STAFF:

Facilities Manager Loch Dreizler introduced the item and summarized his report.

The Commissioners discussed the matter and Commissioner Matakovich asked for support to allow the Fish Cleaning Station Ad-hoc Committee to continue to work on the issue and look for funding for further improvements.

President Barrow invited comments from the public.

Tom Capen, a 35-year local fisherman, said he has use for fish carcasses and suggested a method for their collection.

Butch Powers, Nipomo resident and President of the Port San Luis Commercial Fishermen's Association, inquired about the type of water valves at the facility.

Emily Miggins, a county resident and participant in the ad-hoc committee discussions, said she is very pleased with the improvements that have been made, and she thanked staff for their fast and efficient action.

Barbara Powers, Nipomo, expressed concern about unforeseen expenses moving forward, staff time, and the long-term estimated cost of up to \$500,000. Ms. Powers suggested the Commission consider removing the facility entirely.

Shirley Goetz, Avila Beach, said she is very happy to see the improvements made and she presented the District with a \$100 check from the Avila Beach Community Foundation's Bird Sanctuary account as a donation towards the remodeling costs.

There was no further public comment, and the following action was taken:

Action:

Commissioner Matakovich moved to direct staff to add an appropriate solid waste container at the fish cleaning station, further investigate short-term solutions as outlined in attached table and implement as necessary. There was no second and the motion died.

President Barrow moved to direct staff to work with local fishermen and the Fish Cleaning Station Ad-hoc Committee to recycle fish carcasses as a pilot program. Commissioner Kirk seconded. The motion passed unanimously, 3-0. [Commissioner Blecha and Commissioner Brandy absent]

DISCUSSION ITEM C) 2015/16 APPROPRIATION LIMIT: APPROVE LIMIT; ADOPT RESOLUTION 15-11; RECOMMEND APPROVAL:

Business Manager Julie van Hoff presented the item and addressed questions from the Board.

There was no public comment and the following action was taken:

Action:

President Barrow moved to waive the reading and adopt Resolution 15-11 to Approve 2015-2016 Appropriations Limit. Commissioner Kirk seconded. The motion passed unanimously by roll-call vote, 3-0. [Commissioner Blecha and Commissioner Brandy absent]

DISCUSSION ITEM D) PUBLIC HEARING – MOORING PERMIT CANCELLATION: MOORING #702 (MADDEN):

President Barrow opened the public hearing.

Business Manager Julie van Hoff summarized the item and advised that staff recommends cancellation of mooring permit #702.

President Barrow invited comments from the public.

Travis Elliot, Avila Beach, addressed the Board and advised that, since the Commission's last meeting, he paid his outstanding balance with the District and is willing to pay Mr. Madden's past-due account upon confirmation from the District that the mooring would then be transferred to his name.

Julia Hartzell, Avila Valley, asked for and received clarification regarding the mooring permit transfer process.

Manager van Hoff said, in addition to the past due balance being paid, written authorization and confirmation of the sale would be needed from Mr. Madden in order to transfer the mooring permit to Mr. Elliot; and, to date, the District has not received such authorization or been contacted by Mr. Madden.

The Commissioners discussed the matter and their questions were addressed by staff. There was a consensus that, should Mooring Permit #702 be revoked at tonight's meeting, Mr. Elliott would have an opportunity to obtain Madden's authorization for the sale of the mooring and pay the past due balance during the 10-day redemption period.

The public hearing was closed, and the following action was taken:

Action:

Commissioner Kirk moved to bring the matter back to the Commission in a month with the appropriate paperwork signed by Mr. Madden or move forward with the revocation at that time. Commissioner Matakovich seconded. The motion failed, 2-1. [President Barrow dissented. Commissioner Blecha and Commissioner Brandy absent]

Commissioner Kirk moved to direct staff to cancel Mooring Permit #702 (Madden) and place mooring in dry storage. Commissioner Matakovich seconded. The motion passed unanimously, 3-0. [Commissioner Blecha and Commissioner Brandy absent]

There was a break in the meeting, and the Commission reconvened at 8:17 p.m.

DISCUSSION OF PULLED CONSENT ITEMS

Following discussion among the Commissioners and staff, each of the below Consent Items were approved by motions moved, seconded and carried:

- A. **Activity Reports:** June 2015
- B. **Treasurer's Report:** May 2015
- C. **Monthly Payables:** June 2015 check register, July payables; were approved
- F. **Harbor Terrace Development Project** June 2015 update was received
- G. **Harford Pier Lease Site Improvement; Dorn's Restaurant:** June 2015 update was received
- K. **Discretionary Fund:** Report of 2014/15 discretionary fund use was received
- P. **Avila Pier:** Declaration of Emergency pursuant to Public Contract Code §22050 was terminated, update received

COMMUNICATIONS

Commissioner Matakovich complimented staff for addressing the excessive weekend trash issue on Avila Beach, and she suggested several topics from recent meetings be agendized for discussion and/or follow-up in the near future, including after-hours emergency procedures and smoking on District beaches, among other matters.

At the suggestion of Commissioner Kirk, President Barrow asked staff to review past meeting minutes regarding prior Board action concerning the hiring of a Chief Harbor Patrol Officer.

President Barrow thanked staff for assistance in use of tables for the Boatyard's Halibut tournament over the weekend.

ADJOURNMENT

The meeting adjourned at 8:54 p.m. to the next scheduled meeting on Tuesday, August 25, 2015 at 6:00 p.m.



Bill Barrow, President

Attest: 

Dave Kirk, Secretary