



HARBOR COMMISSION BOARD MEETING Minutes January 22, 2019

Commissioners present: Drew Brandy, Bob Vessely, Jim Blecha, Bill Barrow and Mary Matakovich

Commissioners absent: None

Staff present [for Closed Session]: Andrea Lueker, Harbor Manager; Kristen Stout, Business Manager; Phil Sexton, Treasurer

Staff present [for Open Session]: Andrea Lueker, Harbor Manager; Kristen Stout, Business Manager; Chris Munson, Facilities Manager; Matthew Ashton, Chief Harbor Patrol Officer; Phil Sexton, Treasurer

Legal Counsel present: Jeff Minnery

CALL TO ORDER / PUBLIC COMMENT

President Brandy called the meeting to order at 5:05 p.m.
All Commissioners were present.
There was no public comment.

CLOSED SESSION

President Brandy adjourned to closed session at 5:07 p.m., **Pursuant to Government Code §54956.8: Conference with Real Property Negotiators.** Property: Harford Landing Area Lease Site commonly known as Fat Cat's Cafe. Agency Negotiators: Andrea Lueker, Harbor Manager; Kristen Stout, Business Manager; Phil Sexton, District Treasurer; Jeff Minnery, Legal Counsel. Negotiating parties: Harbor District; Fat Cat's Café, Inc. Under Negotiation: Price and Terms of Payment of Lease Agreement

Pursuant to Government Code §54956.8: Conference with Real Property Negotiators. Property: Harford Pier Lease Site commonly known as Olde Port Inn. Agency Negotiators: Andrea Lueker, Harbor Manager; Kristen Stout, Business Manager; Phil Sexton, District Treasurer; Jeff Minnery, Legal Counsel. Negotiating parties: Harbor District; Olde Port Inn (DRW Restaurants, Inc.). Under Negotiation: Price and Terms of Payment of Lease Agreement

Pursuant to Government Code Section 54956.9(a): Conference with Legal Counsel regarding the matter of *Lowry v. Port San Luis Harbor District*.

ADJOURN TO OPEN SESSION / ROLL CALL / FLAG SALUTE

President Brandy reconvened the meeting to open session at 6:02 p.m. and advised that the Board had taken no reportable action in the closed session.

All Commissioners were present.

President Brandy led the flag salute.

BOARD OF HARBOR COMMISSIONERS

- A. Election of Officers:** Commissioner Blecha moved to nominate Commissioner Vessely for President. Commissioner Brandy seconded the nomination, and the nomination was approved by a roll call vote of 5-0.

Commissioner Blecha moved to nominate Commissioner Barrow for Vice President. Commissioner Matakovich seconded the nomination, and the nomination was approved by a roll call vote of 5-0.

Commissioner Brandy moved to nominate Commissioner Blecha for Secretary. Commissioner Barrow seconded the nomination, and the nomination was approved by a roll call vote of 5-0.

There was no public comment.

The newly-elected officers of the Board were congratulated, and the gavel was passed to newly-elected President Vessely.

The Board directed staff to review and revise Port San Luis Policy No. 4015 Board Officer Elections.

PRESENTATIONS

- A. Resolution 19-01:** The Board each read a section of the Resolution, naming several of Commissioner Brandy's accomplishments as President of the Board of Commissioners.

Commissioner Blecha moved to adopt Resolution 19-01, Commending Commissioner Brandy for His Service to the District as Harbor Commission President. President Vessely seconded, and the Resolution was adopted by a roll call vote of 5-0.

There was no public comment.

President Vessely announced there was a request to move Discussion Item A, FY 2017-18 Comprehensive Annual Financial Report, ahead in the Agenda before Consent Items and Public Comment and there were no objections.

DISCUSSION ITEM A): FY 2017/18 COMPREHENSIVE ANNUAL FINANCIAL REPORT: REPORT BY BADAWI & ASSOCIATES; RECEIVE AND FILE

Treasurer Phil Sexton presented the item for Mitesh Desai of Badawi & Associates (who was present via telephone) and answered questions from the Board.

Treasurer Phil Sexton commented that staff did an excellent job meeting audit requests and getting the financials together.

Commissioner Blecha commented that this is the type of document that could be used to support grants.

President Vessely called for public comment, of which there was none.

The item required no formal action be taken.

PUBLIC COMMENT

President Vessely called for public comment.

Ken San Filippo, Port Captain of San Luis Yacht Club, introduced himself and stated he was looking forward to working with the District.

There was no further public comment.

CONSENT ITEMS

Legal Counsel Jeff Minnery clarified for the Board that Board members may ask questions on Consent Items without pulling it for discussion; and items that are pulled for discussion should be for items that the whole Board needs to weigh in on or discuss.

Commissioner Matakovich asked to remove November 27, 2018, minutes from Consent Item D as they are not yet available.

President Vessely called for public comment, of which there were none.

Commissioner Matakovich moved to approve Consent Items as modified (removal of November 27, 2018, minutes). Commissioner Brandy seconded, and the following Consent Items were approved by a vote of 5-0:

- A. **Activity Reports:** December 2018 reports were received.
 - B. **Treasurer's Report:** November 2018 report was received.
 - C. **Monthly Payables:** December 2018 check register was received.
 - D. **Minutes:** December 4; and December 13, 2018, minutes were approved.
 - E. **Lighthouse Keepers:** December 2018 update was received.
 - F. **Avila Pier Update:** January 2019 update was received.
 - G. **Harbor Terrace Project Report:** December 2018 update was received.
 - H. **Quarterly Harford Pier Report:** Fourth quarter 2018 update was received.
 - I. **Quarterly Vehicle Maintenance Report:** Report was received.
 - J. **Meeting Calendar:** Harbor Commission meeting dates for 2019 were approved.
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DISCUSSION ITEM B): COMMERCIAL FISHERMEN'S GEAR STORAGE RELOCATION DISCUSSION: REVIEW INPUT TO DATE AND DISCUSS POTENTIAL OPTIONS; PROVIDE DIRECTION TO STAFF

After a short break, Harbor Manager Andrea Lueker presented the item, went over the key points in the staff report, and answered questions from the Board.

President Vessely called for public comment, of which there was none.

The Board and staff discussed pavement of new gear storage in Harbor Terrace and location of temporary gear storage.

Harbor Manager Andrea Lueker stated that this item will go back to the Property Committee and will come back to the Board in February.

The item required no formal action be taken.

DISCUSSION ITEM C): PORT ADVOCACY PLAN UPDATE: STATUS UPDATE ON PORT ADVOCACY PLAN; REVIEW UPDATE, NO ACTION REQUIRED

Harbor Manager Andrea Lueker presented the item, went over the key points in the staff report, and turned the item over to the Board for discussion.

Commissioner Brandy reported on his CMANC meeting.

Commissioner Matakovich suggested that staff add Sea Level Rise to the Sustainability Issues matched to Agencies/Resources list.

Harbor Manager Andrea Lueker stated the Sea Level Rise Analysis is required to be done by July 2019, and although staff hasn't been able to find a grant to help with funding, the County is doing a multi-jurisdictional report and staff thinks the information the County gathers will be helpful for our Sea Level Rise Analysis. Ms. Lueker also stated that Santa Cruz Harbor just completed their analysis and they spent about \$25,000.

President Vessely called for public comment.

Butch Powers, Commercial Fisherman's Association, commented on Commissioner Brandy's statements about offshore wind leasing agents, and that it is possible to fight those with permits and landings in traditional fishing grounds.

There was no further public comment, and the item required no formal action be taken.

DISCUSSION ITEM D): PUBLIC HEARING TO CONSIDER AMENDMENTS TO CODE OF ORDINANCES CHAPTER 22 – VIOLATIONS AND ENFORCEMENT (PARKING CITATION BAIL AMOUNTS): OPEN PUBLIC HEARING AND RECEIVE PUBLIC COMMENT; ADOPT RESOLUTION 19-02 APPROVING AMENDMENT TO C.O.O. CHAPTER 22

President Vessely opened the public hearing.

Chief Harbor Patrol Officer Matt Ashton presented the item and answered questions from the Board.

There was no public comment.

After further discussion by the Board, the following action was taken:

Action:

Commissioner Blecha moved to adopt Resolution 19-02 approving changes to Chapter 22 – Violations and Enforcement (Parking Citation Bail Amounts) of the District Code of Ordinances as proposed, and waived reading. Commissioner Matakovich seconded, and Resolution 19-02 was adopted by a roll call vote of 5-0.

DISCUSSION ITEM E): COMMITTEE ASSIGNMENTS: REVIEW PRESIDENT'S RECOMMENDATIONS FOR 2019; RECEIVE AND FILE

Harbor Manager Andrea Lueker presented the item.

President Vessely stated that Committee assignments reflect the preferences of each Commissioner.

Ms. Lueker requested to have a static 1:30 p.m. Property Committee meeting time and move the other Committee meetings to 3:00 p.m. and 4:00 p.m. on the second Thursday of each month.

President Vessely called for public comment, of which there was none.

The item required no formal action be taken.

DISCUSSION ITEM F): CALIFORNIA MARINE AFFAIRS AND NAVIGATION CONFERENCE (CMANC) WASHINGTON WEEK: CONSIDERATION OF ATTENDEES AT 2019 CMANC WASHINGTON, DC WEEK; PROVIDE DIRECTION TO STAFF

Harbor Manager Andrea Lueker presented the item, went over the key points in the staff report, and turned the item over to the Board.

President Vessely and Commissioner Brandy stated they would like to attend the conference.

The Commissioners discussed if any staff should also attend.

President Vessely called for public comment, of which there was none.

There was no further discussion and the following action was taken:

Action:

Commissioner Brandy moved to approve sending President Vessely, Commissioner Brandy, and Harbor Manager Andrea Lueker to participate in the Annual California Marine and Navigation Conference in Washington, DC., to advocate for Port San Luis. Commissioner Blecha seconded, and the motion carried, 5-0.

DISCUSSION ITEM G): LOCAL AGENCY INVESTMENT FUND (LAIF) RESOLUTION: ADOPT RESOLUTION NO. 19-03 FOR LAIF TRANSFERS; RECOMMEND APPROVAL.

Harbor Manager Andrea Lueker presented the item, went over the key points in the staff report, and turned the item over to the Board.

The Board and staff discussed the signature process.

President Vessely called for public comment, of which there was none.

The Board and staff discussed how those with signature authority were determined.

There was no further discussion and the following action was taken:

Action:

Commissioner Blecha moved to adopt Resolution 19-03 to update Local Agency Investment Fund Account (LAIF), and waived reading. Commissioner Brandy seconded, and Resolution 19-03 was adopted by a roll call vote of 5-0.

DISCUSSION ITEM H): ANNUAL FINANCIAL WORKSHOP: DISCUSSION OF TOPICS FOR WORKSHOP; PROVIDE DIRECTION TO STAFF

Harbor Manager Andrea Lueker presented the item, went over the key points in the staff report, and turned the item over to the Board.

The Commissioners and staff discussed topics for the workshop and scheduling.

President Vessely called for public comment, of which there was none.

There was consensus amongst the Board to hold the Financial Forecast and Planning Workshop on Tuesday, March 12, 2019, at 12:30 p.m.

The item required no formal action be taken.

DISCUSSION ITEM I): GOVINVEST SOFTWARE PURCHASE: REVIEW PROPOSAL FOR 5-YEAR AGREEMENT TO PROVIDE ANALYTICAL SOFTWARE; RECOMMEND APPROVAL

Business Manager Kristen Stout presented the item, went over the key points in the staff report, and answered questions from the Board.

The Commissioners and staff discussed how the software would be used and the benefit of using the software.

President Vessely called for public comment, of which there was none.

There was no further discussion and the following action was taken:

Action:

Commissioner Matakovich moved to approve entering into a 5-year agreement with GovInvest, Inc. to provide licensing of analytical software providing real time analysis and other tools for long-term management of pension and other post-employment benefits (OPEB) liabilities. Commissioner Vessely seconded, and the motion carried, 5-0.

COMMUNICATIONS

Commissioner Matakovich thanked Port staff for support at the Avila Beach Polar Bear Plunge and stated that \$2,200 was raised for Prado Day Center.

Commissioner Barrow commented that he and Brent Lintner were not aware that trailers could not park after 4:00 p.m. in the Trailer Boat Camping Area.

Harbor Manager Andrea Lueker stated that Trailer Boat Camping Area spots are for day use and then available for reserved camping at a check-in time of 5:00 p.m. Ms. Lueker indicated that Staff had talked with Brent Lintner about this and are considering looking at changing how signs are pulled for the truck/trailers in the parking lot, dependent on how busy it is. Ms. Lueker also stated that Staff is open and flexible to ideas and reviewing procedures and how to amend them.

Commissioner Brandy suggested reviewing the Trailer Boat Camping Area parking times again in a Parking Management Committee meeting.

Harbor Manager Andrea Lueker stated that we will soon have a draft report from Moffatt & Nichol for the Avila Pier and would like to schedule a Special Meeting the second week in February for Moffatt & Nichol to present. It was agreed that this meeting will be held on February 13, 2019, in the afternoon.

Harbor Manager Andrea Lueker stated that President Vessely and his wife, Commissioner Matakovich, and Ms. Lueker would be attending the CSDA dinner on Friday and inquired if anyone else would be attending.

There were no further communications.

ADJOURN TO CLOSED SESSION

President Vessely adjourned to closed session at 9:41 p.m., Pursuant to Government Code Section 54957: Public Employee Performance Evaluation – Harbor Manager.

ADJOURN TO OPEN SESSION

President Vessely reconvened the meeting to open session at 10:30 p.m. and advised that the Board had taken no reportable action in the closed session.

A): HARBOR MANAGER COMPENSATION: DISCUSS AND DETERMINE COMPENSATION; RECOMMEND APPROVAL

There was no discussion and no action was taken on this item.

ADJOURNMENT

The meeting adjourned at 10:30 p.m. to the next regularly scheduled meeting on Tuesday, February 26, 2019, at 6:00 p.m.



Bob Vessely, President

Attest:



Jim Blecha, Secretary

Respectfully submitted by: Jennifer Harley, Interim Administrative Secretary