



HARBOR COMMISSION BOARD MEETING

Minutes
February 23,
2021 5:00 PM

Meeting held via Teleconference

MINUTES

CALL TO ORDER / PUBLIC COMMENT

Call to Order: President Blecha called February 23, 2021, Harbor Commission Board Meeting to order at 5:15 PM.

Commissioners Present via teleconference: Bill Barrow, Jim Blecha, Drew Brandy, Mary Matakovich, and Bob Vessely

Commissioners Absent: None

Staff Present via teleconference: Andrea Lueker, Harbor Manager; Kristen Stout, Business Manager; Chris Munson, Facilities Manager; Matt Ashton, Harbor Patrol Chief, Linda Hendy, Accountant, and Phil Sexton, Treasurer

Legal Counsel Present via teleconference: Jeffrey Minnery

Public Comment: President Blecha called for public comment, of which there were none.

ADJOURN TO CLOSED SESSION

President Blecha adjourned to Closed Session at 5:19 PM.

Pursuant to Government Code §54956.9(d)(2): Conference with Legal Counsel – Anticipated Litigation. The number of potential cases: Two (2).

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

Pursuant to Government Code §54956.8: Conference with Real Property Negotiators. Property: Harford Pier Building Lease Site (to be used as a Retail/Wholesale Fish Market). Agency Negotiators: Andrea Lueker, Harbor Manager; Kristen Stout, Business Manager; Phil Sexton, District Treasurer; Jeff Minnery, Legal Counsel. Negotiating parties: Harbor District; Shaun Corrales, for the business operation named Harford Pier Fish Market. Under Negotiation: Price and Terms of Payment of Lease Agreement.

ADJOURN TO OPEN SESSION

The Board ended Closed Session and President Blecha reconvened the meeting to Open Session at 5:56 PM.

All Commissioner were present.

Report on Closed Session: President Blecha stated that Harbor Manager Lueker will report on closed session. Harbor Manager Lueker reported that on closed session item, "Conference with Real Property

Negotiators” Harford Pier Fish Market, the Board unanimously approved the following key terms in order to move forward with the lease document:

- A minimum base rent per year of \$27,000.
- A percentage rent of 7% on the sale of all products and services associated with management and operation of their retail/wholesale fish market.
- 5% percentage rent on the sale of all products and services sold at Farmers Markets and special events.
- Products delivered by the Lessee to wholesale customers.

The term is a ten (10) year lease, five (5) years plus one five (5) year extension. Tenant improvements of \$165,000, including the following interior improvements: flooring, interior walls, lighting, electrical, painting, and interior wall art and graphics.

The board agreed that rent will begin 90 days after the signing of the lease agreement, but if the business opens prior to those 90 days, rent will be paid.

The District agreed to allow the lessee to locate a temporary dumpster enclosure near the old Olde Port Inn lift station. The lessee will pay for the building of the dumpster enclosure. When the dumpster enclosure is to be relocated, due to the redevelopment of the area, the tenant and the District will work to find another mutually agreed upon location.

In terms of further outside improvements, the respondent will install one (1) window and is responsible for all costs associated with the moving of the electrical panel for the hoist. The District will complete one (1) ADA compliance entrance in the front of the building and will be constructed in the same manner as the ADA entrance at Mersea’s, which the District also constructed.

Furthermore, the District will remediate the presence of termites and the cost for new siding, if needed. The District will pay for the exterior of the building. The District will also complete the removal of the interior walls and insulation, down to the studs. The District will not be responsible for the removal of any electrical wiring or pipe.

Finally, in terms of an outdoor barbeque/smoker, the District in coordination with the Lessee allows the placement of an outdoor smoker, not a barbeque. Approval pending inspection by CalFire and San Luis Obispo County Health Department. The District will install removable bollards of which the tenant will place outside when using the outdoor smoker and will be removing the bollards when not in use.

PUBLIC COMMENT

Public Comment: President Blecha called for public comment on items that are not on the agenda and there were none.

PRESENTATIONS

A. ADOPT RESOLUTION 21-03 IN APPRECIATION OF HARBOR COMMISSION PRESIDENT BILL BARROW

Resolution 21-03: The Board each read a section of the Resolution, naming several of Commissioner Barrow’s accomplishments as President of the Board of Commissioners.

Commissioner Brandy moved to adopt Resolution 21-03 commending Commissioner Barrow for his service to the District as Harbor Commission President. Commissioner Vessely seconded, and the Resolution was adopted by a roll call vote of 5-0.

B. CERTIFICATE OF RECOGNITION: PRESENTATION OF THE CERTIFICATE OF RECOGNITION FOR BUDGET PREPARATION FROM THE GOVERNMENT FINANCE OFFICERS ASSOCIATION FOR FY 2020/21 BUDGET.

Harbor Manager Lueker read and presented the certificate.

C. CERTIFICATE OF RECOGNITION: PRESENTATION OF THE CERTIFICATE OF ACHIEVEMENT FOR EXCELLENCE IN FINANCIAL REPORTING (CAFR) FROM THE GOVERNMENT FINANCE OFFICERS ASSOCIATION FOR FY 2018/19.

Harbor Manager Lueker read and presented the certificate.

CONSENT ITEMS

No Consent Items were pulled for discussion.

President Blecha commented on Consent Item D, January 26, 2021 Minutes, Discussion Item B, there was a motion made and it did not record the second.

Harbor Manager Andrea Lueker replied to President Blecha's comment that a revised copy was sent to the Commissioners and the amended agenda was posted to the Website.

President Blecha informed the Commissioners that Consent Item H, *Avila Beach Community Services District Easement Issue*, was pulled from Consent (ABCSD), to be presented at a later date.

Harbor Manager Andrea Lueker stated she spoke with Greg Hagemen, General Manager of ABCSD, and he requested this item be placed on a Special Meeting agenda, prior to the next regular meeting. Harbor Manager Andrea Lueker stated that would be fine.

President Blecha commented on Consent Item I, *Lighthouse Road Easement Agreement*, and stated there are several places throughout the document, in the revised and amended sections, where it makes reference to Port San Luis Lighthouse instead of Point San Luis Lighthouse. President Blecha would like this document corrected.

President Blecha commented that in the Amended Easement agreement the name of the attorney firm should be updated, and Port San Luis Lighthouse should be changed to Point San Luis Lighthouse.

Legal Counsel Jeff Minnery confirmed those changes can be made.

President Blecha commented on Consent Item L, the *Harford Pier Canopy Termite Mitigation and Repairs*, requesting Commissioner Vessely's perspective. Commissioner Vessely stated he fully supports this.

Public Comment: President Blecha called for public comment and there were none.

Action: Commissioner Barrow moved to approve the following Consent Items, and seconded by Commissioner Matakovich, Consent Items A through M were approved by a vote of 5-0:

- A. Activity Reports:** January 2021; receive and file.
- B. Treasurer's Report:** December 2020; receive and file.
- C. Monthly Payables:** January 2021 check register; receive and file.
- D. Minutes:** January 7, 2021, January 14, 2021, and January 26, 2021 minutes; recommend approval.
- E. 2nd Quarter Rent Report:** Receive and file.
- F. 2nd Quarter Financial Statements:** Receive and file.

- G. **Amended 2020/21 Salary Schedules and Special Compensation:** Amended salary schedules; recommend approval.
- H. **Avila Beach Community Services District (ABCSD) Easement Issue:** Report Placeholder.
- I. **Lighthouse Road Easement Agreement - Amended and Restated:** review and approve the redlined easement agreement and direct the Harbor Manager to sign the revised easement agreement.
- J. **Surplus Property:** Declare all contents of the former Olde Port Inn Restaurant as surplus property if not sold; authorize demolition and disposal; recommend approval.
- K. **Fiscal Year 2021-22 Budget Calendar:** Review policies and calendar; recommend approval.
- L. **Harford Pier Canopy Termite Mitigation and Repairs:** Review proposed Capital Project Amendment, recommend approval.
- M. **Dredge Pump Repair:** Review the allocation of an additional \$6,380 to the Major Maintenance Project – Dredge Pump Maintenance; recommend approval.

DISCUSSION ITEMS

- A. **Public Hearing Related to Water and Wastewater Rate Adjustments:** Open Public Hearing; receive comments and protests, if any; close Public Hearing; tabulate and report any protests, Board consideration of Resolution No. 21-04 adopting updated monthly rates and charges for Water and Wastewater Services for Port San Luis Harbor District.

Harbor Manager Lueker presented the Staff Report and answered questions from the Commissioners. Facilities Manager Chris Munson also answered questions from the Commissioners.

Public Comment: President Blecha called for public comment; the following individual provided public comment:

- Chris Dorn, Mersea's

Action: President Blecha commented that we did not hear from a majority, we heard from one individual, representing one of the seven parcels we have. Commissioner Matakovich motioned that if a majority protest is not received, Adopt Resolution 21-04, which Adopts Monthly Rates and Charges for water and wastewater services, President Blecha seconded, and Resolution 21-04 was approved with a roll call vote of 5-0.

- B. **Harbor Patrol Policy Manual, Chapter 3, Policy 300 – Use of Force:** Review Policy 300; provide direction to staff.

- Harbor Patrol Chief Ashton presented the Staff Report and answered questions from the Commissioners. Dr. Ron Martinelli, (District Subject Matter Expert), Martinelli and Associates, provided additional information on the Use of Force policy.

Public Comment: President Blecha called for public comment; the following individual provided public comment:

- Barry Price

Action: No formal action was required for this item.

- C. **Resolution No. 21-05 Reprimanding Harbor Commissioner Bob Vessely:** Review reprimand, recommend approval.

Public Comment: President Blecha called for public comment; the following individual provided public comment:

- Sheila Blake, Pismo Beach resident
- Kara Woodruff
- Erik Howell

- Dorothy Hines, Nipomo resident
- Barbara Powers, Nipomo resident
- Deb Foughty
- Brad Wilcox, Wilcox Fisheries
- Nanci Parker

Action: Commissioner Vessely motioned to set aside this agenda item completely, Commissioner Matakovich seconded.

Ayes: Commissioner Vessely, Commissioner Matakovich

Noes: President Blecha, Commissioner Brandy, Commissioner Barrow

Final Action: President Blecha read Resolution 21-05a in its entirety and called for a motion. Commissioner Brandy motioned to adopt Resolution 21-05a, Commissioner Barrow seconded and Resolution 21-05a was adopted with a roll call vote of 3-2.

Ayes: President Blecha, Commissioner Brandy, Commissioner Barrow

Noes: Commissioner Vessely, Commissioner Matakovich

D. Fiscal Year 2020-21 Mid-Year Budget Review: Receive and file.

Accountant Linda Hendy presented the Mid-Year Budget Review. Treasurer Phil Sexton answered questions from the Commissioners.

Public Comment: President Blecha called for public comment and there were none.

Action: No formal action was required.

E. Harford Pier Replacement Sign: Review and choose option A or B for the replacement sign; recommend approval.

Facility Manager Chris Munson presented the Staff Report and answered questions from the Commissioners.

Public Comment: President Blecha called for public comment and there were none.

Action: President Blecha motioned to direct the Harbor Manager or designee to build sign option A, using a grant not to exceed funds of \$7000 and Commissioner Brandy seconded. Discussion item E was approved with a roll call vote 5-0.

F. Consideration of Repower of the Mooring Work Boat, LCM (Landing Craft Mechanized), and Approval of Budget Transfer: Accept a grant for 65% of the repower costs of the LCM and approve a budget transfer for the remaining 45% from the LCM Reserve; recommend approval.

Facilities Manager Chris Munson and Planner Analyst Natalie Teeter presented the Staff Report and answered questions from the Commissioners.

Public Comment: President Blecha called for public comment; the following individuals provided public comment:

- Brad Wilcox, Wilcox Fisheries

Action: Commissioner Matakovich moved to accept the staff's recommendation and Commissioner Vessely seconded, Discussion Item F passed with a roll call vote of 4-1.

Ayes: President, Blecha, Commissioner Brandy, Commissioner Vessely, Commissioner Matakovich

Noes: Commissioner Barrow

G. Gear Storage Seatrain Acquisition: Review and choose option 1 or 2 based on the action reported from the Central California Joint Cable Fisheries Liaison Committee; recommend approval. Facilities Manager Chris Munson presented the Staff Report and answered questions from the Commissioners.

Harbor Manager Lueker presented the staff report. She announced that the grant that Facilities Manager Chris Munson wrote to the Central California Joint Cable Fisheries Committee was accepted yesterday. This grant is to purchase the seatrains and so we have a bit of a different presentation by our Facilities Manager.

Facilities Manager Chris Munson presented the updated staff report and answered questions from the Commissioners.

Public Comment: President Blecha called for public comment, and there were none.

Motion: President Blecha moved to accept Recommendation Option 2 with the amendment to authorize an additional \$15,000 to be used instead of \$7,500 and seconded by Commissioner Matakovich. Discussion Item G passed with a roll call vote of 4-0.

Ayes: President Blecha, Commissioner Brandy, Commissioner Vessely, Commissioner Matakovich

Abstain: Commissioner Barrow

H. 2021 Standing and Ad-hoc Committee Assignments: Review President's recommendations for 2021; receive and file

President Blecha acknowledged his Mea Culpa on the committee assignments for 2021. On the Public Safety Committee, he intended to keep it the same as last year. President Blecha's recommendation for the Public Safety Committee is Commissioners Barrow and Brandy.

Public Comment: President Blecha called for public comment, and there were none.

Action: No formal action was required.

COMMUNICATIONS

Commissioner Brandy stated that he and Harbor Manager Lueker are virtually attending the CMANC meeting this Thursday and Friday. The focus from the Port will be the breakwater, Coast Guard, and travel hoist.

Commissioner Barrow suggested that Commissioner Brandy take a copy of the photo, in the Coastal Gateway Conference Room, showing the hole in the breakwater, to share with CMANC.

President Blecha added that it's an arguable point.

Commissioner Matakovich shared that she went on a ride-along with Harbor Patrol Officer Jake Vierra. Officer Vierra talked about issues that he addresses in the morning. Basically, his job is to warn people of things going on and educate them. Officer Vierra took Commissioner Matakovich to Cave Landing at her request. Commissioner Matakovich described Cave Landing stating it's now a homeless encampment. There are at least 100 people plus in a variety of vehicles.

Harbor Manager Lueker we are ready for CMANC, we are allowed one document this year. Harbor Patrol Chief Ashton was in Bremerton, Washington, this last weekend to do a hull inspection sea trial on the new Harbor Patrol vessel and all went well. The vessel is due to arrive at the Port in the next week or so. Once it arrives, we shall sell the Rattan to Morro Bay. We shall also do a christening of the new vessel.

FUTURE AGENDA ITEMS

It is the consensus of the Board that Chris Dorn, Mersea's Wastewater Tier could be tested to verify which tier his restaurant is aligned with.

Review the regulations on the Gear Storage Units storage area and conditions of the seatrains, at the new Harbor Terrace site.

ADJOURNMENT

The meeting adjourned at 10:35 PM to the next regularly scheduled meeting on Tuesday, March 23, 2021, at 6:00 pm.



Jim Blecha, President

Attest:



Bob Vessely, Secretary

Respectfully submitted by Tricia Wisniewski, Administrative Secretary.