



HARBOR COMMISSION BOARD MEETING Minutes April 24, 2018

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

Commissioners absent: Jim Blecha

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

Staff present [for Open Session]: Andrea Lueker, Harbor Manager; Kristen Stout, Business Manager; Chris Munson, Planner/Analyst

Legal Counsel present: Jeff Minnery [for closed session only]

CALL TO ORDER / PUBLIC COMMENT

President Brandy called the meeting to order at 5:03 p.m.

All Commissioners were present.

Del Kyle of the Port San Luis Boatyard was present to answer questions from the Board.

CLOSED SESSION

President Brandy adjourned to closed session at 5:06 p.m., **Pursuant to Government Code Section 54956.9(a)**: Conference with legal counsel regarding the matter of *Lowry v. Port San Luis Harbor District*.

Pursuant to Government §54956.8: Conference with Real Property Negotiators. Property: Harford Land Area Lease Site. Agency Negotiators: Andrea Lueker, Harbor Manager; Kristen Stout, Business Manager; Phil Sexton, District Treasurer; Jeff Minnery, Legal Counsel. Negotiating parties: Harbor District; Port San Luis Boatyard. Under Negotiation: Terms of Lease.

ADJOURN TO OPEN SESSION / ROLL CALL / FLAG SALUTE

President Brandy reconvened the meeting to open session at 6:00 p.m. and advised that the Board had provided direction to staff, but had taken no reportable action in closed session.

All Commissioners were present, except Commissioner Blecha.

President Brandy led the flag salute.

PUBLIC COMMENT

William Sievers, San Luis Obispo, addressed the Board regarding his mooring account, a bill for mooring repairs, and action the District had taken. Mr. Sievers presented mooring parts and chain for the District to inspect, claiming those items were not yet in need of replacement and additionally, that the District had charged too much for parts. Mr. Sievers expressed his disappointment in an agency meant to serve and protect the public, noting that he had experienced difficulties with the main office staff, Harbor Patrol, and the Boatyard. Mr. Sievers presented two letters to Board members and staff – from which he read aloud, and asked the Board to consider his request to reverse charges which he deemed unnecessary, and to stop the impound/lien process underway with his boat which had been pulled from the water. He thanked the Board for their consideration of the matter.

There was no further public comment.

CONSENT ITEMS

Consent Items **A** and **D** were pulled for discussion by the Commission.

Upon a motion made by Commissioner Matakovich and seconded by Commissioner Vessely, the following Consent Items were approved by a vote of 4-0 [Commissioner Blecha absent] without discussion:

- B. Treasurer's Report:** February 2018 report was received.
 - C. Monthly Payables:** March 2018 check register was received.
 - E. Lighthouse Keepers:** March 2018 update was received.
 - F. Avila Pier Update:** March 2018 update was received.
 - G. Harbor Terrace Project Report:** March 2018 update was received.
 - H. Quarterly Vehicle Maintenance Report:** was received.
 - I. Quarterly Harford Pier Report:** was received.
 - J. Dredge Update:** was received.
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DISCUSSION OF PULLED CONSENT ITEMS

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

- A. Activity Reports:** March 2018 were received.
 - D. Minutes:** March 27, 2018 and April 10, 2018 minutes were approved.
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DISCUSSION ITEM A): FISCAL YEAR 2018-19 PRELIMINARY BUDGET – RESOLUTION 18-06 ADOPTING PRELIMINARY BUDGET; RECOMMEND APPROVAL

Business Manager Kristen Stout presented and brought the draft budget document up to date, and answered questions from the Board.

Treasurer Phil Sexton provided input and also answered questions from the Board alongside Harbor Manager Andrea Lueker.

Input was received by all Board members.

Commissioner Vessely presented samples from the City of San Luis Obispo's budget document, and requested a more detailed matrix of specific budget items similar to the City's document, in order to give the Board a better idea of current and upcoming maintenance expenditures and priorities.

Commissioner Matakovich requested an additional workshop to focus on long-term sustainability, so that a more intricate solution may be mapped out.

Commissioner Barrow expressed his desire to see more money put into operating reserves.

President Brandy directed staff to begin working on a more detailed matrix of current and future expenses, and to begin planning a special financial workshop to take place no later than 120 days from April 24th, in order to allow the new Accountant and Facilities Manager to become familiar with their positions, prior to contributing to budget discussions.

Harbor Manager Andrea Lueker advised that the document would be brought back to the Finance Committee in May.

President Brandy called for public comment.

William Sievers, San Luis Obispo, expressed his belief that the District should be replacing vehicles with high-efficiency, state-of-the-art models in order to keep operating and maintenance costs at a minimum.

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

Action:

Commissioner Matakovich moved to approve Resolution 18-06 adopting the FY 2018-19 Preliminary Budget, and to dispense with the reading. Commissioner Vessely seconded, and Resolution 18-06 was adopted by a vote of 4-0. [Commissioner Blecha absent.]

DISCUSSION ITEM D): REVIEW OF AVILA PIER COMMUNITY MEETING RESULTS & RECOMMENDATION ON THE AVILA PIER REHABILITATION PROJECT – CONSIDER THE RECOMMENDATION FROM THE AVILA PIER COMMITTEE; PROVIDE DIRECTION TO STAFF

Business Manager Kristen Stout presented the item and answered questions from the Board. Ms. Stout recounted the efforts made to promote awareness of an Avila Pier Community Meeting, which had been held the previous month, in order to provide the community with design and length options for a rehabilitated Avila Pier and to receive input from the public on those options.

Planner/Analyst Chris Munson offered input, and presented photos which showed an aerial, pictorial view of the Avila Pier at various lengths.

The options of rebuilding a shorter pier, and future maintenance costs were discussed. Mr. Munson also answered structural and engineering questions from the Board.

Commissioner Matakovich spoke about her efforts in involving the community in the rehabilitation of the Avila Pier over the past several years, as well as her efforts as a Commissioner dedicated to restoring the historical structure owned by the District. She stated that the pier is a priceless asset, and expressed her belief that by shortening the pier, the District may give away a piece of its valuable property. She stressed the need for a clear plan for funding in order to move forward with rehabilitation.

Commissioner Vessely echoed Commissioner Matakovich's sentiments, with the caveat that the District should remain flexible with the length of the pier. He suggested that the rehabilitation be considered a major maintenance project within the scope of the District's budget.

Commissioner Barrow spoke about the oil plume beneath the pier, and its effect on the District's ability to drive pilings and maintain the structure in the past.

President Brandy called for public comment.

Mary Chiu, Avila Beach Post Office, spoke about her attendance at the Avila Pier Community Meeting in March. Ms. Chiu provided input as to how questions were answered, and offered advice on how to better interact with the public to receive input and provide answers to questions. She also spoke about options for vendors who could potentially provide rent revenue to the District.

A gentleman named Albert, a former Caltrans engineer, spoke about the engineering aspects of the project, as well as the design concept.

Bret Clark, San Luis Yacht Club, stated that Commissioner Matakovich's words had resonated with him, as he views the pier a part of the charm of Avila, and a draw for tourists. He asked that the Board consider inclusion of a lower landing regardless of the length, in order to accommodate loading and unloading of passengers. Mr. Clark also expressed his belief that the design concepts presented looked more expensive than potentially necessary, and asked that a timeline be established for a formal recommendation.

Rob Rossi, Avila Beach, spoke about his involvement with the feasibility study, funding resources, and additionally offered support for the idea of commercial revenue to sustain maintenance of a rehabilitated pier.

Barbara Powers, Nipomo, offered support of Commissioner Matakovich's intentions, and stated that she'd like to see the Avila Pier as a commercial enterprise.

Pete Kelley, Avila Beach, stated that he'd like to see the Avila Pier open to the public, in its current state. Mr. Kelly expressed his belief that the pier would not collapse under normal conditions, and spoke about the location of the plume as it relates to maintenance of the current structure.

William Sievers, San Luis Obispo, offered support of the preservation of historic structures, and expressed his belief that the pier should be preserved at its current length. He suggested utilizing state funding, wind or wave energy, and tourism to generate funding.

Anne Brown, Avila Beach, stated that she would like to see the pier kept at its original length. Ms. Brown echoed Mr. Clark's sentiment that the concepts presented for a rehabilitated pier are too fancy for the community of Avila Beach.

Chris Buccat, local fisherman, asked if a second engineering opinion had been obtained regarding the re-opening of the Avila Pier.

The Board further discussed the item, with President Brandy and Commissioner Barrow expressing support for the notion of re-opening the pier to the public, prior to rehabilitation.

Harbor Manager Andrea Lueker offered that regulatory control agencies would weigh in on the District's ability to open an already-closed structure to the public.

Commissioner Vessely showed support of Commissioner Matakovich's request for a clear, detailed plan and path forward, with options presented alongside costs.

President Brandy expressed a desire to stress the need for TOT funding to County Supervisors.

Harbor Manager Andrea Lueker confirmed that direction had been given to staff to contact Shoreline Engineering, or similar firms, for assessment, and to get an idea on existing condition and repair costs, as well as risk liability. Ms. Lueker noted that S.D.R.M.A. would want to weigh in on whether or not the District should take the risk of re-opening the Avila Pier, and that staff would bring the item back to the Board for discussion at a future meeting with cost estimates.

The item required no action be taken.

DISCUSSION ITEM E): PORT SAN LUIS BOATYARD – CONSIDER REQUEST FOR ASSIGNMENT OF LEASE; PROVIDE DIRECTION TO STAFF

Harbor Manager Andrea Lueker presented the item, and stated that it had been discussed in closed session, with no reportable action taken. She related that Mr. Kyle had 50% interest in the Port San Luis Boatyard, and that he had requested to assign his 50% as well as liability to Mr. Lintner, to which Mr. Lintner had agreed. She also stated that Mr. Kyle had requested that the District waive the processing assignment fee of \$3000, and charge \$250 instead, and that, if approved, the assignment would take place on May 1, 2018.

Staff noted that Mr. Lintner was available to discuss the matter by phone if necessary.

President Brandy called for public comment, of which there was none, and the following action was taken:

Action:

Commissioner Matakovich moved to accept the request for assignment of lease from Delmer Kyle to Bret Lintner and to charge \$250 for the processing fee and waive the \$3,000 fee. Commissioner Vessely seconded and the motion passed by a vote of 4-0. [Commissioner Blecha absent.]

DISCUSSION ITEM C): FISH MARKET REQUEST FOR PROPOSAL – RECOMMENDATION TO REJECT ALL PROPOSALS; PROVIDE FURTHER DIRECTION TO STAFF

Commissioner Barrow recused himself at 7:50 p.m., to avoid any perceived conflict of interest.

Harbor Manager Andrea Lueker presented the item, went over the key points in the staff report, and answered questions from the Board. Ms. Lueker advised that, upon advice from legal counsel, staff was recommending that the single proposal received be deemed unresponsive.

Commissioner Matakovich clarified that the reason why the proposal was deemed non-responsive was that it exceeded the scope of the Request for Proposals (RFP), as the west side of the Harford Pier will be under construction and thus, is not available within the scope of the RFP.

Harbor Manager Andrea Lueker added that additional financial information had been required and requested, but had not been received, and that it would be too difficult to dismantle the proposal to determine the appropriate response to scope of the actual RFP, as presented by the District for response.

The Commission and staff discussed the need for potential operating agreements for equipment currently providing services to commercial fishermen.

President Brandy called for public comment.

Barbara Powers, Olde Port Fish & Seafood Co., Inc. presented a document to Commissioners and staff, from which she read aloud, expressing her disappointment in the RFP process. Ms. Powers provided input as to what she felt were important considerations for lease space and operation of pier equipment, such as an ice facility and forklift, outside the scope of the previously released RFP.

Chris Buccat, local fisherman, spoke about the operation of the ice facility.

There was no further public comment.

Commissioner Vessely commended the Powers for their thorough and professional submission, and expressed that the information received in the proposal should be taken into consideration, but asked staff to re-submit an RFP for operation on the east side of the Harford Pier, and spoke about the option of month-to-month operating agreements for equipment outside the scope of the fish market RFP.

Action:

Commissioner Vessely moved that the Board reject the proposal submitted by Barbara and Butch Powers, with apology. Commissioner Matakovich seconded, and the motion passed, 3-0. [Commissioners Barrow and Blecha absent.]

Commissioner Matakovich moved that the Board direct staff to develop another Request for Proposals (RFP) for the wholesale fish market on the east side of the Harford Pier. Commissioner Vessely seconded, and the motion passed, 3-0. [Commissioners Barrow and Blecha absent.]

DISCUSSION ITEM B): RESTAURANT STEAMER EQUIPMENT – REQUEST FROM OLDE PORT FISH AND SEAFOOD CO., INC. TO ADD STEAMER EQUIPMENT; PROVIDE DIRECTION TO STAFF

Harbor Manager Andrea Lueker presented the item, went over the key points in the staff report, and answered questions from the Board. Ms. Lueker noted that the addition of equipment is not within the lease footprint, as the older lease footprints do not extend beyond the buildings, whereas the new leases extend to the area just outside, and stated that upon approval, staff would be happy to walk the lessee through the Coastal Development Permit process.

Commissioner Matakovich inquired as to whether staff had given approval prior to installation. Staff confirmed that a previously portable steamer had not been approved prior to installation, and that the current request involved a permanent installation.

President Brandy called for public comment.

Barbara Powers, Olde Port Fish and Seafood Co., Inc. stated her belief that a steamer is a safer, cleaner, more efficient option as opposed to propane burners for use in preparing crab, and that it emits less odor. She said she hadn't meant to break any rules.

Butch Powers, Olde Port Fish and Seafood Co., Inc. stated that the electrical work had been approved by the Fire Department.

Commissioner Vessely stated that the Fire Department does not approve electrical work, and noted that his motion will include steps 1-5 as listed in the staff report, and wants to ensure that any work is done properly.

Commissioner Matakovich advised that in the future, lessees work with staff to go through an appropriate approval process.

Planner/Analyst Chris Munson confirmed for Commissioner Vessely that it would be appropriate to obtain inspection of the installation by a third party, noting that buildings on the Harford land area would be overseen by the County, but buildings on the Harford Pier fall under the jurisdiction of the District, thus the request for an outside, professional inspection.

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

Action:

Commissioner Vessely moved that the Board approve the installation of a steamer and the 3' by 4' enclosure as requested, and that all the work be inspected by a certified building inspector. Commissioner Matakovich seconded, and the motion passed by a vote of 3-0. [Commissioners Barrow and Blecha absent.]

COMMUNICATIONS

Commissioner Matakovich stated she'd been present when Salud Carbajal had presented the Lighthouse Keepers with a flag which had been flown over the State Capitol, and stated that the recognition was a positive experience for the volunteers.

Commissioner Matakovich also spoke about a fundraiser held by the Orchid Society which benefitted the Point San Luis Lighthouse, and complemented the volunteers for their efforts in organizing the event.

Commissioner Matakovich also mentioned her attendance at a regional luncheon held at Cuesta College for elected officials, noting that about 20 attendees were present, and that it was a positive outreach experience.

Commissioner Matakovich also stated that the Avila Valley Advisory Council had been given a draft copy of the "Envision Avila" plan – noting that the document contains 177 pages and provides a background of the Avila Beach community; the document is available online with a comment period ending the 10th of May.

Harbor Manager Andrea Lueker announced that she'd be attending a meeting the following evening hosted by PG&E, regarding Pirate's Cove / Cave Landing.

Ms. Lueker also stated that an RFP for the trailer boat launch building would soon be opening, and noted that the previous lessee should be vacating by the 2nd of May, and that two parties had already expressed interest in responding to the request for proposals.

There were no further communications.

ADJOURNMENT

The meeting adjourned at 9:24 p.m. to the next regularly scheduled Harbor Commission meeting on Tuesday, May 22, 2018 at 6:00 p.m. in the Coastal Gateway building.



Drew Brandy, President

Attest: 

Jim Blecha, Secretary

Respectfully submitted by: April Brannum, Administrative Secretary