



**HARBOR COMMISSION BOARD MEETING  
Minutes June 26, 2018**

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; Phil Sexton, Treasurer

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

Legal Counsel present: Jeff Minnery

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**CALL TO ORDER / PUBLIC COMMENT**

President Brandy called the meeting to order at 5:48 p.m.

All Commissioners were present.

There was no public comment.

**CLOSED SESSION**

President Brandy adjourned to closed session at 5:50 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*.

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**ADJOURN TO OPEN SESSION / ROLL CALL / FLAG SALUTE**

President Brandy reconvened the meeting to open session at 6:04 p.m. and advised that the Board had taken no reportable action in closed session.

All Commissioners were present.

President Brandy led the flag salute.

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### PRESENTATIONS

- A. Resolution 18-10:** In appreciation of former District Accountant, Heather Zacker, was adopted upon a motion made by Commissioner Vessely, seconded by Commissioner Blecha, and carried by a roll call vote of 5-0.

The Commissioners took turns reading the resolution, which was then presented to Ms. Zacker with heartfelt thanks from the Board for her years of service to the District, and many outstanding achievements.

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### PUBLIC COMMENT

Shirley Goetz, Avila Beach, shared the annual totals for monofilament line she'd collected from designated receptacles on the Harford Pier from June 15, 2017 to May 31, 2018. Ms. Goetz noted that nearly 2.7 pounds of line, and nearly 5.5 pounds of total material had been collected during that time, and that additionally, over 2,000 hooks had been collected over the past three years.

Ms. Goetz thanked the Board for its letter of support, written in 2013, for the Avila Beach Bird Sanctuary designation, noting it was a tedious process to achieve designation, and that the former Harbor Manager Steve McGrath had been very helpful.

Ms. Goetz also stated that a non-profit called Avila Beach Bird Sanctuary, Inc. had been formed on Feb 5, 2016, and was, at the time of comment, halfway through its third year. Ms. Goetz stated that what she found online, filed with the Secretary of State, is that their mission is to promote the appreciation of birds in Avila Beach, and noted that they are also listed as an educational organization. Ms. Goetz inquired as to whether anyone had heard of any events or representation in the community. No member of the Board or public confirmed knowledge of the organization or its activities.

There was no further public comment.

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### CONSENT ITEMS

Consent Items **B**, **G**, and **J** were pulled for discussion by the Harbor Commission.

Upon a motion made by Commissioner Barrow and seconded by Commissioner Vessely, the following Consent Items were approved by a vote of 5-0 without discussion:

- A. Activity Reports:** May 2018 reports were received.
  - C. Monthly Payables:** May 2018 check register was received.
  - D. Minutes:** May 22, 2018 minutes were approved.
  - E. Lighthouse Keepers:** May 2018 update was received.
  - F. Avila Pier Update:** May 2018 update was received.
  - H. Dredge Update:** was received.
  - I. Legal Counsel Fee Agreement:** was approved.
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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:

- B. Treasurer's Report:** April 2018 was received.
- G. Harbor Terrace Project Report:** May 2018 update was received; Rick Rengel of RRM Design addressed the Board with an update on progress made on the Harbor Terrace Project since the last Commission meeting.
- J. Update of District Policy Series 7000 Public Safety and Law Enforcement:** was approved as written.

Public comment was heard for **Consent Item J** by Shirley Goetz of Avila Beach, who sought clarification from the Board as to the responsibilities of a peace officer.

Jeffrey Minnery, District Legal Counsel, advised and answered questions from the Board pertaining to **Consent Item J**; Mr. Minnery left the meeting at 6:38 p.m.

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**DISCUSSION ITEM D): AVILA BEACH COMMUNITY CENTER – REVIEW REQUEST FOR FEE WAIVER; PROVIDE DIRECTION TO STAFF**

Commissioner Matakovich recused herself as a Board member of the Avila Beach Civic Association.

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

The Board discussed the item as it pertained to District policy, with Commissioners providing input as to their experiences with the event, and the benefit it presents to the community. Commissioners Brandy and Blecha offered to pay for parking with discretionary funds, and spoke in support of issuing a one-time reduced fee for event parking in the Avila lot.

President Brandy called for public comment.

Lisa Newton, Avila Beach, spoke in support of the request, stating her belief that the parking lot will be nearly empty by 5 p.m. on the evening of September 22<sup>nd</sup>. Ms. Newton spoke about the Civic Association's previous support of construction of District bathrooms and expressed her hope that that support would be reciprocated.

Anne Brown, Avila Beach, echoed the sentiments of Lisa Newton, and stated that it's difficult to earn money as a non-profit in Avila Beach.

Mary Foppiano, Executive Director of the Civic Association, spoke in detail about the request and asked that the Board look favorably upon the Association.

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

**Action:**

Commissioner Barrow moved to issue a one-time reduced fee of \$150 for the 5<sup>th</sup> Annual Avila Gala Dinner with funding to be provided as follows: \$100 from President Brandy's discretionary funds, and \$50 from Commissioner Blecha's discretionary funds. President Brandy seconded, and the motion carried, 4-0. [Commissioner Matakovich abstaining.]

**DISCUSSION ITEM A): FYE 2017/18 BUDGETARY TRANSFERS – BUDGETARY TRANSFERS FOR FISCAL YEAR END 2017/18; RECOMMEND APPROVAL**

Commissioner Matakovich rejoined the meeting for Discussion Item A.

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

District Treasurer Phil Sexton answered questions from the Board, spoke in detail about the transfers, and noted that the District is \$400,000 ahead of original budget projections.

President Brandy called for public comment.

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

**Action:**

Commissioner Matakovich moved to approve proposed budgetary transfers. Commissioner Vessely seconded, and the motion carried, 5-0.

**DISCUSSION ITEM B): PUBLIC HEARING TO APPROVE FY 2018/19 ANNUAL BUDGET – RECEIVE PUBLIC COMMENT AND APPROVE FINAL BUDGET; ADOPT RESOLUTION 18-11**

Harbor Manager Andrea Lueker presented the item, answered questions from the board, and went over changes made to the budget document since approval of the preliminary budget. Ms. Lueker went over the Board's goal establishment process, and stated that the District Accountant, Linda Hendy; and District Treasurer, Phil Sexton, were both present and available to answer questions.

The Commissioners discussed the item in detail.

Commissioner Matakovich expressed interest in a Board Study Session, and stated her interest in adding goals under objective headings.

President Brandy opened the public hearing at 7:22 p.m. and called for public comment.

William Sievers, San Luis Obispo, stated his support for preserving the Avila Pier with donations.

There was no further public comment and the public hearing closed at 7:23 p.m.

Commissioner Vessely moved to adopt Resolution 18-11 approving the final budget for Fiscal Year 2018/19, and omitted the reading. Commissioner Blecha seconded, and Resolution 18-11 was adopted by a roll call vote of 5-0.

**DISCUSSION ITEM C): PUBLIC HEARING – MOORING PERMIT REVOCATION – MOORING #703 (SIEVERS); RECOMMEND APPROVAL**

Harbor Manager Andrea Lueker presented and brought the item up to date, and answered questions from the Board.

President Brandy opened the public hearing at 7:29 and called for public comment.

William Sievers, San Luis Obispo, presented photocopies of a hand-written letter to Commissioners, as well as mooring parts for the Board to examine. Mr. Sievers stated that the District hadn't sent paperwork as requested, and seized his boat without due process, expressing his understanding of a letter which stated no punishment would occur before a specific date.

There was no further public comment and the public hearing closed at 7:33.

President Brandy spoke in support of staff's decisions, and advised Mr. Sievers of the options available to him.

Commissioner Blecha spoke about the importance of safety with regard to mooring repair, and echoed President Brandy's statements regarding the decisions made by District staff.

Commissioner Matakovich inquired about the potential of stopping the vessel lien sale if payment in full was received. Harbor Manager Andrea Lueker confirmed that it was a likely possibility.

Commissioner Barrow moved to direct staff to cancel Mooring Permit #703 (Sievers) and to authorize staff to pull moorings and store, or apply buy-back value of moorings to past due balance. President Brandy seconded, and the motion carried, 5-0.

**DISCUSSION ITEM E): FISH MARKET REQUEST FOR PROPOSALS – REVIEW THE DRAFT RFP; RECOMMEND APPROVAL**

Harbor Manager Andrea Lueker presented the item and answered questions from the Board, and went over changes made to the draft RFP.

Input was received by staff from all Commissioners present regarding potential changes and definitions set forth in the RFP.

President Brandy called for public comment.

Butch Powers, Nipomo, stated that the fish market has been steaming crab for 40 years, and offers pre-packaged items such as shrimp cocktail and seafood salad. Mr. Powers stated that clams were not steamed the previous year, and that the current fish market does not intend to increase its food sales.

Ken Gatewood, Fresno, spoke about food trucks as an option to the District.

There was no further public comment.

Harbor Manager Andrea Lueker clarified consensus and direction to note that the business is not to be or become a restaurant, and the following action was taken:

**Action:**

Commissioner Vessely moved to approve the draft RFP as amended. Commissioner Barrow seconded, and the motion carried, 5-0.

**DISCUSSION ITEM F): MITIGATION FOR EMERGENCY COASTAL DEVELOPMENT PERMIT NO. G-3-14-0025 – REVIEW MITIGATION AND CORRESPONDING FUNDING; RECOMMEND APPROVAL**

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

Commissioner Blecha confirmed with staff that if the parking lot floods again, the District should inform the County and allow them to respond.

President Brandy called for public comment.

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

**Action:**

Commissioner Blecha moved to approve the use of \$4,750 from the FY 2017/2018 Contingency Funds to complete the mitigation requirement for the September 8, 2014 Emergency Coastal Development Permit G-3-14-0025. Commissioner Matakovich seconded, and the motion carried, 5-0.

**DISCUSSION ITEM G): CONSOLIDATION OF 2018 GENERAL ELECTION – ADOPT RESOLUTION 18-12 TO CONSOLIDATE WITH SLO COUNTY GENERAL ELECTION; RECOMMEND APPROVAL**

Harbor Manager Andrea Lueker presented the item to the Board.

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

**Action:**

Commissioner Blecha moved to approve Resolution 18-12 to consolidate with the San Luis Obispo County General Election, and omitted reading. Commissioner Vessely seconded, and Resolution 18-12 was adopted by a roll call vote of 5-0.

**DISCUSSION ITEM H): FEDERAL SURPLUS PROPERTY PROGRAM – ADOPT RESOLUTION 18-13 AUTHORIZING DISTRICT STAFF TO VIEW AND PURCHASE SURPLUS ITEMS FROM STATE AND FEDERAL GOVERNMENT; RECOMMEND APPROVAL**

Facilities Manager Chris Munson presented the item, went over key points in the staff report, and answered questions from the Board.

President Brandy called for public comment.

Ken Gatewood, Fresno, stated that he highly recommended the program, based on experience, noting the incredible variety and opportunity to find “real gems.”

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

**Action:**

Commissioner Blecha moved to adopt Resolution 18-13 authorizing District staff to view and purchase surplus items from State and Federal Government, and omitted reading. Commissioner Vessely seconded, and Resolution 18-13 was adopted by a roll call vote of, 5-0.

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**COMMUNICATIONS**

Commissioner Matakovich stated that she had attended, alongside Commissioner Vessely, the Ocean Discover Park event on June 9<sup>th</sup>, hosted by the Central Coast Aquarium; and noted it had been a pleasure to represent the District.

Harbor Manager Andrea Lueker stated that staff is hoping to hold a Financial Sustainability meeting on the 13<sup>th</sup> of September.

Harbor Manager Andrea Lueker also noted that the Board may want to consider attendance at the Apple Festival Gala hosted by the Avila Beach Community Center, instead of the annual fundraiser dinner held by the Central Coast Aquarium, as the District may wish to consider expanding its representation to include other events in the community. The Commissioners discussed the idea and offered input.

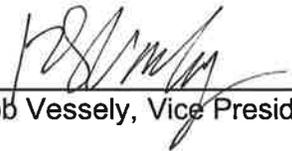
Harbor Manager Andrea Lueker spoke about the tablet devices which would be offered to Commissioners in order to access Board Packets digitally, and advised of training which would become available, if needed.

There were no further communications.

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**ADJOURNMENT**

The meeting adjourned at 8:38 p.m. to the next regularly scheduled meeting on Tuesday, July 24, 2018 at 6:00 p.m.

  
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Bob Vessely, Vice President

Attest:   
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Jim Blecha, Secretary

Respectfully submitted by: April Brannum, Administrative Secretary

