



HARBOR COMMISSION BOARD MEETING Minutes August 28, 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; Kristen Stout, Business Manager

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: None

CALL TO ORDER / PUBLIC COMMENT

President Brandy called the meeting to order at 5:35 p.m.

All Commissioners were present.

There was no public comment.

CLOSED SESSION

President Brandy adjourned to closed session at 5:35 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 Code §54957.6: Conference with labor negotiators. Agency designated representatives: Harbor Manager, Andrea Lueker; Business Manager, Kristen Stout. Employee Organization: Service Employees International Union, Local 620.

ADJOURN TO OPEN SESSION / ROLL CALL / FLAG SALUTE

President Brandy reconvened the meeting to open session at 6:12 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.

President Brandy stated that a request had been received to address *Discussion Item G* earlier in the agenda, that the request would be honored, and the item would be discussed prior to *Discussion Item A*.

PUBLIC COMMENT

Anne Brown, Avila Beach, expressed concern on behalf of the Avila Beach community and visitors over the lack of available pay stations in the Avila Beach parking lot. Ms. Brown noted that people often have to wait for extended periods to purchase a ticket, which has caused a great deal of frustration. Ms. Brown related that vehicles are often seen entering the lot, circling around, and then leaving, and stated that the lack of ease with regard to visitor parking is not good for local businesses. Ms. Brown asked that the Commission consider looking into this problem and taking steps to correct it.

President Brandy addressed Chief Harbor Patrol Officer Matthew Ashton to look into the matter and provide the Commission with a briefing at the next month's regular Harbor Commission meeting.

There was no further public comment.

CONSENT ITEMS

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

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

- A. Activity Reports:** July 2018 reports were received.
 - C. Monthly Payables:** July 2018 check register was received.
 - D. Minutes:** July 24, 2018 minutes were approved.
 - E. Lighthouse Keepers:** July 2018 update was received.
 - F. Avila Pier Update:** August 2018 update was received.
 - G. Harbor Terrace Project Report:** July 2018 update was received.
 - H. 4th Quarter Rent Report:** was received.
 - I. 4th Quarter Financial Statements:** were received.
 - K. Updated 2018 Salary Schedules and Special Compensation for Harbor Patrol Officers Association (HPOA), Lifeguards, and Harbor Patrol Reserves:** were approved.
 - L. Write-off of 'Uncollectible' Accounts Receivable:** 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:** June 2018 was received.
- J. Harbor Patrol Officers Association:** Memorandum of Understanding for July 1, 2018 – June 30, 2021 was approved, with an amendment providing clarification on the Harbor Patrol Supervising Officer position.

Commissioner Matakovich pulled Consent Item I, and staff answered her questions regarding changes made to the MOU and where they could be found. Additionally, Commissioner Matakovich advised that it would be helpful if changes had been underlined, and stated that she had looked for a Harbor Patrol Supervisor category, as that is a position relevant to the salary schedule, and cannot be found in the MOU –

expressing her belief that the Supervising Officer position needs to be noted to reflect how the Department is currently operating.

Commissioner Matakovich moved to approve Consent Item J with clarification on the Supervising Officer position added. Commissioner Vessely seconded, and the motion passed unanimously, as amended, 5-0.

DISCUSSION ITEM G): PARKING REGULATIONS IN HARFORD LANDING/COASTAL GATEWAY – REVIEW RECOMMENDATION FROM PROPERTY COMMITTEE; PROVIDE DIRECTION TO STAFF

Harbor Manager Andrea Lueker presented the item, went over key points in the staff report, and answered questions from the Board, alongside Chief Harbor Patrol Officer Matthew Ashton.

President Brandy addressed the members of the public who were present, and called for public comment.

Missy Lintner, Port San Luis Boatyard, stated that her family's business has a vested interest in the matter, as enforcement of the three-day rule has not been consistent or even recognized for quite a long time, and is catching patrons of the Boatyard off-guard. Ms. Lintner stated that people who are used to arriving early to get a good camping spot were suddenly being kicked out of that spot prior to the weekend, often after traveling quite a distance. Ms. Lintner stated that a 2-3 night stay is frequently not worth the drive for many campers and patrons, and stated that she had provided letters to the Board from a discouraged public, and asked the Commissioners to take the time to read them. Ms. Lintner asked that the limitation for campers with boats be removed and made consistent with the 14-day limit for all other campers who have not brought boats to the campsites.

Mike Brewster, a camping patron, introduced himself as one of the aforementioned campers, noting that he was surprised by the three-day limit, and stating that it does not make sense to have a 14-day limit for other campers but not those who've brought boats. Mr. Brewster stated that campers with boats bring additional revenue into the Port through use of vessel services, and allowing boaters to stay longer would be financially beneficial.

Ericka Brewster, a camping patron, echoed the previous comments, and spoke about the lack of consistency in enforcement. Ms. Brewster also spoke about the need for trailer boat parking, noting that parking spaces in the Harford lot are often filled by cars.

There was no further public comment and the item was turned over to the Board for further discussion.

Commissioner Barrow stated that he had been under the impression that all camping spots had a limit of fourteen days, and expressed his belief that the fourteen-day limit should apply to trailer boat camping as well.

The Board commenced a discussion regarding the origins of the three-day rule, and funding that had been received from the Division of Boating and waterways.

Commissioner Matakovich expressed her embarrassment that people who've been coming to the District's harbor with expectations based on previous experiences were now surprised by new enforcement rules. She added that she's in favor of families visiting the Port and having the opportunity to fully explore the Harbor and all that it has to offer.

President Brandy expressed his concern regarding campers with boats who may be parking but not launching, and thus taking advantage of the camping spaces which were originally designated in order to serve fishermen, and to provide turnaround for those who were both camping *and* fishing. President Brandy expressed his belief that the rule should remain as it was, with a limit of three days.

Commissioner Blecha supported the notion of consistency across the Board for all campsites, but also echoed President Brandy's sentiments with regard to a need for turnaround for campers with boats.

Commissioner Vessely suggested a compromise of a seven-day limit.

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

Action:

Commissioner Barrow moved to change the trailer boat camping regulations from a three-day limit to a fourteen-day limit. Commissioner Matakovich seconded, and the motion passed, 3-2. [President Brandy and Commissioner Blecha dissenting.]

DISCUSSION ITEM A): REVIEW OF THE ENGINEERING STUDY PROPOSALS FOR THE AVILA PIER – REVIEW PROPOSALS AND RECOMMENDATION FROM THE AVILA PIER COMMITTEE; PROVIDE DIRECTION TO STAFF

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

Mr. Munson noted that, with direction from the Board, staff had received proposals from two firms, and that the Avila Pier Committee's recommendation had been to choose Moffat and Nichol. Mr. Munson advised an Engineer's Estimate Solicitation was available for inspection.

Commissioner Matakovich commended the notion of detailing a phasing process, and supported the concept of assessing the complexity of phasing, and all of the detail that such a report would encompass.

Commissioner Vessely spoke about the firm Moffat and Nichol, and expressed that they have a great reputation as a stable agency. Commissioner Vessely stated that, upon reading through their proposal, he felt they'd clearly put time into the effort, knew the issues, what the District is looking for, and what's available; and he recommended the firm without hesitation.

President Brandy called for public comment.

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

Action:

Commissioner Matakovich moved to direct staff to hire Moffat & Nichol to provide the Project Assessment and Engineer's Estimate for Avila Pier. Commissioner Vessely seconded, and the motion carried, 5-0.

Facilities Manager Chris Munson advised, after the motion, that the two add-on items in the proposal - analysis of phasing and pier removal - would exceed the proposed \$50,000 cost of a study. The Board accepted those terms.

DISCUSSION ITEM B): DIABLO CANYON/PACIFIC GAS & ELECTRIC (PG&E) ASSETS – DISCUSS THE DISTRICT’S INTEREST IN USE OF PG&E PROPERTY WITH A NEXUS TO HARBOR DISTRICT OPERATIONS; PROVIDE DIRECTION TO STAFF

Commissioner Vessely recused himself from the discussion, pending advice from the FPPC regarding potential conflict of interest via participation.

Harbor Manager Andrea Lueker introduced the item, went over the key points in the staff report, and announced that she'd share a Powerpoint presentation which would be presented at the Diablo Canyon Facilities Repurposing Workshop in September.

Input was received from the Board, with Commissioner Barrow advising that the trailer boat information was in need of correcting, and with Commissioner Blecha advising that mariculture or marine farming be added to the list of potential projects.

Commissioner Matakovich suggested that, per Tom Jones of PG&E, prioritization of projects wasn't necessary, and a numbered list seems to suggest priorities; whereas, a list of titles would not.

President Brandy suggested that the presentation could be prefaced with the statement that the list is not prioritized, and Commissioner Blecha concurred.

President Brandy called for public comment.

Mike Brewster, a camping patron, stated that it would be nice to have slips for larger boats, and suggested that the Diablo marina could provide that opportunity.

Ericka Brewster, a camping patron, inquired about additional R.V. camping, stating that R.V. camping is a growing business and that additional camping would be a good revenue stream in addition to slips.

There was no further public comment.

The item required no action be taken, and Harbor Manager Andrea Lueker advised the Board to contact staff with relevant additions for the presentation if anything comes to mind prior to the meeting on the 15th of September.

DISCUSSION ITEM C): WATER TAXI HOURS – CONSIDER REQUEST FROM SAN LUIS YACHT CLUB FOR ADDED HOURS; 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.

Brett Clark, introduced himself as Port Captain of the San Luis Yacht Club, apologized for the late request, noting he was new to the position, and had been unaware of the requirement for an annual request, and stated that the Yacht Club would reimburse the District \$50 for the requested, extra water taxi run. Mr. Clark answered questions from the Board regarding the nature of the request.

President Brandy confirmed with Chief Harbor Patrol Officer Matthew Ashton that if Harbor Patrol officers are required to tend to another matter, that the water taxi operator scheduled to run the boat that day could provide the additional service.

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

Action:

Commissioner Blecha moved to accommodate an additional pick-up at 6:00 with the District Water Taxi for Wet Wednesday on the 12th of September of 2018. Commissioner Barrow seconded, and the motion carried, 4-0. [Commissioner Matakovich abstaining.]

DISCUSSION ITEM D): DISCUSSION OF MANAGER CONTRACTS, BENEFITS AND COMPENSATION – REVIEW; PROVIDE DIRECTION TO STAFF

Harbor Manager Andrea Lueker presented the item, went over the key points in the staff report, answered questions from the Board, and stated that she was requesting salary step increases to correct a deficit in management salaries.

Input was received from all Commissioners.

Commissioner Barrow stated that increases have typically been requested in 5% increments, with which he was satisfied.

Commissioner Vessely stated that salaries should be kept up, or the pool of respective employees will diminish.

Commissioner Matakovich suggested realizing the difference between current salaries and the proposed number over the course of three years instead of two, with support received from President Brandy.

President Brandy stated SEIU and Harbor Patrol are on three-year salary contracts, and that he'd like to keep things consistent, noting that he'd like to be cautious the first year, with the District having a much better idea on budgets in two years with revenue from the Harbor Terrace campground and new buildings.

Commissioner Blecha stated that what he'd be hoping to see is a hard look at Consumer Price Index (CPI) increases, and offered that CPI increases for managers – which would match the increases of other employees would seem to be a good start. He added that if the Harbor Manager were to put together a plan with budget impact and if the Board were to accept and/or modify that plan, things could move forward from that point. He stated that while the Board can agree management may be underpaid, a good idea of what the budget will allow and what the District can reasonably afford, will be easier to assess with more information.

Harbor Manager Andrea Lueker thanked the Board for the opportunity to bring the item back to the regular Harbor Commission meeting in September.

The item required no action be taken.

DISCUSSION ITEM E): REVIEW OF THE REQUEST FOR PROPOSALS (RFP) TO DO BUSINESS ON DISTRICT PROPERTY – REVIEW RFP; RECOMMEND APPROVAL

Business Manager Kristen Stout presented the item, went over the key points in the staff report, and answered questions from the Board – noting that the RFP had been reviewed by the Property Committee earlier in the month, with subsequent approval.

Business Manager Kristen Stout confirmed for Commissioner Matakovich that if an annual renewal fee is not submitted, a licensee cannot operate in the upcoming year.

There was no public comment, and no further input from the Harbor Commission.

Action:

Commissioner Blecha moved to approve release of Request for Proposals for 2019 Revocable Licenses to Conduct Business on District Property. Commissioner Matakovich seconded, and the motion carried, 5-0.

DISCUSSION ITEM F): 2017/18 RESERVE FUNDING – REVIEW AND RECOMMEND FINAL RESERVE FUNDING AND USE FOR 2017/18 FISCAL YEAR

Harbor Manager Andrea Lueker noted that Discussion Item F would be presented by Business Manager Kristen Stout and Treasurer Phil Sexton, who both answered questions from the Board and went over the key points listed in the staff report.

District Treasurer Phil Sexton noted that an approved expenditure would still come back to the Board for subsequent approval in the form of a budget adjustment.

Facilities Manager Chris Munson also answered questions from the Board, and explained the purpose of Specified Reserves.

Commissioner Matakovich inquired about funding for projects listed as unfunded, such as a Sea Level Rise Analysis. Harbor Manager Andrea Lueker offered that the District will seek grant funding for the aforementioned project.

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

Action:

Commissioner Blecha moved to approve final reserve funding of the LCM Repair Maintenance in the amount of \$31,000 and Harbor Terrace in the amount of \$34,000, with both amounts to be put into the respective Specified Reserve Funds. Commissioner Barrow seconded, and the motion carried, 5-0.

DISCUSSION ITEM H): CONFLICT OF INTEREST CODE – BIENNIAL REVIEW – REVIEW AND AFFIRM THE PROPOSED CONFLICT OF INTEREST CODE AND ADOPT RESOLUTION 18-15 ADDING CHIEF HARBOR PATROL OFFICER TO THE LIST OF DESIGNATED FILERS; AUTHORIZE HARBOR MANAGER TO SEND NOTICE OF OUTCOME OF REVIEW (LOCAL AGENCY BIENNIAL NOTICE) TO COUNTY ADMINISTRATIVE OFFICE

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

There were no questions from the Board, and there was no public comment prior to the following action:

Action:

Commissioner Blecha moved to approve Resolution 18-15, adding the Chief Harbor Patrol Officer to the list of designated filers, and omit reading. Commissioner Vessely seconded, and Resolution 18-15 was adopted by a roll call vote of 5-0.

COMMUNICATIONS

Commissioner Vessely announced that he had been at the Marre House earlier that day, and that Tom Jones of PG&E had given a tour of the property to the Community Engagement Panel, and that the owner of Home Fed had been present.

Jim spoke further about Home Fed's interest in PG&E property, and noted that at an earlier meeting he'd attended regarding PG&E property, roughly 70 percent of the parties in attendance were interested in Wild Cherry Canyon land, and that Home Fed reportedly would not develop the aforementioned property without fee title to the land, which had not been secured.

Commissioner Matakovich addressed the postponement of the Financial Sustainability Workshop, and asked how she could provide input for agenda items to be discussed at the workshop.

Harbor Manager Andrea Lueker spoke about possible dates for the workshop, and stated that Tuesday, October 30th may work for the Treasurer and staff.

Harbor Manager Andrea Lueker spoke about the District's submission for a BUILD Grant, and advised that notification regarding a grant decision is expected by the month of December.

Harbor Manager Andrea Lueker also announced that per Tim Kihm, the issue of a secondary access road as it related to the Harbor Terrace project, had been resolved.

Harbor Manager Andrea Lueker also announced that a Community Engagement Panel meeting would be televised on the 29th of August on SLOspan at 7:00 p.m., with a discussion about PG&E property.

There were no further communications.

ADJOURN TO CLOSED SESSION

President Brandy re-adjourned the meeting to closed session at 8:56 p.m. **Pursuant to Government Code §54957.6:** Conference with labor negotiators. Agency designated representatives: Harbor Manager, Andrea Lueker; Business Manager, Kristen Stout. Employee Organization: Service Employees International Union, Local 620.

ADJOURN TO OPEN SESSION


President Brandy adjourned the meeting to open session at 9:30 p.m., and announced that no reportable action had been taken in closed session.

ADJOURNMENT

The meeting adjourned at 9:30 p.m. to the next regularly scheduled meeting on Tuesday, September 25, 2018 at 6:00 p.m.



Drew Brandy, President

Attest: 

Jim Blecha, Secretary

Respectfully submitted by: April Brannum, Administrative Secretary

