

HARBOR COMMISSION BOARD MEETING
Draft – Minutes June 25, 2019

Commissioners present: Bob Vessely, Bill Barrow, Jim Blecha, and Mary Matakovich
Commissioners absent: Drew Brandy
Staff present [for Closed Sessions]: Andrea Lueker, Harbor Manager; Kristen Stout, Business Manager; Phillip 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; Phillip Sexton, Treasurer; Linda Hendy, Accountant
Legal Counsel present: Jeff Minnery

CALL TO ORDER / PUBLIC COMMENT

President Vessely called the meeting to order at 5:30 p.m.
All Commissioners were present, except Commissioner Brandy.
There was no public comment.

ADJOURN TO CLOSED SESSION

President Vessely adjourned to closed session at 5:31 p.m., **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 Lease Site currently known as the Ice Facility (to be used for a Fish Market). Agency Negotiators: Andrea Lueker, Harbor Manager; Kristen Stout, Business Manager; Phil Sexton, District Treasurer; Jeff Minnery, Legal Counsel. Negotiating parties: Harbor District; Ed (Butch) and Barbara Powers, dba Olde Port Fish and Seafood Company. Under Negotiation: Price and Terms of Payment of Lease Agreement.

Pursuant to Government Code §54956.8: Conference with Real Property Negotiators. Property: Harford Landing Trailer Boat Building Lease Site (to be used as a Retail Market, Deli, and/or Other Related Retail Services). Agency Negotiators: Andrea Lueker, Harbor Manager; Kristen Stout, Business Manager; Phil Sexton, District Treasurer; Jeff Minnery, Legal Counsel. Negotiating parties: Harbor District; Brian Englund, dba Kuma Café. Under Negotiation: Price and Terms of Payment of Lease Agreement.

ADJOURN TO OPEN SESSION / ROLL CALL / FLAG SALUTE

President Vessely reconvened the meeting to open session at 6:00 p.m. and stated no reportable action was taken during closed session.

All Commissioners were present, except Commissioner Brandy.
President Vessely led the flag salute.

PUBLIC COMMENT

President Vessely called for public comment.

Jerry Shea, Avila Beach, reiterated his concern of the relocation of 13 of the 21 searain storage containers in the dirt lot owned by the County. Mr. Shea believes there was a Brown Act violation at the March 26, 2019, meeting and a County code violation by placing storage containers in the dirt lot as they can only be placed on industrial or agricultural property in San Luis Obispo County. Mr. Shea suggests in order to avoid possible Brown Act and zoning issues is to move the 13 containers off the dirt lot.

Doug Morris, local sailor, spoke in support of President Vessely's request for a sailboat hoist to be included in the District budget.

Brad Wilcox, Wilcox Fisheries, thanked the District for placing temporary restrooms on the pier. Mr. Wilcox expressed concerns that Harbor Terrace is being developed as an RV resort and not for expanding harbor.

Butch Powers, Commercial Fisherman's Association, spoke about the need to upgrade the ice facility and the importance of getting more than one ice machine.

There were no further public comments.

PRESENTATIONS

PRESENTATION A): RESOLUTION 19-08: ADOPT RESOLUTION 19-08 TO THANK TYLER KRITZ FOR HIS YEARS OF SERVICE TO THE DISTRICT

Harbor Manager Andrea Lueker introduced Tyler Kritz and stated that Tyler has been working for the District for nine years and that he will be missed. The Commissioners read aloud Resolution 19-08 thanking Tyler Kritz for his years of service to the District.

Resolution 19-08 thanking Tyler Kritz for his years of service to the District was adopted by a roll call vote of 4-0. [Commissioner Brandy absent.]

Chris Munson presented Tyler a poster depicting past and present photos of the Harford Pier.

PRESENTATION B): MONOFILAMENT RECYCLING PROGRAM: PRESENTATION BY SHIRLEY GOETZ ON THE COLLECTION AND RECYCLING OF MONOFILAMENT WASTE

Harbor Manager Andrea Lueker introduced Shirley Goetz who provided a status update on the collection and recycling of monofilament waste. Ms. Goetz stated that over ten pounds of recycled monofilament will be sent to the California Coastal Commission on June 26th. Ms. Goetz also provided a report about the monofilament program.

President Vessely presented Ms. Goetz with a Certificate of Appreciation for her dedicated effort in the collection and recycling of monofilament waste at the Port San Luis Harbor District.

HARBOR MANAGER'S REPORT

Harbor Manager Andrea Lueker gave an oral report that included the following:

Harbor Manager Activity Report:

- Working with Tom Blessant of HomeFed for use of Wild Cherry Canyon for storage of inert Harbor equipment/supplies.
- Met with Guy Savage, Assistant County CAO, to look at next steps in Diablo decommission/land use.
- Working on a minor use permit for the use of the County/District property for gear storage.
- Correspondence received from Mr. Morris and two other individuals regarding their support of a sailboat hoist on the jetty or Harford Pier.

Business Department Activity Report:

- Completed paperwork for new HPO, HPO Reserve, and Planner Analyst.
- Continued work on scanning files/records from the old accounting building.
- Processed fish buying licenses for influx of salmon sales.
- Confirmed compliance with Harassment Prevention and Ethics training for Commissioners and staff.
- Reviewed Commercial Fishermen's Discount applications for completeness.

Facilities Department Activity Report:

- Assisted Gear Storage patrons on equipment move and trash disposal.
- Repaired Harford Pier – Bent 18 with new cap and piles.
- Corresponded with California Coastal Commission staff on Operations and Maintenance permit.
- Continued to beautify the temporary Gear Storage area with the painting of container roofs.

Harbor Patrol Activity Report:

- Praised Chief Harbor Patrol Officer Matt Ashton who singlehandedly responded to a suicidal/mentally ill woman who jumped off Harford Pier.
- Responded to a smoldering fire on Harford Pier, 5' x 3' area burned.
- Assisted in the recovery of the S/V Calypso that had sunk over the winter – funded by VTIP.
- Contacted a 1st Amendment rights individual filming in front of the Diablo Canyon entry.
- Trained with County Office of Emergency Services on Emergency Alert and Notification system.
- Removed/impounded Martina Caballero's S/V (Mooring #671) for nonpayment.

Avila Pier Update:

- Finalized the Contract with Moffatt & Nichol to begin the next phase of the Avila Pier assessment, hoping to begin the reassessment on July 15th.

Harbor Terrace Update:

- Red Tail working to have conditions on their CDP marked as completed.
- Installation of a "coming soon" sign or construction trailer on the site is forthcoming.

Dredge Report:

- Dredging is going well; we may dredge into mid-July due to the southern swell that came through a few weeks ago and redeposited some sand in previously dredged areas.

Ms. Lueker and staff answered questions from the Commissioners regarding her oral report.

Commissioner Barrow thanked Brent Lintner for locating items stolen from the Port. Ms. Lueker stated that the Sheriff's department is involved and that the District is still in the process of recovering some of the stolen items.

Commissioner Matakovich inquired if funding is still in place for Task 1 since Moffatt & Nichol is not beginning until July 15th. Ms. Lueker confirmed that funding for Task 1 is in the 2019/20 budget.

Commissioner Blecha voiced concerns about the elimination of Activity Reports on the Agenda. This issue was deferred to later in the meeting when the Commissioners discuss Future Agenda Items.

CONSENT ITEMS

Consent Item **B** was pulled for discussion by Commissioner Blecha.

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

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

- A. Monthly Payables:** May 2019 check register received.
- C. Minutes:** Amended April 23; May 23; May 28; June 3; and June 7, 2019, minutes were approved.
- D. FY 2019/20 Salary Schedules:** Salary Schedule was approved.

DISCUSSION OF PULLED CONSENT ITEMS

- B. Treasurer's Report:** April 2019 report received.

Commissioner Blecha pulled Consent Item B to ask for clarification regarding funding for Other Post-Employment Benefits (OPEB).

Upon a motion made by Commissioner Blecha and seconded by Commissioner Barrow, Consent Item B was approved by a vote of 4-0. [Commissioner Brandy absent.]

DISCUSSION ITEMS

DISCUSSION ITEM A) FYE 2018/19 BUDGETARY TRANSFERS: BUDGETARY TRANSFERS FOR FISCAL YEAR END 2018/19; RECOMMEND APPROVAL

Andrea Lueker turned Discussion Item A over to Business Manager Kristen Stout and Accountant Linda Hendy. Ms. Hendy presented the staff report, went over key points, and staff answered questions from the Board.

Commissioner Blecha commented that having a vehicle maintenance routine that includes rinsing the vehicles may delay body rust problems and extend the life of the vehicles.

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

Action:

Commissioner Barrow moved to approve proposed budgetary transfers. Commissioner Matakovich seconded, and the motion carried 4-0. [Commissioner Brandy absent.]

DISCUSSION ITEM B) PUBLIC HEARING TO APPROVE FISCAL YEAR 2019-20 ANNUAL BUDGET: RECEIVE PUBLIC COMMENT AND APPROVE FINAL BUDGET; ADOPT RESOLUTION 19-09

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

Ms. Lueker stated that in the next few months staff would be presenting a comprehensive budget calendar for the 2020/21 budget year that addresses financial forecasting and goal-setting workshops and other items based on comments from the Board.

Commissioner Matakovich reiterated her request from earlier meetings that although the Major Objectives and Goals referenced on page 6 of the budget were adopted on March 26, 2018, that a notation should be added that they have been reviewed and accepted for 2019/20; there was Board consensus.

Commissioner Matakovich recommended noting the use of Local Agency Investment Funds (LAIF) in the budget document. Commissioners and staff discussed possible ways to address this.

President Vessely suggested that the sailboat hoist Mr. Morris spoke about at the beginning of the meeting during Public Comments be included as a future planning item.

Commissioner Matakovich recommended staff review the unfunded projects list and bring it back for Commissioners to discuss priorities.

At 7:28, President Vessely called for public comment, of which there were none.

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

Action:

Commissioner Matakovich moved to adopt Resolution 19-09 approving the final budget for Fiscal Year 2019/20 and waived reading. Commissioner Blecha seconded, and Resolution 19-09 was adopted by a roll call vote of 4-0. [Commissioner Brandy absent.]

DISCUSSION ITEM C) SPECIAL DISTRICT RISK MANAGEMENT AUTHORITY (SDRMA) ELECTION: REVIEW SDRMA BOARD OF DIRECTORS ELECTION BALLOT; CAST VOTE

A short break was taken at 7:32 p.m.

Harbor Manager Andrea Lueker presented the staff report and turned the item back to President Vessely for discussion and motion.

The Commissioners discussed potential selections.

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

Action:

Commissioner Matakovich moved to approve the selection of Bob Swan, Patrick K. O'Rourke, and Sandy Seifert-Raffelson on the SDRMA Board of Directors Official 2019 Election Ballot. Commissioner Blecha seconded, and the motion carried 4-0. [Commissioner Brandy absent.]

COMMUNICATIONS

Commissioner Blecha encouraged the Commissioners and staff to read the sea level rise article he provided.

Commissioner Matakovich requested again to add section 5020.10 of Policy 5020, Board Meeting Agenda, to a future Agenda. Commissioner Matakovich also requested that wharfage fees either be implemented or removed from the ordinances.

Commissioner Matakovich stated she would like an ice facility discussion as the topic has surfaced at a couple meetings and she would like to be able to answer questions from the public.

Commissioner Matakovich would like to be updated on the status of any wind energy discussions or meetings.

Commissioner Matakovich invited the Board to partake in the July 4th activities in Avila, including a pancake breakfast at 8:00 a.m. at the Community Center, a dog parade at 11:00 a.m. on the Promenade, a boat parade, and cheeseburgers at the Yacht Club.

There were no further communications.

FUTURE AGENDA ITEMS

The following items were requested for placement on future agendas:

- Section 5020.10 of Policy 5020, Board Meeting Agenda (Commissioner Matakovich)
- Off-Shore Wind Energy (Commissioner Matakovich)

President Vessely commented that wind energy is definitely a topic for future agendas, but it may be further down the road when more details become available. Harbor Manager Andrea Lueker stated that there are fourteen agencies vying for a potential spot in the ocean that the Navy says they can't have. Ms. Lueker encouraged Commissioners to call her if they have any questions.

- Wharfage Fees (Commissioner Matakovich)
- Ice Facility (Commissioner Matakovich)
- Recent Modifications to Agenda (Commissioner Blecha/Commissioner Matakovich)

Commissioner Blecha expressed his opinion on the importance of including the Activity Report on the Agenda as it provides transparency of the activities at the harbor.

Commissioner Matakovich expressed her concerns of condensing the Consent Items and eliminating the Activity Report.

ADJOURNMENT

The meeting adjourned at 8:12 p.m. to the next regularly scheduled meeting on Tuesday, July 23, 2019, at 6:00 p.m.

Bob Vessely, President

Attest:

Jim Blecha, Secretary

Respectfully submitted by Jennifer Harley, Administrative Secretary