

HARBOR COMMISSION BOARD MEETING
Draft – Minutes July 23, 2019

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

Commissioners absent: None

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

Legal Counsel present: None

CALL TO ORDER / PUBLIC COMMENT

President Vessely called the meeting to order at 5:30 p.m.

All Commissioners were present, with the exception of Commissioner Blecha who arrived at 5:33 p.m.

There was no public comment.

ADJOURN TO CLOSED SESSION

President Vessely adjourned to closed session at 5:33 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 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 6:07 p.m. and stated no reportable action was taken during closed session.

All Commissioners were present.

President Vessely led the flag salute.

PUBLIC COMMENT

President Vessely called for public comment.

Mary Chiu, Avila Beach Post Office, informed the Board that the temporary structure by the Post Office has been removed and that the Friends of Avila Pier will be having a meeting on Monday, July 29th at 6:00 pm at the Yacht Club.

Allegra Shea, Avila Beach, inquired about liability for Harbor Terrace pedestrians who don't use a crosswalk when crossing Avila Beach Drive.

There were no further public comments.

CONSENT ITEMS

Consent Items **A**, **B**, and **H** were pulled for discussion.

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

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

- C. Monthly Payables:** June 2019 check register received.
- D. Minutes:** June 25, 2019, minutes were approved.
- E. 2018/19 Employee Reimbursements:** Received.
- F. 2018/19 Discretionary Funds:** Received.
- G. Retail/Wholesale Fish Market Lease:** Lease agreement approved.
- I. 2019/20 Appropriation Limit:** Limit approved; Resolution 19-10 adopted.

DISCUSSION OF PULLED CONSENT ITEMS

- A. Activity Reports:** June 2019 report received.

Commissioner Matakovich pulled Consent Item A to ask questions of the staff including status of off-site storage for yard supply, assessment of Harford Pier, Harbor Terrace grading, update on Moffatt & Nichol work at Avila Pier, and Harbor Patrol Traffic Ordinances.

Commissioner Blecha commented that he was pleased that the Activity Report was back on the Agenda.

President Vessely called for public comment.

Allegra Shea, Avila Beach, inquired about several items on the Activity Report.

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

Upon a motion made by Commissioner Matakovich and seconded by Commissioner Blecha, Consent Item A was approved by a vote of 5-0.

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

Commissioner Blecha pulled Consent Item B and called on Treasurer Phil Sexton to provide an update.

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

Upon a motion made by Commissioner Blecha and seconded by Commissioner Barrow, Consent Item B was approved by a vote of 5-0.

H. Harford Pier Camel Purchase: Received.

Consent Item H was pulled for discussion by Commissioner Matakovich and Commissioner Barrow. Commissioner Barrow asked for clarification on why this camel was chosen over a camel that used tires. Facilities Manager Chris Munson provided an explanation on staff's camel choice and the move away from camels that utilize tires.

Commissioner Matakovich stated that the fishermen that she has talked to are worried the camels will tear up the boats.

President Vessely called for public comment.

Butch Powers, Commercial Fisherman's Association, suggested putting the new camel where it could be used and tested by heavier vessels.

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

Upon a motion made by Commissioner Barrow to approve Consent Item H with the caveat that the test camel will be placed by the damaged camel near Hoist #2 so commercial fishermen can use and test it. The motion was seconded by Commissioner Matakovich and Consent Item H was approved by a vote of 5-0.

DISCUSSION ITEMS

With no objections from the Board, President Vessely moved Discussion Item F ahead of Discussion Item A.

DISCUSSION ITEM F) FEE WAIVER/SPONSORSHIP OF THE 6TH ANNUAL AVILA APPLE FESTIVAL: DISCUSS AND CONSIDER FEE WAIVER/SPONSORSHIP

As Commissioner Matakovich serves on the Board of the Avila Beach Civic Association, she recused herself from this discussion item and left the room.

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

President Vessely called for public comment.

Mary Foppiano, Avila Beach Civic Association, provided information on the event schedule and explained how sponsors are recognized.

There was no further public comment.

Commissioners Brandy and Blecha offered to use discretionary funds to sponsor parking spaces.

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

Action:

Commissioner Brandy moved to approve the use of \$100 of Commissioner Brandy's and \$50 of Commissioner Blecha's discretionary funds to sponsor 25 parking spaces in the Avila Beach Parking Lot for the 6th Annual Avila Apple Festival. Commissioner Blecha seconded, and the motion carried 4-0. [Commissioner Matakovich recused.]

Commissioner Matakovich rejoined the meeting.

DISCUSSION ITEM A) ICE FACILITY PROPOSED TEMPORARY RELOCATION: REVIEW OPTIONS FOR THE TEMPORARY RELOCATION OF THE ICE FACILITY; PROVIDE DIRECTION TO STAFF

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

Commissioner Blecha expressed concern that an insulated container may not keep ice frozen for very long, in which staff stated that they anticipate ice being made on an as-needed basis and that a small AC unit could possibly be utilized if melting becomes an issue.

The Commissioners and staff discussed the temporary use of a container on the pier and the timeframe of a permanent ice facility.

President Vessely called for public comment.

Allegra Shea, Avila Beach, stated that there is no beautifying a container and if it's used it will be noticed and talked about and will stay there for much longer than proposed.

There were no further public comments.

Commissioner Matakovich commented that without knowing the plan for the pier it's hard to say if this is a great location even though it says temporary and that she is looking forward to a specific plan for the pier.

Commissioner Matakovich stated that she thought the ice facility was a district service and was surprised that there was an application to the Central California Joint Cable Fisheries Liaison Committee for a grant. Commissioner Matakovich also inquired on who would be running the ice facility, which staff stated was unknown at this time.

Commissioner Blecha questioned if there was an understanding that an effort would be made to soften the look of the container. The Commissioners and staff further discussed funding and beautification of the seatrain. It was determined that the priority is to get the Ice Facility up and running and for staff to bring back possible beautification options that meet design guidelines.

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

Action:

Commissioner Barrow moved to temporarily place the Ice Facility on Harford Pier in the location proposed in Option 1 and direct staff to resubmit the grant request to the Central California Joint Cable Fisheries Liaison Committee for funding. Commissioner Brandy seconded, and the motion carried 5-0.

Commissioner Vessely called for a short break and the meeting reconvened at 7:30 p.m.

DISCUSSION ITEM B) HARFORD LANDING PARKING TIME LIMITS: REVIEW PROPOSED CHANGES TO PARKING REGULATIONS IN HARFORD LANDING; PROVIDE DIRECTION TO STAFF

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

Commissioner Blecha questioned how the District would enforce no overnight parking. Chief Harbor Patrol Officer Matt Ashton stated that it would require educating security and patrons and that it could be a challenge to enforce.

The Commissioners discussed enforcement and a permitting process.

President Vessely called for public comment.

Allegra Shea, Avila Beach, stated that what the Port does with their parking will affect the recreational area of Avila Beach and spoke about patrons that “work” the system.

Jessie Barrios, commercial fisherman, spoke about the exceptions and referenced a permit system that Ventura Harbor utilizes that seems effective.

Butch Powers, Olde Port Fish, questioned whether the new boat storage yard would have spaces available for someone like him to park his truck and trailer, even if a fee is involved, as it's not feasible for him to drive his truck and trailer home every day.

Mary Chiu, Avila Beach Post Office, suggested charging for overnight parking like they do at the airport or issue permits as suggested by Mr. Barrios.

The Commissioners engaged in a lengthy discussion regarding the enforcement of parking regulations, handling of exceptions, and parking time limits.

The Board directed staff to take this item back to the Parking Management Ad-hoc Committee, conduct workshops that engage stakeholders, including lessees and commercial fishermen, and then bring the item back to the Board.

No formal action was taken on this item.

DISCUSSION ITEM C) LIGHTHOUSE REQUEST FOR FUNDING FOR TREE REMOVAL OR PRUNING: REVIEW REQUEST; PROVIDE DIRECTION TO STAFF

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

President Vessely called for public comment.

Mary Chiu, Avila Beach Post Office, recommended that the Port take care of the tree issue and maybe consider different options on using the wood.

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

Action:

Commissioner Matakovich moved to approve funding of \$7,625 to the Lighthouse Keepers for the removal and/or pruning of the Cypress trees located above the cisterns at the Lighthouse, with funding coming from operating reserve. Commissioner Brandy seconded, and the motion carried 5-0.

DISCUSSION ITEM D) CALIFORNIA SPECIAL DISTRICTS ASSOCIATION (CSDA) ELECTION: BOARD OF DIRECTORS ELECTION BALLOT, COASTAL NETWORK SEAT B; RECOMMEND VOTE FOR CANDIDATE

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

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

The Board discussed the two candidates, and the following action was taken:

Action:

Commissioner Matakovich moved to direct staff to submit the electronic ballot voting for Jeff Hodge for a seat on California Special Districts Association Board of Directors, Coastal Network (Seat B). Commissioner Blecha seconded, and the motion carried 5-0.

DISCUSSION ITEM E) BOARD MEETING AGENDA POLICY CHANGE: DISCUSS AND CONSIDER CHANGES TO PORT SAN LUIS POLICY NO. 5020 – BOARD MEETING AGENDA; PROVIDE DIRECTION TO STAFF

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

Commissioner Barrow stated that he didn't see the need to change the policy as previous Board members probably wrote it this way for a good reason. Commissioner Barrow also commented that he especially didn't like the removal of allowing members of the public to request a matter that directly relates to District business to be placed on an agenda.

President Vessely called for public comment.

Allegra Shea, Avila Beach, stated that her greatest concern if the old 5020.20 is stricken from the policy is that members of the public would be more limited in getting their voice heard.

There was no further public comment.

Commissioner Matakovich stated her recommendations for the proposed changes to the policy, including:

- keeping the deleted portion of 5020.10
- modifying language of new 5020.20:
 - changing the word 'discussing' to 'presenting'
 - deleting 'If a majority of the Commission approves including that matter on an upcoming agenda...' and '...unless otherwise directed by the Commission.'
- modifying language of new 5020.30:
 - changing '...pulled from said agenda...' to '...postponed from said agenda...'
 - changing '...may be pulled from the agenda at the discretion of the President' to '...shall be pulled from the agenda and the date shall be set for it to be heard at the next available meeting.'
- keeping deleted 5020.20, 5020.21, 5020.23, and the two sentences that follow 5020.23

The Commissioners discussed at length if it should be at the discretion of the President and Harbor Manager whether a requested item by a Commissioner or a member of the public be added to an agenda.

No motion was proposed, so the Board took no action to amend the current policy.

COMMUNICATIONS

Commissioner Matakovich spoke about the Avila Beach Parking Committee meeting she attended on July 22nd to review the survey given to residents, businesses, and property owners in Avila Beach. Commissioner Matakovich shared that they're looking for employee parking to free up spots in Avila and the immediate suggestion was that the Port could give businesses a discount on parking passes so that their employees can park in the Avila Beach Parking Lot. Commissioner Matakovich responded to this suggestion by stating that this hasn't been discussed at a Harbor Commission or any District Committee meeting and offering it as an option or the way to solve this issue shouldn't be on the table until the Harbor Commission had a discussion.

Commissioner Matakovich informed the Board that the Avila Beach Parking Committee would also be focusing on defining where commercial trucks unload and increasing the amount of parking spots on the south side of Front Street and up San Rafael Street.

Harbor Manager Andrea Lueker stated that she hadn't heard from any Commissioners about interest in attending the CSDA meeting on Tuesday, July 30th in Templeton. The next meeting is on September 5th where Congressman Salud Carbajal will be the speaker.

Harbor Manager Andrea Lueker was hoping to have a breakwater update but was unable to touch base with the Army Corps so she will try to put it in the Friday Update.

There were no further communications.

FUTURE AGENDA ITEMS

Commissioner Matakovich stated that she appreciated seeing the Future Agenda Items listed in the Minutes and suggested that staff use and present a similar list that includes dates as a planning tool to track Future Agenda Items.

The following items were requested for placement on future agendas:

- Harbor Terrace 100% Design Completion (Commissioner Matakovich)
- Harford Pier Workshop (Commissioner Brandy)
- Ordinance 18.015 – Aircraft - A member of the public has asked to allow paragliding on District property (President Vessely)

ADJOURNMENT

The meeting adjourned at 9:11 p.m. to the next regularly scheduled meeting on Tuesday, August 27, 2019, at 6:00 p.m.

Bob Vessely, President

Attest:

Jim Blecha, Secretary

Respectfully submitted by Jennifer Harley, Administrative Secretary