



# HARBOR COMMISSION BOARD MEETING

Minutes

October 26, 2021

5:00 PM

Coastal Gateway Building

3900 Avila Beach Drive, Avila Beach, CA 93424

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## MINUTES

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### CALL TO ORDER / PUBLIC COMMENT

**Call to Order:** President Blecha called the Meeting to order at 5:00 PM.

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

Commissioners Absent: None

Staff Present John D'Ornellas, Interim Harbor Manager; Kristen Stout, Business Manager

Legal Counsel Present Jeff Minnery, Josh George

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**Public Comment:** President Blecha called for public comment on the Closed Session items, of which there were none.

### ADJOURN TO CLOSED SESSION

President Blecha adjourned to Closed Session at 5:24 PM.

**Pursuant to Government Code §54957.6:** Conference with labor negotiators. Agency designated representatives: Interim Harbor Manager, John D'Ornellas; Business Manager, Kristen Stout; Legal Counsel, Linda Somers Smith. Employee Organization: Service Employees International Union, Local 620.

**Pursuant to Government Code 54956.9(d)(4):** Conference with legal counsel to determine whether to initiate litigation. Number of cases one (1)

**Pursuant to Government Code §54956.9 (d)(2):** Conference with District Counsel regarding anticipated litigation. Number of cases: one (1).

### ADJOURN TO OPEN SESSION

The Board ended Closed Session and President Blecha reconvened the meeting to Open Session at 6:00 PM.

**Report on Closed Session:** President Blecha reported that on the first Closed Session item, the direction is we're going to continue the labor negotiations. On the second Closed Session item, It was the consensus of the Board to file a lawsuit against Zippys, vote 4-1, Commissioner Matokovich dissented. On the third Closed Session item, no reportable action was taken.

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### ROLL CALL / FLAG SALUTE / PUBLIC COMMENT

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

Commissioners Absent: None

Staff Present John D'Ornellas, Interim Harbor Manager; Kristen Stout, Business Manager; Chris Munson, Facilities Manager; Matt Ashton, Chief Harbor Patrol Officer; Phil Sexton, Treasurer

Legal Counsel Present Jeff Minnery

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**Public Comment:** President Blecha called for public comment on items not on the agenda and there were none.

## **PRESENTATION**

### **A. Resolution 21-17: Adopt Resolution to Commend and Thank Tom Swem for his Contributions to the Avila Pier Project.**

**Action:** Commissioner Matakovich motioned to approve, Commissioner Barrow seconded; Resolution 21-17 passed 5-0.

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## **CONSENT ITEMS**

Upon a motion duly made by Commissioner Vessely and seconded by Commissioner Barrow, the following Consent Items were unanimously approved without discussion:

- B. Treasurer's Report:** August 2021; receive and file.
- C. Monthly Payables:** September 2021 check register; receive and file.
- D. Minutes:** September 28, 2021 Draft Minutes; recommend approval.
- E. Quarterly Budget Adjustments – First Quarter FY21:** recommend approval.
- F. Trailer Boat Dock Replacement – Plan Review and RFP Preparation:** recommend approval.

**Public Comment:** President Blecha called for public comment on the remaining Consent Item and there were none.

## **CONSENT ITEM PULLED FOR DISCUSSION**

### **A. Activity Reports:** September 2021; receive and file.

**Action:** President Blecha motioned to approve Consent Item A and Commissioner Matakovich seconded; the motion passed 5-0.

### **G. Night Security Services Contract:** Review proposed contract; recommend approval

**Action:** Commissioner Matakovich motioned to approve Consent Item G and President Blecha seconded; the motion passed 5-0.

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## **DISCUSSION ITEMS**

### **A. Public Hearing to Receive Input from the Community Regarding the Creation of a District Based Election System:** Presentation by demographic services consultant Cooperative Strategies; conduct Second Public Hearing to receive input from District community members.

President Blecha opened the Public Hearing at 7:00 PM.

Interim Harbor Manager John D'Ornellas presented the Staff Report.

David Lopez, Cooperative Strategies, presented the "Voting Area Process" PowerPoint and answered questions of the Board.

**Public Comment:** President Blecha called for public comment and the following commented:

- Mary Chiu, Resident of San Luis Obispo

President Blecha closed the Public Hearing at 7:30 PM.

**Action:** Commissioner Matakovich motioned to approve the timeline for transition and Commissioner Vessely seconded; motion passed 5-0.

### **B. Revetment and Jetty Repair Project:** Receive presentation from Moffatt & Nichol on Revetment and Jetty Repair Plan; provide direction to staff.

Facilities Manager Chris Munson presented the Staff Report then introduced Brad Porter, PE, Moffatt & Nichol, who provided the presentation on the Port San Luis Revetment Repair Coastal Engineering

Analysis. Both Brad Porter and Mads Jorgensen, SCE, Moffatt and Nichol, answered questions of the Board.

**Public Comment:** President Blecha called for public comment on items not on the agenda and there were none.

**Action:** Commissioner Brandy motioned to approve finalized document and conceptual designs to be used for developing a project scope of work; engineered construction drawings and specifications; environmental assessments and determinations; permits, and grant requests; President Blecha seconded. The motion passed 4-1.

**Ayes:** President Blecha, Commissioner Matakovich, Commissioner Barrow, Commissioner Brandy

**Noes:** Commissioner Vessely

**C. Avila Pier Concept Presentation:** Review concept site plan; provide direction to staff.

Facilities Manager Chris Munson presented the Staff Report and answered questions of the Board.

**Public Comment:** President Blecha called for public comment and the following commented:

- Ron Pigeon, Friends of Avila Pier Treasurer, Arroyo Grande resident
- Mary Chiu, Friends of Avila Pier, San Luis Obispo resident
- Mark Mantel, Avila Market Owner, San Luis Obispo resident

**Action:** No formal action required of the Board. It was the consensus of the Board to bring this back at the next meeting, November 16<sup>th</sup>, with a status report on the proposed improvements for Avila Pier.

**D. HPPM Proposed Policy Update and Review – Policy 303: Officer Involved Shootings and Deaths:**

Review proposed updates; recommend approval.

Harbor Patrol Chief Matt Ashton presented the Staff Report and answered questions of the Board.

Dr. Ron Martinelli, Martinelli & Associates, also answered questions of the Board.

**Action:** Commissioner Brandy motioned to accept Staff recommendations with suggested additional language and investigation of officer involved shooting deaths, seconded by Commissioner Barrow and the motion passed 4-1.

**Ayes:** President Blecha, Commissioner Matakovich, Commissioner Barrow, Commissioner Brandy

**Abstain:** Commissioner Vessely

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## **COMMUNICATIONS**

**Interim Harbor Manager John D’Ornellas** informed the Board that his meeting with Supervisor Dawn Ortiz-Legg regarding off-shore wind farms will take place tomorrow at 11:00 AM.

**Commissioner Matakovich** inquired about when the next Harbor Manager Recruitment Committee Meeting is scheduled to meet?

**Interim Harbor Manager John D’Ornellas** answered Commissioner Matakovich and updated the Board on the Harbor Manager recruitment.

**Commissioner Matakovich** brought up AB361 and recommended that we pass a Resolution on having remote teleconference meeting, in the event we may need to use it in the future.

**Legal Counsel Jeff Minnery** explained in detail about AB361 and suggested that if the Board decides to meet remotely, a Resolution can then be brought before the Board, during a Special Meeting, for approval, on an as-needed basis.

**Commissioner Matakovich** expressed her feelings of being dismissed and stated that she will be more vocal and let Board know if and when this occurs again.

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## **FUTURE AGENDA ITEMS**

There were no future agenda items.

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**ADJOURNMENT**

The meeting adjourned at 10:30 PM to the next regularly scheduled meeting on Tuesday, November 16, 2021, at 2:00 PM.

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Jim Blecha, President

Attest: \_\_\_\_\_

Bob Vessely, Secretary