



HARBOR COMMISSION BOARD MEETING Minutes January 23, 2018

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

Commissioners absent: Drew Brandy

Staff present [for Closed Session]: Andrea Lueker, Harbor Manager; Loch Dreizler, Facilities Manager; Kristen Stout, Business Manager; Phil Sexton, Treasurer

Staff present [for Open Session]: Andrea Lueker, Harbor Manager; Loch Dreizler, Facilities Manager; Kristen Stout, Business Manager; Phil Sexton, Treasurer; Heather Zacker, Accountant; Matthew Ashton, Chief Harbor Patrol Officer.

Legal Counsel present: Jeff Minnery [present for closed session only]

CALL TO ORDER / PUBLIC COMMENT

President Matakovich called the meeting to order at 5:02 p.m.

All Commissioners were present, except Commissioner Brandy, who was absent.

There was no public comment.

CLOSED SESSION

President Matakovich adjourned to closed session at 5:03 p.m., **Pursuant to Government Code §54956.8: Conference with Real Property Negotiators.** Property: Approximately 32 acres commonly known as **Harbor Terrace**. Agency Negotiators: Andrea Lueker, Harbor Manager; Kristen Stout, Business Manager; Loch Dreizler, Facilities Manager; Phil Sexton, Treasurer; Jeff Minnery, Legal Counsel; and Rick Rengel, Project Management Consultant. Negotiating Parties: Port San Luis Harbor District; Red Tail Acquisitions, LLC. Under negotiation: price and terms of payment of development and lease agreement.

Pursuant to Government Code Section 54956.9(a): Conference with legal counsel regarding the matter of Lowry v. Port San Luis Harbor District.

ADJOURN TO OPEN SESSION / ROLL CALL / FLAG SALUTE

President Matakovich reconvened the meeting to open session at 6:00 p.m. and advised that the Board had provided direction to staff, but had taken no reportable action in closed session.

President Matakovich announced the need for immediate action in adding an agenda item, to be heard after Discussion Item A.

Commissioner Blecha moved to add **Discussion Item A.1: Consideration of Extension of the Exclusive Right to Negotiate (ERN) Agreement** to the agenda. Commissioner Vessely seconded, and the motion passed, 4-0. [Commissioner Brandy absent.]

All Commissioners were present, except Commissioner Brandy, who was absent.

President Matakovich led the flag salute.

BOARD OF HARBOR COMMISSIONERS

- A. Election of Officers:** Commissioner Matakovich moved to nominate Commissioner Brandy for President. Commissioner Barrow seconded the nomination, which carried 4-0. [Commissioner Brandy absent.]

Commissioner Blecha moved to nominate Commissioner Vessely for Vice President. Commissioner Matakovich seconded the nomination, which carried 4-0. [Commissioner Brandy absent.]

Commissioner Barrow moved to nominate Commissioner Blecha for Secretary. Commissioner Matakovich seconded the nomination, which carried 4-0. [Commissioner Brandy absent.]

The newly-elected officers of the Board were congratulated, and the Commission determined that Vice President Vessely would run the meeting in President Brandy's absence.

PRESENTATIONS

- A. Resolution 18-01:** Harbor Manager Andrea Lueker presented the item and turned it over to the members of the Board, who each read a section of the Resolution, naming several of Commissioner Matakovich's accomplishments as President of the Board of Commissioners.

Commissioner Blecha moved to adopt Resolution 18-01, Commending Commissioner Matakovich for Her Service to the District as Harbor Commission President. Commissioner Barrow seconded, and the Resolution was adopted by a roll call vote of 4-0. [President Brandy absent.]

PUBLIC COMMENT

Anne Brown, Avila Beach, expressed that Commissioner Matakovich's participation as an active member of the Board had been extremely helpful, noting Commissioner Matakovich's role in the formation of the 501(c)3 organization, *Friends of the Avila Pier*. Ms. Brown thanked Commissioner Matakovich for her service to the local community.

Bret Clark, San Luis Obispo, introduced himself as Port Captain of the San Luis Yacht Club, and stated that he looks forward to continuing his positive relationship with the Port.

CONSENT ITEMS

Consent Items **B, D, F** and **K** 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 4-0 [President Brandy absent] without discussion:

- A. Activity Reports:** December 2017 reports were received.
- C. Monthly Payables:** December 2017 check register was received.
- E. Lighthouse Keepers:** December 2017 update was received.
- G. Harbor Terrace Development Project:** December 2017 update was received.
- H. Dredging:** 2018 Dredge schedule was approved; report was received.
- I. Meeting Calendar:** Meeting dates for 2018 were approved.
- J. Quarterly Vehicle Maintenance Report:** was received.
- L. Avila Beach Community Foundation Grants:** Award of grant for 'Mutt Mitts' was approved.
- M. Ice Facility Operating Agreement:** Extension of the Ice Facility Operating Agreement on a month-to-month basis was approved.

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:** November 2017 was received.
- D. Minutes:** November 28; December 13; and December 19, 2017 minutes were approved.
- F. Avila Pier Update:** December 2017 was received.
- K. Quarterly Harford Pier Report:** Fourth quarter update was received.

DISCUSSION ITEM A): HARBOR TERRACE DEVELOPMENT PROJECT GROUND LEASE – ADOPT RESOLUTION 18-02 APPROVING 50-YEAR GROUND LEASE WITH RED TAIL ACQUISITIONS, LLC; RECOMMEND APPROVAL

Harbor Manager Andrea Lueker presented and brought the item up to date, noting that following the successful motion earlier in the meeting, an immediate action item would be heard following Discussion Item A.

Harbor Manager Lueker stated that while a lease document is essentially finished, the District's partner in the Harbor Terrace project, The Coastal Conservancy, had requested additional time to review the document prior to approval. Harbor Manager Lueker suggested continuing the item to a special meeting on the 31st of January, 2018, during which a 50-year ground lease would be presented for approval by way of Resolution 18-02.

Vice President Vessely called for public comment.

Tim Kihm, of Redtail Acquisitions, spoke about the progress being made on the Harbor Terrace project, and gave an update on the work done by the design firm RRM. Mr. Kihm spoke about the probable construction schedule, and touched on various design concepts engineers had been drafting.

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

Action:

Commissioner Blecha moved to continue Discussion Item A to a Special Board of Commissioners Meeting on Wednesday, the 31st of January, 2018, at 1700 hours in the Coastal Gateway Building at Port San Luis. Commissioner Matakovich seconded, and the motion carried 4-0. [President Brandy absent.]

DISCUSSION ITEM A.1): REQUEST FROM RED TAIL ACQUISITIONS TO EXTEND THE EXCLUSIVE RIGHT TO NEGOTIATE (ERN) AGREEMENT FOR AN 30 ADDITIONAL DAYS; RECOMMEND APPROVAL

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

Vice President Vessely called for public comment.

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

Action:

Commissioner Blecha moved to extend the Exclusive Right to Negotiate (ERN) with Redtail Acquisitions for an additional 30 days. Commissioner Matakovich seconded, and the motion carried, 4-0. [President Brandy absent.]

DISCUSSION ITEM B): FISCAL YEAR 2017/18 DISTRICT PRIORITY AND GOAL REVIEW – STATUS REPORT; NO ACTION REQUIRED

Harbor Manager Andrea Lueker presented the item, answered questions from the board, and stated that the report was a response to a request at a previous meeting to provide an overview of the status of the District's goals.

The Commissioners discussed the item at length, and Business Manager Kristen Stout and Accountant Heather Zacker answered questions from the Board.

Commissioner Matakovich spoke about the process of defining goals and creating measurable tasks within the boundaries of larger goals.

Commissioner Blecha noted that the list may benefit from being tapered down, as some of the goals seemed overly ambitious.

Vice President Vessely stated that the item presented gave an update on the District's status in goal accomplishment, and that goal definition was not intended as the consequential discussion.

Commissioner Barrow stated that the District is financially stable at present, and that some goals could leave the District unsustainable, so care should be taken to adhere to goals that can be achieved within the District's sustainability.

The prospect of a workshop facilitated by a professional consultant was discussed and input was received by staff, with direction given to provide the Commission with options and costs associated with use of an outside consultant.

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

The item required no formal action be taken.

DISCUSSION ITEM C): FINANCIAL PLANNING – REVIEW OF REVENUE ENHANCEMENT OPPORTUNITIES – REVIEW REPORT; PROVIDE DIRECTION TO STAFF

Harbor Manager Andrea Lueker presented the item and answered questions from the Board, alongside Business Manager Kristen Stout, and Accountant Heather Zacker.

Input was received by staff from all Commissioners present regarding the possible revenue enhancement opportunities presented.

Treasurer Phil Sexton stated that, to the extent that the District forgoes small revenue enhancement opportunities, they eventually become liabilities.

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

No formal action was taken and no formal direction was given to staff.

DISCUSSION ITEM D): DISTRICTS OF DISTINCTION/BOARD DEVELOPMENT OPPORTUNITIES – REVIEW REPORT; 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.

The Commissioners discussed the item, confirming progress already made, and next steps in the process of utilizing opportunities for recognition by the Special District Leadership Academy.

The Board's discussion led to a consensus that participation, while not required, should be encouraged for Commissioners and staff.

Vice President Vessely called for public comment.

There was no comment from the public, and the item required no formal action be taken.

DISCUSSION ITEM E): CALIFORNIA MARINE AFFAIRS AND NAVIGATION CONFERENCE (CMANC) WASHINGTON WEEK – CONSIDERATION OF ATTENDEES AT 2018 CMANC WASHINGTON, DC WEEK; PROVIDE DIRECTION TO STAFF

Harbor Manager Andrea Lueker presented the item to the Board and stated that travel arrangements would need to be made soon, should the Board wish to send representation to the conference.

Commissioner Blecha expressed his belief that two Commissioners should attend the conference, but stated that regardless of the combination of attendees, representation would be of value to the District.

Commissioner Matakovich noted that her own attendance at a previous CMANC conference had been a positive experience, and stated that having the Harbor Manager attend had been of benefit. Commissioner Matakovich suggested that Vice President Vessely attend the event with Harbor Manager Lueker.

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

The Commissioners further discussed the benefit of attendance, with a consensus that Vice President Vessely would attend the CMANC conference with Harbor Manager Lueker. Vice President Vessely noted that he would defer to President Brandy, should he prefer to attend alongside the Harbor Manager, instead.

DISCUSSION ITEM F): REDEVELOPMENT AGENCY (RDA) OVERSIGHT BOARD APPOINTMENT – CONSIDERATION OF APPOINTMENT OF A COMMISSIONER TO THE RDA OVERSIGHT BOARD; 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.

Vice President Vessely inquired about the significance of District presence on the Oversight Board.

Harbor Manager Andrea Lueker confirmed that representation would give the District a voice, and an overview of action taking place in redevelopment agencies.

Vice President Vessely called for public comment.

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

Action:

Commissioner Barrow moved to nominate Commissioner Matakovich for the RDA Oversight Board. Commissioner Blecha seconded, and the motion carried, 4-0. [President Brandy absent.]

COMMUNICATIONS

Commissioner Barrow inquired about the presence of dogs on Fisherman's Beach.

Chief Harbor Patrol Officer Matthew Ashton confirmed that signs had been placed advising beach-goers of the regulations on Fisherman's Beach, and that officers have been in the education phase of enforcement of the recently-passed ordinance.

Commissioner Barrow suggested temporary utilization of a big sign to advise the Public. Harbor Manager Andrea Lueker noted that, if available, a lighted message board may be used to notify the Public of the ordinance.

Commissioner Matakovich requested postponement of the Avila Pier Community Meeting and suggested, instead, that the meeting be held in March, after the Avila Pier Committee has reviewed the agenda and formulated a plan to effectively communicate the most relevant information, and once the meeting has been adequately advertised.

Staff confirmed that the meeting could be postponed without foreseeable issue.

Harbor Manager Andrea Lueker announced that she would be attending the Harbor Masters and Port Captains conference on the 24th of January, and advised that she'd be back in the office the following day.

There were no further communications.

ADJOURNMENT

The meeting adjourned at 8:57 p.m. to the next regularly scheduled meeting on Tuesday, February 27, 2018, and a special Harbor Commission meeting scheduled on Wednesday, January 31, 2018 at 5:00 p.m.



Drew Brandy, President

Attest: 

Jim Blecha, Secretary

Respectfully submitted by: April Brannum, Administrative Secretary

