



HARBOR COMMISSION BOARD MEETING
Draft - Minutes January 24, 2017

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

Commissioners absent: None

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

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

Legal Counsel present: Jeff Minnery [for Closed Session only]; Josh George [for Closed Session only]

CALL TO ORDER / PUBLIC COMMENT

Vice President Matakovich called the meeting to order at 5:00 p.m.

All Commissioners were present.

There was no public comment.

CLOSED SESSION

Vice President Matakovich adjourned to closed session at 5:00 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; 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 District legal counsel regarding existing litigation – Alcove Unique Gifts, Inc. v. Port San Luis Harbor District.

Pursuant to Government Code Section 54956.9(a): Conference with District legal counsel regarding existing litigation – Leckenby. v. Port San Luis Harbor District.

ADJOURN TO OPEN SESSION / ROLL CALL / FLAG SALUTE

Vice President Matakovich reconvened the meeting to open session at 6:10 p.m. and advised that the Board provided direction to staff, but took no reportable action in closed session.

All Commissioners were present.

Commissioner Vessely led the flag salute.

BOARD OF HARBOR COMMISSIONERS

A. Welcome of Newly-Elected Officers: Harbor Manager Andrea Lueker formally welcomed newly-elected Harbor Commissioner Bob Vessely and re-welcomed newly-elected returning Harbor Commissioners Barrow and Blecha, and gave the three gentlemen an opportunity to introduce themselves to the public.

B. Election of Officers: Commissioner Blecha moved to nominate Commissioner Matakovich for President. Commissioner Vessely seconded the nomination, which carried unanimously 5-0.

Commissioner Blecha moved to nominate Commissioner Brandy for Vice President. Commissioner Barrow seconded the nomination, which carried unanimously 5-0.

Commissioner Brandy moved to nominate Commissioner Vessely for Secretary. Commissioner Barrow seconded the nomination, which carried unanimously 5-0.

Commissioner Brandy moved to reappoint the Harbor Manager as the Board's Clerk. Commissioner Vessely seconded the nomination, which carried unanimously 5-0.

Commissioner Brandy moved to continue appointment of Phil Sexton as the District's Treasurer, and Jeffrey Minnery of *Adamski Moroski Madden Cumberland & Green LLP* as the District's Legal Counsel. Commissioner Vessely seconded the nominations, which carried unanimously, 5-0.

PRESENTATION

A. Movie - A New Harbor – a documentary regarding an Army Corps of Engineers Project: Harbor Manager Andrea Lueker presented the film, which documented the Army Corps of Engineers original design for the Port San Luis Harbor District in the 60s and 70s. Ms. Lueker related that following the production of the film, the Coastal Act was passed and the Army Corps of Engineers was eventually denied a permit for their original plans by the Coastal Commission.

PUBLIC COMMENT

Angela Tahti, San Luis Obispo Arts Council, gave an update on the status of the artwork to be displayed on the lifeguard towers in Avila Beach. Ms. Tahti spoke about the process of selecting a finalist for the project, and announced that the artist selected, Colleen Gnos, would be publicly presenting her art - once installed on the towers - on the 18th of February, weather permitting.

There was no further comment from the public.

CONSENT ITEMS

Consent Items **B**, **D**, **F** and **M** were pulled for discussion by the Harbor Commission.

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

- A. **Activity Reports:** December 2016 were received.
- C. **Monthly Payables:** December 2016 check register was received; January 2017 payables were approved.
- E. **Lighthouse Keepers:** December 2016 update was received.
- G. **Harbor Terrace Development Project:** December 2016 update was received.
- H. **Dredging:** 2017 dredge report was received; 2017 dredge schedule was approved.
- I. **Meeting Calendar:** meeting dates for 2017 were approved.
- J. **Quarterly Vehicle Maintenance Report:** was received
- K. **Quarterly Harford Pier Report:** was received.
- L. **Avila Beach Community Foundation Grants:** award of grant for 'Mutt Mitts' was approved.
- N. **Harford Landing Seal Coating & Striping:** Harbor Manager, or designee, was approved to execute a re-paving contract with Golden State Sealing & Striping, Inc. for \$7,542 and \$50 per wheel stop replacement for crack fill, seal coat, and re-striping of Harford Landing Area "B."

DISCUSSION ITEM A): POINT SAN LUIS LIGHTHOUSE – HARBOR DISTRICT SPONSORED TROLLEY DAYS WITH THE LIGHTHOUSE KEEPERS; RECOMMEND APPROVAL

Facilities Manager Loch Dreizler presented and brought the item up to date, answering questions from the Board and noting the presence of the Executive Director of the Point San Luis Lighthouse Keepers, Deb Foughty, who answered questions from the Board.

Commissioner Matakovich confirmed the Lighthouse Keepers' commitment to serving the disadvantaged, and Ms. Foughty spoke about the opportunity the sponsorship would provide to members of the Boys and Girls Club, as well as seniors and handicapped members of the community who had previously been unable to attend the lighthouse tours.

Commissioner Brandy expressed appreciation for all the volunteer hours donated by the Lighthouse Keepers, noting that the grounds look great.

President Matakovich invited public comment, of which there was none, and the following action was taken:

Action:

Commissioner Brandy moved to approve funding for Harbor District Sponsored Trolley Days with \$1,932 from District discretionary funds. Commissioner Vessely seconded and the motion passed unanimously, 5-0.

DISCUSSION ITEM B): HARBOR TERRACE DEVELOPMENT – REQUEST FROM RED TAIL ACQUISITIONS TO EXTEND THE EXCLUSIVE RIGHT TO NEGOTIATE (ERN) AGREEMENT FOR AN ADDITIONAL 30 DAYS; RECOMMEND APPROVAL

Harbor Manager Andrea Lueker presented and brought the item up to date, noting that a motion to approve the ERN for 36 days would bring the extension current through the next regularly scheduled meeting. Ms. Lueker related that during the time since the last approval, Red Tail Acquisitions LLC had continued to fine-tune their financial information.

President Matakovich invited public comment, of which there was none, and the following action was taken:

Action:

Commissioner Brandy moved to approve extension of the Negotiation Period for the ERN Agreement for an additional 36 days, ending on February 28, 2017. Commissioner Barrow seconded and the motion passed unanimously, 5-0.

DISCUSSION ITEM C): ICE FACILITY OPERATIONS – ICE FACILITY OPERATION AND MAINTENANCE AGREEMENT WITH MICHAEL COHEN FOR THE OPERATION OF THE DISTRICT ICE FACILITY; RECOMMEND APPROVAL

Business Manager Kristen Stout presented the item and went over the key points in the staff report, noting the options for action available to the Board.

President Matakovich asked for public comment, of which there was none.

The Board discussed the matter and upon consensus of the Commission, the following action was taken:

Action:

Commissioner Blecha moved to approve the Ice Facility Operation and Maintenance Agreement with Michael Cohen for the operation of the District Ice Facility for the period of one year with the option to renew or initiate RFP thereafter; and to authorize Harbor Manager, or her designee to execute. Commissioner Vessely seconded, and motion passed unanimously, 5-0.

DISCUSSION ITEM D): HARFORD PIER – OVERVIEW OF OPTIONS AND CONSIDERATION OF A WORKSHOP

Harbor Manager Andrea Lueker presented the item, went over the key points in the staff report and clarified the item's purpose in gauging willingness to participate in a Harford Pier workshop. Ms. Lueker noted that staff had recently met with the District's Treasurer Phil Sexton - whom she credited with having cited the pier-related issues in need of discussion, and she answered questions from the Board.

The Commissioners discussed the item, and factors such as workshop structure, public participation, long-term lease plans, and project overlap were addressed.

Commissioner Matakovich stressed the relevance of considering pier-related projects within the context of the District's Master Plan.

President Matakovich asked for public comment, of which there was none.

Direction was given to staff to set a date for a workshop, out of which may arise a Redevelopment Committee.

The item required no action be taken.

DISCUSSION ITEM E): BANK AUTHORIZATION – AMENDMENT OF AUTHORIZED SIGNERS TO DISTRICT BANK ACCOUNTS; ADOPT RESOLUTION 17-01

President Matakovich presented and summarized the item for the Board.

Commissioner Vessely expressed that while not averse to signing checks, he is concerned about distraction due to check signing at meetings. Commissioner Vessely also related his opinion that, as a policy Board, authority to sign checks should remain with staff.

The Board discussed those two points and direction was given to staff to bring the item back to the Commission for further consideration of District policy regarding the aforementioned matters.

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

Action:

Commissioner Barrow moved to adopt Resolution 17-01 to approve addition of Robert Vessely and deletion of Dave Kirk as persons authorized to sign bank signature cards for Wells Fargo Bank on behalf of the District and to waive reading. Commissioner Brandy seconded, and Resolution 17-01 passed by a unanimous roll call vote of 5-0.

DISCUSSION ITEM F): STANDING & AD-HOC COMMITTEE ASSIGNMENTS – REQUEST INPUT FOR COMMITTEE ASSIGNMENTS

Harbor Manager Andrea Lueker presented the item, went over the key points in the staff report and noted that upon input from the Board, the item will be back at the next regular Harbor Commission meeting for action.

The Board discussed the proposed recommendations and Commissioners provided the following input:

Commissioner Brandy requested membership of Property, Public Safety, Mooring and Personnel Committees.

Commissioner Barrow requested membership of Finance, Mooring and Harbor Terrace Committees.

Commissioner Vessely provided that he'd be happy to take former Commissioner Kirk's place on Lighthouse, Harbor Terrace, Parking and Public Safety Committees.

Commissioner Blecha stated that he was fine with his proposed recommendations of Property, Avila Pier Rehabilitation, Fish-Cleaning Station and Parking Management Committees.

President Matakovich thanked her fellow Commissioners for their input.

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

DISCUSSION ITEM G): CALIFORNIA MARINE AFFAIRS AND NAVIGATION CONFERENCE (CMANC) WASHINGTON WEEK – CONSIDERATION OF ATTENDEES AT 2017 CMANC WASHINGTON, DC WEEK; PROVIDE DIRECTION TO STAFF

Harbor Manager Andrea Lueker presented the item and noted that – based on previous Board discussions regarding increased advocacy of the Port – funds for travel had already been allocated for attendance of the event. Ms. Lueker asked that the Commission designate two people to attend the conference in Washington, D.C., and informed the Commission that additional grant funding may potentially be made available to allow for a third attendee.

The Board discussed the matter and input was received by all Commissioners.

Commissioners Barrow and Vessely expressed that they were not interested in attending; Commissioner Blecha also passed on the opportunity as he had attended the event in previous years.

Commissioner Blecha expressed his belief that the two appointed designees should be Harbor Commissioners, based on the opportunities presented for elected public officials.

Commissioner Brandy noted the importance of the event, as well as the relevance of the Harbor Manager's role as an informed and communicative point of contact for the District.

Commissioner Matakovich expressed interest in attending, should additional grant funding become available for a third attendee.

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

Action:

Commissioner Brandy moved that the District allocate the monies for Commissioner Brandy and Harbor Manager Lueker to attend the CMANC Conference in Washington D.C. in March of 2017. Commissioner Barrow seconded and the motion carried unanimously, 5-0.

President Matakovich moved to appoint herself as a designee in the event that Cable Grant funds become available for a third traveler. Commissioner Barrow seconded, and the motion carried unanimously, 5-0.

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 2016 was received.
- D. Minutes:** December 8, 2016 and January 3, 2017 minutes were approved; December 13, 2016 minutes were approved *as amended* per President Matakovich.
- F. Avila Pier:** December 2016 update was received.
- M. Discussion Process:** description of the discussion process regarding dogs on District beaches was received.

COMMUNICATIONS

Commissioner Barrow thanked staff for their assistance in the retrieval of his boat, which had recently washed ashore during a storm.

Commissioner Brandy expressed his thanks for the degree of professionalism and responsibility displayed by Commissioner Barrow when responding to the aforementioned event.

Facilities Manager Loch Dreizler handed out invitations to the Board for the event on the 18th of February, unveiling the artwork of Colleen Gnos on the lifeguard towers in Avila Beach.

Harbor Manager Andrea Lueker announced that an offer had been made to current Harbor Patrol Officer III Matt Ashton, for the position of Chief Harbor Patrol Officer. She related that the District is currently in the process of recruiting two new officers for the position of Harbor Patrol Officer I – one to replace Mr. Ashton and another to fill a previously vacant position within the department.

Harbor Manager Andrea Lueker announced that she had applied to the SLO Legislative Action Committee. Ms. Lueker also spoke about the Chumash Marine Sanctuary, noting that Travis Evans was present and gave comment – among other high-profile speakers – before the San Luis Obispo Board of Supervisors voted against the proposed sanctuary. Ms. Lueker expressed that the vote against the sanctuary was a win for the District.

Butch Powers, President of the Port San Luis Commercial Fisherman's Association, expressed that the decision to deny the Chumash Marine Sanctuary was very good news for the fishing community.

Commissioner Matakovich spoke about the Envision Avila workshop – to be held on the 9th of February – noting the importance of District representation, as well as her plans to attend. Dr. Matakovich also proposed that the District consider adopting a policy to restrict teleconferenced attendance of meetings. Dr. Matakovich also spoke about the Board's recent participation in CSDA harassment-prevention training.

Harbor Manager Andrea Lueker reminded the Commissioners of the CSDA dinner at the Avila Beach Community Center on Friday, the 27th of January.

There were no further communications.

ADJOURNMENT

The meeting adjourned at 8:49 p.m. to the next scheduled meeting on Tuesday, February 28, 2017 at 6:00 p.m.



Mary Matakovich, President

Attest:



Robert Vessely, Secretary