



## HARBOR COMMISSION BOARD MEETING Minutes March 27, 2018

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

Commissioners absent: None

Staff present [for Closed Session]: Andrea Lueker, Harbor Manager; Kristen Stout, Business Manager

Staff present [for Open Session]: Andrea Lueker, Harbor Manager; Kristen Stout, Business Manager; Matthew Ashton, Chief Harbor Patrol Officer

Legal Counsel present: Jeff Minnery

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### CALL TO ORDER / PUBLIC COMMENT

President Brandy called the meeting to order at 5:04 p.m.

All Commissioners were present.

There was no public comment.

### CLOSED SESSION

President Brandy adjourned to closed session at 5:05 p.m., **Pursuant to Government Code Section 54956.9(a):** Conference with legal counsel regarding the matter of *Lowry v. Port San Luis Harbor District*.

**Pursuant to Government §54956.8: Conference with Real Property Negotiators.** Property: Harford Land Area Lease Site. Agency Negotiators: Andrea Lueker, Harbor Manager; Kristen Stout, Business Manager; Loch Dreizler, Facilities Manager; Phil Sexton, District Treasurer; Jeff Minnery, Legal Counsel. Negotiating parties: Harbor District; James Kelsey dba **Zippy's Market**. Under Negotiation: Terms of Payment

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### ADJOURN TO OPEN SESSION / ROLL CALL / FLAG SALUTE

President Brandy reconvened the meeting to open session at 6:01 p.m. and advised that the Board had provided direction to staff, but had taken no reportable action in closed session.

All Commissioners were present.

President Brandy led the flag salute.

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## PUBLIC COMMENT

There was no public comment.

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## CONSENT ITEMS

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

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

- A. Activity Reports:** February 2018 reports were received.
  - B. Treasurer's Report:** January 2018 report was received.
  - C. Monthly Payables:** February 2018 check register was received.
  - D. Minutes:** February 27, 2018 minutes were approved.
  - E. Lighthouse Keepers:** February 2018 update was received.
  - F. Avila Pier Update:** February 2018 update was received.
  - H. Declaration of Miscellaneous Equipment, Harbor Patrol Impound Items, and Other Items No Longer of Use to the District as Surplus:** was approved; sale was authorized.
  - I. Lighthouse Seal Coat Bid:** was awarded.
  - J. Harford Landing Seal Coat Bid:** was awarded.
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## DISCUSSION OF PULLED CONSENT ITEMS

Following discussion among the Commissioners and staff, the Consent Items below were approved by motions moved, seconded and carried:

- G. Harbor Terrace Project Report:** February 2018 was received.

Public comment was heard for Consent Item G as follows:

Rick Rengel, RRM Design, gave a brief update regarding the Harbor Terrace project, noting that substantial conformance approval had been received by the County the previous week, and that Redtail was working on the grading permit and commercial area design. Mr. Rengel answered questions from the Board.

Brad Wilcox, Wilcox Fisheries, spoke about a potential re-evaluation of the need for gear storage space by the local commercial fishing industry. Mr. Wilcox stated that the Harbor Terrace plans were found to be in conformance with the Coastal Act at the time of their approval, and expressed his belief that the needs of the industry had expanded in the years thereafter.

Tim Wilcox, Morro Bay, echoed the sentiments of Brad Wilcox, and requested that the plans for gear storage space be reviewed with input from the fishing community, prior to putting set construction plans in motion.

There was no further public comment, and the item was approved.

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**DISCUSSION ITEM F): SAN LUIS YACHT CLUB SMALL BOAT PROGRAM – DISCUSS REQUEST FROM SAN LUIS YACHT CLUB; PROVIDE DIRECTION TO STAFF**

Discussion Item F was heard first, in consideration of members of the San Luis Yacht Club who were present to give comment and answer questions from the Board.

Commissioner Matakovich recused herself from the meeting room, due to her remote interest in the outcome as an officer of the San Luis Yacht Club.

Commissioner Blecha noted his position as a member, but not an officer, and stated that he was free to speak and vote on the item.

Harbor Manager Andrea Lueker presented and brought the item up to date, and answered questions from the Board.

Among the points discussed by the Board were the issue of safety, liability, the yacht club's lease space, and the area from which the yacht club would launch the boats they wished to store under the Avila Pier.

Jeff Minnery, Legal Counsel, advised the Commission regarding District liability for any injuries caused to beachgoers by boats stored on Avila Beach, and spoke about the terms of the Yacht Club's lease with regard to the space under the Avila Pier.

President Brandy spoke about the safety aspects of launching small sailboats near the pier, and requested that the yacht club provide insurance, and that the proposal be approved on a trial basis, with the District retaining the right to cancel an administrative use permit at any time in order to address any safety issues that may arise.

President Brandy called for public comment.

Roger Briggs, Point San Luis Yacht Club, addressed the proposed pilot program, and requested that the District not formally approve an agreement and instead, allow the club to move forward with storage and launching of Catamaran vessels. Mr. Briggs suggested a review of the program at the end of the six-month season, at which time any safety issues could be addressed and resolved.

Anne Brown, Avila Beach, advised that the District could be over-complicating the matter and expressed her opinion that the yacht club's request was in line with normal beach activities.

There was no further public comment.

There was a consensus of the Board that the program could be approved on a trial basis with an administrative use permit instead of an amendment to the San Luis Yacht Club's lease, to be reviewed at the end of the calendar year 2018. The following action was taken:

**Action:**

President Brandy moved to issue an administrative use permit to the San Luis Yacht Club, with a requirement for liability insurance to be provided by the club. Commissioner Vessely seconded and the motion passed, 4-0. [Commissioner Matakovich abstaining.]

**DISCUSSION ITEM B): LIGHTHOUSE KEEPERS SPONSORED TROLLEY DAYS – EVENT SCHEDULE; RECOMMEND APPROVAL**

After a short break, Commissioner Matakovich returned to the meeting, and Discussion Item B was heard next, in consideration of the Lighthouse Keepers, who had sent representation to answer questions from the Board.

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

The Board discussed the item and Deborah Foughty, Executive Director of the Point San Luis Lighthouse Keepers answered questions from the Board.

President Brandy suggested that the Lighthouse Keepers seek outside sources of funding for the next year's sponsored program, with support of the suggestion heard by Commissioner Barrow. Ms. Foughty replied that the Lighthouse Keepers have begun seeking grant funding with other organizations and had experienced some success over the last year, and that efforts to seek outside sources of grant funding would continue.

Commissioner Blecha spoke about the possibility of the Lighthouse Keepers matching funds offered by the District. Deb Foughty explained that the program is run by a volunteer-based organization, with the most significant cost coming from the operation of the trolley during transportation.

Commissioner Vessely spoke about the opportunity District funding presented to visibly show its partnership with the Lighthouse Keepers to the community.

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

**Action:**

Commissioner Vessely moved to approve funding for the District-sponsored Lighthouse Trolley Days with \$1,932 from Contingency Funds, under the condition that the Lighthouse Keepers mention the District's ownership of the Lighthouse at every opportunity presented. Commissioner Matakovich seconded, and the motion passed unanimously, 5-0.

**DISCUSSION ITEM C): CALIFORNIA SPECIAL DISTRICTS ASSOCIATION (CSDA) – CALL FOR NOMINATIONS TO THE CSDA BOARD**

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

There was no interest from the Board and no public comment; no action was taken on the item.

**DISCUSSION ITEM D): LOCAL AGENCY FORMATION COMMISSION (LAFCO) ELCTION OF AN ALTERNATE SPECIAL DISTRICT MEMBER - DISCUSS AND VOTE FOR NOMINEE; RECOMMEND APPROVAL**

Harbor Manager Andrea Lueker presented and brought the item up to date, and answered questions from the Board.

President Brandy stated that he believes both candidates would do a fine job, but spoke in favor of nominating candidate Ed Eby of the Nipomo Community Services District.

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

**Action:**

President Brandy moved to nominate Ed Eby as a LAFCO Alternate Special District Member. Commissioner Vessely seconded, and motion passed, 5-0.

**DISCUSSION ITEM E): CONSIDERATION OF A PAPER-FREE AGENDA PROCESS AND EQUIPMENT**

Harbor Manager Andrea Lueker presented the item, went over the key points in the staff report, and answered questions from the Board. Ms. Lueker stated that the paper packets would continue for the next couple of months during the transition to digital equipment.

The Commission discussed the item, and staff confirmed that there would be some flexibility in finding appropriate solutions for all Commissioners new to using digital devices to access staff reports, and that in-house training could be provided at no additional cost.

President Brandy called for public comment.

Bret Clark, San Luis Obispo, spoke about the specs of an iPad vs. Microsoft Surface.

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

**Action:**

Commissioner Barrow moved that the Board approve the Harbor Manager and staff to allocate up to \$6,000 from Contingency Funding to purchase iPads or similar electronic devices for Board use with associated software. Commissioner Vessely seconded and the motion passed, 5-0.

**DISCUSSION ITEM A): FISCAL YEAR 2018-19 PRELIMINARY BUDGET - REVIEW 1<sup>ST</sup> DRAFT OF PRELIMINARY BUDGET; PROVIDE DIRECTION TO STAFF**

Business Manager Kristen Stout presented the item, went over the key points in the staff report, and answered questions from the Board along with other staff members present.

Ms. Stout offered a presentation to the Board, which went into brief detail of the following: Budgetary Highlights, Key Assumptions, Major Maintenance, Capital Projects, Major Objectives and Goals, Other Objectives and Goals, and Unknowns.

The Commission discussed the draft budget document and offered a significant amount of input to staff.

President Brandy called for public comment.

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

Staff was directed to schedule a Special Harbor Commission Meeting to receive further input on the draft budget document, with a tentative date set for the 10<sup>th</sup> of April at 10:00 a.m.

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**COMMUNICATIONS**

Commissioners Matakovich and Blecha spoke about the Avila Pier Community Meeting, which had been held on the 15<sup>th</sup> of March, and noted that input had been received via evaluation sheets handed out to members of the public during the meeting, and provided to select members of the public after the meeting date. Commissioner Blecha stated that despite the input received, the Board is ultimately responsible for the decision of a design for a new Avila Pier.

Commissioner Matakovich stated that an interview had taken place on KVEC with talk show host Dave Congleton regarding the Avila Pier.

Commissioner Matakovich stated that the Sierra Club had hosted an event for the Chumash Sanctuary, and that Salud Carbajal had announced that he will send a formal letter to NOAA, requesting a review of the application.

Harbor Manager Andrea Lueker stated that she had submitted an application to be considered for the Engagement Committee for the decommissioning of Diablo Canyon Nuclear Power Plant, and that over 100 individuals had applied.

Harbor Manager Andrea Lueker stated that Facilities Manager interviews had been scheduled for the 5<sup>th</sup> of April.

Harbor Manager Andrea Lueker announced that Property Committee would be held Wednesday morning, April 11<sup>th</sup>, at 10:00 a.m., and that a Special Harbor Commission meeting would be held on the Tuesday morning, April 10<sup>th</sup>, at 10:00 a.m.

There were no further communications.

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**ADJOURNMENT**

The meeting adjourned at 8:50 p.m. to the next regularly scheduled Harbor Commission meeting on Tuesday, April 24, 2018 at 6:00 p.m., and a Special Harbor Commission meeting tentatively scheduled on Tuesday, April 10, 2018 at 10:00 a.m.

  
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Drew Brandy, President

Attest:

  
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Robert Vessely, Vice President

Respectfully submitted by: April Brannum, Administrative Secretary