



HARBOR COMMISSION BOARD MEETING Minutes May 22, 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; Phil Sexton, Treasurer

Staff present [for Open Session]: Andrea Lueker, Harbor Manager; Chris Munson, Facilities Manager; Matthew Ashton, Chief Harbor Patrol Officer

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

CALL TO ORDER / PUBLIC COMMENT

President Brandy called the meeting to order at 5:31 p.m.

All Commissioners were present.

CLOSED SESSION

President Brandy adjourned to closed session at 5:33 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*.

ADJOURN TO OPEN SESSION / ROLL CALL / FLAG SALUTE

President Brandy reconvened the meeting to open session at 6:00 p.m. and advised that the Board had taken no reportable action in closed session.

All Commissioners were present.

President Brandy led the flag salute.

PUBLIC COMMENT

Howie Kennett, Avila Beach, thanked District employee Chris Munson for work performed on a hoist. Mr. Kennett also brought a safety issue to the Board's attention, noting that he sees an average of at least 100 bicyclists per day at the Port, that many those individuals ride at very high speeds through the Harford parking lot. Mr. Kennett advised that at certain times of day, the position of the sun in the sky creates a blind spot and thus, a safety hazard near the Breezeway. Mr. Kennett expressed concern that someone may eventually be hurt.

Vince Shay, Avila Beach Paddlesports, spoke about the success of Safe Boating Week, noting that he'd had a positive experience working with the Coast Guard Auxiliary, Harbor Patrol, the Sherriff, and the Department of Fish and Wildlife. Mr. Shay commended Chief Harbor Patrol Officer Matthew Ashton on his performance, noting that Mr. Ashton communicates well and is very responsive. Mr. Shay also presented posters from the event which he had made.

There was no further public comment.

CONSENT ITEMS

Consent Items **B, G, I** and **K** were pulled for discussion by the Commission.

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

- A. Activity Reports:** April 2018 were received.
- C. Monthly Payables:** April 2018 check register was received.
- D. Minutes:** April 24, 2018 minutes were approved.
- E. Lighthouse Keepers:** April 2018 update was received.
- F. Avila Pier Update:** April 2018 update was received.
- H. 3rd Quarter Rent Report:** was received.
- J. Dredge Update:** was received.
- L. Annual Harford Pier Lumber Invitation to Bid:** Dickman-Hines Lumber Company and Gemini Forest Products were confirmed as the lowest responsive and responsible bidders for dimensional lumber and piles, respectively; and Harbor Manager, or designee, was authorized to execute Purchase Orders to Dickman-Hines Lumber Company and Gemini Forest Products, not to exceed \$75,000 for dimensional lumber and piles combined.

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:** March 2018 was received.
 - G. Harbor Terrace Project Report:** April 2018 update was received.
Rick Rengel, RRM Design, gave an update on the Harbor Terrace Project, and spoke about the construction timeline, number of campsites, and gear storage.
 - I. 3rd Quarter Financial Statements:** were received.
 - K. Facilities Manager:** Commissioner Matakovich moved to approve the Facilities Manager contract. Commissioner Vessely seconded the motion, which carried by a unanimous vote of 5-0.
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DISCUSSION ITEM A): REQUEST FOR A VARIANCE OF CHAPTER 16 – MOORING AND WATER USE REGULATIONS/PUBLIC COMPLAINT – REVIEW INFORMATION; PROVIDE DIRECTION TO STAFF

Harbor Manager Andrea Lueker presented the item, provided a thorough history of actions and communications leading up to the current discussion, and answered questions from the Board. Ms. Lueker requested that the Board consider limiting any fee waivers to impound fees, noting that a list of fees had been provided to the Board, and could be made available to the public upon request.

Commissioner Vessely inquired as to how impound fees were calculated, and addressed Mr. Sievers, who was present to answer questions, with regard to wear on his chain, proof of District charges being high by comparison to other service providers, and whether or not he'd confirmed his boat's seaworthiness with Harbor Patrol.

Commissioner Barrow stated his belief that staff had taken appropriate steps, and expressed his support of the decisions made by the mooring crew, noting that Mr. Sievers' failure to communicate had pushed the issue to its current state.

Commissioner Blecha expressed his support of staff, stating that he'd owned a mooring at the harbor for decades and had never taken issue with charges or decisions made by the mooring crew. Commissioner Blecha addressed Mr. Sievers and explained that the mooring inspections are performed to ensure safe conditions within the harbor, as boats which are not properly secured may come loose and damage other boats. Commissioner Blecha advised that Mr. Sievers should have communicated with Harbor Patrol if he had made the required repairs to his vessel. Commissioner Blecha also spoke about the years of experience employed by the mooring crew in their decision making, and spoke about the quality of parts used in maintenance and repair of moorings.

Commissioner Matakovich expressed support for staff – noting she'd have felt differently if this had taken place within a thirty-day period of time, but that the actions taken within the six-month time frame seemed justified.

President Brandy addressed Mr. Sievers and advised of the responsibility in owning a vessel, and the requirements of patrons at the Harbor District. President Brandy suggested that if Mr. Sievers' needs aren't being met by the District and the Boatyard, it may be best that Mr. Sievers remove his vessel and relocate it elsewhere, additionally suggesting the Vessel Turn-In Program (VTIP) as an option available to Mr. Sievers.

President Brandy called for public comment.

Anne Brown, Avila Beach, spoke about the process of bringing the item at hand to the Board, and inquired about the possibility of taking a step that would eliminate the need to bring the item back to an additional meeting.

William Sievers, San Luis Obispo, presented copies of a handwritten letter to staff and Board members, and asked for a waiver of fees charged to his account. Mr. Sievers stated his belief that patrons should have the option of being more involved in the process of choosing the parts used to maintain their moorings. Mr. Sievers stated he had requested engineering documents to justify replacement of worn parts, and spoke about the wear on his mooring chain. Mr. Sievers spoke about the events leading up to the impound of his vessel, and stated he was contesting the lien with the Department of Motor Vehicles (D.M.V.).

Troy Lindwall, San Luis Obispo, spoke as a District employee who had performed maintenance on Mr. Sievers' mooring. Mr. Lindwall stated that he replaces parts that he feels are borderline or worse, and that parts used are American, and are not stainless steel – noting that that material is not as strong as the material used, once submerged in sea water. Mr. Lindwall stated that his job is to make sure boats stay where they need to be, and that he always errs on the side of caution.

Anthony Melin, Mooring Master at Port San Luis Harbor District, spoke in support of his colleague Troy Lindwall, noting his own 22 years of experience setting and performing maintenance on moorings. Mr. Melin stated that he takes his career very seriously as he was raised to do so, and was present to stand up for his decisions and his work ethic.

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

Action:

Commissioner Vessely moved that the Board reject the applicant's request for variance on the fees. Commissioner Matakovich seconded, and the motion passed unanimously, 5-0.

DISCUSSION ITEM B): PUBLIC HEARING TO AMEND CODE OF ORDINANCES AND ADOPT FEE SCHEDULE – OPEN PUBLIC HEARING AND RECEIVE PUBLIC INPUT ON PROPOSED CHANGES TO THE DISTRICT CODE OF ORDINANCES, CHAPTER 4 – SCHEDULE OF FEES; ADOPT RESOLUTION 18-07

Harbor Manager Andrea Lueker presented the item and answered questions from the Commission.

President Brandy opened the public hearing at 7:08 and called for public comment.

There was no public comment and the public hearing closed at 7:08.

Commissioner Vessely inquired as to how the Harbor District's fees compare to those of other ports. Harbor Manager Andrea Lueker responded that the District's fees are lower than the fees charged in Santa Barbara, as there are fewer amenities offered.

The Commissioners discussed the changes and following a consensus of the Board, direction was given to staff to amend the following:

- 1) 4.430, Section A, Paragraph 3, Sentence E: **change 7 days to 14 days.**
- 2) 4.430, Section B: change the first sentence to read **Deposits: The following deposits may be required on accounts that are overdue by 90 days.**

President Brandy allowed for public comment.

William Sievers, San Luis Obispo, stated that he responds very well to written communications, communications by phone, and communications in person, but that he believes the District should open up texting as a means of communication for patrons who may prefer that method.

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

Action:

Commissioner Matakovich moved to adopt and amend Resolution 18-07: Chapter 4 – Schedule of Fees, Tariffs and Other Charges, as amended with direction given to staff, and to dispense with the reading. Commissioner Blecha seconded, and Resolution 18-07 was adopted by a roll call vote of 5-0.

DISCUSSION ITEM C): PUBLIC HEARING TO AMEND CODE OF ORDINANCES – OPEN PUBLIC HEARING AND RECEIVE PUBLIC INPUT ON PROPOSED CHANGES TO THE DISTRICT CODE OF ORDINANCES, CHAPTER 8 (8.060 – PUBLIC HEARINGS); ADOPT RESOLUTION 18-08

Harbor Manager Andrea Lueker presented the item, noting that the change reflects what is in the Harbors and Navigation code and thus, what should be in the District's code as well.

Commissioner Vessely clarified the process for noticing an amendment to an ordinance.

President Brandy opened the public hearing at 7:30 p.m., and called for public comment.

There was no public comment, and the public hearing was closed at 7:31 p.m.

The following action was taken:

Action:

Commissioner Matakovich moved to adopt Resolution 18-08 and to dispense with the reading. Commissioner Vessely seconded, and the resolution was approved by a roll call vote of 5-0.

DISCUSSION ITEM D): FISCAL YEAR 2018-19 PRELIMINARY BUDGET – RECEIVE REPORT; PROVIDE DIRECTION TO STAFF

Harbor Manager Andrea Lueker presented the item, went over changes made since adoption of the preliminary draft budget, and answered questions from the Board.

Treasurer Phil Sexton presented an overview of monthly investment balances, and spoke about principal/cash investments and reserves.

President Brandy inquired about unfunded liabilities as a common problem many Districts face, and received confirmation from Mr. Sexton that, if feasible, paying off those liabilities quickly would be beneficial. Mr. Sexton stated that the option should be reviewed for the next budget cycle, and that a clearer picture with regard to Harbor Terrace and PG&E would make decision-making easier at that time.

Commissioner Barrow spoke about the amount proposed for engineering of a new dock, and suggested alternative methods that may cost the District less money to produce.

President Brandy stated he'd be more inclined to allocate funding if more information can be provided to define specifics on the purchases.

Facilities Manager Chris Munson answered questions from the Board with regard to engineering and feasibility of structural changes to the pier.

Harbor Manager Andrea Lueker suggested leaving the money available for a new Harbor Patrol landing, with the understanding that parameters for next steps would be brought to the Board before action is taken by staff.

Harbor Manager Andrea Lueker confirmed direction given by the Board to check on the cost of a shorter boom, and to bring the information back to the next meeting.

Commissioner Matakovich inquired about the removal of funding for underground storage tank replacement. Commissioner Barrow confirmed the amount was for the cost of bid documents, which are not due until 2025.

Commissioner Matakovich suggested adding specified funding to the Budget for the Avila Pier. Commissioner Vessely offered his support for allocating funds to the Avila Pier Project.

President Brandy directed staff to keep the designations of \$75,000 and \$50,000 for a landing and driver, respectively, in the budget and to bring more information back to the Board before a final decision is made.

President Brandy called for public comment.

William Sievers, San Luis Obispo, spoke about his experience as a crane owner and operator.

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

Action:

Commissioner Matakovich moved that \$35,000 be placed into specified reserves for the Avila Pier Project. Commissioner Vessely seconded, and the motion carried, 3-2. [President Brandy and Commissioner Barrow dissenting.]

Commissioner Vessely moved that the remainder goes into Operating Reserves. Commissioner Barrow seconded, and the motion carried unanimously, 5-0.

DISCUSSION ITEM E): APPROVAL OF RESOLUTION NO. 18-09 ADOPTING A CATEGORICAL EXEMPTION – AUTHORIZING BARBARA POWERS (OLDE PORT FISH & SEAFOOD CO.) TO INSTALL AN ATTACHED 12 SQ. FT. STEAMER ENCLOSURE ON HARFORD PIER OUTSIDE THE EXISTING LEASE SPACE; RECOMMEND APPROVAL

Commissioner Barrow recused himself at 9:38.

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

Commissioner Matakovich advised that, following the item at hand, she will no longer be inclined to vote in favor of any lease amendment requests made retroactively after changes have already been implemented by a lessee without prior approval from District staff and the Board of Commissioners.

President Brandy called for public comment.

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

Action:

Commissioner Vessely moved to adopt Resolution 18-09 and to waive reading, and added an amendment to the resolution noting that per action taken the previous month, construction of the steamer enclosure must be inspected by a certified building inspector. Commissioner Blecha seconded the motion with amendment, and Resolution 18-09 was adopted, as amended, by a roll call vote of 4-0. [Commissioner Barrow absent.]

COMMUNICATIONS

Commissioner Vessely inquired about a process for building permits on the Harford Pier, and advised that moving the fish market across the pier may need to be run through a particular process.

Commissioner Blecha inquired about electronic board packets; staff confirmed that devices had been ordered and that software would soon be installed, with instruction available to Commissioners once the devices are ready for use.

There were no further communications.

ADJOURNMENT

The meeting adjourned at 9:53 p.m. to the next regularly scheduled Harbor Commission meeting on Tuesday, June 26, 2018 at 6:00 p.m. in the Coastal Gateway building.



Drew Brandy, President

Attest: 

Jim Blecha, Secretary

Respectfully submitted by: April Brannum, Administrative Secretary

