



CITY OF NEWPORT BEACH HARBOR COMMISSION AGENDA

City Council Chambers – 100 Civic Center Drive, Newport Beach

Wednesday, October 14, 2015 - 6:30 PM

Harbor Commission Members:

Dave Girling, Chair
Paul Blank, Vice Chair
Joe Stapleton, Secretary
Brad Avery, Commissioner
Bill Kenney, Commissioner
Duncan McIntosh, Commissioner
Doug West, Commissioner

Staff Members:

Chris Miller, Harbor Resources Manager
Shannon Levin, Harbor Resources Supervisor

The Harbor Commission meeting is subject to the Ralph M. Brown Act. Among other things, the Brown Act requires that the Harbor Commission agenda be posted at least seventy-two (72) hours in advance of each regular meeting and that the public be allowed to comment on agenda items before the Commission and items not on the agenda but are within the subject matter jurisdiction of the Harbor Commission. The Chair may limit public comments to a reasonable amount of time, generally three (3) minutes per person.

The City of Newport Beach's goal is to comply with the Americans with Disabilities Act (ADA) in all respects. If, as an attendee or a participant at this meeting, you will need special assistance beyond what is normally provided, we will attempt to accommodate you in every reasonable manner. Please contact Chris Miller, Harbor Resources Manager, at least forty-eight (48) hours prior to the meeting to inform us of your particular needs and to determine if accommodation is feasible at (949) 644-3034 or cmiller@newportbeachca.gov.

NOTICE REGARDING PRESENTATIONS REQUIRING USE OF CITY EQUIPMENT

Any presentation requiring the use of the City of Newport Beach's equipment must be submitted to the Harbor Resources Division 24 hours prior to the scheduled meeting.

- 1) **CALL MEETING TO ORDER**
- 2) **ROLL CALL**
- 3) **PLEDGE OF ALLEGIANCE**
- 4) **PUBLIC COMMENTS**

Public comments are invited on agenda and non-agenda items generally considered to be within the subject matter jurisdiction of the Commission. Speakers must limit comments to three (3) minutes. Before speaking, we invite, but do not require, you to state your name for the record. The Commission has the discretion to extend or shorten the speakers' time limit on agenda or non-agenda items, provided the time limit adjustment is applied equally to all speakers. As a courtesy, please turn cell phones off or set them in the silent mode.

- 5) **APPROVAL OF MINUTES**

Approval of September 9, 2015 Minutes

Approve.

[Draft Minutes](#)

6) **CURRENT BUSINESS**

1. **Mooring Revocations**

Mooring permits may be revoked due to failure to pay annual rental fees. According to Newport Beach Municipal Code (NBMC) Chapter 17.70, the Harbor Commission shall conduct a hearing prior to revoking a mooring permit.

- 1) Hold a public hearing, consider the relevant evidence, and if justified under NBMC Sections 17.60.040(L)(1) and 17.70.020(A)(5), revoke mooring permit H-79 for failure to pay annual rental fees.
- 2) Hold a public hearing, consider the relevant evidence, and if justified under NBMC Sections 17.60.040(L)(1) and 17.70.020(A)(5), revoke mooring permit H-813 for failure to pay annual rental fees.
- 3) Hold a public hearing, consider the relevant evidence, and if justified under NBMC Sections 17.60.040(L)(1) and 17.70.020(A)(5), revoke mooring permit J-0087 for failure to pay annual rental fees.
- 4) Hold a public hearing, consider the relevant evidence, and if justified under NBMC Sections 17.60.040(L)(1) and 17.70.020(A)(5), revoke mooring permit J-0110 for failure to pay annual rental fees.
- 5) Hold a public hearing, consider the relevant evidence, and if justified under NBMC Sections 17.60.040(L)(1) and 17.70.020(A)(5), revoke mooring permit J-513 for failure to pay annual rental fees.
- 6) Hold a public hearing, consider the relevant evidence, and if justified under NBMC Sections 17.60.040(L)(1) and 17.70.020(A)(5), revoke mooring permit S-140 for failure to pay annual rental fees.
- 7) Hold a public hearing, consider the relevant evidence, and if justified under NBMC Sections 17.60.040(L)(1) and 17.70.020(A)(5), revoke mooring permit W-032 for failure to pay annual rental fees.

[Staff Report](#)

2. **Harbor Commission 2015-16 Objectives: Review and Approve**

The Harbor Commission ad hoc committee will review the proposed Objectives and recommend approval.

- 1) Approve the proposed Harbor Commission's Objectives for 2015-16.

[Staff Report](#)

3. **Harbor Patrol Update**

Lieutenant Mark Alsobrook, harbormaster, will update the Commission on the Harbor Patrol's operations.

- 1) Receive and file.

[Staff Report](#)

4. **Copper in Newport Harbor - An Overview**

Staff will present an overview of the copper Total Daily Maximum Load (TMDL) for Newport Harbor as required by the Water Board.

- 1) Receive and file.

[Staff Report](#)

5. Public Piers Report: Time Limits, Usage Characteristics and Recommendations

Harbor Commissioner Paul Blank will present the ad hoc committee's findings and proposals for time limits and usages at the City's public piers.

1) Review and endorse the Public Piers Ad Hoc Committee's proposals, then recommend to the Harbor Resources Manager that they be implemented.

[Staff Report](#)

- 7) **SUBCOMMITTEE REPORTS**
- 8) **QUESTIONS AND ANSWERS WITH COUNCIL LIAISON ON HARBOR RELATED ISSUES**
- 9) **QUESTIONS AND ANSWERS WITH HARBOR RESOURCES MANAGER ON HARBOR RELATED ISSUES**
- 10) **PUBLIC COMMENTS ON SUBCOMMITTEE REPORTS OR QUESTIONS AND ANSWERS WITH COUNCIL LIAISON OR HARBOR RESOURCES MANAGER**
- 11) **COMMISSION ANNOUNCEMENTS OR MATTERS WHICH MEMBERS WOULD LIKE PLACED ON A FUTURE AGENDA FOR DISCUSSION, ACTION OR REPORT (NON-DISCUSSION ITEM)**
- 12) **DATE AND TIME FOR NEXT MEETING: Monday, November 16, 2015 (different date than normal)**
- 13) **ADJOURNMENT**

NEWPORT BEACH HARBOR COMMISSION REGULAR MEETING MINUTES
City Council Chambers
Wednesday, September 9, 2015
6:30 PM

1) CALL MEETING TO ORDER

The meeting was called to order at 6:30 PM.

2) ROLL CALL

Commissioners: Dave Girling, Chair
 Brad Avery
 Paul Blank
 William Kenney, Jr.
 Duncan McIntosh
 Joe Stapleton (Absent/Excused)
 Doug West

Staff Members: Chris Miller, Harbor Resources Manager
 Shannon Levin, Harbor Resources Supervisor

3) PLEDGE OF ALLEGIANCE – Chair Girling

4) PUBLIC COMMENTS

Lt. Mark Alsobrook, Orange County Sheriff Department, Harbor Patrol, introduced himself to the Commission.

5) APPROVAL OF MINUTES – July 8, 2015 Minutes

Chair Avery opened public discussion. Chair Avery closed public discussion.

Commissioner Blank offered a correction to the minutes.

Motion: Commissioner Kenny made a motion to approve the minutes of the Harbor Commission meeting of July 8, 2015, as corrected. Commissioner Blank seconded the motion, which carried with 6 ayes, 0 noes, with Commissioner Stapleton, absent. Approved.

6) CURRENT BUSINESS

1. *Launching Vessels in Newport Harbor*

Harbor Resources staff will review the various locations in the harbor to hand-launch vessels. In addition, Planning Manger Patrick Alford will review the terms of the Newport Dunes Settlement Agreement which describes the operational characteristics of the launch ramp for trailered vessels.

Recommendation:

- 1) Receive and file.

Planning Manager Patrick Alford provided a PowerPoint presentation addressing background on Newport Dunes, allowed uses and development, Settlement Agreement and subsequent amendments, development limits, boat-launch facilities, parking, wash-down and other marine facilities, dry-boat storage area, and charter vessels. He added that the Dunes is also a venue for special events and commented on issues in regards to access.

Discussion followed regarding whether the Dunes has a continuous obligation to operate the launch ramps and parking area, costs to launch, special events and related parking and ramp closures, number of spaces per the Settlement Agreement, minimum number of spaces required to be maintained for people to launch boats, and maintaining spaces for beach users and boat-launches during special events.

Commissioner Kenney commented on keeping the launch ramp open whether or not there is available parking.

Continuing discussion occurred regarding use of the west-side parking area, accommodation of vehicles with trailers and tents and semi-permanent structures.

Planning Manager Alford reported that the Settlement Agreement specifies the type of facilities the Dunes has to provide. He added that it is fairly silent on how the operation occurs and as long as they maintain the launch ramp and provided the minimum amount of parking spaces, they are in compliance with the agreement. Additionally, he noted that the primary focus of Code Enforcement, during special events, deals with noise control.

Discussion followed regarding enforcing the Settlement Agreement, ensuring that the ramp remains open during special events, amendments to the Settlement Agreement to clarify specific issues and avoid miscommunication and misunderstandings and special event permits.

In response to an inquiry by Commissioner Kenney regarding the possibility of making a presentation to the Parks, Beaches and Recreation Commission, Planning Manager Alford indicated he is unsure whether they deal with special events. He pointed out that staff is currently working with the Dunes Management on a CUP to deal with special events and that there is a possibility of including conditions that during special events, the launch ramp must be kept open.

Chair Girling suggested having a discussion with the Dunes Management to ensure that everything is understood and they abide by the Settlement Agreement.

Harbor Resources Manager Miller suggested establishing an Ad Hoc Committee to work with the Recreation and Planning staff in that regard.

Chair Girling opened public comments.

Jim Mosher stated he does not recall City staff asking the PB&R to weigh in on special event permits. He addressed the tent structure and an adjacent trailer parking area and asked whether the Dunes is required to maintain the trailer parking area during special events in a specific area.

Planning Manager Alford reported that the Settlement Agreement establishes the minimum number of spaces in the general area close to the boat ramp.

Chair Girling closed public comments.

Harbor Resources Manager Miller commented on the newly-developed Lower Castaways noting that it is more user-friendly and has the capability of hand-launching vessels. He also commented on the 18th Street launch pad as an area where hand-launching could be allowed but noted there is an existing bollard that would need to be addressed. Additionally, he commented on many street-ends in the Peninsula where hand-launching could occur and reported that there are no locations that are publicly available for larger vessels that on trailers.

Chair Girling commented on, along with working with the Dunes, establishing a committee that could look at sites for potential boat-launching.

Discussion followed regarding launching kayaks and paddleboards at Marina Park, private launching areas (28th Street Marina), the Castaways, the importance of outreach, adding signage at Lower Castaways and the Harbor Patrol's County Beach.

Chair Girling opened public comments.

Jim Mosher commented on the written staff report for this item and expressed confusion in terms of allowing and prohibiting hand-launching in specific areas. He wondered whether the City has kept track of locations where hand-launching has been approved, by resolution, over the years. He commented on whether other restrictions are permissible and referenced the State Constitutions relative to restricting access to the State's navigable water.

Harbor Resources Manager Miller stated the item is something that needs to be updated at the time when the Code will be updated.

Len Bose, Huntington Beach, commented on launching on 18th Street and noted there is a lot of space at the NAC area and suggested the possibility of building another launch ramp there.

Carter Ford commented on launching vessels on trailers and stated he is only aware of two that are privately operated. He commented on the variety of vessels used that are hard to carry on sand, and suggested the Harbor Commission consider Regulation No. 4 in the Code. He stated that launching also relates to being able to tie up boats and commended Commissioner Blank for his work on that matter (Item No. 4 on the agenda).

Chair Girling agreed that it would be good to designate areas where hand-launching can occur.

Chair Girling closed public comments.

2. Harbor Commission Objectives: Review 2014-15 Objectives, and Form an Ad Hoc Committee to Create 2015-16 Objectives

Commissioner West will review the Harbor Commission's Objectives from 2014-15. The Commission will form an ad hoc committee to create objectives for 2015-16.

Recommendation:

- 1) The Harbor Commission will form an ad hoc committee to create objectives for 2015-16.

Commissioner West introduced the item and addressed the need to review the objectives for 2014-15 as well as to develop objectives for 2015-16. He noted that the development of objectives were delayed by the transition of City Council and that the objectives were not presented to Council until after the transition. He reported that ten goals were identified under two categories. The categories include ensuring the long-term welfare of the Harbor and promoting Newport Harbor as a preferred and welcoming destination. He reported on the approval of the Newport Specific Shallow-water Eelgrass Mitigation Plan and the progress of the RGP54.

Chair Girling addressed use of Lower Castaways and thanked Harbor Resources Manager Miller, Harbor Resources Supervisor Levin and staff for their efforts on this matter. He asked for a status update and steps moving forward.

Harbor Resources Manager Miller reported that the status is "quo" and that it is not part of this year's budget. He suggested Commissioners "plant a seed" with their respective Council Members so that it will be considered in next year's budget. He added that it is the desire of some Council Members to make Lower Castaways more accessible and open to the public. He stated that staff is open to suggestions.

Chair Girling reported meeting with Cal Rec and that they are open to participating in some way. He suggested removing this as one of the goals and objectives and determining whether to maintain or remove subsequent goals as they are reviewed.

Commissioner West addressed adjustments to the Harbor speed limit for certain racing events and suggested that goal be carried over for another year.

Relative to creating a forum for dialogue with representatives of the harbor charter fleet to promote the development of a shared vision and charter operations standards to be achieved collaboratively, in the future, Commissioner Avery stated he would like to carry that goal over for another year.

In terms of a collaboration with the Marine Committee of the Newport Beach Chamber of strategy recommendations to support the preservation of water-dependent commercial and recreational activities as prescribed in the Harbor Area Management Plan and the Harbor and Bay element of the General Plan, Commissioner Avery reported that the Marine Committee has been revived and there is good collaboration, but no specific action resulting from the last four meetings. He added that meetings will continue, going forward. He suggested that it continue to be an objective for 2015-16.

Commissioner West addressed continuing the evaluation of alternatives, specifically in terms of an anchorage in the turning basin, Commissioner Avery provided an update on the temporary anchorage. He reported that there have been no complaints and recommended keeping this on and getting input from neighbors and providing an evaluation of the program. He stated he would like to keep it on the list of goals and objectives with the possibility of extending the trial period next year.

Brief discussion followed regarding the anchorage area being shifted from the initial installation for the boat show.

Commissioner Avery suggested carrying this goal over to next year.

Commissioner West commented on development of a cruising guide noting that no progress has been made on it and suggested carrying it forward to 2015-16.

Regarding investigating the availability of launch-ramp facilities in the Harbor, he referenced an earlier discussion of the item and noted that is a continuing item.

In terms of a potential water-bus service, Commissioner West addressed the work done over this past year and reported that the concept lost momentum during Council's transition and was not presented to Council. It remains to be determined whether it should be presented to Council and suggested that Commissioners explore the idea in their individual liaison relationships with Council members. He added that this was a direction of the previous Council.

Discussion followed regarding tabling this matter for now and listing it as item needing further direction by Council.

Commissioner West addressed the operation of water-propelled vessels and Commissioner Kenney provided an update on the item and suggested removing it.

Chair Girling thanked Commissioner West for his leadership and suggested forming an Ad Hoc Committee to develop goals for the upcoming year.

Chair Girling opened public comments.

Len Bose, Huntington Beach, reported there was a large water taxi taken to Newport Shipyard today.

Jim Mosher commented on the water-bus matter and agreed with the recommendation to table the matter but in terms of letting Council know the Commission's decision, he referenced the Brown Act and the need to notice the matter and inform Council during a public meeting.

Chair Girling closed public comments.

Motion: Commissioner Blank made a motion to form an Ad Hoc Committee to create objectives for 2015-16 consisting of Commissioner West and Chair Girling. Commissioner Kenney seconded the motion, which carried with 6 ayes, 0 noes, with Commissioner Stapleton, absent. Approved.

3. Status of Shellmaker, Inc.'s Scow "Gemini"

Harbor Resources Manager Chris Miller and Shellmaker, Inc. will provide an update as to the status of Shellmaker's sunken scow "Gemini" currently on mooring J-98.

Recommendation:

- 1) Receive and file.

Harbor Resources Manager Miller stated he had hoped to have an update. He stated that in his latest communication with Shellmaker, Inc., they would like two groups of piles, fabricate a gantry between the two pile clusters, and use that to wench up the debris to begin cutting it in the dry versus in the water. He stated he will continue to work with Shellmaker, Inc. and enlist the help of Meeks to move the effort forward.

It was noted that the hazard is much better marked than it ever has been.

Discussion followed regarding the adjacent mooring holder, the City stepping in at some point, giving the mooring permittee until the end of the year to comply and the availability of Meeks.

Chair Girling opened public comments.

Chair Girling closed public comments.

4. Public Piers Report: Usage Characteristics and Recommendations

Harbor Commissioner Paul Blank will present the findings of the Ad Hoc Committee which was tasked to study the usage characteristics of the City's public piers and to recommend changes which would be discussed at a future meeting, if applicable.

Recommendation:

- 1) Receive and file.

Commissioner Blank provided a brief background on the item and presented a preliminary report of the Ad Hoc Committee's findings. He addressed objectives, the Ad Hoc Committee's approach, steps taken, current relevant Harbor Codes, public piers, data collection, number of boats accommodated and other limitations observed. Additionally, he reported on the supply and demand, assumptions, normalization of the data, additional findings, conclusions and recommendations. He thanked Mr. Carter Ford and Retired Harbor Master Mike Jensen and addressed next steps. Additionally, he thanked Commissioner Kenney and Harbor Resources Manager Miller for their help in this effort.

Discussion followed regarding the need for public piers near anchorages, piers where you can limit the size of boats, availability of funding for additional public piers, possible grant funding, the possibility of Council providing funding for the next fiscal year and the possibility of a budget amendment.

Harbor Resources Manager Miller suggested developing a firm plan and trying to get it under next year's budget. He added that DJM is responsible to design and permit the public pier at Central Avenue and the City will build it.

It was noted that DJM is not paying for it, but rather, facilitating it.

Commissioner Blank reported that Cal Rec will build the Balboa Marina pier.

Harbor Resources Manager Miller added that the project is in the entitlement phase and may not happen next year, but the year after.

Discussion followed regarding convincing DJM to move ahead with their plans for Central Ave Pier, the possibility of enlarging public piers to increase capacity, reconfiguring floats to accommodate more boats and opportunities to install cleats at the M Street pier.

Chair Girling opened public comments.

Chuck South, South Mooring Company, reported that the M Street pier belongs to fishermen who may remove cleats if they are installed. He added there are not a lot of people in the immediate area, in terms of demand but that it is a busy dock. He commented on the possibility of issuing permits for working on skiffs.

Chair Girling closed public comments.

Harbor Resources Manager Miller suggested requesting that the Ad Hoc Committee return, at a later date, with firm recommendations.

Chair Girling asked placing the matter on the Commission's agenda for November.

7) SUBCOMMITTEE REPORTS - None

8) QUESTIONS AND ANSWERS WITH COUNCIL LIAISON ON HARBOR RELATED ISSUES

Chair Girling suggested removing this item from the next agenda.

9) QUESTIONS AND ANSWERS WITH HARBOR RESOURCES MANAGER ON HARBOR RELATED ISSUES

Harbor Resources Manager Miller provided an update on Harbor related issues noting that his division is very busy, especially with the opening of Marina Park. He addressed current RFPs, managing the marina, the status of other marinas, the Grand Opening of Marina Park, installation of docks, the results of a recent hearing for the vessel Cheyenne and Harbor pump-outs.

Brief discussion followed regarding the possibility of adding signage on the pump-outs, the bait barge RFP and the current location of the bait barge.

10) PUBLIC COMMENTS ON SUBCOMMITTEE REPORTS OR QUESTIONS AND ANSWERS WITH COUNCIL LIAISON OR HARBOR RESOURCES MANAGER

Lt. Mark Alsobrook, Harbor Patrol, reported that one of his goals for this coming year is to establish a collaborative relationship with the Harbor Commission. He added that the Harbor Patrol is willing to provide a quarterly report to the Harbor Commission as an agendaized presentation, on a quarterly basis.

Chair Girling stated that the Commission is open to that and will work with Harbor Resources Manager Miller to address that, going forward.

Chair Girling acknowledged the tragic accident in Catalina and offered his thoughts and prayers.

11) COMMISSION ANNOUNCEMENTS OR MATTERS WHICH MEMBERS WOULD LIKE PLACED ON A FUTURE AGENDA FOR DISCUSSION, ACTION OR REPORT (NON-DISCUSSION ITEM)

A suggestion was made to add a report on the current status of the Water Board's effort to establish new TMDL limits in Newport Harbor to the next meeting agenda.

Commissioner West commented on the need for him and Harbor Resources Manager Miller to work on an eelgrass "elevator" speech to practice with Harbor Commission Members.

Harbor Resources Manager Miller suggested focusing on that in November.

Chair Girling stated he will work with Lt. Mark Alsobrook regarding the Harbor Patrol quarterly report.

12) DATE AND TIME FOR NEXT MEETING: October 14, 2015

Discussion followed regarding the date for the November meeting. The Commission concurred to hold the November meeting on November 16, 2015.

13) ADJOURNMENT

There being no further business to come before the Harbor Commission, the meeting was adjourned at 8:45 PM. The next meeting of the Harbor Commission will be held on October 14, 2015, at 6:30 PM.



== CITY OF ==

NEWPORT BEACH

Harbor Commission Staff Report

Agenda Item No. 1
October 14, 2015

TO: HARBOR COMMISSION

FROM: Public Works Department
Chris Miller, Harbor Resources Manager
949-644-3043, cmiller@newportbeachca.gov

TITLE: 2015 Mooring Revocations: H-79, H-813, J-0087, J-0110, J-513,
S-140, W-032

ABSTRACT:

Mooring permits may be revoked due to failure to pay annual rental fees. According to Newport Beach Municipal Code (NBMC) Chapter 17.70, the Harbor Commission shall conduct a hearing prior to revoking a mooring permit.

RECOMMENDATION:

1. Hold a public hearing, consider the relevant evidence, and if justified under NBMC Sections 17.60.040(L)(1) and 17.70.020(A)(5), revoke mooring permit H-79 for failure to pay annual rental fees.
2. Hold a public hearing, consider the relevant evidence, and if justified under NBMC Sections 17.60.040(L)(1) and 17.70.020(A)(5), revoke mooring permit H-813 for failure to pay annual rental fees.
3. Hold a public hearing, consider the relevant evidence, and if justified under NBMC Sections 17.60.040(L)(1) and 17.70.020(A)(5), revoke mooring permit J-0087 for failure to pay annual rental fees.
4. Hold a public hearing, consider the relevant evidence, and if justified under NBMC Sections 17.60.040(L)(1) and 17.70.020(A)(5), revoke mooring permit J-0110 for failure to pay annual rental fees.
5. Hold a public hearing, consider the relevant evidence, and if justified under NBMC Sections 17.60.040(L)(1) and 17.70.020(A)(5), revoke mooring permit J-513 for failure to pay annual rental fees.

6. Hold a public hearing, consider the relevant evidence, and if justified under NBMC Sections 17.60.040(L)(1) and 17.70.020(A)(5), revoke mooring permit S-140 for failure to pay annual rental fees.
7. Hold a public hearing, consider the relevant evidence, and if justified under NBMC Sections 17.60.040(L)(1) and 17.70.020(A)(5), revoke mooring permit W-032 for failure to pay annual rental fees.

FUNDING REQUIREMENTS:

The mooring permittee shall be entitled to recover all of the permittee's mooring equipment within 30 days of reversion. If the mooring permittee does not recover his equipment, the permittee shall be entitled to payment from the City of the fair value of the mooring equipment as depreciated by use in an amount to be determined by the Harbor Resources Manager as set in the City's master fee resolution, NBMC 17.60.040(M)(2).

DISCUSSION:

The City of Newport Beach ("City") manages the tidelands pursuant to various legislative grants from the State of California. The City leases the tidelands to third parties through a series of permits, franchises, and leases. One of those permits administered by the City is the mooring permit. A mooring permit is a temporary use of a specific location within Newport Harbor; and the Harbor Resources Manager may issue a mooring permit to allow the mooring permittee to temporarily use a portion of the waters of Newport Harbor for the mooring of a vessel.

Seven mooring permittees failed to pay the annual mooring rental fees despite repeated attempts by City of Newport Beach (City) staff to collect the fees. The City's Revenue Division issued three notices:

1. January 28, 2015 – Original Billing Issued
2. March 1, 2015 – Delinquent Notice Sent
3. June 1, 2015 – 2nd Delinquent Notice Sent

Additionally both Harbor Patrol staff and Harbor Resources staff attempted contact with the permittees by telephone or email in an effort to collect the annual rental fees. Originally, the list of delinquent fees had 23 names and has been trimmed to seven.

On September 15, 2015, Harbor Resources staff sent letters to each permittee noticing the revocation hearing and advising of the process of revocation due to failure to pay the associated mooring fees for a period of sixty (60) calendar days or more pursuant to

Newport Beach Municipal Code (“NBMC”) Sections 17.60.040(D), 17.60.040(L)(1), and 17.70.020(A)(5).

According to NBMC Sections 17.60.040(L)(2) and 17.70.020(B) a revocation hearing is scheduled before the Harbor Commission to provide a forum for the permittee to present written and verbal evidence to the Harbor Commission explaining why the mooring permit should not be revoked. The Harbor Commission presides over the hearing, receives relevant evidence, and renders a decision.

Mooring Permit Conditions

The mooring permit is subject to permit requirements and the permittee shall be responsible for all activities related to that mooring permit. According to Newport Beach Municipal Code Section 17.60.040(B)(2)(b), the permittee shall agree to be responsible for permit fees, maintenance, and repair of mooring equipment.

Grounds for Revocation

NBMC Sections 17.60.040(L)(1) and 17.70.020(A)(5) provide that when a mooring rental fee is in arrears for a period of sixty (60) days or more, the Harbor Commission may revoke the permit.

Additionally NBMC Section 17.70.020(A)(5) authorizes the Harbor Commission to revoke the permit upon the grounds of failure to pay fees and breach of terms of the permit.

Should the Harbor Commission render a decision to revoke the mooring permit(s), staff will send a Notice of Decision to the permittee. The decision to revoke a permit shall become final fourteen (14) days after the date of the decision unless appealed. Decisions of the Harbor Commission may be appealed to the City Council by a member of the City Council within fourteen (14) days of the decision per NBMC Chapter 17.65.

The following mooring permits are subject to revocation for unpaid 2015 mooring fees:

Mooring	Permittee	Past Due Fees
H-079	Donald Credell	\$2,494.35
H-813	Chris Panknin	\$2,494.35
J-0087	Valerio Ramirez Ramos	\$1,662.90
J-0110	Arthur & Patricia Parent	\$2,771.50
J-0513	Todd Dillman	\$1,662.90
S-140	R. Speich	\$190.47
W-032	Paul Spradling	\$353.73

Moorings Reverted to the City

Should the Commission vote to revoke one or more of the mooring permits, those moorings will revert to the City, per NBMC Section 17.60.040(M). Should a mooring revert to the City, the mooring permittee shall be entitled to recover all of the permittee's mooring equipment within 30 days of reversion. If the mooring permittee does not recover his equipment, the permittee shall be entitled to payment from the City of the fair value of the mooring equipment as depreciated by use in an amount to be determined by the Harbor Resources Manager as set in the City's master fee resolution, NBMC 17.60.040(M)(2).

The mooring then may be offered to an individual from the interest list. No mooring that reverts to the City for assignment off the interest list shall have any right to a later assignment by a mooring permittee whatsoever.

ENVIRONMENTAL REVIEW:

Staff recommends the Harbor Commission find this action is not subject to the California Environmental Quality Act (CEQA) pursuant to Sections 15060(c)(2) (the activity will not result in a direct or reasonably foreseeable indirect physical change in the environment) and 15060(c)(3) (the activity is not a project as defined in Section 15378) of the CEQA Guidelines, California Code of Regulations, Title 14, Chapter 3, because it has no potential for resulting in physical change to the environment, directly or indirectly.

NOTICING:

The agenda item has been noticed according to the Brown Act (72 hours in advance of the meeting at which the City Council considers the item).

Submitted by:

Shannon Levin
Harbor Resources Supervisor

ATTACHMENTS:

None



NEWPORT BEACH

Harbor Commission Staff Report

Agenda Item No. 2
October 14, 2015

TO: HARBOR COMMISSION

FROM: Public Works Department
Chris Miller, Harbor Resources Manager
949-644-3043, cmiller@newportbeachca.gov

TITLE: Harbor Commission 2015-16 Objectives: Review and Approve

ABSTRACT:

The Harbor Commission ad hoc committee will review the proposed Objectives and recommend approval.

RECOMMENDATION:

1. Approve the proposed Harbor Commission's Objectives for 2015-16.

FUNDING REQUIREMENTS:

There is no fiscal impact related to this item.

ENVIRONMENTAL REVIEW:

Staff recommends the Harbor Commission find this action is not subject to the California Environmental Quality Act ("CEQA") pursuant to Sections 15060(c)(2) (the activity will not result in a direct or reasonably foreseeable indirect physical change in the environment) and 15060(c)(3) (the activity is not a project as defined in Section 15378) of the CEQA Guidelines, California Code of Regulations, Title 14, Chapter 3, because it has no potential for resulting in physical change to the environment, directly or indirectly.

NOTICING:

The agenda item has been noticed according to the Brown Act (72 hours in advance of the meeting at which the Harbor Commission considers the item).

Submitted by:

A handwritten signature in blue ink that reads "Chris Miller".

Chris Miller



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NEWPORT BEACH

Harbor Commission Staff Report

Agenda Item No. 3
October 14, 2015

TO: HARBOR COMMISSION

FROM: Public Works Department
Chris Miller, Harbor Resources Manager
949-644-3043, cmiller@newportbeachca.gov

TITLE: Harbor Patrol Update

ABSTRACT:

Lieutenant Mark Alsobrook, harbormaster, will update the Commission on the Harbor Patrol's operations.

RECOMMENDATION:

1. Receive and file.

FUNDING REQUIREMENTS:

There is no fiscal impact related to this item.

ENVIRONMENTAL REVIEW:

Staff recommends the Harbor Commission find this action is not subject to the California Environmental Quality Act ("CEQA") pursuant to Sections 15060(c)(2) (the activity will not result in a direct or reasonably foreseeable indirect physical change in the environment) and 15060(c)(3) (the activity is not a project as defined in Section 15378) of the CEQA Guidelines, California Code of Regulations, Title 14, Chapter 3, because it has no potential for resulting in physical change to the environment, directly or indirectly.

NOTICING:

The agenda item has been noticed according to the Brown Act (72 hours in advance of the meeting at which the Harbor Commission considers the item).

Submitted by:

A handwritten signature in blue ink that reads "Chris Miller".

Chris Miller



== CITY OF ==

NEWPORT BEACH

Harbor Commission Staff Report

Agenda Item No. 4
October 14, 2015

TO: HARBOR COMMISSION

FROM: Public Works Department
Chris Miller, Harbor Resources Manager
949-644-3043, cmiller@newportbeachca.gov

TITLE: Copper in Newport Harbor – An Overview

ABSTRACT:

Staff will present an overview of the copper Total Maximum Daily Load (TMDL) for Newport Harbor as required by the Water Board.

RECOMMENDATION:

1. Receive and file.

FUNDING REQUIREMENTS:

There is no fiscal impact related to this item.

ENVIRONMENTAL REVIEW:

Staff recommends the Harbor Commission find this action is not subject to the California Environmental Quality Act ("CEQA") pursuant to Sections 15060(c)(2) (the activity will not result in a direct or reasonably foreseeable indirect physical change in the environment) and 15060(c)(3) (the activity is not a project as defined in Section 15378) of the CEQA Guidelines, California Code of Regulations, Title 14, Chapter 3, because it has no potential for resulting in physical change to the environment, directly or indirectly.

NOTICING:

The agenda item has been noticed according to the Brown Act (72 hours in advance of the meeting at which the Harbor Commission considers the item).

Submitted by:

A handwritten signature in blue ink that reads "Chris Miller".

Chris Miller



== CITY OF ==

NEWPORT BEACH

Harbor Commission Staff Report

Agenda Item No. 5
October 14, 2015

TO: HARBOR COMMISSION

FROM: Public Works Department
Chris Miller, Harbor Resources Manager
949-644-3043, cmiller@newportbeachca.gov

TITLE: Public Piers Report: Time Limits, Usage Characteristics and Recommendations

ABSTRACT:

Harbor Commissioner Paul Blank will present the ad hoc committee's findings and proposals for time limits and usages at the City's public piers.

RECOMMENDATION:

1. Review and endorse the Public Piers Ad Hoc Committee's proposals, then recommend to the Harbor Resources Manager that they be implemented.

FUNDING REQUIREMENTS:

There is no fiscal impact related to this item.

ENVIRONMENTAL REVIEW:

Staff recommends the Harbor Commission find this action is not subject to the California Environmental Quality Act ("CEQA") pursuant to Sections 15060(c)(2) (the activity will not result in a direct or reasonably foreseeable indirect physical change in the environment) and 15060(c)(3) (the activity is not a project as defined in Section 15378) of the CEQA Guidelines, California Code of Regulations, Title 14, Chapter 3, because it has no potential for resulting in physical change to the environment, directly or indirectly.

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