NEWPORT BEACH HARBOR COMMISSION REGULAR MEETING MINUTES
City Council Chambers
Monday, November 16, 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 Doug West
Staff Members:	Chris Miller, Harbor Resources Manager Shannon Levin, Harbor Resources Supervisor
City Council Liaison:	Duffy Duffield, Council Member

3) PLEDGE OF ALLEGIANCE – Council Member Duffield

4) PUBLIC COMMENTS

Jim Mosher reported submitting written corrections to the minutes.

5) APPROVAL OF MINUTES – October 14, 2015 Minutes

Chair Girling opened public discussion.

Chair Girling closed public discussion.

Chair Girling referenced goals and objectives and noted that they are fluid and can be added or changed. In response to Chair Girling's inquiry, Harbor Resources Manager Chris Miller confirmed that a committee can meet without being in a public forum, as long as they don't dictate policy. He noted that he prefers to use the words, "Ad Hoc Committee" noting that its definition has a finite term on it. If they have an indefinite life, they become regular, standing meetings, and those would need public noticing to comply with the Brown Act.

Chair Girling noted that the discussion of moorings in Big Corona was an option. If it were ever deemed to be a viable option, the appropriate agencies would be involved. Additionally, he clarified that the water taxi, as well as Lower Castaways, are not a priority at this time.

Harbor Resources Supervisor Shannon Levin reported that Mr. Mosher's comments were incorporated into the minutes.

Motion: Commissioner Stapleton made a motion to approve the minutes of the Harbor Commission meeting of October 14, 2015, as corrected. Commissioner Blank seconded the motion, which carried with 7 ayes, 0 noes. Approved.

6) CURRENT BUSINESS

1. Harbor Commission 2016 Objectives: Review and Approve

The Harbor Commission ad hoc committee will review the proposed 2016 Objectives and approve.

Recommendation:

1) Approve the proposed Harbor Commission Objectives for 2016.

Chair Girling presented the matter noting that it received substantial discussion during the last Harbor Commission meeting. Brief discussion followed regarding the speed limit in the Harbor.

Commissioner West reported that the Commission is seeking approval for an amendment to the Harbor Code that would permit an exception to the five-mile per hour speed limit that applies in the Harbor for organized and sanctioned racing events.

Harbor Resources Manager Miller reported incorporating the changes that were discussed during the last Harbor Commission meeting.

Chair Girling opened public comments.

Jim Mosher commended the Harbor Commission for having goals and objectives. Mr. Mosher also pointed out that the public only has access to the agenda at this time, and he referenced his written comments in terms of listing the objectives and goals of the paddleboard committee that may be formed later this evening. Additionally, he commented on Objective No. 2 regarding speed limits and opined that from the way it was worded, it sounded like the Commission is seeking approval of the Harbor Code by a State agency.

Chair Girling reported that the Commission has been informed by the City Attorney, that the California Division of Boating and Waterways of the Department of Parks and Recreation must approve amendments to the Harbor Code in advance of City Council's consideration. That is why the objective is stated as it is.

Mr. Mosher asked whether the Harbor Code, as a whole, has been reviewed by the California Department of Parks and Recreation.

Mr. Mosher commended the Harbor Commission for attempting to have liaisons with other City commissions/committees.

Chair Girling closed public comments.

Chair Girling suggested that, regarding the goals and objectives, a time frame be defined for the committee to meet and report back to the Harbor Commission by the end of the first quarter.

Motion: Commissioner West made a motion to approve the Harbor Commission goals and objectives for 2016. Commissioner Kenney seconded the motion, which carried with 7 ayes, 0 noes. Approved.

2. **West Anchorage Review**
   The Harbor Commission will evaluate the recent trial west anchorage project which was located in the Turning Basin from August to October 2015

   Recommendation:

   1) Evaluate the recently completed trial west anchorage project, and consider directing the ad hoc committee to return with a recommended path forward.

Harbor Resources Manager Miller provided a brief presentation addressing background, Council's direction to adjust boundaries, keeping the anchorage away from the shoreline, a flyer generated for distribution listing anchorage rules, and details of feedback received from various sources.

Commissioner Avery addressed working with homeowners to incorporate their concerns, lack of noise complaints, use of the anchorage, facilitating better use of the harbor and having another trial period during the next summer.

Commissioner McIntosh referenced a letter from Chandler Bell regarding the "Wild Goose" and Harbor Resources Manager Miller identified the current race boundaries and alternative boundaries. Commissioner McIntosh stated his main concern is to ensure that Mr. Bell can get his charter boats in and out of the harbor.

Chair Girling opened public comments.

Lieutenant Mark Alsobrook, Orange County Sheriff's Department provided Harbor Patrol's perspective on the temporary anchorage. Most deputies reported there were one or two vessels daily in the anchorage, if any at all. There were several raft-ups that had to be redirected and disbursed and he commented on an exception case that received a permit for doing so. There was no negative impact in terms of Harbor Patrol and there were on-going education efforts.

Billy Whitford, Newport Aquatics Center, provided a brief history of competitive rowing in the harbor and reported that the current location of the anchorage is directly in line with the finish line of a 2,000 meter course. He stated that it will impact the various races that take place during the season. He addressed the racing schedule and asked that, should the decision be made to install anchorage during the racing season, the race organizer, in conjunction with the Harbor Patrol, request that any boat in the area of the anchorage that conflicts with the course on that day, be asked to lift their hook and relocate to the other side of the anchorage while races are taking place. Additionally, he hoped there would be a survey of the usage and stated that his organization is against the anchorage concept on that end of the harbor. He suggested that anchorage could be considered on holidays only and stated that although races are in the spring, there are practices and activities all year long. He expressed concerns that the temporary anchorage will be allowed, full-time.

Chair Girling closed public comments.

Chair Girling stated that his main concern is that there is not enough demand to support the anchorage. He favored seeing another temporary anchorage test case. He noted the need to show the demand is there, prior to making it permanent.

In response to Commissioner Kenney's question regarding adjusting the buoys, Harbor Resources Manager Miller reported that moving them involves making a simple telephone call. Commissioner Kenney noted that the intent is to install the temporary anchorage in the summer. Therefore, it should not be a problem during races. He asked about the possibility of relocating a buoy or two, on race day then replace them after the race. Harbor Resources Manager Miller responded affirmatively.

Commissioner Kenney addressed potential conflicts with Jetpack America and suggested making a recommendation to Council that when the permit for Jetpack America is up for review, that they, or future operators, be restricted during race periods.

Harbor Resources Manager Miller noted there is still plenty of room toward the Via Lido shoreline.

Commissioner Stapleton spoke in opposition to the program and noted that with Marina Park being launched, it will provide access to the shore.

Council Member Duffield noted the motivation for this concept from the beginning and noted no problems with the temporary program. He suggested considering reducing the area for a better use of the harbor and have another small mooring field in the other part of the bay to provide another alternative. He addressed activities at Lido Marina Village and suggested giving the matter another shot.

Members of the Committee raised their hands at the request of Chair Girling.

Motion: Commissioner West made a motion to provide all of the information provided at this time, to the Anchorage Committee for further review, follow up with some of the constituencies and return to the Harbor Commission prior to the next boating season, with a recommendation. Commissioner Blank seconded the motion, which carried with 7 ayes, 0 noes. Approved.

3. ***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.

   Recommendation:

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

Commissioner Blank provided a brief presentation addressing background, formation and activities of the Ad Hoc Committee, presentation of findings at a previous Harbor Commission meeting, the objective of the matter, review of prior efforts regarding the topic, surveys, specific limitations, total available footage accommodating the various boat sizes, supply and demand, collection of information, relevant Harbor Code sections, existing public piers, the evaluation process and the number and sizes of boats that can be accommodated. He noted that demand exceeds supply and commented on the availability of public piers in relation to the amenities boaters want to use when they come on shore. He pointed out areas in the City were most of those amenities occur. Commissioner Blank noted that the only two public piers that can serve boats greater than forty feet, are those in the western end of Newport Harbor at the Rhine Channel and Lido Marina Village (proposed public pier location). He presented additional findings, conclusions and recommendations. The latter included being against additional size limits of vessels making use of public piers, at this time. Additionally, the Committee recommended that the Washington Street pier change the northwest side from twenty-minutes to a three-hour limit, the same recommendation for the bay-ward side of 15th Street and 19th Street, change the upland sides of Emerald, Sapphire, Opal and Coral, from 24-hours to 72-hours and for all public piers, add signage, were angling is permitted to encourage cooperative use of the floats and identify procedures and etiquette when boats approach. Another recommendation includes reconfiguring/reconstruct floats to maximize available space and better insulate the piles and pilings from boats that want to make use of the floats.

Members of the Commission commended members of the Subcommittee on their work.

Discussion followed regarding the need for more room for larger vessels, the time limit on parking meters on the Peninsula, the importance of connectivity, the possibility of considering Central Avenue for a public dock, and use of a dock by a specific vessel in the area.

Harbor Resources Manager Miller commented on the 19th Street bayward side recommended change noting that is the largest public dock in the harbor and that keeping the limit at twenty minutes does warrant use.

Ensuing discussion pertained to the possibility of setting different time limits based on boat size and challenges with monitoring and enforcement.

Chair Girling opened public comments.

Richard Dorn, live-aboard mooring permit holder, noted there was nothing addressing primary users of public docks, the mooring permit holders. Regarding Fernando Street, there needs to be a size limit on the 72-hour side because there is no room or a boat over twelve feet. He believed there should be a longer timeframe for mooring permit holders and noted the lack of enforcement on areas having a 72-hour limit.

Chair Girling closed public comments.

Commissioner Kenney commented on Fernando Street noting that because of its configuration large vessels cannot be accommodated.

Commissioner Blank added that it is meant for smaller boats.

Harbor Resources Manager Miller reported that the City's Municipal Code is set up conveniently to where it delineates colors for the various time limitations. He stated that it provides the freedom to make recommendations for each, individual pier and changes can be made relatively easily by repainting in a different color.

Discussions followed regarding the recommendations providing a framework for the changes for staff to consider them, prioritize them and have a continuing dialogue with the Committee about particular concerns regarding implementation of the recommendations and that these be addressed over a period of time, as soon as reasonable, in the coming year.

In response to Council Member Duffield's inquiry, Commissioner Blank reiterated that one of the recommendations includes additional signage indicating the proper procedure as boats approach particular piers. He added that there are no changes in terms of allowing or disallowing angling.

Harbor Resources Manager Miller stated he will provide regular updates.

Motion: Commissioner West made a motion to approve the recommendations which provide a framework for changes for staff to consider, prioritize and continue a dialogue with the Committee about particular concerns related to their implementation and that they be addressed over a period of time, as soon as reasonable, in the coming year. Commissioner Stapleton seconded the motion, which carried with 7 ayes, 0 noes. Approved.

4. ***Standup Paddleboard Ad Hoc Committee Formation***
   Due to the growing popularity of standup paddle-boarding, Chair Girling requested the ad hoc committee be reformed to build upon the previous committee's research from 2012-2013.

   Recommendation:

   1) Form an ad hoc committee to study standup paddle-boarding in Newport Harbor.

Chair Girling reported being approached by members of the community regarding standup paddleboarding (SUP) and stated he would like to form a committee to study the issue. He addressed prior consideration and recommendations and suggested preparing a questionnaire that goes out to all operators and ask them what they are doing to educate at the source, and understand what they are doing.

Harbor Resources Supervisor Levin reported this has been an issue over many years and Code Enforcement was tasked with reeling in some of the "mobile" operators and ensuring that everyone is playing by the same rules. She reported that right before the sailing season, staff meets with operators to discuss important harbor issues. Sailing and charter fleets reconciled their differences and she reported that paddleboard companies will be included in those meetings going forward.

Chair Girling commented on the need for improved monitoring and understanding the population of SUPs in the harbor, adding that it has grown, exponentially. Establishing a committee to study that would be important for the Harbor Commission.

Harbor Resources Supervisor Levin reported that the meeting is usually held in April.

Discussion followed regarding making attendance at the meeting a requirement, the possibility of Harbor Commissioners attending the meeting, extension of the educational outreach effort to all marine operators, and focusing on SUPs at this time.

Chair Girling opened public comments. Chair Girling closed public comments.

Chair Girling stated he would like to serve on the committee with Commissioner Kenney. Discussion followed regarding the goal of the committee. Commissioner Blank indicated he would be happy to join the committee.

Motion: Commissioner Kenney made a motion to form an ad hoc committee to study standup paddle-boarding in Newport Harbor. Commissioner West seconded the motion, which carried with 7 ayes, 0 noes. Approved.

5. ***William B Vessel Fire and Sinking - Update***
   Lieutenant Mark Alsobrook, harbormaster, will update the Harbor Commission on the response efforts to the William B vessel fire and sinking on October 31, 2015.

   Recommendation:

   (1) Receive and file.

Lieutenant Alsobrook provided a report regarding the loss of the William B vessel and addressed background, specifications of the vessel, and the fire on same. He reported on emergency response time and the deployment of Metro Net and other public safety agencies. He reported that it was an intense fire and that it went out and reignited several times. The vessel was fully engulfed and all personnel retreated to the fire boats due to dangerous conditions. He added that there was a Halo extinguishing system onboard the vessel which needed to be manually activated, but, because of the intensity of the fire, it was ineffective. He provided a list of the agencies involved and addressed challenges in fighting the fire.

Discussion followed regarding fire boats on scene, the possibility of putting an Engine Company on the ferry, a recent multi-agency review of the matter, lessons learned, possible reasons for the fire starting, protocol for contacting owners of vessels in emergency cases, booms, etc...

Chair Girling opened public comments. Chair Girling closed public comments.

7) SUBCOMMITTEE REPORTS – None

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

Council Member Duffield reported that boat rental operators are motivated for customers not to hurt themselves or property and would love to work with Harbor Resources and the Harbor Commission to help educate users.

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

Harbor Resources Manager Miller provided an update of the sand replenishment project in the Grand Canal, dredging, an outreach meeting with residents living near the Grand Canal and actions and status related to the Gemini.

Discussion followed regarding when the vessel sank and headway made in terms of financing.

Harbor Resources Supervisor Levin provided an update on the vessel turn-in program, results of the RFP for the mooring contract, execution of an agreement with Jetpack America, the grand opening of Marina Park on December 5th and approval of the staffing agreement with Basin Marine. She reported that Marina Park will have dinghy space.

Discussion followed regarding the possibility of restricting Jetpack America's operation during specific events in the harbor, restricting activities in the area, the terms of the Jetpack America license agreement, and management of Marina Park.

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

Jim Mosher referenced the Harbor Commission objectives as well as the members of that committee noting there is a discrepancy and confusion as to the members of that committee. He wondered whether Commission McIntosh should be in that committee because of potential conflicts with the boat show.

Dan O'Sullivan, American Legion Yacht Club, asked regarding the use of Marina Park.

Harbor Resources Supervisor Levin reported that it will be a visitor-serving marina and that people can stay there for up to one month. There will be mooring amenities for mooring permittees.

Mr. O'Sullivan expressed concerns with people parking there and going to the beach and hoped that the matter is addressed.

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

Commissioner Kenney asked about the Local Coastal Plan and he was advised that it was approved by Council. Additionally, he requested placing pump-out stations on a future Harbor Commission agenda.

12) DATE AND TIME FOR NEXT MEETING: Wednesday, December 9, 2015

Discussion followed regarding the possibility of going dark in December. Chair Girling will meet with Harbor Resources Manager Miller to determine what items will be included in the agenda and a decision will be made after Thanksgiving.

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 Monday, December 9, 2015, at 6:30 PM.