



# CITY OF NEWPORT BEACH HARBOR COMMISSION AGENDA

Council Chambers - 100 Civic Center Drive

Wednesday, June 8, 2016 - 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

**City Council Liaison:**

Duffy Duffield, Council Member

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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](mailto: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**

1. **Minutes of May 4, 2016**

**Recommendation:**

- a) Approve

[16-05-04 Harbor Commission Minutes - DRAFT](#)

6) **CURRENT BUSINESS**

1. **Harbor Commission 2016 Objectives: Quarterly Review**

Every quarter, the Harbor Commission will review their 2016 objectives.

**Recommendation:**

- a) Receive and file

[Staff Report](#)

[Item #1 Attachment A - Objectives](#)

2. **Mooring Management in Newport Harbor - Formation of an Ad Hoc Committee**

Moorings in Newport Harbor are currently managed by the Orange County Sheriff's Harbor Patrol. The City Council is requesting the Harbor Commission and staff investigate alternate management models which could create greater efficiencies.

**Recommendation:**

- a) Form a Mooring Ad Hoc Committee to investigate greater efficiencies in mooring management, and report back to the City Council with recommendations.

[Staff Report](#)

3. **Authority to Board Vessels for the Purpose of Marine Sanitation Device Inspection**

Currently, the City does not have the authority to board a vessel to inspect the marine sanitation device without permission from the boat owner. In an effort to improve water quality and to increase public awareness of Newport as a no-discharge harbor, staff requests the Harbor Commission's input and recommendation to change the Municipal Code giving the City or its designee authority to board vessels for this purpose.

**Recommendation:**

- a) Provide input to staff and recommend changes to the Municipal Code giving the City, or its designee, authority to board vessels to inspect the vessel's marine sanitation device.

[Staff Report](#)

**4. Provide Free Vessel Sewage Pumpout Service for the Offshore Mooring Fields and Anchorage Users**

In an effort to improve and promote water quality, and to provide services to the mooring fields, the City is developing a program to provide free vessel sewage pumpout service to the offshore moorings (permittees and sub-permittees) and anchorage users.

**Recommendation:**

a) Recommend the City proceed with a program to provide free vessel sewage pumpout services to the offshore moorings and anchorage users.

**[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: Wednesday, July 13, 2016**
- 13) **ADJOURNMENT**

**NEWPORT BEACH HARBOR COMMISSION REGULAR MEETING MINUTES**  
**City Council Chambers**  
**Wednesday, May 4, 2016**  
**6:30 p.m.**

**1) CALL MEETING TO ORDER**

The meeting was called to order at 6:30 p.m.

**2) ROLL CALL**

Commissioners:            Dave Girling, Chair  
                                 Paul Blank  
                                 Brad Avery  
                                 Bill Kenney  
                                 Joe Stapleton  
                                 Doug West

Absent:                      Duncan McIntosh

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**

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

**5) APPROVAL OF MINUTES – March 9, 2016 Minutes**

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

Commissioner Kenney noted a change to the March 9<sup>th</sup> minutes; word “**Community**” should have been “**Committee**” under Current Business, first paragraph, line 5 and line 6, word “**Communication**” should have been “**Community**.”

Motion: Commissioner Blank made a motion to approve the minutes of the Harbor Commission meeting of March 9, 2016 as amended. Commissioner West seconded the motion, which carried 6 ayes, 0 noes. Approved.

## 6) **CURRENT BUSINESS**

### 1. ***Harbor Capital Finance Plan – DRAFT Review***

The Harbor Commission will review the working draft of the Harbor Capital Finance Plan, and provide comments.

#### **Recommendation:**

- 1) Review the Harbor Capital Finance Plan and provide comments to staff.

Harbor Resources Manager, Chris Miller, gave a presentation of the Harbor Capital Finance Plan. This included a list of projected projects to be included in the plan. Discussion ensued amongst the Commissioners regarding the various long-term projects that can and should be included in the plan. Discussion also included the next step process to approving and implementing the Harbor Capital Finance Plan.

Chair Girling opened public comments

Jim Mosher commented on the list of projects by stating that there are projects without a dollar figure and in order for the plan to be useful, all projects should include at least an estimated amount.

Chair Girling closed public comments

### 2. ***West Anchorage Rules***

The Harbor Commission will discuss rules and enforcement during the proposed, upcoming trial anchorage in the Turning Basin, pending City Council approval.

#### **Recommendation:**

- 1) Recommend the rules that would be applicable during the proposed trial anchorage in the Turning Basin.

Harbor Resources Manager, Chris Miller, reported that at the March meeting, Commissioners voted for staff to recommend to City Council a proposed trial anchorage in the Turning Basin. Mr. Miller stated that further discussions were also held regarding the rules and regulations associated with the trial anchorage and how they would be managed.

Discussion ensued regarding the maintenance of the anchorage once it is implemented. Commissioners discussed various options pertaining to the management of the anchorage such as the authority given to the Harbormaster to automatically board a vessel to perform dye tablet testing. Commissioners also discussed the idea of staff implementing a data collection tool that would include resident complaints, the percentage of vessels anchored at the basin on a daily basis, service related calls, etc. Lastly, the Commissioners discussed the no raft-up rule that will be implemented for the anchorage.

Chair Girling opened public comments

Mr. Dan Scanlon supports the implementation of the dye tablet rule.

Mr. Jim Mosher, although he does not own a boat, disagrees with the West Anchorage rules being implemented, if approved.

Mr. John Marshall is concerned about the no raft-up ruling. Mr. Marshall stated that the raft ups bring revenue to Lido Marina Village and was hoping the decision would be made to continue with the raft ups as they generate funds for the community. Mr. Marshall concluded by stating that he is not a fan of the dye tablet testing either, as 99 percent of boaters are responsible boaters.

In response to Mr. Marshall's comment regarding the no rafting rule, Commissioner Kenney stated it would apply to the west anchorage only. Boaters will continue to have the option of using the east anchorage for rafting.

Motion: Commissioner Avery made a motion to adopt the rules already in place for the east anchorage and to implement new no raft-up rule for the west anchorage. Commissioner Kenney seconded the motion, which carried with 5 ayes and 1 no by Commissioner Stapleton. Approved

#### **7) SUBCOMMITTEE REPORTS**

Commissioner Blank reported that the Marine Committee met last month with three of the commissioners in attendance. Mr. Blank reported that the meeting was very successful and concluded by stating that the committee was very well represented at the Marine Committee of the Chamber of Commerce.

Commissioner Kenney reported that the SUP operations and safety study is well underway. 20 rental operators have been identified and the committee is in the process of meeting with each one of them. Mr. Kenney reported that several of the rental operators were at the meeting held on May 3, 2016 and good discussions were held regarding rental operations not just for the SUP, but other types of boats as well. Mr. Kenney concluded by stating that he hopes to have enough data collected by next meeting to receive feedback and recommendations.

Chair Girling reported that he was in attendance at the Marine Committee meeting and was asked to present at the next meeting. Chair stated that the meeting topic was an annual one which dealt with issues relating to the safety of the harbor. Chair Girling also had the pleasure of speaking at the AOCYC meeting as well as presenting to Mr. John Marshall's group a few weeks prior.

Harbor Resources Manager, Chris Miller, reported that as part of being proactive for year 2016, post cards regarding the upcoming sea lion season were mailed out last week to all mooring permittees and to waterfront homeowners

#### **8) QUESTIONS AND ANSWERS WITH COUNCIL LIAISON ON HARBOR RELATED ISSUES - None**

9) **QUESTIONS AND ANSWERS WITH HARBOR RESOURCES MANAGER ON HARBOR RELATED ISSUES** – None

10) **PUBLIC COMMENTS ON SUBCOMMITTEE REPORTS OR QUESTIONS AND ANSWERS WITH COUNCIL LIAISON OR HARBOR RESOURCES MANAGER** – None

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

Commissioner Kenney requested that the current status of the RGP 54 permits be placed on the agenda for discussion. Mr. Kenney stated that at the next meeting, he will provide a brief update on what has transpired to date, as well as the desire to hold a discussion relating to how to obtain a permit moving forward.

Commissioner Blank requested to have vessel updates placed on the agenda for discussion.

Commissioner Stapleton requested to have a report presented regarding day moorings and Corona del Mar.

Commissioner West requested to have the channel fix markers listed as an agenda item for discussion.

Chair Girling commented that he works with Mr. Miller on gathering topics to be placed on the agenda and encouraged the Commissioners to contact him or Mr. Miller regarding any other topics they would like to have added to the agenda.

12) **DATE AND TIME FOR NEXT MEETING: Wednesday, June 8, 2016** – No discussion

13) **ADJOURNMENT**

There being no further business to come before the Harbor Commission, the meeting was adjourned at 8:00 p.m. The next Harbor Commission will be held on Wednesday, June 8, 2016 at 6:30 p.m.



== CITY OF ==  
**NEWPORT BEACH**  
**Harbor Commission Staff Report**

June 8, 2016  
Agenda Item No. 1

**TO:** HARBOR COMMISSION

**FROM:** Chris Miller, Harbor Manager - 949-644-3043,  
cmiller@newportbeachca.gov

**TITLE:** Harbor Commission 2016 Objectives: Quarterly Review

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**ABSTRACT:**

Every quarter, the Harbor Commission will review their 2016 Objectives.

**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.

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).

**ATTACHMENTS:**

Attachment A – Newport Harbor Commission Objectives, Calendar Year 2016

## **Newport Harbor Commission Objectives Calendar Year 2016**

**(As Approved by the City Council on January 12, 2016)**

These objectives support the mission of the Harbor Area Management Plan and the two most essential responsibilities of the Harbor Commission: (1) To ensure the long term welfare of Newport Harbor for all residential, recreational, and commercial users; (2) To promote Newport Harbor as a preferred and welcoming destination for visitors and residents alike.

These objectives are subject to the review and approval of the Commission, and final approval of the Newport Beach City Council. Principal responsibility for the achievement of each objective is assigned to a subcommittee of the Harbor Commission, as noted below. The chair of each subcommittee is shown in italics. Progress towards these objectives will be reported, when appropriate, by the chair of each subcommittee during regular meetings of the Harbor Commission.

### **Ensuring the Long Term Welfare of Newport Harbor**

- 1) Collaborate with the Marine Committee of the Newport Beach Chamber of Commerce in the development 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. [*Stapleton, Girling, Blank*]
  
- 2) Secure California Department of Recreation approval for a proposed amendment to the Harbor Code which would grant an exception to the harbor speed limit for sanctioned sail racing and human powered racing events. With such authorization recommend the proposed amendment to the City Council for enactment. [*Blank, West, Stapleton*]
  
- 3) Create a forum for dialogue with representatives of the harbor Charter Fleet to promote the development of a shared vision of charter boat operation standards to be achieved collaboratively by 2020, with particular emphasis on environmental considerations. [*Blank, Girling, Kenney*]
  
- 4) Support Harbor Resources Division staff in the development and presentation of public information on the new Regional General Permit 54 and related Newport Harbor Eelgrass Protection and Mitigation Plan. [*Kenny, West, McIntosh*]

5) Support Harbor Resources Division staff and the Harbor Patrol in their efforts to identify and resolve the ongoing derelict vessels in the harbor. [**Stapleton, Girling**]

### **Promoting Newport Harbor as a Preferred and Welcoming Destination**

6) Complete the evaluation of public moorage and anchorage alternatives. Specifically address the concept of an anchorage in the Turning Basin such as the one used on a temporary basis during the 2012 Lower Bay dredging project and the suggestion of day moorings off Big Corona beach. [**Avery, McIntosh, Girling**]

7) Update and publish a 3<sup>rd</sup> edition of *The Complete Cruising Guide to Newport Harbor*, first published by the Harbor Commission in 2010. [**West, Kenney, Stapleton**]

8) Investigate the availability and sufficiency of launch ramp facilities in the harbor and report findings to the Commission. Present specific recommendations to the City Council, as appropriate. [**McIntosh, Girling, Kenney**]

9) Advocate for the City's near-term completion of the Central Avenue public pier, independent, if appropriate, of the Lido Marina Village Redevelopment Project. [**Blank, McIntosh**]



== CITY OF ==

# NEWPORT BEACH

## Harbor Commission Staff Report

June 8, 2016  
Agenda Item No. 2

**TO:** HARBOR COMMISSION

**FROM:** Chris Miller, Harbor Manager - 949-644-3043,  
cmiller@newportbeachca.gov

**TITLE:** Mooring Management in Newport Harbor – Formation of an Ad Hoc Committee

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**ABSTRACT:**

Moorings in Newport Harbor are currently managed by the Orange County Sheriff's Harbor Patrol. The City Council is requesting the Harbor Commission and staff to investigate alternate management models which could create greater efficiencies.

**RECOMMENDATION:**

1. Form a Mooring Ad Hoc Committee to investigate greater efficiencies in mooring management, and to report back to the City Council with recommendations.

**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.

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).



# NEWPORT BEACH

## Harbor Commission Staff Report

June 8, 2016  
Agenda Item No. 3

**TO:** HARBOR COMMISSION

**FROM:** Chris Miller, Harbor Manager - 949-644-3043,  
cmiller@newportbeachca.gov

**TITLE:** Authority to Board Vessels for the Purpose of Marine Sanitation  
Device Inspection

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### **ABSTRACT:**

Currently, the City does not have the authority to board a vessel to inspect the marine sanitation device without permission from the boat owner. In an effort to improve water quality and to increase public awareness of Newport as a no-discharge harbor, staff requests the Harbor Commission's input and recommendation to change the Municipal Code giving the City or its designee authority to board vessels for this purpose.

### **RECOMMENDATION:**

1. Provide input to staff and recommend changes to the Municipal Code giving the City or its designee authority to board vessels to inspect the vessel's marine sanitation device.

### **FUNDING REQUIREMENTS:**

There is no fiscal impact related to this item.

### **DISCUSSION:**

The Harbor Patrol is under contract with the City to manage the mooring system in Newport Harbor. As part of their approved scope of services, they are required to develop a program to drop dye tablets in the mooring permittee's and sub-permittee's (renters) marine sanitation device. However, the City's Municipal Code does not give the authority to board vessels without probable cause, so their only option is to request permission to board.

Staff believes the City's water quality efforts and public awareness can be improved if all boaters knew that marine sanitation device inspection was mandatory in Newport Harbor.

**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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== CITY OF ==  
**NEWPORT BEACH**  
**Harbor Commission Staff Report**

June 8, 2016  
Agenda Item No. 4

**TO:** HARBOR COMMISSION

**FROM:** Chris Miller, Harbor Manager - 949-644-3043,  
cmiller@newportbeachca.gov

**TITLE:** Provide Free Vessel Sewage Pumpout Service for the Offshore  
Mooring Fields and Anchorage Users

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**ABSTRACT:**

In an effort to improve and promote water quality, and to provide services to the mooring fields, the City is developing a program to provide free vessel sewage pumpout service to the offshore moorings (permittees and sub-permittees) and anchorage users.

**RECOMMENDATION:**

1. Recommend the City proceed with a program to provide free vessel sewage pumpout services to the offshore moorings and anchorage users.

**FUNDING REQUIREMENTS:**

There is sufficient funding within the City's proposed FY17 budget to cover this expense. The exact dollar amount is yet to be determined, but is estimated to be \$40,000 to \$50,000.

**DISCUSSION:**

Staff issued a Request for Proposal and received two responses from both of the local mobile pumpout companies serving Newport Harbor. The overall concept is to contract with both of these companies for a maximum dollar amount estimated to be approximately \$20,000 to \$25,000 each. The mooring permittees could choose either company for service. Then at the end of the month, the pumpout companies would invoice the City for the services they performed along with basis statistics (name, mooring number, vessel, gallons pumped etc.). Certain perimeters will be in place to avoid misuse of the program. The contract is anticipated to run until funds are depleted or after one year, after which the program will be evaluated for its effectiveness.

A promotional flyer will be generously developed and donated by The Bay Foundation who supports similar pumpout programs in other Los Angeles harbors. These flyers will

be sent to the mooring permittees and distributed by the Harbor Patrol to the anchorage users.

**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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