

NEWPORT BEACH HARBOR COMMISSION SPECIAL MEETING MINUTES
City Council Chambers
Monday, June 8, 2015
6:30 PM

1) CALL MEETING TO ORDER

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

2) ROLL CALL

Commissioners: Brad Avery, Chair
Paul Blank
David Girling
William Kenney, Jr.
Duncan McIntosh
Joe Stapleton
Doug West

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

3) PLEDGE OF ALLEGIANCE – Commissioner McIntosh

4) PUBLIC COMMENTS

Lieutenant Mike Jansen, Harbor Patrol, spoke regarding the five-year mooring management lease agreement that is being negotiated noting that the Harbor Patrol would like to continue with the service they have provided to the City.

Carter Ford spoke regarding the five-year mooring management lease agreement the City has with the Harbor Patrol and commented in favor of City staff working together with the Harbor Commission and the Harbor Patrol to solve Harbor-related issues.

George Hylkema agreed with Mr. Ford's comments and spoke in support of the City continuing to work with the Harbor Patrol to provide enforcement services in the Harbor.

Chair Avery closed public comments.

5) APPROVAL OF MINUTES – April 7 and May 13, 2015 Minutes

Chair Avery opened public discussion.

Chair Avery closed public discussion.

Motion: Commissioner Stapleton made a motion to approve the minutes of the Harbor Commission meeting of April 7, 2015, as presented. Commissioner Girling seconded the motion, which carried with 4 ayes, 0 noes, with Commissioners Blank, Kenney and West, abstaining. Approved.

Motion: Commissioner Blank made a motion to approve the minutes of the Harbor Commission meeting of May 13, 2015, as presented. Commissioner Kenney seconded the motion, which carried with 5 ayes, 0 noes, with Commissioners Girling and McIntosh, abstaining. Approved.

6) CURRENT BUSINESS

1. **Anchorage**

Harbor Commission is investigating the feasibility of an additional, temporary anchorage to augment the current anchorage near the east end of Lido Isle.

Recommendation:

- 1) Recommend a temporary anchorage for Summer 2015

Harbor Resources Manager Chris Miller provided a report addressing background, purpose of the agenda item, public input, and goal of the proposed temporary anchorage, management, recommendations, and next steps. He addressed possible configurations, current anchorage configuration, and examples of various proposed configurations. Additionally, he provided the boundaries relative to the area where water-propelled vessels will be allowed to operate.

Chair Avery commented on the area where water-propelled vessels will be allowed to operate and reported that boats are allowed to operate through the anchorage and that they are able to maneuver around the boats in the anchorage. He added that the anchorage should not be seen as an exclusive area for the people that are anchored. Additionally, he stated that although he was not in favor of the water-propelled vessel operation, he knows that Jet Pack America are good and responsible operators.

In response to Commissioner Girling's inquiries, Harbor Resources Manager Miller addressed demand for a new anchorage, the possibility of moving the anchorage to another location to accommodate big events, enforcement of nuisance issues by the Harbor Patrol, and issues related to existing anchorage.

Commissioner Stapleton stated he would support this item on a "need" basis and expressed concerns with creating a "party" environment. He added that he would support a temporary anchorage solution.

Harbor Resources Manager Miller stated that Harbor Patrol enforcement would help quell it and commented on the potential future development of a public pier at Central Avenue. He added that an anchorage would draw people to that part of the Harbor.

In response to a request by Commissioner Blank, Chair Avery, Commissioner Kenney and Mr. Miller presented their rationale for their proposals in terms of dimensions and location of the temporary anchorage area.

Discussion followed regarding the need for a permit for "raft-ups", noise, obtaining a commitment from the Harbor Patrol in terms of enforcement and the possibility of changing the locations of the proposed temporary anchorage.

Harbor Resources Supervisor Shannon Levin added that if the temporary anchorage is placed closer to residences, water-propelled vessels will need to operate closer to commercial areas.

Discussion followed regarding the pros and cons of the various proposed locations for temporary anchorage, sailing and crew races, lead time to obtain buoys, noise and considering nearby residents. Ensuing discussion pertained to the need for Harbor Patrol support.

Motion: Commissioner Blank made a motion to approve Harbor Resources Manager Miller's proposal (5.3 acre footprint) for temporary anchorage with no raft-ups from July 1st through September 30th or sooner, depending on need, greater than or equal to 200 feet away from piers/residences and manipulating/adjusting boundaries, as needed. Commissioner McIntosh seconded the motion.

Chair Avery opened public comments.

Judy Cole stated appreciation for the Commission's desire to make Newport Beach a welcoming destination for boaters. She hoped it can be accomplished without negatively impacting other Harbor users and residents. She urged the Commission to start with the smaller footprint and noted that the Jet Pack boundaries are 200 feet from the ends of docks (300 feet from shore) and hoped that the anchorage would, at least, be that far out. Ms. Cole stressed the need for better enforcement and commented on Jet Pack violating various provisions of the permit.

Paul Weinberg speaking on behalf of his mother, Elaine Weinberg, commented on traffic in the Harbor and its impact on the ability to navigate through it. He added that the changes in density in the Harbor is negatively impacting property owners in the area. He suggested the Harbor Commission obtain additional public input before making a decision.

Don Cole reported on the reaction of a new neighbor relative to the operation of Jet Pack America and temporary anchorage and expressed concerns regarding impacts to property values. He expressed concerns with noise and commented on enforcement.

Lieutenant Mike Jansen, Harbor Patrol, expressed concerns with increased noise levels and urged residents to contact him with unresolved issues. He added that all calls for service are resolved.

Discussion followed regarding raft-up permits, enforcement by the Harbor Patrol and the importance of educating Harbor users relative to rules and regulations. It was noted there will be no fee for a maximum of five-days of anchorage.

Harbor Resources Manager Miller reported that the five-days may be extended, once.

Chair Avery closed public comments.

Commissioner Girling stated he will not support the motion as this would be nice to have but is not necessary at this time, and expressed concerns with enforcement.

Commissioner Stapleton agreed with Commissioner Girling.

The motion carried with 5 ayes, 2 noes (Commissioners Girling and Stapleton). Approved.

Brief discussion followed regarding concerns voiced by the public and the possibility of having the Harbor Patrol monitor them. Ensuing discussion pertained to review of the Jet Pack operation by Council.

2. *Cheyenne 30-Day Update (June)*

Per the Harbor Commission's direction at the November 2014 meeting, the Commission will review the 30-day update for the vessel Cheyenne as submitted by Mr. Chris Welsh.

Recommendation:

- 1) Receive and file.

Harbor Resources Manager Miller reported that he did not receive a 30-day update from Mr. Welsh regarding the Cheyenne and suggested placing the matter on the Harbor Commission's agenda in July, when the Commission will reevaluate their permit.

7) SUBCOMMITTEE REPORTS

Commissioner Blank reported attending a recent meeting of the Coastal Bay Water Quality and Conservation group and reported the formation of a subcommittee to evaluate the need for additional limitations on public piers which will be placed on the Harbor Commission's agenda in August.

Commissioner Stapleton announced the Newport Beach Marine Committee, through the Chamber of Commerce, will meet on June 24th at 5:00 PM at the Balboa Yacht Club.

Commissioner West reported the California Coastal Commission will meet on Thursday, June 11th to consider the City's Eelgrass Mitigation Plan and RGP-54.

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

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

Harbor Resources Manager Miller commented on the upcoming Coastal Commission meeting and reported that tomorrow, City Council will be reviewing the Harbor Patrol's contract for mooring administration. It is a six-month extension, with options for either an RFP or other process or extending the contract for five years. Additionally, he addressed time limits and usage requirements for public piers and rebuilding/rehabilitating floats and gangways.

Harbor Resources Supervisor Levin provided an update on improvements to beaches on Balboa Island. She added that Council will hold a special meeting next week where the Harbor Commission will present the mooring recommendations, on June 16th at 5:00 PM and will also discuss commercial pier rates. Additionally, she announced a boat auction on Friday, June 12th at 8:00 AM.

Harbor Resources Manager Miller provided an update on options for the Grand Canal as well as on the Lower Castaways project.

Discussion followed regarding new sand at China Cove, signage indicating that Lower Castaways is open to the public, sand management, derelict vessels and the boat auction.

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 West requested placing the subject of water conservation on the Harbor Commission's next agenda as well as day moorings off Corona del Mar.

Commissioner McIntosh requested placing the subject of Code Enforcement in the Harbor on the Commission's next agenda.

Harbor Resources Manager Miller added that he will provide an update on the anchorage area at the next Harbor Commission meeting.

12) DATE AND TIME FOR NEXT MEETING: July 8, 2015

13) ADJOURNMENT

There being no further business to come before the Harbor Commission, the meeting was adjourned at 8:10 PM. The next meeting of the Harbor Commission will be held on July 8, 2015, at 6:30 PM.