



CITY OF NEWPORT BEACH TIDELANDS MANAGEMENT COMMITTEE AGENDA

Civic Center, 100 Civic Center Drive
Community Room (across from the Council Chambers)
Wednesday, September 17, 2014, 4:00 PM to 6:00 PM

Tidelands Management Committee – Council Members:

Mike Henn – Chair Nancy Gardner Ed Selich

Citizens Advisory Panel:

Linda Beimfohr Paul Blank John Corrough
Jamshed Dastur John Keating
Don Lawrenz

Staff Members:

Dave Kiff Michael Torres
Chris Miller Shannon Levin

- 1) **CALL MEETING TO ORDER** – Welcome and Introductions
- 2) **ROLL CALL**
- 3) **PUBLIC COMMENTS**

Public comments are invited on agenda and non-agenda items generally considered to be within the subject matter jurisdiction of the Committee. 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 Committee 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.

- 4) **APPROVAL OF MINUTES** – July 17, 2014
- 5) **ON-GOING BUSINESS**
 - A. ***Re-Cap of Harbor Commission Agenda Action Items during Previous Three Months***
Receive and file attached report. Provide comment as needed.
 - B. ***Tidelands Capital Plan***
No changes since July 2014. Receive and file Plan. Provide comments as needed.

This Committee is subject to the Ralph M. Brown Act. Among other things, the Brown Act requires that the Committee's 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 Committee and items not on the agenda but are within the subject matter jurisdiction of the Committee. The Committee may limit public comments to a reasonable amount of time, generally three (3) minutes per person.

It is the intention of the City of Newport Beach 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, the City of Newport Beach will attempt to accommodate you in every reasonable manner. If requested, this agenda will be made available in appropriate alternative formats to persons with a disability, as required by Section 202 of the Americans with Disabilities Act of 1990 (42 U.S.C. Sec. 12132), and the federal rules and regulations adopted in implementation thereof. Please contact the City Clerk's Office 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) 644-3005 or cityclerk@newportbeachca.gov.

6) **CURRENT BUSINESS**

A. ***Citizen's Advisory Panel – Appointment of New Member to Replace Former CAP Member Jeff Herdman***

The Committee will pick one member from the pool of applicants for the Citizen's Advisory Panel.

B. ***Balboa Island Seawall Update***

Staff will discuss key design parameters for the Balboa Island seawall.

C. ***Marina Park Update***

Staff will update the Committee on the status of the Marina Park project.

7) **ROUNDTABLE OR ADDITIONAL PUBLIC COMMENTS**

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

1. Balboa Island Bulkheads – Update

9) **DATE AND TIME FOR NEXT MEETING:**

December 17, 2014 (Note: This is the first night of the Christmas Boat Parade.)

10) **ADJOURNMENT**

1. **The meeting was called to order at 4:00 p.m. by Council Member Gardner.**
2. **Roll Call:** **Council Members:** Nancy Gardner, Ed Selich
 Citizen Advisory Members: John Corrough, Jamshed Dastur, Jack Keating, Linda Beimfohr, Don Lawrenz and Paul Blank
3. **Public Comments on Non-Agenda Items**
Jeff Herdman commented on the recent sand replenishment project on Balboa Island, and he thanked Shannon Levin for her project management. He also commented on Bay View Park regarding a possible overwatering issue.
4. **Minutes for May 29, 2014: Approved**
5. **On-Going Business**

Announcement: Vacancy of Citizens Advisory Panel position due to the appointment of Jeff Herdman to another City Committee. The application period to apply for the vacant seat will be open until July 24.

A. Re-Cap of Harbor Commission Agenda Action Items during Previous Three Months
Harbor Manager Chris Miller provided a recap of the Harbor Commission's recent actions.

B. Tidelands Capital Plan
Council Member Gardner inquired about the Eelgrass and RGP timelines for regulatory agency approval. Chris Miller replied that they should be on the Coastal Commission agenda in either October or December 2014. Don Lawrenz inquired about the mooring support service improvements at the Balboa Yacht Basin.
6. **Current Business**

A. California Coastal Commission Draft Sea Level Rise Policy Guidance – Staff Update
Assistant City Attorney Leonie Mulvihill reviewed the concepts behind the Coastal Commission's document, and how it may affect Newport in the future. She discussed the letter that the City sent which describes how the proposed policy will affect areas in Newport that are already built out, such as in Newport Harbor. She also reviewed the letter sent from the California League of Cities which suggested the policy should be regarded as a guidance document instead of a regulatory document. Leonie also commented that property rights may possibly be affected, and noted that the City is closely monitoring the proposal as it works its way through the Coastal Commission.

B. Mariner's Mile Walkway – Review of Conceptual Plans from 2004
Chris Miller reviewed the PowerPoint that was presented to the City Council in 2004. This plan presented an overview of the concept of constructing a public pedestrian boardwalk along most of the frontage of Mariner's Mile from the Newport Blvd. bridge to the Balboa Bay Resort. The study examined the constraints in front of each commercial building, and addressed these with a conceptual, out-of-the box approach. The purpose of this study was to determine the feasibility from a broad perspective, and it was determined that it was feasible. The Council did not provide further direction in 2004.

Discussion followed. Jim Dastur inquired about fixed elevation of structures. Council Member Selich added that a walkway should be incorporated in the planning documents related to Mariner's Mile.

C. General Discussion of Derelict Vessels, Moorings and Related Topics

Harbor Analyst Shannon Levin gave a brief report on moorings and related topics. Specifically, she discussed mooring management via the Harbor Patrol, general mooring rules and fees, servicing moorings, wait list, impounds, auctions, live-aboards and revocations. She also discussed the upcoming state grants that the City was applying for (and subsequently received) to assist with disposing vessels that were abandoned or derelict.

D. Public Pier Improvements

Chris Miller described the upcoming public pier improvement project which includes re-decking, new hand rails and new benches at 10 of the City's piers. This project only focuses on maintenance and refurbishment on the piers, and does not include work on the gangways and floats.

7. **Public Comments.** None.

8. **Date and Time for Next Meeting:** September 17, 2014 4:00 pm.

9. Adjournment

The agenda for the July 17, 2014 Regular Meeting was posted on 7/11/14 at 10:56AM on the Civic Center Electronic Bulletin Board and Binder, and 7/11/14 at 10:35AM on the City's website.

Tidelands Management Committee Chair



CITY OF NEWPORT BEACH

Public Works Department

Harbor Resources Division

MEMORANDUM

TO: Tidelands Management Committee

FROM: Chris Miller, Harbor Resources Manager *CM*

DATE: September 17, 2014

RE: **Quarterly Review of Harbor Commission Action Items**

The Harbor Commission took action on the following agenda items during the previous three months. Detailed meeting Minutes are available here:
<http://www.newportbeachca.gov/index.aspx?page=462>

July 2014

1. Election of Officers

The Harbor Commission will elect officers for the 2014-15 year.

Action: The Commission elected officers: Brad Avery (Chair), Dave Girling (Vice Chair) and Joe Stapleton (Secretary).

2. Mooring Permit Revocations for Failure to Pay Annual Rental Fees: A-094, B-043, H-410, H-813, J-0053 and J-0073

Six mooring permittees have failed to pay the annual mooring rental fees despite repeated attempts by City staff to collect the fees. Mooring permits may be revoked due to failure to pay annual rental fees. Annual rental fees are initially invoiced in January with late-payment notices in March and April. According to Newport Beach Municipal Code (NBMC) Chapter 17.70, the Harbor Commission shall conduct a hearing prior to revoking a mooring permit.

Action: The Harbor Commission revoked the mooring permits as recommended by staff.

3. Proposed Dock and Pier Configuration, 109 Bayside Place

The applicant proposed to remove and replace the existing dock and pier at 109 Bayside Place. According to Council Policy H-1 and Newport Beach Municipal Code Section 17.35.020(F), special permits shall be approved by the Harbor Commission.

Action: The Commission approved the dock and pier configuration.

4. ***Proposal on Public Outreach for the Harbor Commission***

The Harbor Commission Outreach Subcommittee presented details and proposed a Public Outreach Event, and solicited feedback, preferences and commitment to participate from the Commission.

Action: The Harbor Commission approved plans for the proposed Public Outreach Event.

5. ***Review of Water Propelled Vessels – Ad Hoc Committee Formation***

On June 24, 2014, the City Council adopted an Urgency Ordinance establishing a temporary prohibition on the issuance of Marine Activities Permits to businesses engaged in the operation of vessels propelled by water above the surface of Newport Harbor. In addition, the Council also directed the Harbor Commission to form an ad hoc committee to evaluate the issue and to return to the Council within six months with a recommended path forward on managing this emerging activity.

Action: The Commission established an ad hoc committee to evaluate the operation of vessels propelled by water above the surface of Newport Harbor, and they will return to the City Council with a recommended path forward on managing this emerging activity.

August 2014

1. ***Balboa Marina West – Update on Balboa Marina West and Public Pier Project***

The Harbor Commission was updated on the status of the joint City and Irvine Company Balboa Marina West and Public Pier project.

Action: The Harbor Commission provided comments to staff, and received and filed the report.

2. ***Water Propelled Vessels Ad Hoc Committee Update***

Commissioner Stapleton provided an update on the Water Propelled Vessels Ad Hoc Committee's progress, and solicited input from the public and the Harbor Commission.

Action: The Commission received and filed the report.

September 2014

1. ***Water Propelled Vessels Ad Hoc Committee Update***

Commissioner Kenney provided an update on the Water Propelled Vessels Ad Hoc Committee's progress, and solicited input from the public and the Harbor Commission.

Action: The Commission received and filed the report.

2. Harbor Commission Goals: Review 2013-14 Goals, and Form an Ad Hoc Committee to Create 2014-15 Goals

Commissioner West reviewed the Harbor Commission's Goals from 2014-15. The Commission formed an ad hoc committee to create goals for 2014-15.

Action: The Harbor Commission created an ad hoc committee to create goals for 2014-15.

5 YEAR TIDELANDS CAPITAL PLAN

Updated July 2, 2014

Fiscal Year Ending	Project	Funding Source						Harbor & Bay Element GOAL
		Harbor CAP Fund 240 - Estimate	Harbor CAP Fund 240 - Actual	Tidelands MAINT Fund 230 - Estimate	Tidelands MAINT Fund 230 - Actual	HAMP GOAL	Harbor & Bay Element GOAL	
2012	Rhine Channel Dredging	4,235,829	4,069,102				3	8,11,13
2012	Lower Bay Dredging Phase I	2,500,000	2,779,649				1,2,3	8,11,13
2012	Linda Isle City/County Dredging	-	30,730					
2012	Harbor Dredging	-	222					
2012	19th Street Tide Valve Replacement			-	7,538	1		
2012	Balboa Island Bulkhead Assessment			-	188,798			
2012	Balboa Marina - New Public Dock			-	31			
2012	BYB Mooring Support Service Improvements			-	3,243			
2012	Balboa Yacht Basin (BYB) Facility Improvements			-	10,417			
2012	China Cove / Balboa Island Sand Management			-	19,450			
2012	Eel Grass Management			-	6,404			
2012	Ocean Pier Maintenance			-	101,075			
2012	Pearl Avenue South Bay Front Tidal Structures			-	9,230			
2012	RGP-54 Permit			-	76,135			
2012	Sediment Clean Up - Rhine Channel /Private Docks			-	56,676	1		
2012 Funding Totals		\$ 6,735,829	\$ 6,879,703	\$ -	\$ 478,996			
2013	Lower Bay Dredging Phase II	2,300,000	2,419,576	2			1,2,3	8,11,13
2013	Rhine Channel Dredging	-	124,531					
2013	Balboa Island Bulkhead Assessment				500,000		2	1,6,9,13
2013	Balboa Marina - New Public Dock				125,000	1	1,2	1,2,5,6
2013	Balboa Yacht Basin (BYB) Facility Improvements				74,585		1,2	1,2,3,4,6
2013	Bay Beach Sand Management				300,000		1,3	1,5,6,9
2013	BYB Mooring Support Service Improvements				25,000		1,2	1,5,6
2013	Eelgrass Survey - Lower Harbor Shoreline				50,000		2,3	1,2,5,8,9
2013	Eelgrass Management				-			
2013	Mooring Field Realignment				25,000		1,2	1,2,5,6
2013	Tidegate Retrofit and Upgrades				700,000		2	8
2013	19th Street Tide Valve Replacement				147,655			
2013	Vessel Waste Pumpout Station Replacement				85,453	1		
2013	RGP-54 Permit				20,000		1,2,3	1,2,6,8
2013 Funding Totals		\$ 2,300,000	\$ 2,544,107	\$ 1,819,585	\$ 591,805		1	1,2,6,9,13
Funding Totals		\$ 9,035,829	\$ 9,423,810	\$ 1,819,585	\$ 1,070,801			

Notes: 1. Project funding from multiple sources. This amount represents Tidelands funding only.

2. Does not include \$1.5 million in expenditures for County of Orange portion of dredging work.

5 YEAR TIDELANDS CAPITAL PLAN

Fiscal Year Ending	Project	Funding Source					Tidelands MAINT Fund 230 - Actual	HAMP GOAL	Harbor & Bay Element GOAL
		Harbor CAP Fund 240 - Estimate	Harbor CAP Fund 240 - Actual	Tidelands MAINT Fund 230 - Estimate	Tidelands MAINT Fund 230 - Actual	Tidelands MAINT Fund 230 - Actual			
2014	Harbor Bulkhead Maintenance			446,900	3	181,750	2	1,6,9,13	
2014	Balboa Marina - New Public Dock	125,000			3	77,000			
2014	Bay Beach Sand Management			364,600	3	216,500			
2014	BYB Mooring Support Service Improvements			25,000	3	25,000			
2014	Dory Fleet Facility Rehabilitation			50,000	3	50,000			
2014	Eelgrass Management			1,500	3	1,500			
2014	Eelgrass Survey - Lower Harbor Shoreline			23,400	3	23,400			
2014	Harbor Piers Maintenance			400,000	3	10,600			
2014	Mooring Field Realignment			100,000	3	0			
2014	Ocean Piers Maintenance			600,000		100,000			
2014	RGP- 54 Permit			494,200	3	466,020	1	1,2,6,9,13	
2014	Tidegate Retrofit and Upgrades			640,000	3	13,000			
2014	Vessel Waste Pumpout Station Replacement			5,000	3	0			
	2014 Funding Totals	\$ 125,000	\$ -	\$ 3,150,600		\$ 1,164,770			
2015	Semeniuk Slough Dredging (15K-20K CY)			2,000,000			3	2,8	
2015	Newport Pier Concession Bldg (Replacement)			1,200,000					
2015	Balboa Island Bulkhead Replacement (Design)	650,000					2	1,6,9,13	
2015	Central Avenue Public Pier	400,000							
2015	2015 Tidelands Maintenance Projects			2,156,830					
	2015 Funding Totals	\$ 1,050,000	\$ -	\$ 5,356,830		\$ -			
2016	Balboa Island Bulkhead Replacement (Constr.)	20,000,000							
2016	Ocean Piers Maintenance			500,000					
2016	2016 Tidelands Maintenance Projects			1,000,000					
	2016 Funding Totals	\$ 20,000,000	\$ -	\$ 1,500,000		\$ -			
2017	Grand Canal Dredging	500,000					1,2	1,2,5,6,9,13	
2017	2017 Tidelands Maintenance Projects			1,500,000					
	2017 Funding Totals	\$ 500,000	\$ -	\$ 1,500,000		\$ -			
2018	Ocean Piers Maintenance			500,000					
2018	Lower Castaways Development CEQA / Design			800,000			1,2	1,2,5,6,9,13	
2018	2018 Tidelands Maintenance Projects			700,000					
	2018 Funding Totals	\$ -	\$ -	\$ 2,000,000		\$ -			
	FIVE YEAR FUNDING TOTAL	\$ 21,675,000	\$ -	\$ 13,507,430		\$ 1,164,770			

Notes: 3. Includes carryovers and unspent encumbrances from prior fiscal year.

List of Future Projects Not Included in 5 Year Plan

TIDELANDS PROJECTS AFTER 5 YEARS						
Est. Project Start FY	Project	Funding Source			HAMP GOAL	Harbor & Bay Element GOAL
		Harbor CAP Fund	Tidelands MAINT Fund	Tidelands MAINT Fund		
2017	Balboa Island Seawall Replacement	TBD			1,2	1,6,9,13
2017	Potential American Legion Seawall Repairs (TBD)	TBD				
2020	Future Lower Bay Dredging /Ongoing Maintenance	TBD			1,2	8,11,13
2020	Lower Castaways Development	TBD			1	1,2,3,5,6,9
2021	West Newport Channel Dredging	TBD			1,2,3	8,11,13
2021	Mariner's Mile Walkway	TBD				
2030	Future Upper Bay Dredging	TBD			2,3	7,8

TIDELANDS PROGRAMS						
Est. Project Start FY	Project	Funding Source			HAMP GOAL	Harbor & Bay Element GOAL
		Harbor CAP Fund	Tidelands MAINT Fund	Tidelands MAINT Fund		
Ongoing	Water Quality	TBD			3	7,8
Ongoing	Habitat Restoration	TBD			3	7,8

Prior or Current Civic Experience (include membership in professional, charity or community organization)	Office Held (if any)	Dates of Membership
Balboa Yacht Club	Fleet Captain	1995-
Bahia Corinthian Yacht Club		2011-

Occupational History. Begin with your present or most recent position. List all positions separately held for the last five years.

Firm or Organization	Type of Business	Title	Dates of Employment
Len Bose Yacht Sales	Yacht Broker	Owner	25 Years

References. Include names of at least two residents of Newport Beach who are not officially connected with the City.

1. Name Address Phone No.
2. Name Address Phone No.

Summarize why you wish to serve the City of Newport Beach on a board, commission or committee. Include any special qualifications you have which are particularly appropriate to the position for which you are applying.

I have been a harbor user for over forty five years. Over the last six years I have been writing a Harbor Column for the Daily Pilot and other local papers. During this time I have attended most of our Harbor Commission meetings and have a strong understanding of our harbor topics and issues.

As a yacht broker, I travel up and down our coast regularly, to the east coast of the United States, and have been Europe on business. I am a competitive sailor and have visited most of the harbors in the United States. My work and passion for boating keeps me on the harbor on a daily basis.

I am continuously promoting harbor events from sailing, fishing, SUP, and rowing in my column. While working, I have noticed other harbors Marine Recycling Centers, floating docks systems, launch ramps, commercial facilities and marinas.

My observations can help save the city time and money. The feeling of making the harbor a better place with continued public accessibility is why I submit my application.

For more of my observations and promoting boating please go to my blog site at <http://lenboseyachts.blogspot.com>

I certify that all statements made on this application are true and correct to the best of my knowledge. I have read and understand the duties and responsibilities of the particular position(s) that I am applying for and authorize the release of this information on the internet.

BOY MUST BE CHECKED IF SUBMITTING ELECTRONICALLY



Signature

Date

Submit by Email

Print Form

APPLICATION FOR APPOINTIVE POSITION

RECEIVED

FOR OFFICE USE ONLY

Residence District No. 3

Verified by JM
ROV

2014 JUL 10 AM 9:18

OFFICE OF
CITY CLERK

CITY OF NEWPORT BEACH

100 Civic Center Drive
Newport Beach, CA 92660
City Clerk (949) 644-3005
Fax (949) 644-3039

DIRECTIONS: One application can be used for all the appointive positions you are applying for. Applications should be filled out completely so that the City Council may fully evaluate your qualifications. It is the responsibility of the applicant to familiarize themselves with the duties and responsibilities of the position(s) applied for. Detailed information outlining the responsibilities of the positions can be obtained from the City Clerk's Office or on the City's website: www.newportbeachca.gov (City Government/Boards, Commissions and Committees). Applications will be kept on file for two years for the position(s) applied for. If you are not selected for appointment during that period of time, it will be necessary for you to re-submit an application if you are still interested in being considered.

NOTICE: Section 702 of the City Charter requires that members of Boards or Commissions appointed by the City Council shall be from the qualified electors of the City. This document is a public record and may be posted on the internet.

NAME OF BOARD, COMMISSION OR COMMITTEE: TIDLANDS MANAGEMENT CITIZENS ADVISORY PANEL

Name: KOHAN (Last) SCOTT (First) KAVIER (Middle)

Cell phone [REDACTED]

Residence Address (required): [REDACTED] N.B. Zip Code: 92660

How long have you lived in Newport Beach? 25 YRS Home/Cell #: [REDACTED]

Business Address: [REDACTED] Business Phone: [REDACTED]

COSTA MESA, CA 92624 Email Address: [REDACTED]

Have you ever been convicted of any crime or violation of any law or statute other than minor traffic violations?

NO YES (If yes, attach separate sheet with explanation)

NOTICE: Pursuant to Section 702 of the City Charter, no members of boards or commissions shall hold any paid office or employment in the City government.

Do you currently hold any paid office or employment with the City of Newport Beach, including but not limited to contracted services?

NO YES (If yes, attach separate sheet with explanation)

Please state any past, current or foreseeable future financial interests of any kind that may conflict with the Board, Commission or Committee you are applying for.

N/A

Name and Location of Colleges/ Universities Attended	Major	Degree	Last Year Attended
ST NEHEMIAH CULINARY INSTITUTE OF AMERICA	WINE	MASTERS	2010
SAN JOSE STATE UNIV.	POL SCI	B.A.	2007

Prior or Current Civic Experience (Include membership in professional, charity or community organization)	Office Held (if any)	Dates of Membership
SMALL ORN SEQUES SOUP KITCHEN	VOLUNTEER	2011-2013
SURFRIDER FOUNDATION	MEMBER	LIFETIME

Occupational History. Begin with your present or most recent position. List all positions separately held for the last five years.

Firm or Organization	Type of Business	Title	Dates of Employment
TRIBETILE CORPORATION	SALES	MANAGER OF BUSINESS DEVELOPMENT	04/2013 - PRESENT
"A" RESTAURANT	RESTAURANT	AGM	02/12-04/13
ANDI	RESTAURANT	BEV. DIRECTOR	01/11-02/12
LANDMARK STEAKHOUSE	RESTAURANT	SOMMELIER	09/10-01/11

References. Include names of at least two residents of Newport Beach who are not officially connected with the City.

1. Name Address Phone No.
2. Name Address Phone No.

Summarize why you wish to serve the City of Newport Beach on a board, commission or committee. Include any special qualifications you have which are particularly appropriate to the position for which you are applying.

I have a desire for life-long public service. I studied Political Science in college and interned with the U.S. Dept of State. I am a 2nd generation resident of Newport Beach and want to preserve our natural habitats and way of life for my children and grandchildren.

I certify that all statements made on this application are true and correct to the best of my knowledge. I have read and understand the duties and responsibilities of the particular position(s) that I am applying for and authorize the release of this information on the internet.

[BOX MUST BE CHECKED IF SUBMITTING ELECTRONICALLY]

Signature Date

Submit by Email

Print Form

APPLICATION FOR APPOINTIVE POSITION

FOR OFFICE USE ONLY

Residence District No. 5

Verified by [Signature]
ROV

2014 JUL 16 PM 3:09

CITY OF NEWPORT BEACH

100 Civic Center Drive
Newport Beach, CA 92660
City Clerk (949) 644-3005
Fax (949) 644-3039

OFFICE OF
THE CITY CLERK
CITY OF NEWPORT BEACH

DIRECTIONS: One application can be used for all the appointive positions you are applying for. Applications should be filled out completely so that the City Council may fully evaluate your qualifications. It is the responsibility of the applicant to familiarize themselves with the duties and responsibilities of the position(s) applied for. Detailed information outlining the responsibilities of the positions can be obtained from the City Clerk's Office or on the City's website: www.newportbeachca.gov (City Government/Boards, Commissions and Committees). Applications will be kept on file for two years for the position(s) applied for. If you are not selected for appointment during that period of time, it will be necessary for you to re-submit an application if you are still interested in being considered.

NOTICE: Section 702 of the City Charter requires that members of Boards or Commissions appointed by the City Council shall be from the qualified electors of the City. This document is a public record and may be posted on the internet.

NAME OF BOARD, COMMISSION OR COMMITTEE: TIDELANDS MANAGEMENT COMMITTEE'S CITIZEN'S ADVISORY PANEL

Name: MARISCAL (Last) DANIEL (First) JOSEPH (Middle)

Cell phone: [REDACTED]

Residence Address (required): [REDACTED] Zip Code: 92662

How long have you lived in Newport Beach? 65 years Home/Cell #: [REDACTED]

Business Address: [REDACTED] Business Phone: [REDACTED]

SAN JUAN CAPISTRANO, CA 92675 Email Address: [REDACTED]

Have you ever been convicted of any crime or violation of any law or statute other than minor traffic violations?

NO YES (If yes, attach separate sheet with explanation)

NOTICE: Pursuant to Section 702 of the City Charter, no members of boards or commissions shall hold any paid office or employment in the City government.

Do you currently hold any paid office or employment with the City of Newport Beach, including but not limited to contracted services?

NO YES (If yes, attach separate sheet with explanation)

Please state any past, current or foreseeable future financial interests of any kind that may conflict with the Board, Commission or Committee you are applying for.

NONE

Name and Location of Colleges/ Universities Attended	Major	Degree	Last Year Attended
UNIVERSITY OF ARIZONA	BUSINESS	BS MANAGEMENT	1960
UNIVERSITY OF SOUTHERN CALIFORNIA	BUSINESS MBA	NONE	1964

Prior or Current Civic Experience (include membership in professional, charity or community organization)	Office Held (if any)	Dates of Membership
PACIFIC SOUTHWEST DISTRIBUTORS ASSOCIATION	PRESIDENT	1978-PRESENT
LITTLE BALBOA ISLAND PROPERTY OWNERS ASSOCIATION (LBIPOA)	PRESIDENT	2001-PRESENT

Occupational History. Begin with your present or most recent position. List all positions separately held for the last five years.

Firm or Organization	Type of Business	Title	Dates of Employment
HIRSCH PIPE & SUPPLY COMPANY	WHOLESALE PLUMBING SUPPLY	CHAIRMAN	1965-PRESENT

References. Include names of at least two residents of Newport Beach who are not officially connected with the City.

1. Name Address Phone No.
2. Name Address Phone No.

Summarize why you wish to serve the City of Newport Beach on a board, commission or committee. Include any special qualifications you have which are particularly appropriate to the position for which you are applying.

I have seen changes to the quality of the tidelands in the past 60 years that I have lived and worked in Newport Beach. I would like to be a member of the Tidelands Management Citizen's Advisory Panel. I would like to help plot a course that will keep the City of Newport Beach from the abuse that could happen and enhance the lives of the residents, and build upon the values of the Newport Beach community. I have been on the board of the Little Balboa Island Property Owners Association (LBIPOA) for at least 7 years and President one year. During this time I worked on Balboa Island Sand Study where I contributed information and helped create some of the graphs used in the final report which resulted in the replacement of the groins on Little Balboa Island. I also have attended around 75% of the Tidelands Management Committee's meetings. Having lived on Balboa Island for a long time I am very familiar with problems associated with the sea wall around Balboa Island and the problems of the increase of the height of the sea wall and problems associated with the eel grass and dredging. I therefore feel that I would make an excellent member for the Tidelands Management Citizen's Advisory Panel.

I certify that all statements made on this application are true and correct to the best of my knowledge. I have read and understand the duties and responsibilities of the particular position(s) that I am applying for and authorize the release of this information on the internet.



Signature

Date

Miller, Chris

From: Miller, Chris
Sent: Wednesday, September 10, 2014 4:58 PM
To: Miller, Chris
Subject: FW: Balboa Island Sea Walls

From: Jamshed Dastur
Sent: Friday, June 06, 2014 11:27 AM

Dear Tidelands Management Committee:

Ever since the news broke, almost 3 years ago, about a plan to possibly spend upwards of \$70,000,000 for new sea walls for Balboa Island, I have been trying to understand the need for and the details behind this evolving proposal. To the extent that I have knowledge of and experience in marine construction and engineering cost estimates, I have tried to put in my two cents worth. I am truly thankful to City Council members for having given me the opportunity to participate through my appointment to the Citizen's Advisory Panel to the Tidelands Management Committee.(TMC)

A lot of new, useful information has been provided by City staff during the last 3 meetings of TMC. I find it difficult to respond to facts and figures presented at the meeting without taking the time to understand and digest them over a period of time. My current understanding of the situation, along with my personal/professional opinion, for what it is worth, is as follows:

1. Balboa Island is protected from sea erosion and tidal flooding by a concrete wall, owned and maintained by the City. The total length of the wall is approximately 13,200 feet (+/-). The elevation of the top of the wall varies from a high of 9.1' to a low of 7.7'.
2. Of the 13,200 feet of wall, about 3,800 feet (along the Grand Canal and the West end of the big island) has deteriorated to the extent that it would be prudent to replace it within the next 5 to 7 years. There is no impending emergency to replace this section of the wall immediately, although planning, engineering and permitting needs to be addressed and is being addressed currently. The remaining 9,400 feet of wall has at least 20 to 25 years of useful life left, with normal routine maintenance. (This conclusion was supported by the City's consultant at one of the TMC meetings) With competing claims for scarce tax dollars, it would be a non-starter to consider any replacement of this section of the wall, any time soon.
3. There is general consensus that the sea level has risen in the past 20 years and is continuing to rise. The top elevation of 7.7' for a significant portion of the existing sea wall poses a present and imminent danger of swamping the island during a king tide combined with an ocean surge and a heavy rain storm. The probability of this happening may be small, but the consequences would be catastrophic. This issue needs to be addressed on an expedited basis.
4. The political football as to who should pay for any or all of the costs associated with these issues is finally being kicked around. The suggestion that Balboa Island property owners be required to pick up a substantial portion of the costs associated with sea walls, further muddies the already murky waters.

5. Current thinking and planning is for the City to put all issues - the entire 13,200 feet of the sea walls, ferry terminal & fuel dock, bridge retrofits, etc. - into one package for permitting and financing; this leads to the daunting \$72,000,000 number. It also forces a design decision for 75% of the wall that does not need to be made for the next 25 years.

Based on the above premises, I would like to put forth these ideas for your consideration.

A. As a first order of business, engineer and construct a cap addition to the 9,400 feet of wall that has a remaining life expectancy of 25 years, so that the top elevation is 9'. This can be accomplished along the lines of the cap addition done to the Little Island's South Bay Front. This would not entail any extraneous issues such as access to private docks and the beach, permitting for encroachment, ADA issues, home-owner views, etc. The total cost associated with this, per the City's estimate of \$250 - \$300 per foot would be \$2.4 to \$2.8 million. The cost for this should be borne by the City. Do not have this issue tied up with planning or permitting for a new wall.

The reason for opting for a height limit of elevation 9.0 is that this 9,400 feet long wall will be replaced at some date in the distant future. At that time, we will have a better understanding of how fast the sea is rising as well as what is being done holistically about rising sea level for the rest of the inner harbor.

B. Proceed cautiously with the planning, engineering and permitting of the 3,400 feet of new wall. The total cost associated with this, per the City's estimate of \$3,800 - \$4,000 per foot (I believe this number already has contingencies built into it and does not need additional contingency on top of that) would be \$14.4 to \$15.2 million. Since this is a new wall and expected to serve for the next 75 to 100 years, the preferred top elevation should be 10'. The City should be able to find the money, from the tidelands fund and supplemented by the General Fund, to get this done over the next 5 to 7 years.

C. Its is premature and counter-productive to reconfigure the entire ferry landing for future high tides. Re-grading the sidewalk and Agate street to provide protection up to elevation 9' can be accomplished at minimal cost out of the General Fund. The same applies to retrofitting of bridges.

The above course of action reduces the monumental \$72,000,000 problem to a more manageable \$15,000,000 to \$20,000,000 problem that addresses issues for the next 20 to 25 years while we continue to look for holistic solutions for the entire harbor, for the future beyond.

I am available to meet with anyone of you if you are so inclined, to discuss my views in detail.

Thank you for your indulgence in reading this presentation.

Jim Dastur

Miller, Chris

From: Miller, Chris
Sent: Wednesday, September 10, 2014 5:00 PM
To: Miller, Chris
Subject: Balboa Island Sea Walls

From: Jamshed Dastur
Sent: Thursday, June 12, 2014 12:03 PM
To: Stein, Robert

Robert:

Please bear with me while I run through some thoughts that have been bugging me.

I understand that the City, with the blessings of the Tidelands management Committee, is proceeding forward with a conceptual wall consisting of H piles and concrete planks as opposed to a steel sheet pile wall. This decision is based on the premise that the former is aesthetically superior and is possibly a little less expensive. However, this conclusion ignores two other parameters - functionality and constructability.

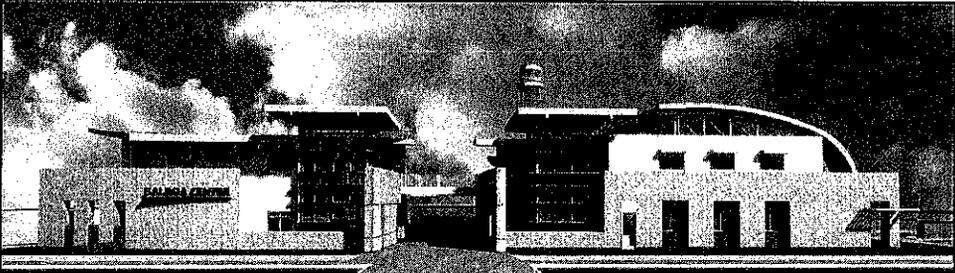
Functionality: The new sea wall, eventually will require a dewatering system to control the water table on the island. A sheet pile wall, where all of the sheets go deep into the soil, would provide a much better sub-soil water barrier than the concrete planks which do not go as deep. In fact, the main function of the concrete planks is to retain the soil and will provide little or no relief from water intrusion. This will necessitate a considerably bigger dewatering system for that option.

Constructability: Installation of the sheet pile wall is a single operation - drive sheet piles. This activity is done without disturbing the soil or having any construction activity under water. However, in order to install the concrete planks, under-water excavation will have to be done in front of the existing fragile wall. This will raise issues in the permitting process regarding control of turbidity and the handling/disposal of excavated material. Any excavation done below the existing wall could trigger a local failure of the wall, during construction, endangering the safety of adjoining homes. This system also requires multiple pieces of equipment for different activities - pile driving, hoisting concrete planks, excavation, disposal of excavated material - in a very congested area. Although, generically an H-pile/Concrete Plank wall may be a little less expensive than a steel sheet pile wall, I believe that in this special situation, it may not be the case.

I hope the above factors are given due consideration before it is too late.

Thank you for your indulgence.

JIM

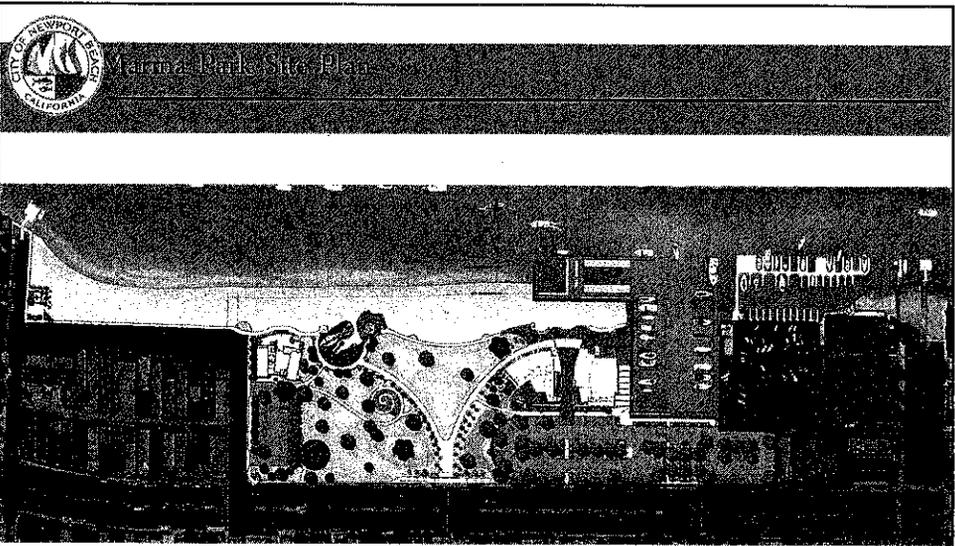


CITY OF NEWPORT BEACH
CALIFORNIA

Marina Park
Project Update

City of Newport Beach – September 17, 2014 Tidelands Management Committee

This slide features an architectural rendering of two modern buildings at Marina Park. The building on the left is a multi-story structure with a prominent entrance. The building on the right is a two-story structure with a curved roofline. Below the rendering is a dark horizontal band containing the City of Newport Beach seal and the text 'Marina Park Project Update'. At the bottom of the slide, the text 'City of Newport Beach – September 17, 2014 Tidelands Management Committee' is displayed.



CITY OF NEWPORT BEACH
CALIFORNIA

Marina Park Site Plan

This slide displays the Marina Park Site Plan. The plan shows a large, irregularly shaped area with various zones, including a central area with a curved boundary and several smaller rectangular areas. The plan is overlaid on a dark background. Above the plan is a dark horizontal band containing the City of Newport Beach seal and the text 'Marina Park Site Plan'. Below the plan is a white horizontal band.

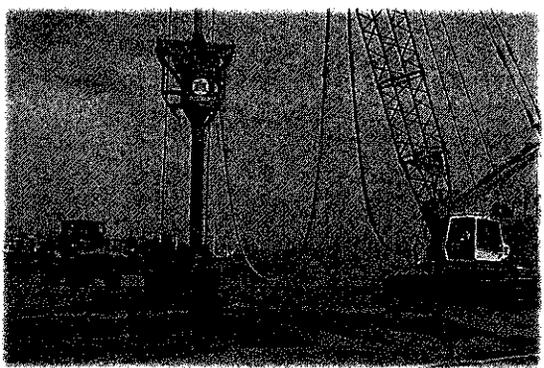
 Project Milestones - Bid Package 2

Marina Basin Construction and Building Pad Preparation

- ✓ Stone Columns Installation
- ✓ Concrete Sheet Piles Installation
- ✓ Bulkhead Caps Construction
- ✓ Tieback Installation
- ✓ Rough Grading
- ✓ Beach Replenishment

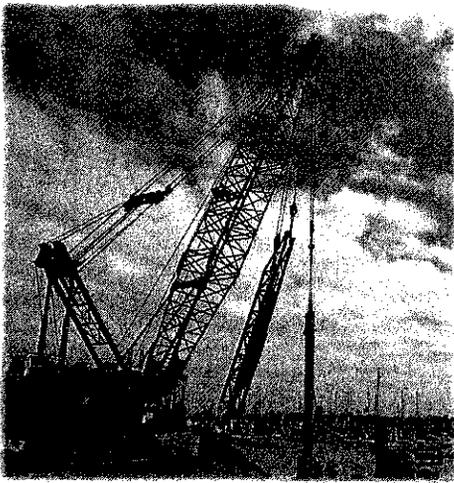
In Progress

- Dredging
- Handrail Installation

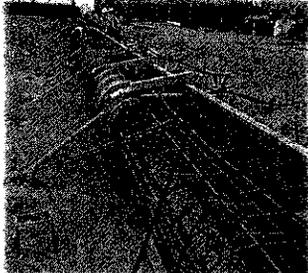


Stone Columns Installation

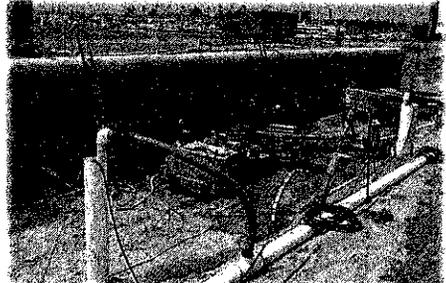
 Project Milestones - Bid Package 2



Concrete Sheet Pile Installation



Bulkhead Cap Construction



Tieback Rod Installation

 Project Milestones - Bid Package 3

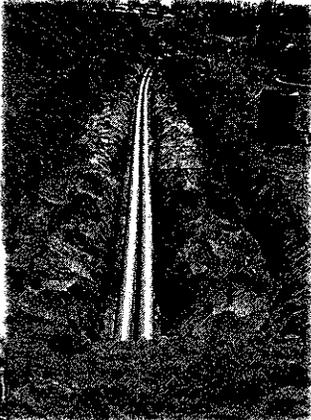
Building & Park Site Development

- ✓ Remaining Demolition
- In Progress*
 - Utilities
 - Foundation

Community Center Demolition



Underground Utilities

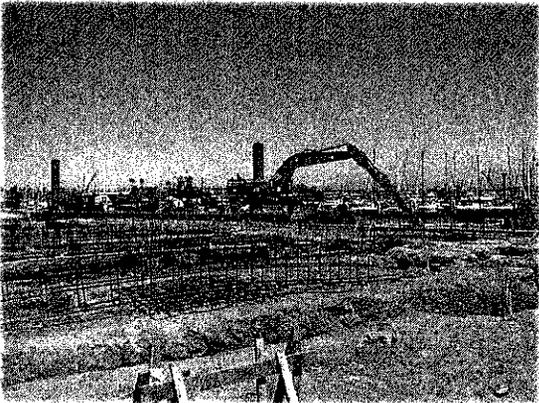


 Project Milestones - Bid Package 3

Foundation Excavation



Foundation Rebar





Project Schedule

Schedule

- SCE parcel purchase completed and incorporated into design
- Bid Package 1 - Completed on Schedule
- Bid Package 2 - On Schedule for Completion in September 2014
- Bid Package 3 - On Schedule for Completion by Spring 2016
- Bid Package 4 - On Schedule for Completion by Spring 2016
- Furniture, Fixture & Equipment (FF&E)



09/22/14

Budget

**MARINA PARK
MASTER BUDGET**

TASK DESCRIPTION	BUDGETED DETAIL COST	BUDGETED TOTAL	ACTUAL DETAIL COST	ACTUAL TOTAL	COMMENTS
1 CONCEPTUAL DESIGN/PERMITTING		\$ 1,683,441		\$ 1,683,441	Complete
2 LAND ACQUISITION		\$ 698,000		\$ 693,118	Complete
3 SOFT COSTS		\$ 3,833,156		\$ 3,871,618	Still includes 5% Design Contingency
4 HARD COSTS		\$ 28,343,281		\$ 28,433,613	Final includes \$9,288,420 Construction Contingency
a PACKAGE 1: Demolition and Tree Relocation Original Contract Change Order No. 1	\$ 410,471		\$ 405,130 \$ (97,216)		Unlimited Environmental Inc. Credit for Mobile Homes
b PACKAGE 2: Marina Basin Construction Original Contract Remainder of 10% Contingency (Begin with \$457,009) Change Order No. 1 Change Order No. 2 Change Order No. 3 Change Order No. 4 Change Order No. 5 Change Order No. 6	\$ 3,871,724		\$ 4,576,079 \$ 223,983 \$ (28,543) \$ 18,585 \$ 10,493 \$ 18,000 \$ 200,000 \$ 18,000		The Dutra Group 5% Contingency Remaining Deletion of Onadrian Support Install Additional Rock/Fabric for OS Facility Pad Changed Condition regarding American Legion wall Excavation of additional 4500 cu yds beach sand Changed sub-surface condition on bulkhead road Removal of unknown & abandon utilities & structures.
c PACKAGE 3: Community Center and Park Original Contract Remainder of 10% Contingency (Begin with \$1,874,830) Change Order No. 1	\$ 17,421,881		\$ 18,748,000 \$ 1,247,353 \$ 27,247		KPRS Construction Services Inc. 10% Contingency Remaining Additional asbestos, footing concrete removals in De
d PACKAGE 4: Docks Original Contract Remainder of 10% Contingency (Begin with \$221,774)	\$ 2,217,741		\$ 2,217,741 \$ 221,774		Includes roughly 90% in dock FF&E Not Awarded Yet 10% Contingency Remaining
e PREVAILING WAGE	\$ 3,883,784		Incl		Now Included in Actual Direct Costs
f CONTINGENCY - COURSE OF CONSTRUCTION	\$ 1,828,500				
5 FURNITURE, FURNISHINGS & EQUIPMENT (FF&E)		\$ 568,000		\$ 568,000	
6 CITY RESERVE		\$ 2,081,000		\$ 2,081,000	
PROJECT TOTAL		\$ 38,506,000		\$ 38,377,798	

Items noted in Red are unconfirmed costs

LAST UPDATED 9-9-14