

fishing community support all of our fish buyers. He usually offloads fish at the current facilitator, but occasionally goes directly to a buyer.

Mr. Tom Hafer, commercial fisherman and captain of the Kathryn H, said he's fished spot prawns, black cod, and nearshore fisheries since 1992. His buyer for spot prawns is from Costa Mesa and usually picks up the live product around 2:00 AM, directly from his boat, in order to keep the product cool in consistent temperatures, and return to Costa Mesa prior to the LA traffic.

Mr. Neal Maloney, owner of Morro Bay Oyster Company, said he does have direct sales of oysters to customers off the dock and directly to restaurants at around 4:00 AM to 6:00 AM. He usually uses the unloading dock mainly for ice. He said he needs the flexibility of using his own dock prior to 8:00 AM.

Mr. Brian Stacy presented a photograph of his boat in his slip as he was selling fish directly off the boat, and asked not to limit, stop, or tax his ability to unload fish directly off his boat.

Mr. Cunningham, owner of Morro Bay Fish Company and a commercial fisherman said he is speaking as a member of the public. He said "hats off" to the individuals who unload directly to the public. He reported that Mr. Hafer's buyer let him know that pickup trucks were coming to Morro Bay at night, who had no local business licenses and no other overhead costs, and were taking fish away to other cities. Mr. Cunningham said he was concerned with large scale operations unloading thousands of pounds of fish and by-passing local unloading facilities. He would like to clarify the existing laws that were written 20 years ago in order to give the local unloading facilities a better chance to succeed.

Ms. Davis asked Mr. Cunningham which of the three options presented would he prefer, or how would he choose to change the wording. Mr. Cunningham said his choice would be option two, which would give him a chance to have fish unloaded first at his dock. The Board members discussed with Mr. Cunningham the issues of non-local buyers paying taxes, the problem of enforcement during the late-night hours, Fish & Game regulations, fish tickets and logs, liability insurance, and requiring business licenses for all buyers.

Mr. Bill Blue, commercial fisherman since 1974, harvesting rock crabs for 20 years, said he should be allowed to continue selling off his own dock, and that the hoist is not available 24-hours a day. He asked to leave the language as currently written in the Harbor Rules & Regulations.

Mr. O'Brien said that every pound of fish is accounted for, no matter where a buyer is from, and that it is taxed. Everyone is required to have a license, and the fines are huge. He said outside buyers are already required to have a business license in Morro Bay. Mr. Hafer concurred, saying that Fish & Game is on duty 24-hours a day, and he has been checked by them at two or three in the morning; so it is necessary to be legal. He said the two big buyers, Kingfisher and NorCal both do have business licenses for Morro Bay.

Discussion returned to the Board. Ms. Meissen said self-enforcement by the fishermen is what's required in this case, and the police should be called on those few buyers who are not living up to their civic duties. Chairman Phillips said he would recommend leaving the language as is currently written.

Motion: Ms. Davis moved that the Harbor Advisory Board recommend to City Council to maintain the Rules & Regulations as they are currently written, with no changes. The Motion was seconded by Ms. Meissen, and passed with a vote of 5 to 1, with Mr. Eckles opposed. Mr. Cunningham had stepped down prior to this Agenda Item.

IV-2. Prioritization of Infrastructure Needs

Mr. Endersby briefed the Board on the infrastructure needs of the Harbor Department, reviewing his analysis of dock and pier repairs and the approximate cost estimates for each facility. He said the smaller repairs such as cleats, pile rings, etc. are already included in the annual budget; so this is an overview of the capital projects which would be paid for through the Harbor Accumulation Fund. He requested the Board's assistance in prioritizing the list.

Ms. Lichtenbaum reviewed the origination of the Accumulation Fund, saying when the businesses on the Embarcadero do well, the Harbor Department does well financially. She said previously the Harbor Department was able to set aside money annually into the Accumulation Fund; however, this year and possibly future years will be very lean. She said alone the North T-Pier repair cost estimates would deplete almost half of the total current Accumulation Fund.

Mr. Luffee asked if there might be some non-profit organizations, such as the "Friends" of the Police Department or Fire Department, who might be formed by community support for the Harbor Department as a fund-raising process. Discussion by the Board on safety issues on certain facilities, DBW funding availability, minor repairs vs. major capital projects, tsunami damage to docks, and informing the Board of which project Staff has decided to do.

The Board concurred with Mr. Endersby's analysis of the infrastructure needs, agreeing that the North T-Pier repairs would be the number one project. Ms. Lichtenbaum said Staff will bring specific capital projects to the Board for discussion.

IV-3. Clarification on Procedure to Request a Future Agenda Item – Recreational Boating Enforcement and Implementation of State and Federal Mandates

Ms. Lichtenbaum said this Item was brought back to the Board from their April meeting in order to follow the correct procedures for selecting Future Agenda Items. She said if a certain procedure is not in the Harbor Advisory Board By-Laws, then the procedures of City Council must be followed, and those procedures were given to the Board tonight as a hand-out. She said there was no clear consensus by the Board for this particular Item which was brought up by Ms. Davis at the March 3, 2011 meeting. Chairman Phillips suggested Ms. Davis bring the Item up for consideration during the Future Agenda Items section of this meeting.

V. INFORMATION ITEMS

V-1. State Park Marina Update

Ms. Lichtenbaum reviewed the recent surveys and status of all the required permits for the dredging project, as well as the preliminary cost estimate of \$1.25 million, and the DBW deadline of April 15, 2011 for the project bid. She said all necessary permits for the project are expected to be completed by June 2011 and will be valid for five years; however, there may not be sufficient funds to alleviate the navigation problems. Staff is discussing the situation with DBW and State Park Marina personnel to identify the best course of action.

V-2. Harbor Department Status Report

Ms. Lichtenbaum and Mr. Endersby briefed the Board on the following topics:

Tsunami Damage

CCMP Update

Blessing of the Fleet

Morro Bay Yacht Club Opening Day

Embarcadero Beautification

Light Poles to be Painted by PG&E

Quilt Fundraiser

Kids at Sea Program

Lifeguard Update

SBA Salmon Disaster Loans

C-MANC Washington DC

VI. ADDITIONAL COMMENTS

The Board expressed concern over City Council's proposal to take \$28,000 from the Harbor Accumulation fund for Embarcadero "beautification" when there is a very long list of critical dock and pier repairs, which will require most of the Harbor Accumulation fund.

Ms. Meissen said the Dock Walkers Program did not run due to lack of volunteers; however, the Program will be offered again in the future, and is organized by Sherry Sullivan. Mr. Eckles thanked the fishing community who attended the meeting tonight, and said he respects their opinions.

VII. FUTURE AGENDA ITEMS

Ms. Davis requested the topic of recreational boating enforcement and implementation of state and federal mandates for a Future Agenda Item. Mr. Eckles asked Ms. Davis for more information on the subject. Ms. Davis clarified her idea for Mr. Eckles. Mr. Luffee and Mr. Eckles concurred with Ms. Davis to include this topic as a Future Agenda Item.

May: FY11-12 Budget Review

Presentation on the Brown Act by City Attorney

Review of Launch Ramp Parking Annual Permit

Recreational Boating Enforcement and Implementation of State and Federal Mandates

June: Presentation on TNC Project

VIII. ADJOURNMENT

This meeting was adjourned at 9:40 PM.

Submitted by,

Polly Curtis
Harbor Department