

CITY OF MORRO BAY
HARBOR ADVISORY BOARD

SYNOPSIS MINUTES

The regular meeting of the City of Morro Bay Harbor Advisory Board was held Thursday, May 5, 2011 at 7:00 PM in the Veteran's Hall, 209 Surf ST, Morro Bay, California.

I. ROLL CALL

Present:	Members:	Brett Cunningham Gene Doughty Jeff Eckles Bill Luffee Lynn Meissen Jim Phillips
	Absent:	Mandy Davis
	Staff:	Susan Lichtenbaum, Harbor Business Manager Eric Endersby, Harbor Operations Manager Polly Curtis, Office Assistant

II. MINUTES

Mr. Luffee moved the April 7, 2011 Harbor Advisory Board minutes be approved. The motion was seconded by Mr. Doughty and carried unanimously.

III. ORAL COMMUNICATIONS

Mr. Drew Jacobsen expressed his gratitude to the Harbor Patrol for their notification to all boaters in Morro Bay of the tsunami alert. He specifically thanked HPO Buddenhagen for knocking on his hull and awakening him at 4:00 AM, and he felt this was going over and above the regular HPO duties.

IV. PRESENTATIONS AND ACTION ITEMS

IV-1. Presentation on the Brown Act by the City Attorney

City Attorney Rob Schultz gave a detailed presentation, handout, and slideshow on the specifics of the Brown Act. Specifically noted for the Harbor Advisory Board were Policies and Procedures 1.2.2 Placing Item on Agenda, and 1.2.7 Order of Business, and 5.2 Guidelines for Council Members.

IV-2. Consideration of an Annual Launch Ramp Parking Permit

Mr. Endersby briefed the Board on the launch ramp parking history, saying that the original trailer storage problem no longer seems to be an issue. He asked the Board to consider recommending to City Council the approval of an annual launch ramp parking permit at the fee of \$100 per year, along with a signed agreement. Mr. Endersby presented a sample agreement for the Board's review.

The Board discussed the fees and the sample agreement, asking if a prorated fee might be applied, or a two-tiered system, or if a reduced fee could be charged for commercial fishermen. Mr. Endersby explained that the launch ramp was funded by a DBW grant for recreational boaters, so charging them more than commercial fishermen would not be an option, and that since rock cod season begins this summer, prorating would not be necessary. Mr. Eckles said leaving a space for the fisherman to initial after clause #4 would be beneficial. Chairman Phillips asked if the permits could be monitored by Harbor Patrol for a year to evaluate the success of the program and the fees, and bring the results back to the Board as a future agenda item. Mr. Endersby and Ms. Lichtenbaum agreed to Chairman Phillips' request.

MOTION: Mr. Doughty moved to recommend to City Council the approval of an Annual Launch Ramp Parking Permit at the fee of \$100 per year. The motion was seconded by Ms. Meissen and carried unanimously.

IV-3. Discussion on Recreational Boating Enforcement and Implementation of State and Federal Mandates

Mr. Endersby briefed the Board on the item, saying it was requested to be agendaized by Board member Davis. He reviewed the current local, state, and federal laws that already address vessel discharge of sewage and Marine Sanitation Devices (MSDs). He said the Morro Bay Municipal Code has no requirements as to what equipment boaters can or can't have on their boats. He said that Morro Bay could pass such an ordinance, but under state law, and the Fourth Amendment of the Constitution, reasonable suspicion or probable cause must exist before any boarding or inspection can be done. However, he said the U.S. Coast Guard does have the authority to stop and board any vessel on navigable waters at any time for any reason, whether or not they have probable cause, and inspect vessels for compliance of any law they have the authority to enforce.

Chairman Phillips turned the item over for public comment. Mr. Drew Jacobson read a statement to the Board which expressed concern over the potential dumping of sewage in Morro Bay by boaters, and the need for all boats to be inspected for MSDs.

Discussion by the Board. Ms. Meissen said that as Mr. Endersby reported, the Morro Bay City Council would need to pass an ordinance before any inspections could be done. Mr. Doughty emphasized that probable cause of a sewage problem in the bay would first need to be shown before the Board could recommend that City Council adopt an ordinance requiring all boaters to have MSDs. Further discussion by the Board, staff, and the public.

MOTION: Mr. Luffee moved to table the discussion of "Recreational Boating Enforcement and Implementation of State and Federal Mandates" until such time that Board member Davis is able to re-agendaize the item. The motion was seconded by Mr. Cunningham and carried unanimously.

V. INFORMATION ITEMS

V-1. Harbor Department Status Report

Ms. Lichtenbaum briefed the Board on the following topics:

Councilwoman Nancy Johnson – Washington D.C. Trip
Yaquina Arrival in MB
Harbor Patrol Officer Fry Retires
Staff Changes
Training
City Council Action
May, June and July Events
Embarcadero Beautification (News Racks & Banners)

VI. ADDITIONAL COMMENTS

Mr. Cunningham expressed his gratitude to Harbor Patrol Officer Ray Fry for being an excellent guardian of the harbor of Morro Bay. Mr. Eckles said the date of Tognazzini's Oyster and Beer Fest is May 22nd and proceeds go to support the Morro Bay Fourth of July event. He also thanked Chairman Phillips for his years of diligence on the news rack issue, as we may see progress soon.

Ms. Meissen said the Dock Walker program sponsored by the NEP was unable to proceed due to the lack of enough volunteers, but it will be rescheduled. She said this is an important educational program to let all boaters understand the regulations of "No Discharge" of petroleum and sewage into the bay. Ms. Meissen said the yacht club summer sail program starts May 30th and there are very good instructors. Chairman Phillips expressed his appreciation of Ray Fry's many years of service on behalf of the recreational boaters in Morro Bay.

VII. FUTURE AGENDA ITEMS

Mr. Luffee requested an update on the State Park Marina, and the Board concurred. Ms. Lichtenbaum said the topic might not be agendized by the Coastal Commission's June meeting, and therefore the update would have to wait until the August Harbor Advisory Board meeting.

June: FY11-12 Budget Review

Presentation on TNC Project

Cancellation of July Harbor Advisory Board Meeting

Aug: State Park Marina Update

Future: Review of Launch Ramp Parking Permit After One Year

Recreational Boating Enforcement and Implementation of State and Federal Mandates

VIII. ADJOURNMENT

This meeting was adjourned at 8:45 PM.

Submitted by,

Polly Curtis
Harbor Department