

# HARBOR ADVISORY BOARD MEETING

Thursday November 3, 2011

7:00 PM

Morro Bay Veteran's Hall

209 Surf Street

Morro Bay CA 93442

## AGENDA

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- I. ROLL CALL
  - II. APPROVAL OF MINUTES
  - III. ORAL COMMUNICATIONS  
Members of the audience wishing to address the Board on City business matters other than those on the agenda may do so now.
  - IV. PRESENTATIONS AND ACTION ITEMS
    - IV-1. State Park Marina Dredging Project Update
    - IV-2. Summer Beach Lifeguard Report
  - V. INFORMATION ITEMS
    - V-1. Harbor Department Status Report
  - VI. ADDITIONAL COMMENTS
  - VII. FUTURE AGENDA ITEMS
  - VIII. ADJOURNMENT
- 
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In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact the Harbor Office Assistant, (805) 772-6254. Notification 24 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to this meeting.

**CITY OF MORRO BAY**  
**HARBOR ADVISORY BOARD**  
**SYNOPSIS MINUTES**

The regular meeting of the City of Morro Bay Harbor Advisory Board was held Thursday, October 6, 2011 at 7:00 PM in the Veteran's Hall, 209 Surf ST, Morro Bay, California.

**I. ROLL CALL**

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

**II. MINUTES**

Mr. Eckles moved the September 1, 2011 Harbor Advisory Board minutes be approved as submitted. The motion was seconded by Mr. Luffee and carried unanimously.

**III. ORAL COMMUNICATIONS**

Harbor Patrol Officers Scott Mather and Dana Stein introduced themselves to the Board as newly hired for the Harbor Department. HPO Mather said he has been employed by the Harbor Department for fifteen years, HPO Stein for six, both as Reserves. Chairman Phillips congratulated both officers and welcomed them aboard. Mr. Eckles said he has interacted with both officers on the water already and said they are a pleasure to work with.

Mr. Brian Stacy, local resident and fisherman, asked the Board to keep informed regarding of Mr. Rick Algert's plan for forming a Community Quota Bank here in Morro Bay. Ms. Davis recommended Mr. Stacy contact Mr. Algert directly.

**IV. PRESENTATIONS AND ACTION ITEMS**

**IV-1. Presentation on the Maritime Museum**

Mr. Larry Newland, President of the Central Coast Maritime Museum Association (CCMMA) said he has been on the project since 1993. He reviewed the history of the Maritime Museum project, as well as describing the current building and design plans. He said the proposed location is in the parking lot across the Embarcadero from GAFCO. He reviewed permitting, surveying, and funding plans, as well as the mission, vision and goals for the organization.

The Board asked Mr. Newland how many vessels the CCMMA owns, the location of all the collected artifacts, whether there would be an admission fee, and how to contact him. Mr. Newland said the Museum currently has four vessels, and their collection is being housed in storage as well as at their own homes. He said most museums do not run through admission fees, but rather through the use of donated materials, volunteer time, and other grants and donations.

City Attorney Rob Schultz explained to the Board that there is a necessary and rather complicated process the City must go through prior to entering into a lease agreement for the museum site, and that is to "Abandon" Surf Street. Half of this location belongs to the power plant, Dynegy, and half to the City. He said part of the negotiations includes the Outfall Lease, but it will be presented to City Council this December, and he expects an agreement to be reached in six months to a year from now.

**IV-2. Presentation by the City Attorney on Administrative Citation Process and Leaseholders/Mooring Owners' Responsibility with Regard to Liveaboard Compliance**

City Attorney, Rob Schultz, reviewed the Administrative Citation process for the Board, saying the City of Morro Bay established this process in 2007 when the Code Enforcement officer position was eliminated at the Police Department. He detailed the differences between this type of citation versus a criminal or misdemeanor. One difference is that the funds stay in Morro Bay. He said there must always be a Warning procedure prior to an Administrative Citation. But he said the biggest difference is shifting Burden of Proof to the Defendant. Proof is the Citation itself.

Mr. Schultz described the difficulties with this Citation and upholding the Liveaboard Ordinance in that an officer must testify in court that four full days of a boater living on a boat were witnessed by a surveillance officer or officers, twenty-four-seven. Mr. Eckles asked about the possibility of a surveillance video camera, and Mr. Schultz agreed that evidence on film definitely helps a case. Mr. Eckles asked Mr. Endersby how severe the non-permitted liveaboard situation is in Morro Bay, as evidenced by Harbor Patrol's "fins-in-the-water" view. Mr. Endersby said he would not term liveaboards as a problem, though some are, but usually the problem people have other issues such as non-payment of harbor fees.

Ms. Davis asked if the leaseholders such as Associated Pacific, Marina Square, and the Yacht Club who own a good portion of slips and moorings are responsible for making sure liveaboards comply with the City Liveaboard Ordinance. Mr. Schultz said the leaseholders are responsible, but if a non-compliance issue is brought to court, a witness is still required to testify. He said Staff can remind the leaseholders to verify that their liveaboards are in compliance.

**IV-3. Review of Public Art Proposal from The Central Coast Women for Fisheries for a Sculpture Project to be Located at the Morro Bay Target Rock Area**

Ms. Lichtenbaum asked the Board to review the proposed art donation of the Fishermen's Family Sculpture project from the Central Coast Women for Fisheries (CCWF) and make a recommendation to Council. Discussion by the Board.

**MOTION:** Mr. Doughty moved to recommend that City Council accept the Family Sculpture donation from the Central Coast Women for Fisheries. The Motion was seconded by Mr. Cunningham, and carried unanimously.

**V. INFORMATION ITEMS**

**V-1. Review on Harbor Advisory Board Agendizing Procedures**

Ms. Lichtenbaum briefed the Board on the City Council Policies and Procedures manual, which is available in full on the City's website. She reviewed the steps for Board members to request items be placed on the Agenda.

**V-2. Harbor Department Status Report**

Ms. Lichtenbaum briefed the Board on the following topics:

**Grant Funding for Marine Engine Replacement**  
**Beach Lifeguard Season Ending**  
**Snowy Plover Nesting Season**  
**Central Coast Waterman Festival/Jesse King Memorial Race**  
**The Catch Exhibit at Morro Bay Library**  
**Tall Ship Lady Washington November 18-21, 2011**  
**Lighted Boat Parade**  
**Bait Receiver Project**  
**PG&E Meeting**  
**USCG/DFG Montebello Information**

**VI. ADDITIONAL COMMENTS**

Ms. Meissen asked how much of the \$25k from the Harbor Fund was used for the banners along the Embarcadero. Ms. Lichtenbaum said only \$6k was used from the Harbor Fund, and other funding came from the Morro Bay Commercial Fisherman's Organization and other sources. Ms. Meissen said she liked the fishing banners north of Beach Street, and wondered if other businesspeople would consider doing more personal images for their own business along the rest of the Embarcadero. Ms. Lichtenbaum said there had been a city workshop to discuss signage, and businesses are concerned about ways to advertise; this is an important topic right now.

Ms. Meissen said the city floating dock is now sinking under the weight of the sea lions, and asked if there is any way to prevent this harbor asset from being destroyed. Mr. Endersby said he made the decision, after much discussion, to allow sea lions to take over that dock, rather than having them gather on the docks attached to land and nearer to boats. He said the sea lions will probably not go away, and their numbers seem to be on the increase.

**VII. FUTURE AGENDA ITEMS**

Mr. Luffee asked for updates on the RFP for dredging the State Park Marina. Ms. Lichtenbaum said the RFP would happen in January or February, but a State Park Marina Dredging Update is scheduled for the next meeting. Mr. Cunningham asked to be kept informed of the PG&E permitting process and seismic testing meeting. The Board requested revisiting the discussion a boatyard in Morro Bay. There was Board consensus on these two future agenda items.

**November: State Park Marina Dredging Update**  
**Lifeguard Season Review**

**Future: Boatyard Review**  
**Review of Launch Ramp Parking Permit After One Year**  
**MBNEP Comprehensive Conservation Management Plan Update**

**VIII. ADJOURNMENT**

This meeting was adjourned at 8:45 PM.

Submitted by,

Polly Curtis  
Harbor Department

**TO: HARBOR ADVISORY BOARD DATE: 10/27/11**

**FROM: HARBOR BUSINESS MANAGER**

**SUBJECT: STATE PARK MARINA DREDGING PROJECT UPDATE**

**RECOMMENDATION:** This is an update item, no action is necessary.

**PROJECT UPDATE:**

In 2002 the City of Morro Bay (City) entered into an operating agreement with the California Department of Parks & Recreation (State Parks). The agreement provided for the City to take over administration of the concessionaire agreement for the Marina portion of the Morro Bay State Park. Under the terms of the agreement the City would receive revenue from the concessionaire agreement and in exchange would work on a project to renovate and dredge the State Park Marina. The original renovation plans were based on long-range plans developed by State Parks that included replacement and expansion of the existing slips and dredging to accommodate the new slip configuration.

In 2004 the City began work on the EIR for the State Park Marina Renovation Project. An EIR was certified in 2008. The proposed renovation project included replacement of marina infrastructure and removal of approximately 110,000 cubic yards of material of which a large amount was considered "unsuitable" for nearshore disposal due to its fine grain size. Several upland sites were identified and reviewed under the EIR. Ultimately, due to the scope of the initial project and the cost of upland disposal the City and State Parks agreed that the proposed project would not be economically viable. At that point in an effort to maintain the existing marina and improve the navigation, the City and State Parks opted to pursue permitting for maintenance dredging of the Marina basin without replacement of marina infrastructure.

In August of 2009, the City received additional grant funding from the Department of Boating and Waterways to fund maintenance dredging studies and permitting. The City entered into an agreement with Anchor QEA to work on amending the EIR and to complete dredging studies and permitting on the project. An addendum to the original EIR for the marina rehabilitation project was approved by the Planning Commission in August 2010. The addendum described the revised project scope to perform maintenance dredging of the existing Marina. Anchor QEA attempted to get regulatory agency approval for placement of all of the dredged material from the Marina in the nearshore disposal site; however the final determination of the interagency Dredge Materials Management Team (DMMT) was that only a portion (approximately 50,000 cubic yards) of the proposed dredging volume would be suitable for nearshore placement. Attached is a figure that shows the initial dredging footprint and the proposed dredging footprint.

The Coastal Commission approved a Coastal Development Permit Application for the State Park Marina Maintenance Dredging project at their June 16, 2011 meeting. The permit allows for dredging 79,500 cubic yards in the Marina and will be valid for five years. The actual permit will not be issued until the Coastal Commission receives the finalized plans. Again, due to the high cost of upland disposal, the decision was made to proceed with the portion of the project that received nearshore disposal placement approval from the DMMT.

We have approximately \$1.3 million of DBW grant funding remaining for the State Park Marina Dredging project and approximately \$100,000 in concessionaire revenue available for the project as well.

Anchor QEA is finalizing a bid package for the project that we anticipate putting out in January or February of 2012. The bids will be noticed on the City website. The project should start in the spring/summer of 2012 and be completed by fall of 2012. The final quantity of dredged material will depend on the bid responses. Based on preliminary cost estimates it is anticipated that 33,000 cubic yards could be removed from the proposed dredge area. The bid package will allow flexibility for dredging additional cubic yardage at a per/unit price, which will give us the capability of dredging up to the limit of available funding.

Anchor QEA will remain involved in the project while it is underway in coordination of environmental monitoring requirements and engineering support. Marcia Walther of MarWal Construction will be our on-site construction manager and will coordinate all activities relating to the project and insure that the contractor is meeting the terms of the accepted bid.

The City and/or State Parks could pursue dredging the remainder of the Marina in the future if a cost effective means for disposal of the fine-grained material is available, as the Coastal Commission permit is valid for five years and does allow for dredging the entire basin.

Staff will continue to provide updates to the Harbor Advisory Board in the Status Report as we move towards bid release and award.



# City of Morro Bay

595 Harbor St.  
Morro Bay, CA 93442

**PRELIMINARY  
PLANS  
NOT FOR  
CONSTRUCTION**

DATE

REV	DATE	BY	APP'D	DESCRIPTION

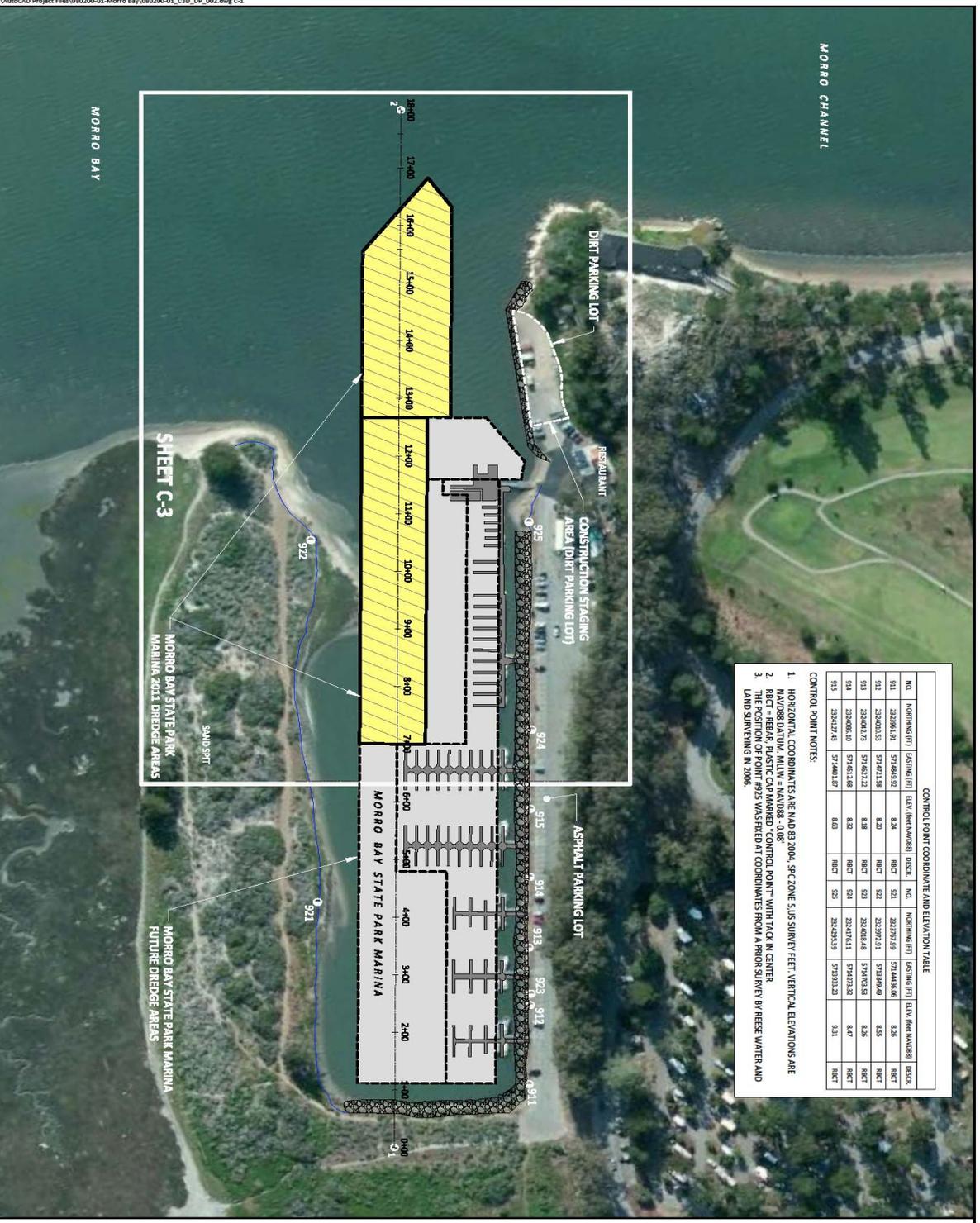
DESIGNED BY: L. WARDEN  
DRAWN BY: E. ANDRA, M. SANDERSON  
CHECKED BY: L. WARDEN  
APPROVED BY: M. WARDEN  
SCALE: AS SHOWN  
DATE: JUNE 20, 2011

## MORRO BAY STATE PARK MARINA 2011 MAINTENANCE DREDGING

**C-1**

SHEET INDEX AND SITE CONTROL PLAN

SHEET NO. 2 OF 5



MORRO CHANNEL

MORRO BAY

**SHEET C-3**

MORRO BAY STATE PARK  
MARINA 2011 DREDGE AREAS

MORRO BAY STATE PARK MARINA  
FUTURE DREDGE AREAS

**CONTROL POINT COORDINATE AND ELEVATION TABLE**

NO.	NORTHING (FT)	EASTING (FT)	ELV. (FEET MVD08)	DESC.	NO.	NORTHING (FT)	EASTING (FT)	ELV. (FEET MVD08)	DESC.
911	23286.134	571646.632	8.24	HOIC7	921	23279.739	571644.806	8.26	HOIC7
922	23282.033	571671.136	8.20	HOIC7	922	23279.739	571644.806	8.55	HOIC7
933	23284.423	571662.722	8.18	HOIC7	923	23280.848	571670.513	8.26	HOIC7
934	23286.810	571653.168	8.10	HOIC7	924	23282.913	571672.322	8.47	HOIC7
935	23282.743	571662.87	8.10	HOIC7	925	23282.913	571672.322	9.31	HOIC7

**CONTROL POINT NOTES:**

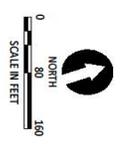
- HORIZONTAL COORDINATES ARE MVD 08 2004, SP-CONE 5/15 SURVEY FEET, VERTICAL ELEVATIONS ARE MVD 08 DATUM, MVD 08 2004, SP-CONE 5/15 SURVEY FEET.
- HOIC7 - HOIC7, PLASTIC CHAIN MARKED "CONTROL POINT" WITH TACK IN CENTER.
- THE POSITION OF POINT #925 WAS FIRED AT COORDINATES FROM A PRIOR SURVEY BY REESE WATER AND LAND SURVEYING IN 2006.

**LEGEND:**

	STAGING AREA
	FUTURE DREDGE AREA
	EXTENT OF 2011 DREDGE AREA
	OVERWATER STRUCTURES
	ROCK REMOVAL
	CONTROL POINT COORDINATE
	BASELINE COORDINATE

**BASELINE COORDINATE TABLE**

NO.	NORTHING (FT)	EASTING (FT)
1	23279.737	571688.818
2	23285.701	571395.022



ONE INCH  
AT FULL SIZE, IF NOT ONE  
INCH SCALE ACCORDINGLY

AGENDA NO. IV-2

DATE: 11/3/11 Action:       

**TO: HARBOR ADVISORY BOARD**  
**FROM: HARBOR OPERATIONS MANAGER**  
**SUBJECT: SUMMER BEACH LIFEGUARD REPORT**

**DATE: 10/27/11**

An oral report will be provided.



**New Agenda Format:** The City is working towards having uniformity among the various Boards and Commissions agenda formats. Within the next few months our agenda will be changing to a format similar to the Public Works Advisory Board. That format can be seen on the City website under Agendas, Public Works Advisory Board.

**Future Agenda Items:**

**December 2011:**

◆**Cancellation of January 5, 2012 Meeting**

**February 2012:**

◆**Election of Chair and Vice-Chair**

◆**Review and Recommendation on Renewal of a License Agreement with South Bay Hookers**