

CITY OF MORRO BAY

HARBOR ADVISORY BOARD

SYNOPSIS MINUTES

The regular meeting of the City of Morro Bay Harbor Advisory Board was held Thursday, September 5, 2013 at 6:00 PM in the Veteran's Hall, 209 Surf ST, Morro Bay, California.

ESTABLISH QUORUM AND CALL TO ORDER

Present:	Members:	Gene Doughty Jeff Eckles Bill Luffee Dana McClish Lynn Meissen Jim Phillips (Vacant Seat)
	Staff:	Eric Endersby, Harbor Director Polly Curtis, Office Assistant

MOMENT OF SILENCE

PLEDGE OF ALLEGIANCE

CHAIR AND ADVISORY BOARD MEMBER ANNOUNCEMENTS & PRESENTATIONS

Mr. McClish said the Morro Bay Youth Sailing Foundation will have a booth at the Harbor Fest in October featuring the Youth Sailathon to benefit the Foundation and purchase of a new FJ race boat. Donations will be happily accepted.

Mr. Doughty said the Morro Bay Landing lease site now has live bait.

Chair Eckles recommended that Agenda Item D-1 be moved ahead of all other Agenda Items tonight, and the Board concurred. (Minutes will remain in original order.)

PUBLIC COMMENT

Mrs. Barbara Doerr commented in favor of making no changes to Measure D.

Mr. Tom Hafer offered his services to fill the vacant seat of the Harbor Advisory Board, as long as other members of the Morro Bay Commercial Fisherman's Organization might be allowed to sit in for him when he is out fishing. Chair Eckles thanked Mr. Hafer and said the process will begin toward accepting his application to fill the vacant Harbor Advisory Board seat.

A. CONSENT CALENDAR
A-1 MINUTES

Mr. Phillips moved the August 1, 2013 Harbor Advisory Board minutes be approved as submitted. The Motion was seconded by Mr. Luffee and carried unanimously.

B. PUBLIC HEARINGS

B-1 Harbor Department Status Report

Mr. Endersby briefed the Board on the following topics:

Commercial Fishing: Squid, Salmon, Albacore

New Harbor Patrol Vessel

North T-Pier Construction Plans

Recent Events:

Project Surf Camp

NEP Eelgrass Planting

Lease Site News:

Percent-of-Gross Lease Sales are Up

RFP for LS107W-108W

RFP for Aquarium

Morro Bay Landing has Live Bait

Harbor Hut Project Approved by Coastal Commission

Safety and Awareness Meeting with Leaseholders Sept 12

Beach Lifeguards on Weekends Only through Harbor Festival

Emergency Incidents:

August 25 Sinking Boat off Cayucos

August Sunken Boat Raised in State Park Marina, "Glowing Star"

Offshore Geophysical Permit Program ("OGPP") and Staff Letter to State Lands

C. UNFINISHED BUSINESS

C-1 Update from Boatyard/Haulout Ad-Hoc Committee on Committee's Recent Activities

Mr. McClish presented slides to the Board showing overlays of other boatyards onto two different possible locations in Morro Bay, one on the north side of the power plant, and one on the south side in the parking lot now owned by the City. Mr. McClish also reviewed slides of locations for the travel lift, north of the intake building and south of the South T-Pier. He said the original design by RRM that includes the travel lift location north of the power plant intake building is also the one the Coastal Commission liked at the time.

Mr. McClish said the Committee is also looking at possibilities for a separate boat storage yard. He said the former power plant lot which the City now owns is two-and-one-half acres, and has plenty of space for boat storage, parking and even the Maritime Museum. Overlays of other boatyards such as Santa Cruz, Marina del Rey, San Diego, and Santa Barbara showed the hoist locations, haulout yards, boat storage, and travel lifts. He said everyone from sport fishermen to sailboat owners (called dry sailing) to recreational motor vessel owners all use the boat hoist. It is a money-maker.

Mr. McClish said nearly everything depends on what happens with the power plant, but the Committee will continue to watch for opportunities, and would like to see forward progress in the direction of purchasing a travel lift.

Discussion by the Board on both sites being zoned for commercial purposes; areas designated as ESHA; buying a 70-ton travel lift versus the need for a 100-ton travel lift. Discussion on past and current sunken vessels and the need for a haulout. Chair Eckles said this is an important vision and he hopes the plans will move forward as events happen with the power plant.

D. NEW BUSINESS

D-1 Measure D Study Session to Take Public and Harbor Advisory Board Input on Placing an Initiative on the General Ballot in Regard to Amending the Measure

Mr. Endersby briefly reviewed the background of Measure D, saying the existing City Council requested a review of Measure D by the Harbor Advisory Board, the public and stakeholders to determine if the Measure needed to be revised, strengthened, redefined for clarification, or left as is. Mr. Endersby said there have been continual comments over the years on Measure D from fishermen, leaseholders, council members, and the public, but no specific event has moved this topic to the forefront, other than City Council deciding to agendize Measure D.

Discussion by the Board on current restaurants that are “grandfathered” in to the zone north of Beach Street on the water side; and the newer subleases such as Stand-Up Paddle and kayak shop, etc. They agreed that the Maritime Museum is across the street and not located inside the Measure D zone.

Chair Eckles opened the topic up to public comment, saying there seems to be many people in the audience tonight who have lived in this town a long time and would know the history on this Item. He asked if some of them would explain the original intent and spirit of Measure D.

Ms. Sharon Moores said she is Virgil Moores’ daughter, and that back in 1981 when Virg and Joe Giannini spearheaded the initiative of Measure D, the terminology was different from today. She said it may be beneficial to clarify the term in Measure D of “noncommercial recreational fishing” to become “Commercial Passenger Fishing Vessels” which is the current term that applies to their boats and business. She said the original intent of Measure D was meant to include both commercial and sport fishing.

Mr. Tom Roff, commercial fisherman for 40 years, said he believes Measure D has allowed the continued stability of commercial fishing in Morro Bay. He said back in the East development along the coast has nearly pushed commercial fishing out. He wants to keep Measure D as it stands to protect this zone, and does have a problem with kayak shops moving in. He said there are plenty of T-shirt shops and hotels on the Embarcadero and they should not be allowed in the north end. Mr. Roff said this is a very important zone to the fleet, which will continue to use the area more and more as the trend into the future looks good for commercial fishing. He said when too many entities start to reword Measure D it can become twisted toward their own benefits and convoluted; so he asked the Harbor Advisory Board for status quo on Measure D.

Ms. Nancy Bast said Joe Giannini started the initiative as he saw all the areas to the south being gobbled up by visitor-serving businesses. She believes if the commercial zone goes away that it will not come back and the fish buyers and fishermen will have nowhere to go.

Mr. Mark Tognazzini said he was here in 1981 to vote for Measure D. He said his good friend Joe Giannini had foresight that none of us will ever have about commercial fishing, in Morro Bay especially, and in forming this initiative. He agrees with Ms. Moores that the language always meant to include both sport and commercial fishing so if the definition needs to be clarified that is fine, but he prefers Measure D to remain status quo.

Ms. Cathy Novak said she agrees that Measure D should be kept but that some of the language is ambiguous. She would prefer clear direction for current lease sites on how the sites can be developed in keeping with their lease agreements as well as complying with Measure D.

Discussion by the Board on the term “facilitating” in Measure D; commercial and noncommercial clarification; and the boat haulout being located in this zone.

Mr. Rob Schultz, City Attorney, said he is personally very proud of Measure D, and agreed with the comment that Mr. Giannini had great foresight in developing the initiative. He said there are ways to clarify the language to make it stronger for commercial fishing in this zone, but if the Board votes for no changes, he will continue to deal with the lease sites and other issues on a case-by-case basis. He said definitions can be clarified without the initiative going out to voters.

Mr. Schultz said the first sentence of Measure D is the only legally binding one, as the next sentence reads, "for purpose of illustration only..." so all wording that follows are only examples of that first sentence. He said the Harbor Lease Management Policy will come up for review soon and this would be the ideal place to make any changes to the definition of Measure D.

Further discussion by the Board.

MOTION: Chairman Eckles moved that the Harbor Advisory Board recommend to City Council that the City develop a policy statement defining passenger for hire and sport fishing as it pertains to Measure D, and to urge the City toward conservative interpretation to favor the commercial fishing industry and strict enforcement of Measure D.

Discussion by the Board. Ms. Meissen said she thought the first part of the Motion would not have great utility in helping the Harbor Director make decisions on what types of businesses are allowed in the area under Measure D, such as the Stand-Up Paddle business. She said that she really liked the second part of the Motion and anything that will help support our local fishermen.

Vote: The Motion was seconded by Mr. Luffee and passed with a vote of 5 to 1, with Ms. Meissen voting no.

E. DECLARATION OF FUTURE AGENDA ITEMS

- Oct: Draft Harbor Department Rules and Regulations Re: Discussion of Slip Regulations for Fishermen Owning Two Boats
Change to HAB By-Laws for Alternative MBCFO Members on HAB Seat**
- Nov: Presentation by a Commercial Fisherman on Types of Fishing
Morro Bay's Clean Marina Certification
NEP Status Report on Eelgrass Replanting Project**

F. ADJOURNMENT

This meeting was adjourned at 7:50 PM.

Submitted by,



Polly Curtis
Harbor Department