



CITY OF MORRO BAY HARBOR ADVISORY BOARD A G E N D A

*The City of Morro Bay is dedicated to the preservation and enhancement of the quality of life.
The City shall be committed to this purpose and will provide a level of municipal service and safety
consistent with and responsive to the needs of the public.*

**Regular Meeting - Thursday, April 3, 2014
Veteran's Memorial Building - 6:00 P.M.
209 Surf Street, Morro Bay, CA**

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|-------------------------|---|
| Jeff Eckles, Chair | Waterfront Leaseholders |
| Bill Luffee, Vice-Chair | Marine Oriented Business |
| Alan Alward | Morro Bay Commercial Fishermen's Organization |
| Dana McClish | Recreational Boating |
| Gene Doughty | South Bay/Los Osos |
| Lynn Meissen | Member at Large |
| Ron Reisner | Member at Large |
| Tom Hafer | Alternate to Alan Alward (MBCFO) |
| Joe Conchelos | Alternate to Alan Alward (MBCFO) |

ESTABLISH QUORUM AND CALL TO ORDER

MOMENT OF SILENCE

PLEDGE OF ALLEGIANCE

CHAIR AND ADVISORY BOARD MEMBER ANNOUNCEMENTS & PRESENTATIONS

PUBLIC COMMENT PERIOD

Members of the audience wishing to address the Board on City business matters other than scheduled items may do so at this time. To increase the effectiveness of the Public Comment Period, the following rules shall be followed:

- When recognized by the Chair, please come forward to the podium and state your name and address for the record. Board meetings are audio and video recorded and this information is voluntary and desired for the preparation of minutes.
- Comments are to be limited to three minutes.
- All remarks shall be addressed to the Board, as a whole, and not to any individual member thereof.
- The Board respectfully requests that you refrain from making slanderous, profane or personal remarks against any elected official, Board member and/or staff.
- Please refrain from public displays or outbursts such as unsolicited applause, comments or cheering.
- Any disruptive activities that substantially interfere with the ability of the Board to carry out its meeting will not be permitted and offenders will be requested to leave the meeting.
- Your participation in Board meetings is welcome and your courtesy will be appreciated.

In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact the Harbor Department's Office Assistant at (805) 772-6254. Notification 24 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to this meeting.

A. CONSENT CALENDAR

A-1 Approval of Minutes from Harbor Advisory Board meeting held on March 6, 2014

Staff Recommendation: Approve minutes.

B. PUBLIC HEARINGS, REPORTS, AND APPEARANCES

B-1 Harbor Department Status Report

Staff Recommendation: Receive and file.

B-2 Presentation by the San Luis Obispo County Sheriff's Office on Mexican Smuggling Pangas along the Central California Coast

Staff Recommendation: Receive presentation.

C. UNFINISHED BUSINESS

C-1 Review of Liveboard Ordinance Regarding Marine Surveyor Certification and Standardization of Liveboard Permit Inspections

Staff Recommendation: That the Harbor Advisory Board review the Liveboard Ordinance as it pertains to marine surveyors doing the liveboard inspections and the inspections themselves, and provide recommendations to staff, if any.

D. NEW BUSINESS

D-1 None.

E. DECLARATION OF FUTURE AGENDA ITEMS

F. ADJOURNMENT

This agenda is subject to amendment up to 72 hours prior to the date and time set for the meeting. Please refer to the agenda posted at the Morro Bay Harbor Department, 1275 Embarcadero, for any revisions or call the department at 772-6254 for further information.

Materials related to an item on this Agenda are available for public inspection during normal business hours at the Harbor Department and at Mill's/ASAP, 495 Morro Bay Boulevard, or online at www.morrobay.ca.us. Materials related to an item on this Agenda submitted to the Board after publication of the Agenda packet are available for inspection at the Harbor Department during normal business hours or at the scheduled 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, March 6, 2014 at 6:00 PM in the Veteran's Hall, 209 Surf ST, Morro Bay, California.

ESTABLISH QUORUM AND CALL TO ORDER

| | | |
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| Present: | Members: | Alan Alward Gene Doughty Jeff Eckles Bill Luffee Dana McClish Lynn Meissen Ron Reisner |
| | Staff: | Eric Endersby, Harbor Director Polly Curtis, Office Assistant |

MOMENT OF SILENCE

PLEDGE OF ALLEGIANCE

CHAIR AND ADVISORY BOARD MEMBER ANNOUNCEMENTS & PRESENTATIONS

Mr. Doughty said a good storm passed through Morro Bay last week, but not too many boats came loose; so he was glad that people must have checked their pennant lines.

Mr. McClish said in two weeks, the Morro Bay Yacht Club along with the Morro Bay Youth Sailing Foundation will be holding their 7th annual Big Rock Regatta on March 22 and 23. Kids, their parents, and their coaches all come from as far away as King Harbor as well as some from San Francisco and stay here in Morro Bay for two days. The Championship Fleet is usually held in the upper bay and the Green Fleet is in the back between the two mooring fields. Mr. McClish invited the public, saying the event is popular and something to watch on the weekend.

PUBLIC COMMENT

Mr. Jack Hansen asked the Board to allow him to keep his commercial fishing slip. He said Mr. Endersby informed him today that he did not qualify with fish tickets and had used two waivers in ten years. Mr. Endersby told Mr. Hansen that they will meet and discuss the issues prior to bringing his situation to the Board as a Future Agenda Item.

A. CONSENT CALENDAR

A-1 MINUTES

Mr. McClish moved the February 6, 2014 Harbor Advisory Board minutes be approved. The Motion was seconded by Mr. Doughty and carried unanimously.

B. PUBLIC HEARINGS

B-1 Harbor Department Status Report

Mr. Endersby briefed the Board on the following topics:

New Harbor Patrol Vessel Delivered Today
North T-Pier Maintenance and Repair Project

Lease Site News:

Off the Hook

Events:

Tall Ships Lady Washington and Hawaiian Chieftain

City Council Actions:

Resolution No. 60-13 Change to Harbor Dept Rules & Regulations

Resolution No. 61-13 Change to Harbor Advisory Board By-Laws

State Park Marina Operating Agreement to Be Brought Back in Six Months

Calif Marina Affairs & Navigation Conference (CMANC) Annual Washington DC Week

Discussion by the Board and Mr. Endersby on the new Harbor Patrol boat water monitor; the defined scope of work on the North T-Pier; the end-delivery date of work on the Pier and how it will be handled; the fuel dock lease agreement and fuel sales reported to the City for 2012/13; the trending of fuel demand at the dock; the Coast Guard building expansion; and the sidewalk expansion of the lease site Off the Hook.

D-1 Request by Richard Sylvester for a Waiver of Requirement to Qualify for a Commercial Fishing Slip

Mr. Endersby asked the Board if they would consent to moving forward the New Business Agenda Item D-1 so it may be heard first. Chair Eckles and the Board concurred.

Mr. Endersby reviewed the requirement of commercial fishermen to qualify for City slips. He said there are only two waivers allowed in any ten-year period, but in special situations a fisherman is allowed to appeal to the Harbor Advisory Board for a third waiver. The Board has granted third waivers to fishermen in the recent past, and a request letter from Mr. Sylvester is included in the Board's packet. Chair Eckles asked Mr. Sylvester for his comments.

Mr. Sylvester said he had a serious medical event last year, but he understands the waiver limits and will comply with the Board's decision. One of his prior waivers was due to having a knee replacement operation. The Board asked Mr. Sylvester how the boat is running and what his plans are for fishing in 2014. Mr. Sylvester said, "The boat is running good. Are you asking how long I'm going to keep fishing? Until I die."

Further discussion by the Board. Mr. Doughty said that Mr. Sylvester and his boat the "Trudy S" are part of the fabric of Morro Bay.

MOTION: Mr. Doughty moved that the Board recommend to City Council to allow a third waiver of requirement to qualify for a commercial fishing slip be granted to Mr. Richard Sylvester. The Motion was seconded by Ms. Meissen.

Further discussion by the Board.

AMENDMENT TO THE MOTION: Mr. Reisner moved to amend the Motion on the table, to include the stipulation that no further waivers will be allowed and that slip fees need to be current as a condition of the waiver. There was no second to the Motion to Amend; therefore the Motion to Amend failed.

VOTE: A vote was taken on the Main Motion and carried with a vote of 6 to 1.

B-2 Presentation by the Marine Mammal Center on the Center's Activities

Ms. Lisa Harper Henderson, Operations Manager of the Marine Mammal Center (MMC) in Morro Bay, said the MMC is based in Sausalito and covers 600 miles of coastline, one of the largest in the world. The MMC in Sausalito sees 100,000 visitors annually. She said Morro Bay is a triage facility, and there is a similar triage facility in Moss Landing, but the rehabilitation facility is in Sausalito where a marine mammal hospital was built in 2009.

Ms. Harper Henderson presented pictures and descriptions of California sea lions, elephant seals, harbor seals, and southern sea otters. She described behaviors, characteristics and general habitat of each type of marine mammal, as well as the various reasons and situations when mammals need to be brought in to the care centers. She people can help by becoming volunteers or members, donating, and reporting animals who appear sick or in trouble. The phone number to call for our local area is 805-771-8300. The website is: www.marinemammalcenter.org

Ms. Harper Henderson took questions and comments from the Board, and thanked Staff for inviting her to give this presentation.

The Harbor Advisory Board called for a ten-minute break; resuming at 7:18 PM.

B-3 Report on Clean Marina Program and Morro Bay Clean Marina Certification

Mr. Endersby said the Board requested this Informational Agenda Item in June 2013. He reviewed the origins of the Program, saying it began a decade ago out of efforts by the Shelter Cove Marina in San Diego Bay. The Clean Marina Program is now recognized as an industry standard and is to the point where marinas, yacht clubs, and public agencies are using it to comply with a number of environmental regulatory requirements.

Mr. Endersby said through education and the use of Best Management Practices (BMP) the Program works with marina operators and agencies to gain certification, and this certification is valid for five years. The Program is almost entirely run by volunteers. He said that while the Program has benefits with clean water and operations, the certification helps with the City's compliance with our Regional Water Quality Control Board's Storm Water Management Plan and other environmental permitting issues.

Mr. Endersby said that while the City's Clean Marina Certification covers the entire bay under City jurisdiction, the Harbor Department is starting to require Clean Marina Certification in leases that come up for renewal for the larger water lease operations on the bay such as the Morro Bay Yacht Club and the Bay Front Marina.

Discussion by the Board.

C. UNFINISHED BUSINESS

C-1 Boatyard Ad-Hoc Committee Report and Recommendations to Harbor Advisory Board

Mr. McClish said the Ad-Hoc Committee met on Thursday, February 20, with stakeholders and invited guests. He said the Morro Bay Commercial Fisherman's Organization (MBCFO) spearheaded efforts at obtaining grant funding of \$30,000 awarded by the Joint Cable/Fisheries Liaison Committee. The release of the funds are contingent on additional funds contributed by the Harbor Department of \$32,000. Together, these funds would go toward hiring the firm of Lisa Wise Consulting (LWC) to perform a boatyard feasibility study, which includes market analysis, potential site analysis, economic viability, funding sources, and data gathering at an estimated total cost of \$62,000.

Discussion by the Board and Mr. Endersby.

Mr. Jeremiah O'Brien of the Morro Bay Commercial Fishermen's Organization reviewed the process of the grant funding, saying LWC applied to the Joint Cable/Fisheries Liaison Committee for a grant of \$62,000 but were awarded \$30,000 contingent upon the City meeting the remainder of \$32,000. He said the funds will be released immediately from the Cable Committee when approval to use the Harbor funds has been given by City Council.

Public Comment by Mr. Ed Sylvester who said the Joint Cable/Fisheries Liaison Committee had given out grant money in the past to Port San Luis for boatyard development when he was on the Committee; however, the funds were basically squandered. He explained this would probably be one of the reasons for the current Committee to request matching funds from the Harbor Department.

Further discussion by the Board.

Chair Eckles said he has reviewed documents of Morro Bay boatyard development plans from the past, one in particular dating 1996. He said this important topic has been discussed for a long time, and it now needs to be kicked into high gear.

MOTION: Mr. Luffee moved that the Harbor Advisory Board recommend to City Council to allocate \$32,000 of funds from the Harbor Department Budget toward a feasibility study for a Boatyard/Haulout in Morro Bay. The Motion was seconded by Mr. Doughty and carried unanimously.

Mr. McClish said at the last Boatyard Ad-Hoc Committee meeting Mr. Doughty stepped down, and he wanted to extend appreciation for all Mr. Doughty's efforts on the Committee. The current members now include three Harbor Advisory Board members, Mr. Alward, Mr. Reisner, and Mr. McClish, as well as the fourth member Mr. Jeremiah O'Brien.

Chair Eckles accepted Mr. Doughty's resignation from the Ad-Hoc Committee, and appointed Mr. Reisner to the Ad-Hoc Committee. He also said there had been discussion to change the Chair position, and now Mr. Reisner will be the Chair of the Ad-Hoc Committee.

Chair Eckles invited representation from the City Council, possibly the Mayor or his agent, and he extended invitations to the Harbor Department Staff, and to the National Estuary Program. Mr. Endersby said he would be the Harbor Department Staff representation. Chair Eckles appointed Mr. Endersby as another member of the Boatyard Ad-Hoc Committee.

D. NEW BUSINESS

D-2 Review and Recommendations on Proposed Tidelands Park Public Boat Launch Facility Renovation

Mr. Endersby said he is in the process of applying for a grant from the California Division of Boating and Waterways (DBW) and the application deadline is April 1, 2014. If this grant is approved, the project would be funded in FY15/16. He reviewed the Public Launch Ramp renovation project for the Board, along with the design and an image of a typical fish cleaning station. Mr. Endersby also reviewed a brief history of uses at the launch ramp.

Chair Eckles asked Mr. Endersby about the dumpster near the lot entrance, and Mr. Endersby said it is not ideal and an enclosure should be built around the dumpster. Mr. Doughty recommended extending the launch ramp seawards and to ease the steep break so that boats have less of a drop. Mr. Endersby said those are good suggestions. Chair Eckles and Mr. Doughty suggested the kayak launch platform should be moved to the south of the slips near the small park. Mr. Endersby agreed that is the best location for the kayak launch.

Mr. McClish asked about upgrading the restrooms to be more secure and to prevent people from destroying the shower coin op machine. Mr. Endersby agreed that there has been frequent vandalism of the coin boxes and the showers themselves, and ideally the box needs to be secured inside the wall with the plumbing, behind a locked door. Mr. Reisner asked about video monitoring to aid in prevention of theft. Mr. Endersby said the Harbor Department Staff have been looking into the possibility of installing a video monitoring system.

Mr. Doughty asked about the recent shark sighting. Mr. Endersby said there was a credible shark sighting, verified by Harbor protocol on March 6. Warning signs are posted on our beaches in Morro Bay if there is a credible report anywhere from Point Estero to Point Buchon. The signs stay up for 72 hours. The public needs to be aware that whenever they are in the ocean, they are out in nature with wild, potentially dangerous animals, just the same as there are bears in Yosemite. People should pay attention to their inner senses, if you feel something is wrong, it probably is. Also be aware that shark sightings do tend to increase when it is the pup season for marine mammals.

E. DECLARATION OF FUTURE AGENDA ITEMS

Future:

**Intra-Agency Presentation on Panga Boat Landings Locally
Coast Guard Building Location Plans
Planning for Power Plant Property
Harbor Department Budget (May)
Review of Liveboard Ordinance Regarding Marine Surveyor Certification and
Standardization of Liveboard Permit Inspections**

Declared by Mr. Reisner with Board Consent:

Discussion of a public fish buying dock location. Input from the Harbor Department regarding possible locations, and input from the Morro Bay Commercial Fishermen's Organization regarding the number and identity of fishermen interested in participating in a scheduled public buying program.

A focused discussion concerning expanded fish cold-storage capabilities in Morro Bay with specific feedback from the Morro Bay Commercial Fishermen's Organization regarding how many cubic feet of product their members might like to store, for how long, and when during the course of a year.

The City of Morro Bay, via the Harbor Department, maintains a schedule of five-year capital requirements for waterfront infrastructure, including docks, wharfs and piers. A proposed Future Agenda Item is discussion with the Harbor Department regarding what periodic condition survey activities are associated with the five-year capital requirement projections.

Mr. Endersby said he would need to shorten the topic titles to fit into the Agenda Item format.

Requested by Mr. Alward:

Tsunami event warning and emergency notification to boaters and slip holders.

Mr. Endersby said he would be able to address the tsunami warning issue in his Status Report.

F. ADJOURNMENT

This meeting was adjourned at 9:00 PM.

Submitted by,



Polly Curtis
Harbor Department



AGENDA NO: B-1

MEETING DATE: April 3, 2014

Staff Report

TO: Harbor Advisory Board

DATE: March 21, 2014

FROM: Eric Endersby, Harbor Director

SUBJECT: Harbor Department Status Report

RECOMMENDATION

Receive and file.

DISCUSSION

North T-Pier Maintenance & Repair: Associated Pacific Constructors has advised our construction manager that they will likely be ready to start construction on the pier-to-pavement bulkhead interface portion of the project by the end of March, and to begin work over and in the water approximately by mid-April.

Lease News: At their March 25, 2014 meeting the City Council again considered the Virg's Landing proposal to build a new landing on the vacant lease site adjoining the south side of the south T-Pier. Council deferred any action on the item until additional history on the City's boatyard efforts of the past could be better understood as the proposed Virg's location is a potential one for the location of a boatyard haulout ways as well. That history item is scheduled to be on the April 22 Council agenda.

Other City Council Action: At their February 25, 2014 meeting the City Council authorized the Morro Bay delegation of the Mayor and Harbor Director to travel to Washington DC for the annual California Marine Affairs and Navigation Conference being held March 25-27, 2014. The meetings of this conference held in DC with various legislators and Federal administrators are to stress the importance of California ports and harbors to the nation's infrastructure, commerce and security, and the continued need for Federal funding of various dredging and infrastructure needs of California's ports and harbors. The City received a grant from the Central Coast Joint Cable/Fisheries Liaison Committee to fund the trip.

Snowy Plover Fencing: The symbolic fencing to delineate the Western Snowy Plover on the sandspit went up the first week of March with the assistance of State Parks personnel. As always, the public is requested to share the beach and keep themselves and their animals out of the fenced areas.

Prepared By: EE

Dept. Review: EE

Otter Studies: During the week of March 10, California Fish and Wildlife and the U.S. Geological Survey personnel were capturing otters in Morro and Estero bays and surgically removing the telemetry equipment that was surgically installed in the animals in 2013 for scientific tracking and studying purposes.

Upcoming Events:

April 5, opening day for recreational salmon fishing season. Recreational rockfish season opens May 1, as does commercial salmon season.

Morro Bay National Estuary Program State of the Bay events occurring all month. The Harbor Department will be participating in the April 12 State of the Bay Family Event at Tidelands Park. See www.mbnep.org for more information.

April 12, Morro Bay Emergency Vehicle Show, 9:00 a.m. to 3:00 p.m. on Main and Morro Bay Blvd. The Harbor Department will have equipment in this show.

April 13, Opening Day at the Yacht Club and Blessing of the Fleet.

April 19, Miracle Mile for Kids Fun Run from Morro Rock to the Cayucos pier.

April 20, Easter Sunday Service at the Rock.

April 26-27, Morro Bay Kite Festival.



AGENDA NO: B-2

MEETING DATE: April 3, 2014

Staff Report

TO: Harbor Advisory Board

DATE: March 20, 2014

FROM: Eric Endersby, Harbor Director

SUBJECT: Presentation by the San Luis Obispo County Sheriff's Office on Mexican Smuggling Pangas along the Central California Coast

RECOMMENDATION

Receive and file.

DISCUSSION

A representative of the San Luis Obispo Sheriff's Office will be presenting an informational public service item on the Mexican panga smuggling phenomena along our shores.

Prepared By: EE

Dept. Review: EE



AGENDA NO: C-1

MEETING DATE: April 3, 2014

Staff Report

TO: Harbor Advisory Board

DATE: March 20, 2014

FROM: Eric Endersby, Harbor Director

SUBJECT: Review of Liveboard Ordinance Regarding Marine Surveyor Certification and Standardization of Liveboard Permit Inspections

RECOMMENDATION

That the Harbor Advisory Board review the Liveboard Ordinance as it pertains to marine surveyors doing the liveboard inspections and the inspections themselves, and provide recommendations to staff, if any.

BACKGROUND

At the November 7, 2013 Harbor Advisory Board meeting, Agenda item B-2 was a report on the status of liveboards and liveboard permits in Morro Bay. This is a recurring annual informational item for the Board.

During discussion the Board wished to know what sort of accreditation or certification marine surveyors must have in order to be considered acceptable to the Harbor Department to conduct liveboard inspections as is allowed by the Liveboard Ordinance; and what sort of standards the liveboard inspection of the boat itself was subject to; and if it was being done consistently between Harbor Department staff and independent marine surveyors.

During Declaration of Future Agenda Items, there was Board consensus to bring an item back on reviewing the marine surveyors "acceptability" component of the ordinance language, in addition to review of the permit inspection standards and their consistent application. A copy of the applicable minutes from that Board meeting are included with this staff report.

DISCUSSION

Every liveboard vessel must undergo an inspection for compliance with the ordinance. The ordinance allows for the inspection to be done by "a qualified marine surveyor acceptable to the City." Historically all of the inspections were done by Harbor Patrol staff. In 2010 a change to the liveboard permit fee as established in the Master Fee Schedule separated out the fee into two components: one for the inspection itself, and one for the administration of the permit issuance.

Prepared By: EE

Dept. Review: EE

Presumably in order to save money, in recent years a majority of the liveaboard permittees have opted to have an independent marine surveyor conduct their inspections as they were being provided at low or no cost to them.

Regarding the inspection itself, the primary elements are that the vessel must:

- Be owned by the person applying for the permit; no “rental” use is allowed
- Be in good material condition and suitable for operation on the Pacific Ocean
- Be currently registered or documented
- Have adequate vessel sanitation facilities aboard
- Have a working VHF radio or cell phone
- Make way safely to the inspection site
- Have a safe and legal berthing in Morro Bay

A copy of the Liveaboard Ordinance and permit/inspection form is provided with this staff report.

CONCLUSION

Staff is seeking Board input on any recommendations as to what “acceptable to the City” might be further defined as with regard to marine surveyors doing liveaboard inspections, in addition to any input regarding the actual inspection and what sort of additional criteria or standards could be applied to them to ensure adequate and consistent application of them.

CITY OF MORRO BAY

HARBOR ADVISORY BOARD

SYNOPSIS MINUTES

The regular meeting of the City of Morro Bay Harbor Advisory Board was held Thursday, November 7, 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

Chair Eckles thanked all Veterans for their service and called for remembrance of Veterans on the upcoming November 11th Veteran's Day. He also reminded everyone of the upcoming event "Morro Bay Sings Elvis!" at the Community Center on Saturday, November 9th at 5:30, which benefits the Morro Bay Community Foundation who give scholarships to kids under the program, "Every Child Deserves Recreational Opportunities."

Chair Eckles said it is approaching the end of the year, so he reminded people to bring all issues regarding the harbor or the City to any Harbor Advisory Board member for consideration at upcoming Board meetings. He's hoping for a full agenda next year.

Mr. Doughty said John Lindsey is predicting rain next week; so boaters need to be sure their mooring lines are secure in preparation for winter storms.

PUBLIC COMMENT

None.

A. CONSENT CALENDAR

A-1 MINUTES

Mr. Luffee moved the October 3, 2013 Harbor Advisory Board minutes be approved as submitted. The Motion was seconded by Mr. Phillips and carried unanimously.

B. PUBLIC HEARINGS

B-1 Harbor Department Status Report

Mr. Endersby briefed the Board on the following topics:

New Harbor Patrol Vessel and Fire Pump

Recent Training:

Rescue Watercraft Training Oct 22

Multi-Agency Fire Drill on North T-Pier Oct 30

Random Night Patrols by HPOs

Lease Site News:

Caldwell -- Embarcadero Grill

Redican -- Rose's Landing

Coin-Op Showers

North T-Pier Update

New Book by Mick Kronman, Santa Barbara Harbor Ops Mgr, "From Hooks to Harpoons"

Events:

Harbor Festival October 5-6

Outstanding in the Field November 3

Lighted Boat Parade December 7

Discussion by the Board and Mr. Endersby on possible camera surveillance outside the public showers due to the vandalism of coin boxes; night operations by Harbor Patrol; compensation to the Harbor Dept for vessel assistance to the event "Outstanding in the Field;" percent-gross revenue from leaseholders and sublease holders; revenue from new slips at lease sites; and Coastal Commission approvals for new slips on lease sites.

B-2 Report on Status of Liveboards and Liveboard Permits in Morro Bay

Mr. Endersby briefly reviewed the item for the Board, saying the last liveboard review was at the August 2011 meeting. He said liveboards are a good asset to have on the water, as they have often reported and assisted with incidents in the bay. He then introduced Ms. Becka Kelly, Harbor Patrol Supervisor.

Ms. Kelly reviewed the estimated number of liveboards on the bay, current legal permits that have been issued and when they expire, and the number that are in process. She said there are two currently under investigation or delinquent. She explained the definition of a liveboard, which is the vessel owner who stays four or more days/nights on their boat in any seven-day period. Non-vessel owners are not allowed to be issued liveboard permits.

Ms. Kelly said Harbor Patrol had issued no citations this year; however, last year several administrative cites had been issued, followed by Police "Notice to Appear" citations. All of those people cited came into compliance with the liveboard regulations.

Ms. Kelly reviewed the changes to the Liveboard Ordinance in 2009; the permit was changed from one year to two years, all liveboard permits expire on the same date of June 30th in a given year, and the liveboard inspection that was previously only performed by the Harbor Patrol could now be performed by other qualified surveyors. She said of the 27 liveboard inspections this year, 22 were performed by outside sources, not the Harbor Patrol.

Ms. Kelly said possible future changes to the Liveboard Ordinance might be to allow qualified commercial fishermen to live on their vessels on the T-Piers. Some of the commercial fishermen who are not based out of Morro Bay stay in the harbor for months at a time when their fishery is open in this area. Another possible future change could be that the use of the pumpout be demonstrated during the inspection, rather than just verifying that a holding tank or Port-a-Potty exists on the vessel.

Discussion by the Board, Ms. Kelly and Mr. Endersby on the status of the pumpout vessel; the use of dye tabs during inspection; the difference in the fee for inspection by Harbor Patrol versus other surveyors; the question of what accreditation marine surveyors should have in order to perform liveaboard inspections; and the difference in standards between Harbor Patrol and other surveyors on vessels being operable and seaworthy.

C. UNFINISHED BUSINESS

C-1 Overview of State Park Marina Major Maintenance Plans

Mr. Endersby briefly reviewed the item for the Board and then introduced Mr. Paul Gillen of Associated Pacific Constructors, the State Park Marina concessionaire. Mr. Gillen gave the Board an overview of the Major Maintenance Program of the State Park Marina for the current years 2012/13, and said the utilities have been upgraded, two docks have been rebuilt, and two more docks (#5 & #6) will be rebuilt within the next two years. He said the safety and integrity of the Marina are the priorities. He said the electrical conduits are marine grade, but there is a need for electrical upgrade on the shore side. The fire hoses and outlets comply with local fire code.

Mr. Gillen said the Marina is in good shape and is self-funding, which is something most other marinas cannot claim. His company, Associated Pacific, performs work on many marinas up and down the West Coast, and he has seen no other marinas that are self-funding.

Discussion by the Board and Mr. Gillen on future dredging issues and disposal sites; the revenue generated toward the Major Maintenance Budget; the number of slips in the Marina; the length of waiting time for a slip; and the full-time Marina maintenance man who works six days each week onsite.

There was no public comment.

C-2 Status of State Park Marina Operating Agreement as it Relates to City Operations and Management of the Marina, Including Future City Involvement

Mr. Endersby reviewed the item for the Board. He said the major obligations of the City under the Agreement are to:

1. Actively pursue the agreed-upon dredging and renovation projects.
2. Continue to operate the marina as-designed.
3. Manage the Associated Pacific Constructors concession including receipt of revenue and continued major maintenance planning and execution.

Mr. Endersby concluded by saying that Staff is seeking any input from the Harbor Advisory Board regarding whether the City should continue in the Agreement and pursue the additional dredging and renovation; and whether the City should negotiate with the State for a new or revised Agreement; and if there is interest or desire by the City to pursue a more permanent Agreement to operate the Marina on a long-term basis with or without a concessionaire. He asked Mr. Gillen of Associated Pacific for his comments.

Mr. Gillen said he's spent a lot of time working at other marinas, and on reflection sees that the State Park Marina in Morro Bay is a very special spot; it is connected to the State Park with easy access for boaters; it has been upgraded to good standards and is currently very affordable. He said dredging has always been the main issue, but at an estimated cost of \$10-20 million the project is not financially feasible unless it is grant funded.

Chair Eckles opened the topic up to public comment. Mr. Bill Martony of Morro Bay expressed his confusion over the Operating Agreement between State Parks and the City. He questioned the income percentage to the concessionaire and the length of the lease. Mr. Gillen responded to all of Mr. Martony's questions.

Discussion by the Board. Mr. Phillips said he had a boat in the State Park Marina for many years, and since 2005 when Associated Pacific became the concessionaire for the City, the Marina has achieved a number of improvements; he has noticed a lot of work being done. The State did not tend to show much interest in the upkeep of the Marina, but with the City's interest it has been much improved.

Chair Eckles said the State Park Marina does not appear to bring in significant revenues and is not a huge money-maker, but it does serve the boating community. He said the current concessionaire has deep knowledge and experience on maintaining marinas, and wondered about the ability of the Harbor Department to run and maintain that Marina. Mr. Endersby replied it is slim to none, and that there would not be current staffing for the Harbor Department to take over the business, which would mean investing in other contractors.

Motion: Mr. Phillips moved that the Harbor Advisory Board recommend to the City Council that the City continue in its Operating Agreement with the State of California until that Agreement expires, and that the City Council have the City Attorney investigate an extension of the current Agreement with improvements specifically related to the City being reimbursed for its hard and soft costs for improvements should the City terminate its Agreement with the State, and that the City Council continue its efforts to dredge and renovate the State Park Marina until the end of its Agreement with the State. The Motion was seconded by Mr. Luffee and carried unanimously.

Further discussion by the Board. Ms. Meissen said she has not heard as many complaints about the State Park Marina as years past, due to the concessionaire's upgrades and efforts. She said we should move forward and support the Marina as much as possible; and that dredging would always be a problem, as it's the nature of estuaries.

Motion: Mr. Phillips moved that the Harbor Department pursue extensions to all necessary permits related to the dredging of the State Park Marina before they expire, and continue to actively seek funding for future dredging of the Marina. The Motion was seconded by Mr. Doughty and carried unanimously.

D. **NEW BUSINESS**
None.

E. **DECLARATION OF FUTURE AGENDA ITEMS**
Future:

Marine Mammal Center Informational Report
Morro Bay Community Quota Fund Update by Rick Algert
State Park Marina, Result of City Council Meeting
Harbor Advisory Board By-Laws Changes, Result of City Council Meeting
Review of Liveboard Ordinance Regarding Marine Surveyor Certification and Standardization of Liveboard Permit Inspections

F. **ADJOURNMENT**

This meeting was adjourned at 8:05 PM.
Submitted by,



Polly Curtis
Harbor Department

**CITY OF MORRO BAY – HARBOR DEPARTMENT
NON-TRANSIENT LIVEBOARD PERMIT APPLICATION AND/OR RENEWAL**

FY13/14 PERMIT FEE: \$55.00

INSPECTION FEE: \$131.00

TOTAL FEE PAID: _____

NAME: _____

VESSEL BERTHING LOCATION*: _____

*If you are not a City slip or mooring holder (A1-1-, A1-2-, and A2- moorings), you must provide written confirmation of a permanent, legal berthing arrangement other than the City T-Piers, anchorage area, or floating dock.

MAILING ADDRESS: _____

NAMES OF PEOPLE LIVING ABOARD VESSEL:

- | | |
|----------|----------|
| 1. _____ | 4. _____ |
| 2. _____ | 5. _____ |
| 3. _____ | 6. _____ |

PHONE #: DAY: _____ NIGHT: _____ MESSAGE / EMERGENCY #: _____

VESSEL NAME: _____

VESSEL REGISTERED OWNER*: _____

*Must be applicant per Section 15.40.040 B of Ordinance 407.

VESSEL DOCUMENTATION OR CF #: _____ VESSEL LENGTH: _____

VESSEL TYPE: _____ (sail / power) (commercial / recreational)

HOLDING TANK? YES _____ NO _____

TYPE OF MARINE SANITATION DEVICE: _____

VESSEL INSPECTION BY THE HARBOR DEPARTMENT

INSPECTION DATE: _____ INSPECTOR: _____

VESSEL NAME: _____

VHF OR OPERATING TELEPHONE: _____ CURRENT REGISTRATION: _____

Vessel made way under her own power to the inspection site without being a threat to navigation or a danger to sink or cause injury: _____

U.S. Coast Guard approved Marine Sanitation Device or portable toilet suitable to prevent direct discharge of waste into Morro Bay: _____

LIVEBOARD INSPECTED BY QUALIFIED SURVEYOR: _____ DATE: _____

SIGNATURE OF APPLICANT REQUIRED ON REVERSE SIDE

_____ No discharge of sewage or waste water into Morro Bay Harbor is allowed and evidence of such discharge will be cause for revocation of a liveaboard permit and citation.

_____ Permittee agrees to notify the City in writing of any changes to the liveaboard application/permit within five days of the date of the change.

_____ The primary purpose of the inspection of the applicant's vessel is for the protection of the public health and safety by verifying the applicant's vessel has adequate vessel sanitation facilities and the vessel is able to use a shoreside pump-out station. The inspector does not certify that the vessel is safe or seaworthy. Applicant agrees to indemnify and hold the City harmless from any claims arising from any actions or omissions of the applicant for any accident, injury, or damage whatsoever caused to any person or property that arises from this agreement.

_____ The non-transient permit is valid for a two-year fiscal period and must be renewed biennially.

The undersigned agrees to abide by the terms and conditions set forth in Ordinance #407 of the City of Morro Bay, and is aware that a violation of said Ordinance is a cause for revocation of the liveaboard permit.

LIVEABOARD APPLICANT

DATE

PERMIT APPROVED: _____
DATE

BY: _____
HARBOR DIRECTOR

PERMIT VALID THROUGH: _____

PERMIT DENIED: _____
DATE

BY: _____
HARBOR DIRECTOR

**CITY OF MORRO BAY – HARBOR DEPARTMENT
1275 EMBARCADERO
MORRO BAY, CA 93442
(805) 772-6254**

Morro Bay, California, Code of Ordinances >> Title 15 - HARBOR AND OCEAN REGULATIONS >>
Chapter 15.40 - VESSEL HABITATION >>

Chapter 15.40 - VESSEL HABITATION*

Editor's note—

Ord. No. 550, adopted August 10, 2009, repealed the former Chapter 15.40, §§ 15.40.010—15.40.130, and enacted a new Chapter 15.40 as set out herein. The former Chapter 15.40 pertained to similar subject matter and derived from Ord. No. 427, 1993.

Sections:

- 15.40.010 - Purpose.
- 15.40.020 - Definitions.
- 15.40.030 - Permit required.
- 15.40.040 - Permit issuance.
- 15.40.050 - Termination/revocation of permit.
- 15.40.060 - Transferability of liveaboard permit.
- 15.40.070 - Temporary leaves, retention of permit.
- 15.40.080 - Occupancy by non-owner.
- 15.40.090 - Use of pumpout facilities.
- 15.40.100 - Enforcement.
- 15.40.110 - Applicability of chapter.
- 15.40.120 - Fees.

15.40.010 - Purpose.

To regulate liveaboard use on tidelands granted to the city of Morro Bay by the State Lands Commission for public health and safety.

(Ord. No. 550, 8-10-09)

15.40.020 - Definitions.

For the purposes of this chapter the following definitions shall apply:

- A. For the purposes of this chapter, "Morro Bay Harbor" shall be the tidelands and submerged lands granted to the city of Morro Bay as successor to the county of San Luis Obispo under Chapter 1076 Statutes of 1947 of the State of California.
- B. Liveaboard—Individual(s) and/or Vessel(s).
 - 1. A "liveaboard" is defined as any person(s) who uses a vessel as a residence and/or is occupying that vessel for four or more days or nights within any seven day period engaging in those usual and customary activities associated with a person's residence or abode such as, but not limited to, sleeping and preparation of meals. This definition will also include any individual using a vessel for four or more days or nights within any seven-day period as a place of business, professional location or other commercial enterprise, as evidenced by a business license, when transportation is a secondary or subsidiary use.
 - 2. A "liveaboard vessel" is any vessel which is moored in Morro Bay Harbor for more than sixty days in any twelve-month period and is occupied by a liveaboard. Liveaboard vessels shall be considered single family residences for purposes of health, safety, welfare and public nuisances and shall at no time house such number of persons so as to create a public nuisance or to be detrimental to the health, safety and welfare of others.
- C. "Harbor director" means the harbor director or his/her designate.
- D. "Off-shore mooring" means any site where a vessel is secured within Morro Bay Harbor which is not directly

Liveaboard vessels must have on board a working VHF marine radio with minimum channels of twelve and sixteen, or have a functioning telephone.

5.

The individual(s) submitting the application must be the owner of the vessel and shall liveaboard the vessel during any liveaboard use thereof except that paid crew member(s) of qualified commercial fishing vessels may liveaboard without the vessel owner and may receive liveaboard permits with the vessel owner's consent. No permit will be issued in the name of a partnership (general or limited), corporation, joint venture or other legal entity. A permit for a vessel which is registered, documented or owned by a partnership (general or limited), corporation, joint venture or other legal entity will be issued only to a natural person whose interest in the vessel (whether by virtue of an interest in the partnership, ownership or stock or a corporation or otherwise) is equal to or greater than that of each of the other partners, stockholders, members or associates. An applicant for a permit in Morro Bay for a vessel which is owned by a partnership (general or limited), corporation, joint venture, or other legal entity shall submit for approval by the harbor director, a valid certificate of ownership or valid marine document. Notwithstanding the form of ownership of the vessel, the permit to liveaboard the same within the city of Morro Bay shall not be transferable under any circumstances. If a permittee fails or refuses to notify the harbor director of a change to any of the information contained in the liveaboard permit application within five days from the date of any such change, such failure or refusal shall constitute grounds for revocation of the permit.

6.

The liveaboard vessel must have a safe and legal berthing location in Morro Bay Harbor other than the A1-5 anchorage area or the city T-Piers.

7.

The permit will be valid for two fiscal years and the applicant must meet the requirements for permit issuance biennially thereafter or the harbor director shall not reissue the liveaboard permit. Liveaboard vessels which are not in Morro Bay Harbor as provided for in Section 15.040.070 shall not have to meet requirements for permit reissuance until the vessel returns to Morro Bay Harbor.

8.

The permit will be issued for the vessel, and will state the specific names of the liveaboards authorized to occupy the vessel.

9.

No more than fifty liveaboard permits may be issued at any time. City will not maintain a liveaboard permit waiting list unless fifty permits are issued and additional individuals desire to apply for liveaboard permits.

(Ord. No. 550, 8-10-09)

|| 15.40.050 - Termination/revocation of permit.

A.

Conditions for Termination/Revocation. Liveaboard permits may be revoked for the following reasons:

1.

Discharge of sewage.

2.

Violation of any section of this chapter not specifically listed in this section, for a period in excess of thirty days after having been notified to correct the violation. Notice of violation shall be given by first-class mail or personal service or by attachment of said notice in a conspicuous location on the vessel or any combination of the above. Proof of correction of any violation shall be deemed to be the obligation of the permittee, or liveaboard, and shall be to the satisfaction of the harbor director.

3.

If twice in any twelve-month period the permittee has been found in violation of the terms of this chapter, it shall be evidence of non-compliance with the intent of this chapter to maintain an orderly harbor operation and shall constitute grounds for revocation of the permit.

4.

In the event that city policy concerning the number of liveaboard permits issued shall change and the number of liveaboard permits shall be reduced, notice of revocation of liveaboard permits shall be given by first-class mail or personal service or by attachment of said notice in a conspicuous location on the vessel or any combination of the above. Since this will require relocation of a personal residence, sixty days notice of termination of the liveaboard permit will be given in this situation. This shall also include requirements established by other agencies whose jurisdiction may be imposed upon the city of Morro Bay. In the event terms and or conditions of maintaining a liveaboard permit are modified by the city council, then those persons holding current liveaboard permits shall have a period of sixty days after adoption of said modifications in which to fully comply with such new regulations. Those permittees with the shortest tenure as a permitted liveaboard will be the first to receive such notice.

5.

In the event that the liveaboard permit holder moves from the area or no longer resides on the vessel for minimum time periods required or voluntarily terminates liveaboard status.

6.

Non-payment of fees associated with liveaboard permit or vessel associated with liveaboard permit, service charges, dockage charges or other fees due to the city of Morro Bay for a period in excess of ten days after

Where permittees are required to have adequate vessel sanitation facilities permittees shall use pumpout facilities on a regular basis or otherwise discharge greywater, human waste and sewage in a legal manner.

(Ord. No. 550, 8-10-09)

|| **15.40.100 - Enforcement.**

The harbor director shall be responsible for enforcing the provisions of this chapter. Enforcement guidelines shall be developed and made available to the public at the harbor office.

(Ord. No. 550, 8-10-09)

|| **15.40.110 - Applicability of chapter.**

This chapter shall not apply to vessels in the State Park Marina or any vessels berthed outside the city of Morro Bay limits.

(Ord. No. 550, 8-10-09)

|| **15.40.120 - Fees.**

Permit application fees, renewal fees and service fees shall be set forth in the city of Morro Bay master fee schedule. Fees are non-refundable and permits may be revoked at any time under the terms and conditions of this chapter. A ten percent late payment fee will apply for failure to pay fees when due. Service fees will apply to any liveaboard permittee in city mooring areas or slips. Service fees shall not apply to those permittees berthed at leased sites or moorings where the leaseholder is providing restroom, water and trash services to the permittee at no cost to the city.

(Ord. No. 550, 8-10-09)