



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

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*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, June 5, 2014  
Veteran's Memorial Building - 6:00 P.M.  
209 Surf Street, Morro Bay, CA**

|                         |   |
|-------------------------|---|
| 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 May 1, 2014  
**Staff Recommendation: Approve minutes.**

B. PUBLIC HEARINGS, REPORTS, AND APPEARANCES

- B-1 Harbor Department Status Report  
**Staff Recommendation: Receive and file.**

C. UNFINISHED BUSINESS

- C-1 Revised Request from Virg's Sportfishing to Develop Currently Vacant Lease Site 107W-108W, and to Place an Informational Kiosk in the Area  
**Staff Recommendation: Review request from Virg's Sportfishing and make recommendations, if any, to City Council**

D. NEW BUSINESS

- D-1 Request by Jack Hansen for a Waiver of Requirement to Qualify for a Commercial Fishing Slip  
**Staff Recommendation: Consider request and make recommendations to Harbor Director**
- D-2 Cancellation of the July 3, 2014 Harbor Advisory Board Meeting  
**Staff Recommendation: Cancel the July 3, 2014 Harbor Advisory Board Meeting**

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.morro-bay.ca.us](http://www.morro-bay.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, May 1, 2014 at 6:00 PM in the Veteran's Hall, 209 Surf ST, Morro Bay, California.

**ESTABLISH QUORUM AND CALL TO ORDER**

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

**MOMENT OF SILENCE**

**PLEDGE OF ALLEGIANCE**

**CHAIR AND ADVISORY BOARD MEMBER ANNOUNCEMENTS & PRESENTATIONS**

Mr. McClish said the Morro Bay Junior Yacht Club will host the San Luis Obispo Big Brothers and Big Sisters on "Come Out and Sail" day this Sunday, May 4<sup>th</sup>. He also said the annual Marine Swap Meet will be held at the Yacht Club to benefit the Youth Program on May 31<sup>st</sup>.

Mr. Reisner said the Harbor Department is holding their new boat christening on May 17<sup>th</sup>.

Chair Eckles said the Car Show is being held this weekend, with activities beginning tonight, and he offered his wishes for a successful event.

**PUBLIC COMMENT**

Mr. Rory McClish, instructor of the Summer Sailing Program, said they will hold weekday and weekend classes with three certified instructors; there is an introductory level on rigging, seamanship, and parts of the boat. Call the MBYC at 722-3981. Mr. Alward asked if there is a minimum age and if boats are provided. Mr. McClish said the minimum age is 8, and boats from Optimum to Laser are provided. Mr. Luffee asked the fee. Mr. McClish said \$170 for ages 8-12, \$190 ages 13-17, and \$210 adults over 17 for a four-day class. He said pre-registration is required, and the e-mail address is [gboatmanmb@gmail.com](mailto:gboatmanmb@gmail.com). Chair Eckles said there are flyers available in the mailbox in front of the Yacht Club.

Mr. Larry Newland, President and CEO of the Central Coast Maritime Museum Association, updated the Board on current activities. He said a boat display cradle for the Tug Alma will be built at the outdoor static display area. He said Mr. McClish along with volunteers will assist with labor, and the construction costs will be \$2500 for materials, \$3600 for the boat lift, and about \$2000 for barricades for Phase I of the outdoor static display area. The Maritime Museum is negotiating with the City right now on the lease of the property.

Mr. Newland said there will be an Open House on May 24<sup>th</sup> when both the submarine and the Coast Guard rescue boat will be open for visitors to go inside. The tickets are free for kids under 12, and \$5 for adults.

The Board asked Mr. Newland about the moving process of the Tug Alma from the Harbor yard to the Maritime Museum location in the parking lot on Front Street. Mr. Newland said it is a logistical problem because there are no local services with a hydraulic trailer or crane, but he is working on this with outside companies. Mr. McClish asked about the Open House and the original crew member of the Avalon who will be there. Mr. Newland said yes, Bernie Bartkowski crewed on the Avalon, and several other people connected with the vessels will be there to talk with the public. Mr. McClish said the submarine seems to be one of the most photographed objects in Morro Bay by visitors. Mr. Doughty said during the recent high winds the prop on the submarine was actually spinning.

Mr. Newland said all the contact numbers, website, and information on the Open House are located on the kiosk next to the submarine.

**A. CONSENT CALENDAR**

**A-1 MINUTES**

Mr. Doughty moved the April 3, 2014 Harbor Advisory Board minutes be approved. 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:

**North T-Pier Maintenance and Repair Project**

**Boat Moves Prior to T-Pier Maintenance**

**Lease Site News:**

**Gray's Inn LS63-64/63W-64W**

**Events:**

**April 5 – Recreational Salmon Season Opens**

**April 12 – MB NEP State of the Bay at Tidelands Park**

**April 12 – Emergency Vehicle Show**

**April 13 – Opening Day at the Yacht Club**

**April 19 – Miracle Mile for Kids Fun Run from Morro Rock to Cayucos Pier**

**April 20 – Easter Sunday Service at the Rock**

**April 26-27 – Morro Bay Kite Festival**

**April 27 – Blessing of the Fleet**

**May 1 – Recreational Rock Fish Opens and Commercial Salmon Season Opens**

**May 1-4 – Car Show**

**May 17 – Harbor Department Open House and New Boat Celebration**

**Dredging Begins May 6 for 20 days, Channel Markers are Gone**

**C. UNFINISHED BUSINESS**

**C-1 Marine Services Facility Ad-Hoc Committee Report and Recommendations to Harbor Advisory Board**

Mr. Reisner reviewed the Ad-Hoc Committee activity for the Board regarding funding for the Market Analysis Phase 1 of the Fishing Community Sustainability Plan by Lisa Wise Consulting.

Mr. Reisner deferred to Mr. Endersby to explain the partnering process of the groups involved.

Mr. Endersby said there will be continual dialog and input among the groups, which are the Morro Bay Commercial Fisherman's Organization, Lisa Wise Consulting, the Marine Services Facility Ad-Hoc Committee, the Harbor Advisory Board, and the Harbor Director.

Mr. Endersby said Henry Pontarelli is the Project Manager who will gather information from all parties for the Market Analysis.

**D. NEW BUSINESS**

**D-1 Discussion and Recommendations Regarding the Need for, Location and Use of, and Interest in a Potential Dock Designated for Direct to the Public “Off the Boat” Fish Sales in Morro Bay**

Mr. Endersby said at a past Harbor Advisory Board meeting, some of the commercial fishermen expressed interest in designating a dock for off-the-boat fish sales to the public. He said with the advent of the “FishLine” seafood app and other internet-based, real-time advertising, there is renewed interest in a central location in Morro Bay. This would only require a change to the Harbor Rules and Regulations.

Discussion by the Board on locations of public docks, Tidelands dock, or a dock inside the Measure D area such as where the oyster barge is located. Discussion on the importance of a one-year trial period. Mr. Alward said of the 20 respondents to their recent e-mail survey, 15 fishermen indicated they would like to try selling fish off their boats to the public at a designated dock.

Chair Eckles asked Mr. Alward if he knew of any drawbacks. Mr. Alward said some of the fish buyers thought this might mean competition to their business, but they receive large catches, whereas the public dock would be for small catches of fish. He believes this would be a benefit to the City by bringing in more tourists. This drawback could be long lines of people and the circulation of foot-traffic.

Mr. Endersby said there may be an issue with the Tidelands dock usage because it was funded by DBW as a recreational boat facility versus commercial use. He will verify. Mr. Doughty said recreational boaters do use Tidelands dock and so the entire dock should not be designated for commercial fish sales. Mr. Endersby said the street-end public docks at the Galley Restaurant, Rose’s, and Associated Pacific are centrally located which would be good for foot traffic and are not heavily used by boaters. He also stressed the regulations of the Health Department which would not allow fish processing or cleaning at the dock.

**Motion:** Chair Eckles moved to recommend to City Council the establishment of a temporary dock, with a duration of at least one year, to be used for direct sales of whole fish to the public by commercial fishing boats. The motion was seconded by Mr. McClish, and carried unanimously.

**D-2 Discussion and Recommendations Regarding the Need for, Location and Use of, and Interest in Expanded Fish Cold Storage Capabilities in Morro Bay**

Mr. Endersby said the Board had expressed interest in discussing the possibility of establishing expanded fish cold storage capabilities in Morro Bay. He said the Morro Bay Fishing Community Sustainability Plan identifies the potential need for additional refrigerator and freezer storage in Recommendation 3.

Mr. Alward said that in the e-mail survey sent out to the local fishermen, Mr. Brett Cunningham commented on the importance and value of freezer storage for many commercial fishermen due to the ability to store fish for the best market price; he said Santa Monica Seafood might be the right company to build the needed 1,000 sq ft freezer storage, as they currently have two freezer boxes on their fish dock and may be interested in upgrading.

Mr. Reisner offered the idea of creating a new Ad-Hoc Committee from the Board who would do a local poll asking fishermen the basic who, why, and what for questions. After further discussion by the Board, Chair Eckles said this project would mean capital outlay as well as probable City expenditure; so he recommended waiting to hear back from the MBCFO to see if there is a demand for cold storage prior to forming an Ad-Hoc Committee.

Further discussion. Consensus by the Board for Mr. Alward to bring back this topic to the Board after further discussions with members of the Morro Bay Commercial Fisherman's Organization, fish buyers, fish baiters, and others to clarify the needs for cold storage and freezers.

**E. DECLARATION OF FUTURE AGENDA ITEMS**

**June: Harbor Department Budget**

**Tsunami Warning and Emergency Notification**

**Cancellation of the July 3, 2014 Harbor Advisory Board Meeting**

**Update Harbor Rules and Regulations**

**Future:**

**Water Lease Site Improvements Including Dock Configurations**

**Mooring Field Design and Maintenance**

**Slip Qualifications for Commercial Fishing Boats**

**Coast Guard Building Location Plans**

**Planning for Power Plant Property**

**State Park Marina Operating Agreement**

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

**F. ADJOURNMENT**

This meeting was adjourned at 7:40 PM.

Submitted by,

Polly Curtis  
Harbor Department



profit to support the department and its activities.

On Memorial Day, the Harbor Patrol was again an integral participant at the annual Lost at Sea ceremony held at the Cayucos pier. Our role was to transfer the wreath of flowers honoring those lost to sea, and to spray an arc of water from the Harbor Patrol vessel's water cannon in salute. This event honors our military men and women and others lost at sea, and is organized by the Lost at Sea Committee, consisting primarily of the County, Cayucos and Morro Bay Rotary Clubs, and the Morro Bay Commercial Fisherman's Organization.

**Upcoming Events:** Saturday, June 7 will see the Morro Bay Music Festival at Tidelands Park. This family fun event features local bands, food, beer and wine, and vendors. The event is scheduled from 11:00 a.m. to 7:00 p.m.

On June 8<sup>th</sup>, Tognazzini's Dockside will be hosting their 5<sup>th</sup> Annual Oyster and Beer Festival at Dockside II from 11:00 a.m. to dark. 100% of the proceeds for this event go toward funding the 4<sup>th</sup> of July fireworks and festivities.



AGENDA NO: C-1

MEETING DATE: June 5, 2014

# Staff Report

**TO:** Harbor Advisory Board

**DATE:** May 29, 2014

**FROM:** Eric Endersby, Harbor Director

**SUBJECT:** Revised Request from Virg's Sportfishing to Develop Currently Vacant Lease Site 107W-108W, and to Place an Informational Kiosk in the Area

## RECOMMENDATION

Review request from Virg's Sportfishing and make recommendations, if any, to City Council.

## FISCAL IMPACT

No fiscal impact at this time. Positive fiscal impact expected in future if vacant lease site is developed as-proposed.

## BACKGROUND

During spring of 2013, currently vacant water-only lease site 107W-108W, located between the South T-Pier and commercial fishing vessel slips to the south of the pier, was let for a development RFP. Virg's Sportfishing submitted a proposal that was evaluated by the Harbor Advisory Board (HAB) at the December 5, 2013 meeting. At that meeting the HAB voted unanimously to recommend approval of the proposal to the City Council.

At their January 14, 2014 meeting, the City Council considered the proposal, and while supportive of it, voted to recognize it but defer any action until that site could be further evaluated as a potential location for a boatyard haulout ways.

At their February 25, 2014 meeting, the City Council re-evaluated the proposal, and while still generally supportive of it, the only actions taken were votes of approval to refund Virg's \$5,000 earnest deposit money required in the RFP, and to direct staff to bring back a more comprehensive accounting of the boatyard/marine services facility historical record.

At their April 8, 2014 meeting, the City Council voted to accept the Morro Bay Fishing Community Sustainability Plan, which includes extensive boatyard/marine services facility history and background information. In addition, the Sustainability Plans makes several recommendations, one of which is further analysis of boatyard/marine services facility demand and siting possibilities. At that meeting the Council voted to fund, in equal partnership with the Morro Bay Commercial Fisherman's Organization, a market demand analysis through consultant Lisa Wise Consulting. That analysis is currently underway.

Prepared By: EE

Dept. Review: EE

In addition, in 2012 Virg's had proposed to place informational kiosks and/or signs at two locations on the Embarcadero to increase the profile of theirs and other charter and water-related rental opportunities in the bay. The kiosk was proposed as a re-use of an old fishing vessel wheelhouse currently stored in the Harbor Department's yard. This proposal was considered by the City Council at their May 8, May 22, and June 12, 2012 meetings, and by the Harbor Advisory Board at their June 7, 2012 meeting.

At their June 7, 2012 meeting, the HAB voted unanimously to recommend that the City Council approve the proposed kiosk/sign concept, and that any planning and permitting fees associated with it be waived.

At their June 12, 2012 meeting, the City Council voted unanimously to approval placement of a temporary advertising sign specific to sportfishing on the power box on the South T-Pier. No action was taken with regard to the kiosk concept.

### **DISCUSSION**

While Virg's may still be interested in pursuing their original RFP proposal in the future, at this time they feel it is critically necessary for their business to re-establish a more prominent physical presence on the waterfront. To that end they are now proposing to install only a dock and gangway, as opposed to their original building and dock proposal, against the south side of the base leg of the South T-Pier.

In addition, Virg's is requesting anew support for installation of the wheelhouse kiosk in the vicinity of their proposed dock and gangway. Attached to this staff report are their proposal letter, revised drawings of their original RFP plans and a photograph of the proposed wheelhouse proposed to be converted to the kiosk use.

### **CONCLUSION**

Staff is seeking HAB input and evaluation of Virg's new proposal to build a new dock and gangway on the south side of the South T-Pier. In their proposal, Virg's states that they would be willing to remove the dock and gangway at some future time if the area did in fact work for a boatyard haulout ways and that project was pursued. Any HAB recommendations or comments will be forwarded to the City Council for their consideration.

CATHY • NOVAK

consulting

May 27, 2014

Mr. Eric Endersby  
City of Morro Bay Harbor Dept.  
1275 Embarcadero Road  
Morro Bay, Ca 93442

RE: Revised request for Virg's proposal at Lease sites 107 & 108W

Dear Eric,

The original request for proposals for the above mentioned lease sites were approved for distribution by Council in May 2013. However and since the Council has yet to decide whether these two lease sites may available or not for a building plan because of the potential boat haul out, Virg's has been unable to move forward with their project.

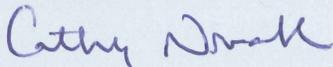
I attended the April 22 City Council meeting to request that the Council at least allow Virg's the opportunity to construct a side tie dock in the area close to the South T-Pier. I suggested that the dock could be installed in an east to west configuration adjacent to the T-Pier rather than the north to south as previously presented. I also commented that Virg's would be willing to accept a condition of approval that would remove the dock in the event that the space is needed for a boat haul out facility.

Since we have now been scheduled for the June 5, Harbor Advisory Board meeting, I wanted to provide you with copies of the new proposed dock only plan that has been over laid with the original proposed project to show the difference in the dock configuration that Virg's is now requesting.

I would respectfully ask for support for this new dock design and authorization to proceed with a formal planning application as soon as possible so that Virg's can get started with this project while the other portion waits for the outcome of the haul out facility study.

Please let me know if you have any questions. Thank you for your time and help with this project.

Sincerely,



Cathy Novak  
Representative for Sharon Moores

GOVERNMENTAL & COMMUNITY RELATIONS • PLANNING

CELL 805.441.7581 • PHONE & FAX 805.772.9499

POST OFFICE BOX 296 • MORRO BAY, CA 93443

NOVAKCONSULTING@CHARTER.NET

## Plan for Kiosk

Attached is the cover letter for my proposal for lease site 107 & 108 WL. The project is in process with the city.

We are a water based business and to operate properly we must be on the water front but currently are located on Market Ave.. An interim solution is to establish a presence on the water front in the form of a kiosk. This plan has been preliminarily approved by the city council.

Our harbor master, Eric Endersby, has offered a solution in the form of an actual wheelhouse from a commercial fishing boat. This structure will be reflective of our working waterfront. It will be rebuilt and customized by an experienced local craftsman. We will have this complete by May.

Location will be on the South T pier near where our boats load passengers.

Deep sea fishermen will be able to find us; bus loads of whale watchers will have ample parking. Boat and shore fishermen will have a place to purchase fishing licenses at 5 or 6 in the morning. This service is not available anywhere else in the county.

Hours of operation will be based on boat schedule, approximately 6 am to 6pm in summer season, additionally evenings during albacore, and 9am to 3pm off season. Salmon is running now and rockcod opens May 1<sup>st</sup>.

This wheelhouse will serve as an attractive visitor information kiosk for water based attractions and activities. We will also be able to direct pedestrian traffic to the Visitors Center on Morro Bay Blvd. This will support our business as well as provide a service to tourism along the Embarcadero.

Sincerely,



Sharon Moores  
President of Virgs Fishing Inc.



## LETTER OF INTRODUCTION

August 14, 2013

City of Morro Bay  
Attn: Harbor Director  
595 Harbor Street  
Morro Bay, CA 93442

**RE: MB-2013-HRFP2**

Dear Harbor Director and Selection Panel,

Attached please find my proposal for lease sites 107 & 108W. My objective is to construct a new building and floating dock to relocate Virg's Fishing back to the waterfront. Virg's has been a long-standing institution in Morro Bay and was the vision of my father back in the mid 1950's. I am committed to keeping the Virg's sport fishing business alive so that it can be passed down to further generations. Furthermore, I desire to enter into a new long-term lease with the City of Morro Bay.

This packet includes a project description, construction estimates, my qualifications, my financial capabilities and other pertinent information. The project includes a new tackle/retail shop, floating dock, public space and more. The plan as presented meets or exceeds the City's regulations and standards for development along the waterfront.

Please accept my project proposal and grant me a new long-term lease for this site. I will provide continuity of customer service and care of the lease site as I have shown over the years at my previous site.

Thank you for your time and consideration. Please feel free to contact me with any questions.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Sharon Moores", is written over the typed name.

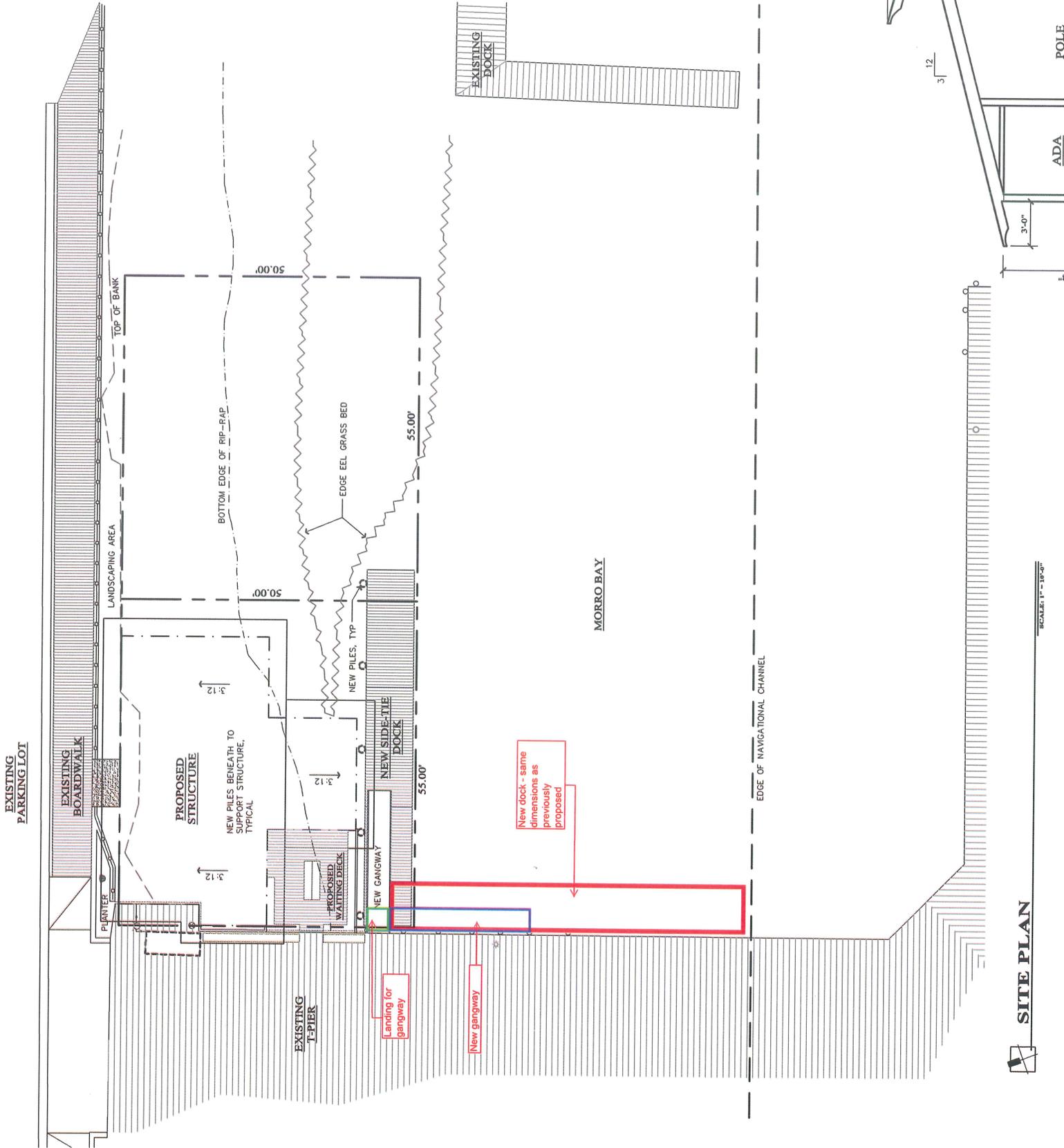
Sharon Moores  
President Virg's Landing Inc.,  
(805) 772-1222

**APPLICABLE**

- 2010 CALIFORNIA BUILDING CODE
- 2010 CALIFORNIA RESIDENTIAL CODE
- 2010 CALIFORNIA PLUMBING CODE
- 2010 CALIFORNIA MECHANICAL CODE
- 2010 CALIFORNIA ELECTRICAL CODE
- 2008 CALIFORNIA ENERGY EFFICIENCY CODE
- 2010 CALIFORNIA FIRE CODE
- CALIFORNIA FIRE CODE REFERENCED

**PROJECT**

THE PROPOSED PROJECT IS A SPORT FISHING FACILITY STRUCTURE SITTING AT THE FACILITY ASSOCIATED WITH OPERATION, AND A FLOOR ALLOW FOR THE SIDE-TIE VESSELS. THE NEW STRUCTURE WITH A SUSTAINABLE FLOOR THE INTERIOR WILL BE A DRYWALL PRODUCT GREGG FACTORY. FLOORS WILL WHICH WILL BE PART OF SYSTEM, AND LIGHTING EFFICACY IN THEIR RATIO WILL ALSO UTILIZE CLEAR ARE SOUTH FACING TO MAXIMIZE SPACE, AS WELL AS OPTIMIZE SPACE ON WARM DAYS.



**SITE PLAN**

SCALE: 1" = 10'-0"





AGENDA NO: D-1

MEETING DATE: June 5, 2014

# Staff Report

**TO:** Harbor Advisory Board **DATE:** May 29, 2014  
**FROM:** Eric Endersby, Harbor Director  
**SUBJECT:** Request by Jack Hansen for a Waiver of Requirement to Qualify for a Commercial Fishing Slip

## **RECOMMENDATION**

Consider request and make recommendation to Harbor Director.

## **FISCAL IMPACT**

None; whether or not the waiver is granted the City will continue to collect revenue from the slip in question as there are eligible vessels on the slip waiting list.

## **BACKGROUND**

The City Municipal Code reserves City slip assignments to “qualified” commercial fishing vessels as-defined. In order to qualify, fishermen must annually provide proof of a certain level of fishing effort based on their vessel’s size as evidenced by Fish & Game fish landing tickets. Alternatively, slip holders may qualify by showing 90 days of “fishing effort” as evidenced by fuel receipts and/or fish tickets. The pertinent sections of the Municipal Code and Resolution No. 23-91 are attached to this staff report for reference.

Slip holders are allowed up to two (2) waivers from qualifying in any ten-year period. The City Council granted a blanket waiver to all fishermen in 1998, and in 2009 and 2010 fishermen were allowed to show proof of a current salmon permit to qualify as the salmon fishery those years was declared a Federal disaster. None of those Council-granted waivers count against the fisherman’s two waivers in a ten-year period.

Resolution No. 23-91 provides an appeal process to the Harbor Advisory Board for decisions by the Harbor Director to not grant waivers.

## **DISCUSSION**

Jack Hansen, owner of the fishing vessel DARLENE in City slip #43, exercised qualification waivers in 2011 and 2012, and has, therefore, used his two waivers in a ten-year period.

Prepared By: EE

Dept. Review: EE

When staff was verifying the fish landing receipts Mr. Hansen provided to qualify for his slip this year, it was determined two of those were fraudulently submitted. Those actions were also investigated by Fish and Wildlife enforcement officers, and Mr. Hansen admitted to having misappropriated and misused a fish company's receipt book. Fish and Wildlife has decided to submit the case to the District Attorney for prosecution, as a result of that admission. Mr. Hansen's remaining valid receipts are not sufficient to qualify to retain use of the slip.

As per Resolution 23-91, Mr. Hansen is appealing to the Harbor Advisory Board for a third waiver from qualification to retain his slip. A copy of his appeal letter is included with this staff report.

### **CONCLUSION**

As in past practice with third waivers granted by the Harbor Advisory Board, if the appeal is granted, then staff recommends that it be on the condition no further waivers will be granted until the next available "ten-year period," meaning in this case that no waiver would be available until 2024.

Mr. Hansen has been allowed to continue using his designated slip until his appeal is heard. If that appeal is granted, then the Harbor Director will administratively implement the Board's direction, per Resolution 23-91. If his appeal is denied, Mr. Hansen will be required to vacate his slip by the end of June.

RESOLUTION NO. 23-91

RESOLUTION ESTABLISHING PROCEDURE TO QUALIFY AS A  
COMMERCIAL VESSEL FOR THE PURPOSE OF  
LEASING CITY DOCKING FACILITIES

T H E C I T Y C O U N C I L  
City of Morro Bay, California

WHEREAS, Morro Bay Municipal Code Section 15.04.150 defines vessels of a commercial nature; and

WHEREAS, Morro Bay Municipal Code Section 15.32.010 establishes the policy that the City shall rent or lease all City facilities at docks, wharfs and piers primarily to those vessels of a commercial nature; and

WHEREAS, City Council wishes to rescind Resolution No. 90-85 of the City of Morro Bay;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Morro Bay that Resolution No. 90-85 is rescinded in its entirety and replaced with the following. Any vessel attempting to qualify as a commercial vessel under the criteria of having fished ninety (90) days during the calendar year shall submit proof of having actually fished for ninety (90) calendar days in the following manner:

1. By fuel receipts clearly indicating the date of purchase and the owner's name and/or vessel's name and/or registration number of the vessel, or
2. By presenting Fish and Game tickets for the sale of fish which will be credited on the basis of one ticket for every two days' fishing credit, or
3. Any combination of the above proof of fishing statement, provided there is sufficient proof of separate incidents.

The Harbor Director, or his appointee, shall be responsible for evaluating the proof of fishing and making the determination as to whether or not this proof indicates that the vessel has been actively worked for ninety (90) days during the preceding calendar year.

A waiver from the requirement to qualify as a commercial vessel for a given calendar year may be granted by the Harbor Director upon filing of an official written request by the lessee. The Harbor Director shall evaluate the request and determine whether or not the waiver shall be approved. Not more than two (2) waivers shall be granted in any ten (10) year period.

Any person who wishes to appeal the decision of the Harbor Director regarding the waiver may do so to the Morro Bay Harbor Advisory Board by filing an official written statement with the Harbor Director not later than fifteen (15) days after the Harbor Director's determination. The Harbor Advisory Board shall review the appeal within thirty (30) days of the date of filing, and shall render a recommendation regarding the appeal within fifteen (15) days following close of the appeal hearing. The Harbor Director may administratively carry out the recommendation of the Harbor Advisory Board or may schedule the appeal for City Council consideration.

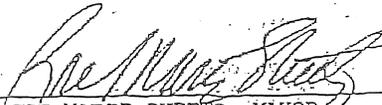
Any person who wishes to have the City Council review the hearing record of the Harbor Advisory Board recommendation regarding an appeal may do so by submitting a request to the Harbor Director within fifteen (15) days following receipt of the Harbor Advisory Board's findings.

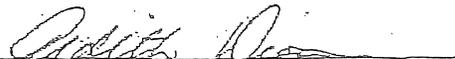
PASSED AND ADOPTED by the City Council of the City of Morro Bay at a regular meeting held thereof on the 25th day of February, 1991, by the following vote:

AYES: Baker, Luna, Mullen, Wuriu, Sheetz

NOES: None

ABSENT: None

  
ROSE MARIE SHEETZ, MAYOR

  
ARDITH DAVIS, CITY CLERK

To Morro Bay Harbor Council

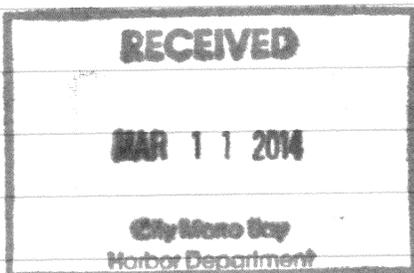
My name is Jack Hansen  
owner of the fishing vessel  
"Darlene" I am a resident of  
Morro Bay since 1977, and a  
city slip holder since 1980.

I am applying for an  
appeal in qualifying for  
my city slip, I have used  
my ~~two~~ two medical claims.

I am appealing this as  
part medical and physical,  
I plan to fish this coming  
season.

Thank you

Jack Hansen  
3/11/14





AGENDA NO: D-2

MEETING DATE: June 5, 2014

## Staff Report

**TO:** Harbor Advisory Board **DATE:** May 30, 2014  
**FROM:** Eric Endersby, Harbor Director  
**SUBJECT:** Cancellation of the July 3, 2014 Harbor Advisory Board Meeting

**RECOMMENDATION:**

Cancel the July 3, 2014 Harbor Advisory Board meeting.

**FISCAL IMPACT:**

None.

**BACKGROUND:**

The July Harbor Advisory Board meeting is traditionally cancelled due to the July 4 holiday as well as absenteeism of Board members and staff due to the summer season. This year the July meeting date falls on the 3<sup>rd</sup>.

**DISCUSSION:**

Canceling the July 3, 2014 Harbor Advisory Board meeting would be consistent with past practice, and expected given the busy time of the year in which it would normally occur, in addition to the meeting being on the actual holiday.

Prepared By: EE

Dept. Review: EE