

CITY OF MORRO BAY
HARBOR ADVISORY BOARD
SYNOPSIS MINUTES

The regular meeting of the City of Morro Bay Harbor Advisory Board was held Thursday, April 2, 2009 at 7:00 PM in the Veteran's Hall, 209 Surf ST, Morro Bay, California.

I. ROLL CALL

Present:	Members:	Brett Cunningham Gene Doughty Bill Luffee Lynn Meissen Jim Phillips Barbara Strassel
	Staff:	Rick Algert, Harbor Director Polly Curtis, Office Assistant
Absent:		Michele Leary

II. MINUTES

Mr. Doughty moved the March 5, 2009 Harbor Advisory Board minutes be approved as submitted. The motion was seconded by Mr. Luffee and carried unanimously.

III. ORAL COMMUNICATIONS

None.

IV. PRESENTATIONS AND ACTION ITEMS

IV-1. Harbor Fees (Continued) Discussion on Mooring Transfer Fees

Mr. Algert reviewed the Item, asking the Board to consider recommending that City Council establish a Mooring Transfer Fee for the approximately 70 individually owned City moorings in the bay.

Members of the public, Mr. Jay Coakley and Mr. Phil Hill commented on the fees charged by Port San Luis, and questioned Mr. Algert on the range of fees.

The Board discussed the issues of mooring holders owning the block and tackle, and the Harbor Department's rights to revoke any Mooring Rental Agreement with thirty-day's notice. The Board discussed the possibility of establishing a flat rate fee for the transfer of a mooring, and the difficulties of establishing a mooring fee based on a percentage of the purchase price of each mooring. Mr. Algert reviewed the considerable Staff time used when a mooring comes available, as many people call and come into the office asking questions, besides the process of the Mooring Agreement transfer itself.

MOTION: Mr. Cunningham moved that the Harbor Advisory Board recommend to City Council to institute a Mooring Transfer Fee, with the exact amount to be determined by Staff. The Motion was seconded by Ms. Meissen, and passed by a vote of 5 to 0, with Mr. Doughty abstaining.

Further discussion ensued by the Board.

MOTION: Mr. Cunningham moved that the Harbor Advisory Board recommend to City Council to establish a Mooring Transfer Fee based on a percentage of 1-10%. The Motion was seconded by Ms. Meissen, and failed with a vote of 1 to 4, with Mr. Doughty abstaining.

Further discussion ensued by the Board about the possibility of establishing an escrow account for the proposed Mooring Transfer Fee, or the possible amount of a flat rate of \$200.00 per each mooring transfer.

MOTION: Mr. Luffee moved that the Harbor Advisory Board recommend to City Council to establish a flat or a percentage rate for a Mooring Transfer Fee based on the recommendation of Staff at a future meeting. The Motion was seconded by Ms. Meissen, and failed with a vote of 0 to 5, with Mr. Doughty abstaining.

Further discussion ensued by the Board.

MOTION: Mr. Luffee moved to continue the Item to the next Harbor Advisory Board meeting. The Motion was seconded by Mr. Cunningham, and carried with a vote of 5 to 0, with Mr. Doughty abstaining.

IV-2. Liveboard Ordinance Sub-Committee Report

Chairman Phillips thanked the Liveboard Sub-Committee and the general liveboard community for their contributions at the meetings during review of the Liveboard Ordinance. Mr. Algert recommended that the Board hear a report from Ms. Meissen of the standing Liveboard Sub-Committee. Ms. Meissen thanked the Liveboard Sub-Committee members as well as Mr. Algert, Mr. Endersby, and Ms. Lichtenbaum for their participation and direction during the review process of the Liveboard Ordinance.

Ms. Meissen reviewed the following topics:

- It being a privilege not a right to live on a boat in the bay.
- The Liveboard Ordinance was reviewed line-by-line for clarification.
- One substantial change was to recommend to City Council to allow the annual permit application process and fees be changed to every two years (biennially).
- The Sub-Committee recommends allowing a current Liveboard Permit holder to be absent up to five years, with the approval of Staff, and continue to pay the fees.
- A waiting list may be established after the cap of 50 Liveboard Permits has been reached.
- No transfers of Liveboard Permits are allowed.
- The number of Permits increased within one month of the first Sub-Committee meeting.
- A Morro Bay Liveboard Association was established.
- Letters to all the marinas were sent, requesting compliance with the current Ordinance.
- Harbor Patrol Officers are allowed to cite people not in compliance with the Ordinance.

Mr. Jacobson, President of the Morro Bay Liveboard Association, recommended the Harbor Department continue to contact the marina operators in the bay on a regular basis, in order to verify liveboard compliance with the Ordinance. Mr. Phil Hill, Vice President of the Morro Bay Liveboard Association complimented Harbor Department staff for their work on the Sub-Committee.

MOTION: Mr. Cunningham moved that the Harbor Advisory Board recommend that City Council approve the draft Liveaboard Ordinance as submitted by the standing Liveaboard Sub-Committee. The Motion was seconded by Mr. Luffee and carried unanimously.

IV-3. Discussion/interpretation of General Plan and Local Coastal Plan Policies Relating to the Location and Placement of Commercial and Recreational Facilities in the Bay

Mr. Algert read the Background section of the Item, written by the City Attorney:

The City's General Plan and Local Coastal Plan Policies relating to the location and placement of commercial fishing and recreational boating facilities in the bay is somewhat vague in its description and requirements. This vagueness has caused confusion and frustration, particularly with regard to what is meant by the term, "commercial fishing facilities" and "recreational boating facilities."

In an effort to reduce this confusion and provide more certainty in the planning process, the City Council has requested the Harbor Advisory Board and the Planning Commission to spend time providing an interpretation of the City's General Plan and Local Coastal Plan Policies set forth below. The City Council will ultimately decide on the interpretation of these Policies after receiving input from the Harbor Advisory Board and the Planning Commission, which will then be used by Staff and the public in designing or reviewing projects in the bay.

Chairman Phillips opened discussion to the public. The following members of the public voiced their opinions on the Item: Ms. Dorothy Cutter, Ms. Bernadette Pekarek, Mr. Phil Hill, Mr. Bill Martony, Mr. Jay Coakley, Mr. Gary Freeman, Mr. Kim Kolb, Mr. John Huff, Mr. Don Hudson, and a letter from Mr. Allen Hockstetler was read by Ms. Pekarek.

Some of the topics raised by the public were as follows: the history of how the City Council arrived at the General Plan and Local Coastal Plan policies; the possible impact of tug boat operations in front of the Cannery; Coastal Commission land use policies; not allowing large commercial boats south of Tidelands Park; negative impact to the residential neighborhood of commercial operations; the condition of the pilings and dock at the Cannery; keeping Bay Front Marina available for commercial fishing boats; opposition to possible noise or pollution from a tug operation in a bird sanctuary; importance of interpretation of "commercial use" term; keeping area south of boat launch for recreational boats only; environmental concerns for the Grassy Island areas for Black Brandt; and rules needed for commercial facilities in these zoning areas.

Chairman Phillips brought the discussion back to the Board, reminding the public that the request from City Council was to assist in clarification of terms and interpretation of certain terms in the General Plan and Local Coastal Plan only, which is for the area south of Beach Street. Mr. Doughty reviewed his understanding of the history of the wharf, which he helped build for Orval Leage in 1975. He also recommended allowing commercial usage on that wharf of mari-culture, and tidal generators, as well as commercial fishing vessels.

Mr. Cunningham said he disagreed with the statements by the public of the impact of tugboats, saying while the tugs are docked, there is not the same impact as when they are underway. He said as a commercial fisherman, he recalls unloading big boats on that dock at least since the 1960s. He said people have bought houses in that area knowing this harbor is a commercial fishing area, and now seem determined to stop that type of work.

Mr. Cunningham said commercial fishing boats should be allowed to unload and possibly run generators on the dock. He reminded the public that there is no commercial fishing allowed inside the bay, as it is designated a Marine Protected Area, and there is limited sport fishing in the bay. Mr. Cunningham said he does not believe lines should be drawn all over the waterfront, and that the bay should have recreational, commercial fishing, and work boats mixed together at all the facilities. He defined a workboat as one that supplies oil, or tows, or is a ferryboat, or sport fishing boat, or takes out supplies.

Chairman Phillips reviewed the Item, reading, "new commercial facilities are allowable on a project-by-project basis," which he believes should be the only choice.

MOTION: Mr. Doughty moved that the Harbor Advisory Board recommend to City Council to insert the word "fishing" into the first sentence of LCP Policy 7.05 & Program LU-63.4, to read: "Vessels of a commercial **fishing** nature..." The Motion was seconded by Ms. Meissen, and passed with a vote of 5 to 1, with Mr. Cunningham voting "no."

Further discussion ensued by the Board, and questions for clarification asked of Mr. Algert.

MOTION: Mr. Doughty moved that the Harbor Advisory Board recommend to City Council to include the following sentence at the end of LCP Policy 7.01 & Program LU-63.1: "Marine-related commercial facilities projects shall be reviewed by the Harbor Advisory Board for recommendation to City Council, and such projects shall be in compliance with the existing General Plan and the Local Coastal Plans." The Motion was seconded by Mr. Cunningham and carried unanimously.

V. INFORMATION ITEMS

V-1. Harbor Department Status Report

Mr. Algert referred the Board to the Newsletter.

VI. ADDITIONAL COMMENTS

Mr. Algert asked the Board's permission to begin their May 7, 2009 joint meeting with the Department of Recreation and Parks to begin at 6:00 PM. The Board agreed by consensus.

VII. FUTURE AGENDA ITEMS

**May: Joint Meeting with Recreation and Parks for Presentation by City Attorney on the Brown Act and FPPA
Presentation by Drew Jacobson, Eco Marine Solutions, per Board consensus
Harbor Fees (Continued) Discussion on Mooring Transfer Fees**

VIII. ADJOURNMENT

This meeting was adjourned at 9:45 PM

Submitted by,

Polly Curtis
Harbor Department