

CITY OF MORRO BAY

HARBOR ADVISORY BOARD

SYNOPSIS MINUTES

The regular meeting of the City of Morro Bay Harbor Advisory Board was held Thursday, October 2, 2014 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 Ron Reisner
	Absent:	Tom Hafer (MBCFO Rep)
	Staff:	Eric Endersby, Harbor Director Polly Curtis, Office Assistant

MOMENT OF SILENCE

PLEDGE OF ALLEGIANCE

CHAIR AND ADVISORY BOARD MEMBER ANNOUNCEMENTS & PRESENTATIONS

Chair Eckles presented a 15-year employee recognition pin to Polly Curtis, thanking her on behalf of the City of Morro Bay for the years of service.

Mr. McClish said all boat owners are encouraged to fill out the Morro Bay Boatyard-Haul Out Facility Survey to express their desires or needs for a local boatyard. The survey can be taken online at Survey Monkey, and there are copies available in the Harbor Office and as a link on the City's website.

Mr. Doughty left the meeting at 6:30 p.m.

PUBLIC COMMENT

Mr. Michael Roland, who lives on his boat in Morro Bay, said he is still having problems paying his bill with the Harbor Department and obtaining a legal Liveaboard permit. He said he's been living here for 40 years and lives on an old boat that he shares with his wife, two dogs, two cats, and a bird. He presented several Citations he had received from the Harbor Patrol. He said he should not need to obtain a Liveaboard permit and should be left alone.

A. CONSENT CALENDAR
A-1 MINUTES

Ms. Meissen moved the September 4, 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:

North T-Pier Maintenance and Repair Project

Recent City Council Actions

FERC Opposition to Dynegy Wave Parks

License Agreement for Central Coast Maritime Museum Assn

Bayshore Bluffs Beach Cleanup/Coastal Cleanup Day

Recent Events:

August 15-19 – CalPoly WOW Week

September 6 – Dahlia Daze and MB Founders Day Parade

September 7 & 17 – Shark Sightings

September 7-11 – Never Quit Challenge for Veterans

September 8 – Avocado and Margarita Festival

September 29 – Snowy Plover Fencing Down

September 29 – New City Manager

September 30 – Meet and Greet New City Manager

Upcoming Events:

October 4-5 – Harbor Festival

State Lands Commission

C. UNFINISHED BUSINESS

C-1. Review of Liveboard Ordinance Regarding Liveboard Permit Inspections and Marine Surveyor Requirements

Mr. Endersby reviewed the current Liveboard Ordinance requirements for inspection, and said the Ordinance states the inspections can be performed by a Harbor Patrol Officer or a qualified marine surveyor acceptable to the City. He reviewed the terms of “Operable” and “Seaworthy” as defined in the Harbor Department Rules and Regulations.

Mr. Endersby said staff is seeking Board input regarding the Liveboard inspection and what additional criteria or standards could be applied to them to ensure adequate and consistent application. He also requested further definition of marine surveyors performing Liveboard inspections which are “acceptable to the City” or “qualified.”

Mr. Endersby asked the Board to consider amendments to the Liveboard Ordinance through one of the following three approaches:

1. Identify global or general areas of interest for amendment and request staff to bring back at a future meeting specific amendment language to address those areas.
2. Propose specific amendment language now with the information presented in the staff report or proposed at this meeting.
3. Form an Ad-Hoc Committee to discuss and determine possible amendments.

Discussion by the Board.

Public Comment: Mr. Drew Jacobson read a statement he wrote, referring to definitions in Agenda Item C-1, Appendix A. Ms. Denise Jacobson asked for the permit inspections to be objective, not subjective. Mr. Rory Kramer said he’s been a commercial fisherman for 25 years and the Harbor Department should leave people alone.

Further discussion by the Board. Mr. Reisner reviewed the organizations that certify marine surveyors and their varied requirements and standards for certification. Chair Eckles said the qualifications of a marine surveyor being “acceptable to the City” leaves full discretion to the Harbor Director. Discussion on various types of Marine Sanitation Devices.

Public Comment: Mr. Jacobson discussed the liability issue of the terms “operable and seaworthy” and gave the Board a detailed process of a vessel survey. He said there are many recreational boats on the bay that do not fall under the Liveaboard Permit requirements but he believes do discharge sewage into the bay.

Further discussion by the Board. Ms. Meissen said the term “survey” continues to be used in the discussion, but the Liveaboard Permit Inspection is not a survey, it is only an inspection, and all the Harbor Patrol Officers are qualified to perform this inspection. Mr. McClish suggested the possibility of changing the language of the Harbor Rules & Regulations to say: “...suitable for operation on the waters of Morro Bay,” rather than on the Pacific Ocean.

Public Comment: Mr. Jacobson told the Board this Agenda Item is nonsense. He said he believes the Harbor Department has refused to address the issue of all boats discharging sewage in the bay and that all boats should be checked for functioning Marine Sanitation Devices. Ms. Jacobson said the Harbor Department should stop focusing on the twenty or so Liveaboard boats but should look at all boats in the bay.

Mr. Endersby said under current state laws he would not be allowed to board all the vessels in Morro Bay to inspect Marine Sanitation Devices without reasonable cause, and is only allowed to inspect vessels applying for a Liveaboard Permit. He said the State Lands Commission has mandated only 10% of all vessels in Morro Bay be allowed to have Liveaboards and those must pass the required inspection to receive a permit. He reminded boat owners who live on their boats that they are living on public property.

Mr. Endersby said he will follow the directions of the Board and have the City Attorney review the wording of the Liveaboard Permit and the “Harbor and Ocean Regulations, Chapter 15.40 Vessel Habitation” to minimize liability issues, and to possibly change the term “Pacific Ocean” to “Morro Bay.”

C-2. Update from the Marine Services Facility/Boatyard Ad-Hoc Committee on Committee’s Recent Activities

Mr. Reisner said the Ad-Hoc Committee has nothing new to present since the previous Harbor Advisory Board meeting. Mr. Endersby said the previously mentioned survey is available online and in the Harbor Office, and the Case Studies document is currently in draft form.

C-3. Update from the Capital Improvement Planning Ad-Hoc Committee on Committee’s Recent Activities

Chair Eckles said the Ad-Hoc Committee has nothing new to present since the previous Harbor Advisory Board meeting.

D. NEW BUSINESS

D-1 Selection of Two Harbor Advisory Board Members to Sit on the Selection Panel To Review Request for Proposals Received for Redevelopment of Lease Site 69-70/69W-70W (Morro Bay Aquarium Located at 595 Embarcadero)

Mr. Endersby briefed the Board on the Aquarium lease site, saying the Request for Proposals was issued on October 15, 2013. The deadline has been extended to October 14, 2014 to allow more time for interested parties to submit.

Chair Eckles asked the Board for volunteers to serve on the Selection Panel. Discussion.

Motion: Ms. Meissen moved to nominate Chair Eckles and Mr. Doughty to serve on the Selection Panel for the Request for Proposals on the Morro Bay Aquarium lease site. The Motion was seconded by Mr. Reisner and carried unanimously.

E. DECLARATION OF FUTURE AGENDA ITEMS

November:

**Changes to Harbor Rules and Regulations
Tsunami Warning and Emergency Notification
Marine Service Facility Ad-Hoc Committee Report
Capital Improvements Planning Ad-Hoc Committee Report**

Future:

**State Park Marina Operating Agreement
Sublease Fee Schedule for Commercial Slips
Inspecting Marine Sanitation Devices on All Vessels in Morro Bay Harbor
Morro Bay Fish Quota Share and Trawl Permits
Water Lease Site Improvements Including Dock Configurations
Mooring Field Design and Maintenance
Coast Guard Building Location Plans
Planning for Power Plant Property**

F. ADJOURNMENT

This meeting was adjourned at 8:50 PM.
Submitted by,

Polly Curtis
Harbor Department