



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

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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, September 1, 2016 Veteran's Memorial Building - 6:00 P.M. 209 Surf Street, Morro Bay, CA**

Bill Luffee, Chair	Marine Oriented Business
Dana McClish	Recreational Boating
Alan Alward	Morro Bay Commercial Fishermen's Organization
Gene Doughty	South Bay/Los Osos
Neal Maloney	Waterfront Leaseholders
Lynn Meissen	Member at Large
Ron Reisner, Vice Chair	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 August 4, 2016  
**Staff Recommendation: Approve minutes.**

B. PUBLIC HEARINGS, REPORTS, AND APPEARANCES

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

C. BUSINESS ITEMS

- C-1 Update from the Marine Services Facility/Boatyard Ad-Hoc Committee on Committee's Recent Activities, and Consideration of Proposal Update from Mr. Terry Simons, and Including Consideration of Alternatives to Move Forward  
**Staff Recommendation: Staff recommend the Harbor Advisory Board (HAB) receive an update from the Marine Services Facility/Boatyard Ad-Hoc Committee and staff, in addition to receiving an update from facility proposer Terry Simons, and make a recommendation on one of three possible staff-identified alternatives to move forward.**
- C-2 Update from the Finance & Budget Ad-Hoc Committee on Committee's Recent Activities  
**Staff Recommendation: Receive and file.**
- C-3 Update from the Eelgrass Ad-Hoc Committee on Committee's Recent Activities  
**Staff Recommendation: Receive and file.**
- C-4 Update from the Marine Sanctuaries Ad-Hoc Committee on Committee's Recent Activities  
**Staff Recommendation: Receive and file.**
- C-5 Update from the Working Waterfront Ad-Hoc Committee on Committee's Recent Activities  
**Staff Recommendation: Consider update from Working Waterfront Ad-Hoc Committee.**
- C-6 Consideration of Harbor Work Program for City Council 2016/2017 Goals and Objectives Goal 5(a) – Ensure Fiscal Sustainability; Budget Forecast – Complete a Professional, External 10-Year Budget Forecast in Jan.-Mar. 2017 with New Council, Work Plan Element 5: Research and Investigate New and/or Enhanced Revenue Streams  
**Staff Recommendation: Receive report and public input, and provide staff input and recommendations.**

- C-7 Consideration of Harbor Work Program for City Council 2016/2017 Goals and Objectives Goal 10(h) – Improve City Operations; Harbor Maintenance – Evaluate Transferring Harbor Maintenance Functions to Public Works, Work Plan Element 1: Identify Functions Contemplated for Transfer Using the Harbor Department Level of Service Document Developed in 2010/2011.  
**Staff Recommendation: Receive report and public input, and provide staff input and recommendations.**

D. DECLARATION OF FUTURE AGENDA ITEMS

E. 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.morrobayca.gov](http://www.morrobayca.gov). 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.



AGENDA NO: A-1

MEETING DATE: September 1, 2016

**CITY OF MORRO BAY**

**HARBOR ADVISORY BOARD**

**SYNOPSIS MINUTES**

The regular meeting of the City of Morro Bay Harbor Advisory Board was held Thursday, August 4, 2016 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 Bill Luffee Neal Maloney Dana McClish Lynn Meissen Ron Reisner
	Absent:	(MBCFO Rep.)
	Staff:	Eric Endersby, Harbor Director Polly Curtis, Office Assistant Lori Stilts, Harbor Business Coordinator

**MOMENT OF SILENCE**

**PLEDGE OF ALLEGIANCE**

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

Chair Luffee announced that on August 6<sup>th</sup> at 3:00 PM, the Unitarian Church at 220 Lawton Street in San Luis Obispo will show the film, "Best of Big Blue Live" followed by discussions in favor of the Proposed Chumash Heritage National Marine Sanctuary. Presenters include the Chair of the Monterey Bay National Marine Sanctuary Advisory Committee, the Sierra Club, and Chumash leaders.

Chair Luffee announced the Friends of the Harbor Department movie night at the Rock will take place on November 5<sup>th</sup> this year and the two films will be: "Strange Rumbblings in Shangri-La" and "Vertical Lines."

Mr. McClish announced the Galleon San Salvador, sponsored by the San Diego Maritime Museum and the Central Coast Maritime Museum, will be docked in Morro Bay at the South T-Pier from August 28<sup>th</sup> through October 9<sup>th</sup> this year and will be open to the public for tours. Volunteers will spend eight-hours in training, and should contact either of the maritime museums to sign up. Mr. McClish is hoping to notify all the Morro Bay boating community to join together as a fleet to welcome the San Salvador into the bay.

**PUBLIC COMMENT**

None.

**A. CONSENT CALENDAR**

**A-1 MINUTES**

Mr. Doughty moved the June 2, 2016 Harbor Advisory Board minutes be approved as submitted. The Motion was seconded by Ms. Meissen and carried unanimously.

**B. PUBLIC HEARINGS, REPORTS, AND APPEARANCES**

**B-1 Harbor Department Status Report**

Mr. Endersby briefed the Board on the following topics:

**Recent Department Activity**

**Harbor Patrol Statistics**

**Sinking Bayliner, June 16**

**Army National Guard Survival Training, June 20**

**JR Lifeguard Sessions, Morro Bay and Cayucos**

**Lifeguard Rescues**

**Lifeguard Tower Zero at Outlet**

**Lifeguard Competition, Won 5<sup>th</sup> Year in a Row**

**Fishing Season: Crab, Albacore, Squid, Baitfish**

**Recent City Council Activity**

**Coast Guard Building, Option 1**

**Approved FY16/17 Budget**

**Approved Master Lease with Morro Bay Oyster Company LS144/144W**

**Recent Events**

**Fourth of July**

**Rock to Pier Run**

**Upcoming Events**

**National Night Out, August 2**

**C. BUSINESS ITEMS**

**C-1 Update from the Marine Services Facility/Boatyard Ad-Hoc Committee on Committee's Recent Activities, and Consideration of Proposal Update from Mr. Terry Simons**

Mr. McClish summarized recent meetings with Larry Newland of the Central Coast Maritime Museum and with Mr. Terry Simons of Simons Construction Management. He introduced Mr. Simons, saying he will make a presentation to the Board.

Mr. Terry Simons gave the Board a handout updating his progress on a Concept Plan for a multi-use maritime facility on the City's Triangle Lot, which included various designs and drawings [handout not included in the Harbor Advisory Board Agenda packet]. He also presented slides of the Concept Plan, and gave the Board a detailed explanation of all the possible uses and configurations of a multi-use facility in Morro Bay.

Discussion by the Board, Mr. Endersby, and Mr. Simons.

**MOTION:** Chair Luffee moved to request Mr. Simons bring to the September 1, 2016 Harbor Advisory Board meeting a financial analysis with a phased approach on a boatyard/haulout facility and full maritime center. The Motion was seconded by Mr. McClish, and carried with a vote of 5 to 1 with Mr. Doughty voting no.

Further discussion by the Board, Mr. Endersby, and Mr. Simons.

**C-2 Update from the Finance & Budget Ad-Hoc Committee on Committee's Recent Activities**

Mr. Maloney said the Ad-Hoc Committee has met twice since the last Harbor Advisory Board meeting, first in June, which was a conference call with Bob Leland of Management Partners Consulting firm. Mr. Leland outlined the firm's major goals, which in part was to look at the fiscal health of the Harbor over the next ten years with major concern of FY2017 when there is no money in the accumulation fund. He was directed to create an analytical tool for the purpose of tracking and forecasting the Harbor budget. The Committee wanted to understand the underlying assumptions Management Partners used to make the forecast.

During the second meeting, Mr. Leland had said the three major indicators were as follows:

1. Where the revenues were headed over the next ten years;
2. What type of influences could affect the Harbor financially; and
3. Capital investments over a long period.

Mr. Maloney said in the second meeting, Mr. Leland provided the information for his current working forecast model, and went into more depth of the assumptions used to make his forecast, answering all the questions put to him by the Committee. Mr. Leland requested that the Committee continue to supply him with updated information and figures so he can fine-tune his working model, agreeing with the Committee that the outcome is only as good as the information that goes into it. Mr. Maloney said the City will use the outcome of this forecast to make important decisions that will affect the Harbor, and for this reason it is imperative that the assumptions used for the model continue to be updated and accurate.

Further discussion by the Board.

### **C-3 Update from the Eelgrass Ad-Hoc Committee on Committee's Recent Activities**

Ms. Meissen said the Ad-Hoc Committee was established as an educational committee. She said eelgrass is a very important resource for the bay; it serves many functions in the bay, but throughout the world eelgrass is decreasing in estuaries. Replanting projects have failed.

Ms. Meissen said the Morro Bay National Estuary Program (NEP) informed the Committee of a number of ongoing research projects, mostly done by Cal Poly; some of these projects and studies focus on mapping, water quality, monitoring of the eelgrass and the conditions, genetic research, fish and crab populations in the bay, and Brant geese counts. She said grants from various sources totaling \$86,000 have funded this research and applications are out for further grants.

Mr. Doughty said Cal Poly Professor Dean Wendt, who is in charge of research, sent over a draft manuscript of a study being done by Carly Ewan on the impact of elevated temperatures on eelgrass beds in Morro Bay. He said there are a lot of studies going on at Cal Poly and there should be some informative results.

Mr. Maloney said Senator Monning authored Senate Bill (SB) 1363 which required the Ocean Protection Council (OPC) in coordination with the State Coastal Conservancy (SCC) to establish a program to restore eelgrass in order to mitigate the impacts of global warming on the ocean and on California's coastal plant and animal species. He said the Senate Bill is still to go to the Assembly Floor for a final vote, but there appears to be little or no opposition; this could open up funds for further research.

### **C-4 Update from the Marine Sanctuaries Ad-Hoc Committee on Committee's Recent Activities**

Chair Luffee repeated his announcement of the film and meeting organized by proponents of the Proposed Chumash Heritage National Marine Sanctuary on August 6<sup>th</sup> at 3:00 PM in the Unitarian Church in San Luis.

### **C-5 Development of a "Working Waterfront" Policy for Morro Bay**

Mr. Endersby reviewed the Harbor Advisory Board Goals Work Plan Elements to help guide the process for developing a Working Waterfront Policy for Morro Bay, which includes first researching and developing a draft Policy for City Council consideration, and then designating a Working Waterfront Policy. Mr. Endersby reviewed his findings from the National Working Waterfront Network's website, which could be used as a guideline for this process.

After Mr. Endersby listed several options for the Board to proceed, there was discussion by the Board.

**MOTION:** Chair Luffee moved to form a Working Waterfront Ad-Hoc Committee to construct Working Waterfront Guidelines for the City of Morro Bay. The Motion was seconded by Mr. Maloney and carried unanimously.

The Working Waterfront Ad-Hoc Committee members will be: Mr. Doughty, Mr. McClish, and Mr. Reisner.

**C-6. Input on Harbor Department Sea Otter Awareness Activities and City Participation In Sea Otter Awareness Week 2016**

Mr. Endersby stated that Sea Otter Awareness Week will take place from September 18-24 this year. He proposed one night with speakers and presenters which could include a spokesperson from the Natural History Museum. Harbor Patrol will be involved, as well as possible other agencies such as the NEP, State Parks, Fish & Wildlife and the Sealife Stewards (a new group with State Parks).

Discussion by the Board included suggestions for using interactive signs at kiosks at Target Rock for educational purposes; informing children by using outreach packets to schools; having Camp Keep instructors include sea otter awareness in their program; and possibly posting signs on buoys and the shoreline stating: "Do Not Throw Rocks at Otters."

**D. DECLARATION OF FUTURE AGENDA ITEMS**

**Consensus by the Board to Add:**

Update on Waterfront Lease Site Improvements/Projects  
Working Waterfront Ad-Hoc Committee as Standing Agenda Item

**Previously Declared:**

Goals and Objectives – Working Waterfront Designation  
Measure D  
Commercial Slip Qualification Relief for Crab Permit Holders  
City Code Enforcement for Boats on Trailers on Private Property  
Back Bay Water Use Public Forum  
Coast Guard Building Location Plans  
Inspecting Marine Sanitation Devices on All Vessels in Morro Bay Harbor

**Discussion by the Board:** Chair Luffee requested to see the Measure D Agenda Item at the upcoming September meeting.

**E. ADJOURNMENT**

This meeting was adjourned at 9:05 PM.

Submitted by,



Polly Curtis  
Harbor Department



AGENDA NO: B-1

MEETING DATE: September 1, 2016

## Staff Report

**TO: Harbor Advisory Board**

**DATE: August 24, 2016**

**FROM: Eric Endersby, Harbor Director**

**SUBJECT: Harbor Department Status Report**

### **RECOMMENDATION**

Receive and file.

### **DISCUSSION**

#### **Recent Department Activity:**

Harbor Patrol statistics since August 1<sup>st</sup> through August 25<sup>th</sup> include 17 emergency responses and 89 calls for service, 56 assists of other agencies and 27 enforcement contacts. In addition, during this period there were three confirmed shark sightings within Estero Bay.

On August 1, Interim Police Chief Larry Todd was sworn in by the Mayor and City Manager in a ceremony at the Community Center.

Also on August 1, Harbor Patrol was dispatched to a report of boaters stranded on the beach near the South Jetty in relatively heavy fog. Harbor Patrol vessels and a rescue jet ski responded, and upon arrival approximately 500 yards south of the South Jetty, a 16-foot aluminum boat and four people were sighted on the beach. Patrol and Lifeguard personnel swam and jet skied to beach to assess the situation. Fortunately, no immediate medical attention was needed and the four boaters were escorted to the end of the sandspit where they were picked up and transported to the Harbor Patrol docks. The boat was successfully towed off the beach and through the surf with minimal damage by the Harbor Patrol. It should be noted these boaters found themselves inside the surf line in foggy conditions and moderately small surf, and instead of attempting to make their way back out through the surf with the very real possibility of a capsizing or other significant mishap, they rightly elected to just head straight for the beach and run their boat aground in the shallows, thus just stepping off. As one of the passengers was frail and in his seventies, a capsizing would likely have been lethal.

Finally on August 1, Harbor Patrol responded to a report of two climbers stuck on top of the Rock. Coast Guard personnel initially spotted the two from their station with binoculars, but lost sight as the climbers went over the top of the Rock and out of view. A Patrol vessel was dispatched to back side of Rock and spotted the two right about the same time as Morro Bay Fire personnel summited the top and spotted them as well. The two were safely escorted down.

Prepared By: EE

Dept. Review: EE

On August 22, the Morro Bay Harbor Department Lifeguards placed “Tower Zero” at Morro Rock. This tower, recently acquired at no cost as surplus from the City of Santa Cruz, arrived in Morro Bay with a generous donation from the Friends of the Morro Bay Harbor Department for transportation costs. It was refurbished by Lifeguard Supervisor Kyle Shaffer, his Lifeguard crew and Harbor Department staff, and for approximately \$3,500 in trucking costs, \$1,000 in epoxy paint and materials and staff time, the City has a “new” tower that would cost more than \$40,000 if purchased off-the-shelf. Thanks also go out to the City’s Public Works Facilities personnel for prepping the site and providing logistical assistance.

Stated Mr. Shaffer, “this new tower will provide an optimal viewing platform to spot and keep track of problems well in advance, and gives an unparalleled vantage point that will ensure our Lifeguards are best suited and situated to deliver the highest level of public safety services possible.”



**Fishing:**

Squid boats have been showing up for occasional runs of market squid, and with them come the white seabass – a boon for local recreational fishermen. Also operating lately are several shrimp trawl boats, not seen in this area for many years. On the albacore front, our commercial fishermen up on the grounds in Oregon and Washington unfortunately report a scratchy season.

**Recent City Council Activity:**

At their August 9 meeting, the Council considered and determined per staff recommendation not to pursue research and consideration of a contracted (outsourced) relationship for law enforcement services in Morro Bay this year, next year, or for a minimum of a five to ten-year period. And, made the same determination for two additional Management Partners recommendations: possible outsourcing of the Morro Bay Fire Department to Cal Fire, and possible outsourcing of Morro Bay Harbor Patrol operations to a private contractor.

At their August 23 meeting, the Council proclaimed the month of October, every year, as Maritime Discovery Month in the City of Morro Bay, and urges the citizens of Morro Bay to join the efforts to celebrate the maritime heritage of our city by the sea.

Also at the August 25 meeting, the Council adopted resolutions authorizing the City of Morro Bay to enter into a 2016-2018 Surrendered and Abandoned Vessel Exchange (SAVE) grant contract, and Boating Safety and Enforcement (BS&E) grant contract, both with the State of California Department of Parks and Recreation, Division of Boating and Waterways. The SAVE a grant will provide \$13,400 for removal of abandoned/surrendered vessels and hazards to navigation, and the BS&E grant will allow the Harbor Department to purchase \$18,437.00 of FLIR thermal imaging equipment.

Also at the August 25 meeting, staff presented an update of past and current Council-adopted goals for review.

**Past Events:**

On August 20, the 8<sup>th</sup> Annual Zongo Yachting Cup took place, the Central Coast's biggest ocean race / cruise from Morro Bay to Avila Beach. The Harbor Patrol assisted, and light winds caused several of the participants to give up and return to Morro Bay.

**Upcoming Events:**

September 10, the Avocado & Margarita Festival takes place at 700 Embarcadero. See [www.avomargfest.com](http://www.avomargfest.com) for more information.

October 3-5 Morro Bay will host the 2016 Outdoors Writers Association of California Fall Conference. 60+ writers from all over the nation representing multiple outdoor activities, magazines and publications will be in the area to write about all things outdoors. See [www.owac.org](http://www.owac.org) for more information.

October 1 to December 3 is the Surfboard Art Festival in Morro Bay, produced by Morro Bay in Bloom. Surfboard art will be displayed all over town during this festival. See [www.mbsurfboardartfest.com](http://www.mbsurfboardartfest.com) for more information.

September 29 to October 9, the replica of Juan Cabrillo's 1542 galleon "San Salvador" will be in Morro Bay docked at the South T-Pier. The Central Coast Maritime Museum Association is orchestrating and hosting this new and important event. See [www.morrobaymaritime.org](http://www.morrobaymaritime.org) for more information.

October 1 is our annual Morro Bay Harbor Festival, again by popular demand occurring as a free, one-day event at the core of our Embarcadero. See [www.mbf.com](http://www.mbf.com) for more information.

October 3 to October 7 the Morro Bay Harbor Department is hosting and facilitating the Division of Boating & Waterway's Marine Law Enforcement Rescue Water Craft Training class to be held here. Law enforcement and rescue personnel from all over the state will attend this training.



AGENDA NO: C-1

MEETING DATE: September 1, 2016

## Staff Report

**TO:** Harbor Advisory Board

**DATE:** August 24, 2016

**FROM:** Eric Endersby, Harbor Director

**SUBJECT:** Update from the Marine Services Facility/Boatyard Ad-Hoc Committee on Committee's Recent Activities, and Consideration of Proposal Update from Mr. Terry Simons, and Including Consideration of Alternatives to Move Forward

### **RECOMMENDATION**

Staff recommend the Harbor Advisory Board (HAB) receive an update from the Marine Services Facility/Boatyard Ad-Hoc Committee and staff, in addition to receiving an update from facility proposer Terry Simons, and make a recommendation on one of three possible staff-identified alternatives to move forward.

### **ALTERNATIVES**

1. Continue working with Mr. Simons to vet and develop his proposal, including beginning work on a development MOU with the City.
2. Begin a City-commissioned professional financial feasibility analysis now, the results of which would be used to gauge future direction.
3. Initiate a Request for Qualifications (RFQ) process now to gauge the degree of private interest to develop the Triangle Lot with a marine services facility/boatyard, and should multiple interests present themselves, initiate a Request for Proposals (RFP) process amongst those interests to develop the facility.

### **BACKGROUND**

At their March 8, 2016 meeting, the City Council authorized staff to seek and engage a consultant to conduct a marine services facility/boatyard financial feasibility analysis for the Triangle Lot area, with an expense authorization of up to \$50,000. In March, Council, HAB, the Ad-Hoc Committee and staff have generally agreed the City should defer commissioning the feasibility study for a time such that Mr. Simons can further develop his proposal for City consideration, and then to determine whether to continue working with him, or to continue on with the City's feasibility study and follow-on steps.

Prepared By: EE

Dept. Review: EE

At the August 4, 2016 HAB meeting, the HAB received an update from Mr. Simons, and made and approved a motion to give him one month (until the September HAB meeting) to come back and present a financial analysis of his facility proposal based on a phased construction approach in order to have adequate information on which to base a possible recommendation.

### **DISCUSSION**

In addition to the alternatives of continuing to work with Mr. Simons and his proposal, or to begin a City-commissioned financial feasibility analysis now to guide future actions on a future marine services facility/boatyard, staff have identified a third possible alternative, based on a common Public Works approach: issue a RFQ to determine the level of qualified private interest in development of a given project, and from that RFQ, assuming adequate interest, issue a RFP amongst all of a given set of preferred qualified interests. Should only one interest or party present itself, then a “sole-source” or non-competitive approach with that interest can be considered.

### **CONCLUSION**

Assuming the HAB makes a recommendation tonight on one of the alternatives presented, or makes other recommendations, staff will take them into advisement to assist in determining the City’s next course of action.



AGENDA NO: C-2

MEETING DATE: September 1, 2016

## Staff Report

**TO:** Harbor Advisory Board

**DATE:** August 24, 2016

**FROM:** Eric Endersby, Harbor Director

**SUBJECT:** Update from the Finance & Budget Ad-Hoc Committee on  
Committee's Recent Activities

### **RECOMMENDATION**

Receive and file.

### **DISCUSSION**

The Finance & Budget Ad-Hoc Committee will be presenting an oral update on their activities, if any. This is a standing committee report agenda item.

Prepared By: EE

Dept. Review: EE



AGENDA NO: C-3

MEETING DATE: September 1, 2016

## Staff Report

**TO:** Harbor Advisory Board

**DATE:** August 24, 2016

**FROM:** Eric Endersby, Harbor Director

**SUBJECT:** Update from the Eelgrass Ad-Hoc Committee on Committee's Recent Activities

### **RECOMMENDATION**

Receive and file.

### **DISCUSSION**

The Eelgrass Ad-Hoc Committee will be presenting an oral update on their activities, if any. This is a standing committee report agenda item.

Prepared By: EE

Dept. Review: EE



AGENDA NO: C-4

MEETING DATE: September 1, 2016

## Staff Report

**TO:** Harbor Advisory Board

**DATE:** August 24, 2016

**FROM:** Eric Endersby, Harbor Director

**SUBJECT:** Update from the Marine Sanctuaries Ad-Hoc Committee on Committee's Recent Activities

### **RECOMMENDATION**

Receive and file.

### **DISCUSSION**

The Marine Sanctuaries Ad-Hoc Committee will be presenting an oral update on their activities, if any. This is a standing committee report agenda item.

Prepared By: EE

Dept. Review: EE

Agenda item C-5 is amended with a revised staff report and addition of Attachment 1 to the staff report, which are both now available.



AGENDA NO: C-5

MEETING DATE: September 1, 2016

## Staff Report

**TO:** Harbor Advisory Board **DATE:** August 24, 2016

**FROM:** Eric Endersby, Harbor Director

**SUBJECT:** Update from the Working Waterfront Ad-Hoc Committee on the Committee's Recent Activities

### **RECOMMENDATION**

Consider update from Working Waterfront Ad-Hoc Committee.

### **DISCUSSION**

The Working Waterfront Ad-Hoc Committee will be presenting an oral update on their activities, including presentation of "Defining Working Waterfronts" document compiled by committee member Ron Reisner.

This is a standing committee report agenda item.

### **ATTACHMENT**

1. "Defining Working Waterfronts" compilation document.

Prepared By: EE

Dept. Review: EE

## **Defining Working Waterfronts**

Based on widely varied stakeholder needs and interests across the country, the concept of “*working waterfront*” has numerous, distinctly different definitions. For example, the Federal Government’s approach, the State of Maine’s definition, and the State of Florida’s definition, are recounted below.

### **Federal Working Waterfront Acts:**

Compare the *Federal Working Waterfront Preservation Act of 2005*, introduced by Maine Senator Susan Collins, with the *Keep America’s Waterfront Working Act of 2009*, introduced by Maine Representative Chellie Pingree. According to Collins’s bill: “A working waterfront area is defined as ‘land that is used for or that supports commercial fishing or the aquaculture industry.’” S. 1723, 109th Cong. (Sept. 19, 2005); see also Josh Clemons, Stephanie Showalter, & Jason Savarese, National Sea Grant Law Center, *Working Waterfronts in Alabama and Mississippi* (April 2006). This definition did not change when Senator Collins reintroduced a modified version of the bill in 2009. S. 533, 111th Cong. (March 5, 2009).

Representative Pingree’s bill defines water-dependent commercial activities to include “commercial fishing, recreational fishing, tourism, aquaculture, boatbuilding, transportation,” as well as, somewhat ambiguously, “many other water-dependent businesses.” H.R. 2548, 111th Cong. (May 21, 2009).

### **Maine:**

Application: Current Use Taxation

Under Maine’s current use taxation policy, “Working waterfront land means a parcel of land, or a portion thereof, abutting water to the head of tide or land located in the intertidal zone that is used primarily or used predominantly to provide access to or support the conduct of commercial fishing activities.” 36 M.R.S. § 1132. The statute further describes the phrase “support the conduct of commercial fishing activities” and specifies that “predominantly” means more than 90% of the land is used for commercial fishing activity, while “primarily” means more than 50%, and the rate of reduction on the tax valuation varies accordingly.

### **Working Waterfront Access Pilot Program**

In 2005 Maine approved statute *LD 1930 An Act Regarding Working Waterfront Covenants* under the *Land For Maine’s Future Program*, which defined and described the legal basis for a Working Waterfront Covenant, thereby giving legal authority to a method for preserving working waterfront land in perpetuity. The working waterfront covenant is a legally binding deed restriction held by the Department of Marine Resources.

The covenant protects all current and future fisheries related uses of the land by prohibiting all conflicting non-fisheries activities (i.e. condos, marinas, restaurants). The covenant does allow a degree of mixed uses that are compatible with the primary fisheries use and provides the

property owner with the flexibility to manage the property as needed to remain financially viable. The property owner also retains all other rights of ownership; that is, they are free to sell or lease. If and when the property owner chooses to sell the property, the State has a "right of first refusal" to assure that the land will be valued at its working waterfront value and thus remain affordable to those who would purchase it with the intent to continue commercial fishing activities.

Though still tied to fisheries, the broader definition adopted by Maine's Working Waterfront Access Pilot Program encompasses properties fitting one or more of the following criteria:

- Active working waterfront which is strategically significant to the local, regional and state fisheries related economy;
- Currently located and developed to fully support commercial fishing activities; providing key supports such as all tide access, fuel, bait, sales, and/or adequate parking;
- Under current and emerging threat by development and changing population dynamics of conversion to uses incompatible with commercial fishing activities;
- In a community with a clear desire to maintain and support their commercial fishing enterprises as evidenced by zoning, comprehensive plans, etc, and;
- A critical part of the local fishing infrastructure and provides key access for the area.

#### APPLICATION: DEPARTMENT OF ENVIRONMENTAL PROTECTION

By contrast, Maine's Department of Environmental Protection more inclusively refers to "functionally water-dependent uses," defined as those uses that require, for their primary purpose, location on submerged lands or that require direct access to, or location in, coastal or inland waters and that cannot be located away from these waters. The uses include, but are not limited to commercial and recreational fishing and boating facilities, excluding recreational boat storage buildings, finfish and shellfish processing, fish storage and retail and wholesale fish marketing facilities, waterfront dock and port facilities, shipyards and boat building facilities, marinas, navigation aids, basins and channels, retaining walls, industrial uses dependent upon water-borne transportation or requiring large volumes of cooling or processing water that cannot reasonably be located or operated at an inland site, and uses that primarily provide general public access to coastal or inland waters.

Dept. of Env'tl. Protec. 06-096 CMR Ch. 10

#### **Florida:**

Application: Working Waterfront Protection Act

Florida's Working Waterfront Protection Act has adopted a broader definition that describes and protects "recreational and commercial working waterfront," which includes boatyards, marinas, and, since 2006, resort hotels in its definition of working waterfront. Fla. Const. art. VII (amended 2008); Fla. Stat. § 342.201 (2009).

In Florida's Act, the term "recreational and commercial working waterfront" means a parcel or parcels of real property that provide access for water-dependent commercial activities, including hotels and motels...or provide access for the public to the navigable waters of the state. Recreational and commercial working waterfronts require direct access to or a location on, over, or adjacent to a navigable body of water. The term includes water-dependent facilities that are open to the public and offer public access by vessels to the waters of the state or that are support facilities for recreational, commercial, research, or governmental vessels. These facilities include public lodging establishments, docks, wharfs, lifts, wet and dry marinas, boat ramps, boat hauling and repair facilities, commercial fishing facilities, boat construction facilities, and other support structures over the water. Fla. Stat. § 342.07 (2009).

Studies and programs to define the concept of a Working Waterfront, and apply that definition to local policy and local initiative, have also been undertaken by the following:

- **North Carolina Working Waterfront Sea Grant Study – 2007**
- **Portland, OR Working Waterfront Study – 2013**
- **Working Waterfront Initiative Summary Report for the Town of Bowers Beach, DE – 2013**
- **Maine's Working Waterfront Coalition Strategic Plan 2008-2010**
- **Sustainable Working Waterfronts Toolkit Project Report – 2013**

The "Toolkit" project was developed by: Island Institute; Marine Sea Grant; National Sea Grant Law Center; Coastal Enterprises, Inc.; Florida Sea Grant; Virginia Sea Grant; and the Urban Harbors Institute at University of Mass. Boston – March 2013

*The "Toolkit" project issued a report prepared by the EDA Project Team as part of the Sustainable Working Waterfronts Toolkit project, funded under Investment Number 99-07-13873 from the U.S. Commerce Department's Economic Development Administration.*



AGENDA NO: C-6

MEETING DATE: September 1, 2016

## Staff Report

**TO:** Harbor Advisory Board **DATE:** August 25, 2016

**FROM:** Eric Endersby, Harbor Director

**SUBJECT:** Consideration of Harbor Work Program for City Council 2016/2017 Goals and Objectives Goal 5(a) – Ensure Fiscal Sustainability; Budget Forecast – Complete a Professional, External 10-Year Budget Forecast in Jan.-Mar. 2017 with New Council, Work Plan Element 5: Research and Investigate New and/or Enhanced Revenue Streams

### **RECOMMENDATION**

Receive report and public input, and provide staff input and recommendations.

### **FISCAL IMPACT**

Potential positive fiscal impact expected if new and/or enhanced revenue streams are implemented.

### **BACKGROUND**

As part of the 2016/2017 Goals-setting process with the City's advisory and planning boards and commissions, including Harbor Advisory Board input, Council adopted a goal Work Plan Element (WPE) of researching and investigating new and/or enhanced revenue streams for City consideration in order to help ensure the City's fiscal sustainability. Initiation of this element is slated to begin in the first quarter (Q1) of the fiscal year (now).

### **DISCUSSION**

The Harbor Operating Fund's currently balanced budget includes \$2,290,666 in revenues over \$2,266,224 in expenses, making for a very modest \$24,442 excess of revenues for the Harbor Accumulation Fund. While balanced, little is left to put away for the department's significant backlog of capital and other projects and equipment needs.

Currently, the Harbor Fund's primary source of revenue are its leases (~70%), and slip, pier, mooring and other boating-related fees (~16%). The remaining ~14% comes from grants and other miscellaneous revenues.

Prepared By: EE

Dept. Review: EE

While the City continues to foster development and redevelopment of lease sites to their maximum revenue-producing potential, in addition to making significant efforts such as “Opportunity Morro Bay” to enhance commercial development and investment in and visitation of Morro Bay, other “untapped” or new/improved revenue streams may be present and worthy of consideration.

This agenda item is a first step to discuss in an open forum potential new and/or enhanced revenue streams in and around Morro Bay’s Tidelands Trust enterprise zone in an effort to ensure the health of the Harbor Operation Fund and Accumulation Funds. While not all-inclusive and in no particular order, below is a list of potential items for discussion:

- a. Moving for-profit activities and events on City beaches and waterfront parks from the Public Area Use Permit process under which they are currently handled (with no revenue collection save for minimal permit processing fees) to a License Agreement process under which a base and/or percent of revenue generated fee format is adopted.
- b. Contracting with a concessionaire or concessionaires to provide food truck and/or other basic beach need sales/rentals at the Rock parking lot. Currently food trucks are not allowed under the Municipal Code, and there is a City Council goal this year to consider allowing food trucks during approved events.
- c. Limited and controlled RV (no-hookups) parking in various locations such as the Rock, Embarcadero dirt extension, Front Street Parking Lot, Triangle Lot, across from Tidelands parking lot and the Launch Ramp parking lot. This item is also a recommendation in the Management Partners report.
- d. License Agreements with base and/or percent rents collected from various for-profit “freelance” operations (not operating as approved subleases from our lease sites) being conducted on and around the bay such as fishing and other charter six-packs, boat repair businesses, underwater hull-cleaning businesses and the like.
- e. Fee-based electrical and water service at all City slip, dock and pier facilities.
- f. Pay parking on the Embarcadero and environs. This item is also a recommendation in the Management Partners report.

## **CONCLUSION**

For items discussed, staff recommend the HAB first take a position to either “pursue” or “not pursue” for each, then provide further general detail, direction or recommendation, if any, on those items to pursue. Staff will take any recommendations into advisement or to the City Council during the annual budgeting process, as appropriate, in order to assist in determining a course of action to potentially implement.

Should greater detail, information and/or research be required or warranted on a particular item, staff anticipate doing that research and information gathering, with Finance and Budget Ad-Hoc Committee assistance, where appropriate, and bringing the item back to the HAB for further consideration.



AGENDA NO: C-7

MEETING DATE: September 1, 2016

## Staff Report

**TO:** Harbor Advisory Board

**DATE:** August 25, 2016

**FROM:** Eric Endersby, Harbor Director

**SUBJECT:** Consideration of Harbor Work Program for City Council 2016/2017 Goals and Objectives Goal 10(h) – Improve City Operations; Harbor Maintenance – Evaluate Transferring Harbor Maintenance Functions to Public Works, Work Plan Element 1: Identify Functions Contemplated for Transfer Using the Harbor Department Level of Service Document Developed in 2010/2011

### **RECOMMENDATION**

Receive report and public input, and provide staff input and recommendations.

### **FISCAL IMPACT**

Anticipated, but unknown, new cost allocation expense amount should maintenance duties be transferred to Public Works.

### **BACKGROUND**

As part of the 2016/2017 Goals-setting process with the City's advisory and planning boards and commissions, including Harbor Advisory Board input, Council adopted a goal Work Plan Element (WPE) of identifying Harbor maintenance functions contemplated for transfer to Public Works using the Harbor Department Level of Service (LOS) document as an initial guide. Consideration of transfer of Harbor maintenance functions to Public Works is a recommendation of the Management Partners Morro Bay Financial and Organizational Study, updated in 2015.

Initiation of this element is slated to begin in the first quarter (Q1) of the fiscal year (now). The LOS document is included with this staff report as Attachment 1.

### **DISCUSSION**

Applicable items in the LOS document for consideration are listed below. For items or facilities in the LOS identified as "manage and maintain," it is anticipated Harbor personnel will continue to manage the use and operation of those items or facilities. Other items or areas, not in the LOS document, certainly may be considered as well.

Prepared By: EE

Dept. Review: EE

1.13 Employ, manage, supervise, and maintain up to two (2) part-time Maintenance Aides for minor to moderate facilities and grounds repair/maintenance; 2-3 days per week 100% of the time.

13.1 Provide legally mandated or regulated training of all full-time and part-time personnel to provide a well-trained, safe, effective, and efficient workforce and to minimize liability to the City; 100% of the time.

13.2 Provide industry-standard training for all personnel as above; 100% of the time.

14.4 Long-term facility maintenance/update/replacement planning, including facility inspections; continuous.

20.3 Manage and maintain a waste oil, waste oil filter, used oil absorbent pad, waste engine coolant, and used battery recycling facility for acceptance of these public wastes; 100% of the time, acceptance as time/manpower allows.

20.4 Manage and maintain one (1) vessel bilge water oil/water separator pumpout facility; continuous.

20.5 Manage and maintain two (2) public vessel sewage pumpout stations; continuous.

20.6 Manage and maintain two public piers; continuous.

20.7 Manage and maintain fifty (50) vessel slips for permanent slip holders and transient slip users; continuous.

20.8 Manage and maintain three (3) public day-use street-end docks; continuous.

20.9 Manage and maintain one (1) public day-use and pumpout dock; continuous.

20.11 Manage and maintain a public floating dock in the anchorage area; continuous.

20.13 Manage and maintain several public visitor-serving waterfront overlooks and piers; continuous.

20.14 Manage two (2) public shower facilities and one (1) vessel rinse-down station; continuous (note: although this item is not identified in the LOS as “manage and maintain,” maintenance of these facilities is being contemplated for transfer to Public Works).

20.15 Maintain 2-3 industry-standard Lifeguard towers seasonally placed; continuous.

20.16 Maintain and manage one (1) remotely-operated emergency phone on the sandspit; continuous.

23.8 Provide facility maintenance in accordance with industry practices, Cal-OSHA, and other applicable laws and regulations with City budgetary allowances, skill of Harbor and City personnel, and City policies. Maintain records on all facilities maintenance activities; intent is for 100% legal compliance and immediate mitigation of health and safety issues.

23.10 Perform all scheduled maintenance and repairs in a timely manner to protect the City investment in facilities, vehicles, and equipment and to ensure optimum resources to accomplish the department's mission; continuous (note: only facility maintenance and repair is being contemplated for transfer to Public Works).

23.11 Make recommendations regarding major repairs, repair costs, and repair methods for approval; as required.

23.12 Maintain a detailed maintenance schedule for vehicles, facilities, and equipment; intent is for 100% compliance (note: only facility maintenance scheduling is being contemplated for transfer to Public Works).

23.14 Test all fire hose to NFPA standards; annually (note: only facility fire hose/cabinet testing is being contemplated for transfer to Public Works).

Other things to consider are:

A. Chain of command structure:

- Is the Harbor Department ultimately at the top, or not, decision- and responsibility-wise?
- Is the department completely divorced from maintenance except for funding responsibility?
- Somewhere in between?

Staff believe the Harbor Department should retain some degree of oversight and involvement in harbor-related maintenance both from the standpoint of being the point of contact for our customers and remaining responsive to them, and of being Public Works' "customer" and seeing that our needs are met.

B. If there is sufficient work to justify it, should there be a dedicated "Harbor Maintenance" employee in Public Works? If not, should one Public Works employee be primarily responsible as a sole point of contact? Staff believe, due to the uniqueness and specialty of many waterfront maintenance issues, it will be important that a cohesive approach is taken.

C. Capital projects budgeting, planning and execution – what department should be responsible? Currently, for major capital projects, Public Works and the City Engineer are significantly involved in the contracting process, but it is the Harbor Department that is responsible for overall needs assessment, budgeting and planning of capital projects.

D. Performance parameters – what are our metrics for success? Do we have an increase or loss of efficiency?

- Are we paying more to do the same work/more work?
- Are we paying more to do less work?
- Are we paying less to do the same work/more work?
- Are we paying less to less work?
- How do we measure these things?

E. Financials – by what method do we calculate the cost allocation?

- Internal?
- External (consultant)?
- Does the Harbor Department “charge back” for necessary training, tutoring and assistance provided to Public Works?

### **CONCLUSION**

Staff is seeking HAB discussion and input on which particular maintenance functions might be transferred to Public Works, in addition to input and recommendation on chain of command, responsibility, performance parameters, financials and other pertinent issues.

With this input, over the next few months staff will work with Public Works to develop potential models, which will be brought back to the HAB for review, input and recommendation, before going to Council for consideration and decision in Q4 of the fiscal year.

### **ATTACHMENTS**

1. Harbor Department Level of Service document.

**Morro Bay Harbor Department**

**Current Level of Service**

**April 19, 2010**

***DRAFT V3***

#	Administration	Service Level	Performance Criteria
1	Personnel - Full-Time		
1.1		Employ, manage, supervise, and maintain one (1) full-time Harbor Director assigned to a 40-hour week during normal business hours.	100% of the time
1.2		Employ, manage, supervise, and maintain one (1) Harbor Operations Manager assigned to a modified 40-hour week during normal business hours and available for response 24-hours per day and capable of acting as Harbor Director as-needed.	100% of the time
1.3		Employ, manage, supervise, and maintain one (1) Harbor Business Coordinator assigned to a modified 40-hour week during normal business hours and capable of acting as Harbor Director as-needed.	100% of the time
1.4		Employ, manage, supervise, and maintain four (4) full-time Harbor Patrol Officers each assigned to a 40-hour week and capable of acting as Harbor Operations Manager as-needed.	100% of the time
1.5		Employ, manage, supervise, and maintain one (1) full-time Office Assistant assigned to a 40-hour work week during normal business hours.	100% of the time
1.6		Responsible for all personnel issues, (hire, fire, evaluate, discipline, etc)	100% of the time for all employees
	Personnel - Part-Time		
1.7		Manage, supervise, and maintain a Reserve Harbor Patrol program that includes compliance with all applicable regulations, training, safety,	100% of the time

		recruiting, testing, budgeting, and personnel management.	
1.8		Employ, manage, supervise and maintain up to six (6) part-time Reserve Harbor Patrol Officers.	100% of the time
1.9		Utilize Reserve Harbor Patrol Officers to augment full-time Officers to maintain on-duty emergency response staffing of three (3) qualified personnel, and for emergency call-back as-needed.	33-66% of the time (2-4 days) as-needed
1.10		Manage, supervise, and maintain a seasonal USLA-certified Lifeguard program that includes compliance with all applicable regulations, training, safety, recruiting, testing, budgeting, and personnel management.	100% of the time from April to Mid-September
1.11		Employ, manage, supervise, and maintain sufficient seasonal Lifeguard Supervisors assigned as-needed for seven (7) day per week coverage, plus pre- and post-season planning and logistics.	Typically from mid-April to mid-September and as-needed throughout the year
1.12		Employ, manage, supervise, and maintain up to ten (10) seasonal Lifeguards assigned to up to 40-hour work weeks.	Typically from mid-April to mid-September, 7 days per week
1.13		Employ, manage, supervise, and maintain up to two (2) part-time Maintenance Aides for minor to moderate facilities and grounds repair/maintenance.	2-3 days per week 100% of the time
1.14		Responsible for all personnel issues, (hire, fire, evaluate, discipline, etc).	100% of the time for all employees
2	Finance		
2.1		Develop and manage an annual department budget and a mid-year budget review/adjustment.	100% of the time
2.2		Pursue department revenues and monitor revenues and expenditures.	100% of the time
2.3		Track Capital Projects budgets and expenditures	On-going
2.4		Manage forty (40) ground and water leases and numerous sub-leases including the negotiation of lease agreements and maintaining property	100% of the time

		management records systems, including accounts receivables.	
2.5		Track annual CPI data for recalculation of lease site minimum annual rent per the terms of the various lease agreements.	
2.6		Track Percentage of Gross Sales Rent on Lease Sites and initiate audits periodically.	On-going
2.7		Initiate Lease Site appraisals, per the terms of the various lease agreements.	On-going
2.8		Manage fifty (50) City slips, two (2) commercial piers, one hundred twenty-five (125) moorings, an anchorage area, a public launch ramp, all transient vessels, and the State Park Marina, including accounts receivables.	100% of the time
2.9		Initiate Lien Sales on Vessels with past due accounts when appropriate and provide necessary information on any lien sales to the Finance Department.	On-going
2.10		Pursue aggressive demolition policy of derelict and lien sale vessels, and pursue reimbursement where possible through State and Federal granting programs.	On-going
2.11		Periodically make determination regarding turning accounts over to collection agency or for writing off accounts and provide necessary documentation to Finance Department	.On-going
2.12		Provide daily cash reconciliation sheet along with A/R data from Harbor Billing program and provide breakdown of receivables by account code to Finance.	Daily
2.13		Provide annual A/R reports to Finance Department.	Annual
2.14		Perform all department purchasing of services and supplies. Complete purchase orders and other City-required documents as needed.	100% of the time
2.15		Develop budget schedules for long-	Continuous

		range programs.	
2.16		Identify grant opportunities for Harbor Department facilities, equipment, and programs and apply for funding. Write and submit grant applications.	Continuous
2.17		Administer grants, maintain financial records, request reimbursements, and communicate with City staff and Council as required.	Continuous
2.18		Administer training reimbursement MOU with DBW and submit for reimbursement as required.	As required
2.19		Participate in budget development workshops with department heads and with the City Council.	As scheduled
2.20		Prepare for and conduct an annual surplus gear, found items, and skiff public auction. Track and report account receivable from auction.	Annually
3	Other Admin. Activities		
3.1		Harbor Director attends City Council and Harbor Advisory Board meetings, department level staff meetings, business, management, fishery and other meetings as identified.	As regularly scheduled
3.2		Harbor Operations Manager attends operational, industry association, and other meetings as identified including filling in for the Harbor Director when needed at City Council and other departmental meetings.	As regularly scheduled
3.3		Harbor Business Coordinator attends Harbor Advisory Board, various level City staff meetings, and other business meetings as identified including filling in for the Harbor Director when needed at City Council and other departmental meetings.	As regularly scheduled
3.4		Harbor Business Coordinator serves as environmental liaison on committees, and agency meetings as required (MIG, SLOSEA, NEP, State Parks, etc.).	As regularly Scheduled
3.5		Continue community outreach programs including but not limited to	As requested and as required by City.

		attending weekly Business Forum, assistance with and participation at community events such as Harbor Festival, July 4 <sup>th</sup> , Lighted Boat Parade, etc.	
3.6		Provide "open door" involvement with the community.	100% of the time
3.7		Provide general office management including reception, information services, referrals, typing, computer data input, filing, meeting agendas/minutes, invoice processing, petty cash accounting, providing permits, collecting fees, copying, errands, reports, etc.	0800-1700 Monday through Friday, limited on weekends
3.8		Produce monthly Harbor Advisory Board Agendas and Staff Reports and post agendas as required.	Monthly
3.9		Review and provide departmental approval for relevant City Business Licenses.	As required
3.10		Review and provide departmental input on planning documents for Harbor related projects.	As required
3.11		Produce City Council Staff Reports on Harbor Department related issues.	As required/on-going
3.12		Produce and distribute quarterly Harbor Newsletter.	Quarterly
3.13		Produce and provide a wide variety of operational reports including but not limited to the Harbor Patrol logs, patrol statistics, case reports, investigation reports, inspection reports, equipment records, etc.	As required
3.14		Follow City implemented Records Retention program for office files and correspondence.	On-going
3.15		Provide computer program management utilizing City IT personnel and qualified department staff.	100% of the time
3.16		Track City Leases for compliance with lease agreement insurance clauses.	Monthly
3.17		Track City Moorings for mooring inspection compliance.	Monthly
3.18		Track liveaboard permittees for	On-going

		biennial permit compliance and monthly fee compliance.	
3.19		Insure all City slipholders qualify as a commercial fishing vessels.	Annually
3.20		Maintain Harbor Page on city web-site and all associated modules.	Continuous
3.21		As a National Weather Service Marine Reporting Station, Harbor personnel provide daily weather data, observation and measurements to NOAA 3-4 times per day.	Daily, per schedule
3.22		Represent City interests at local, State, Federal, and operational area emergency service meetings and events.	As scheduled
3.23		Provide lease site, slip holder and mooring information updates to County Assessor's Office.	Annually
3.24		Provide management for capital project development, oversight, and budgeting.	Continuous
3.25		Be accountable for inventory of all Harbor Department assets.	100% of the time
3.26		Harbor Director is responsible for department performance and is the single point of contact with City Manager.	100% of the time
3.27		Participate in meetings as a member of the Project Improvement Group (PIG) to improve City projects through collaboration with other departments as projects require.	As scheduled

#	Operations	Service Level	Performance Criteria
4	General Emergency Response		
4.1		Provide response of the first appropriate resource to all initial code 3 incidents on the Morro Bay waterfront, in the harbor, beach, and surrounding waters whether within City limits or outside on a mutual aid basis, upon receiving notification of	100% of the time

		the incident.	
4.2		Incidents of emergency response shall be but are not limited to; search and rescue, vessels or persons in distress, medical emergencies, vessel or waterfront fires, pollution events, vessel accidents, and property in peril.	100% of the time
4.3		The scheduled and normal crew response shall be two (2) fully-qualified full-time Harbor Patrol Officers, or one (1) fully-qualified full-time Officer and one (1) fully or partially-qualified Reserve Officer.	100% of the time
4.4		Provide daily staffing of a minimum of one (1) Officer qualified to provide PWC rescue services in the City	100% of the time
4.5		Provide Chief Officer response for significant incidents such as but not limited to search and rescue, multiple incidents, casualties or deaths, Officer injuries requiring transport to a medical facility, or upon request of responding Harbor Patrol Officers or Coast Guard.	100% of the time
4.6		Provide daily staffing of a minimum of one (1) person trained as a Hazmat IC (Hazwoper).	100% of the time
4.7		Provide daily staffing to provide Hazmat services to the Operations and Decon level of all personnel.	100% of the time
4.8		Provide daily staffing during summer season of sufficient USLA-qualified personnel to staff each open lifeguard tower with one (1) person each, with an extra person on duty as backup to all towers.	Typically 3-4 personnel per day from mid-April to mid-September, 7 days per week
4.9		Provide personnel callback as necessary to fulfill greater response performance criteria such as extended incidents, multiple incidents, etc.	100% of the time
4.10		Manage incidents utilizing ICS as a component of NIMS and SEMS as-required by the nature of the incident.	100% of the time
5	Extended		

	Emergency Response		
5.1		Provide initial emergency response to surrounding Estero Bay waters from Point Estero to Point Buchon on an automatic-aid basis in concurrence with the Coast Guard.	100% of the time as scheduled manpower or callback manpower allows
5.1		Provide initial emergency response to waters outside Estero Bay by request of Coast Guard or other agencies as-needed.	100% of the time as scheduled manpower or callback manpower allows
5.3		Provide personnel callback as necessary to fulfill extended response performance criteria as outlined above.	100% of the time
5.4		Staff the City and County EOCs and participate in the incident management teams as-needed.	As required
5.5		Provide an adequate number of appropriately trained personnel for response to disasters identified in the City of Morro Bay Multi-hazard Emergency Response Plan and participate in training drills and exercises as scheduled as they pertain to Harbor Patrol activities.	100% of the time
5.6		Provide storm response for events or incidents endangering life safety or property including service on public and private property.	100% of the time
6	Public Safety		
6.1		Provide harbor entrance condition monitoring and stand-by/vessel assist during hazardous bar conditions.	100% of the time
6.2		Provide beach and ocean-front monitoring and safety patrol during times of inclement or severe weather/swells.	100% of the time
6.3		Conduct routine vessel checks to ensure compliance with applicable local and State laws.	Continuous
6.4		Assist Army Corps of Engineers and/or dredging contractors with mob/demob, staging, and other logistical needs for dredging	As required

		operations.	
6.5		Dispose of marine mammals and birds in a sound manner if they pose a risk to public health.	100% of the time as time/manpower allows
6.6		Assist Coast Guard Aids to Navigation personnel with transportation, egress, and ingress, and logistical support to Federal aids to navigation.	As required
6.7		Assist State Parks personnel with managing closures to Morro Rock south parking lot and public safety issues on and around Morro Rock and the North Jetty.	As requested/required
7	Vessel Assist		
7.1		Provide non-emergency vessel assist including but not limited to vessel towing, pumping, moves, stranded paddlecraft, etc.	100% of the time as time/manpower allows
8	Public Assist		
8.1		Provide non-emergency public service assists (PSA) including but not limited to lost and found, missing persons, waste oil receiving, minor medical aid, public inquiries, etc.	100% of the time as time/manpower allows
8.2		Harbor Patrol resources shall be adequate to respond to non-emergency PSAs upon receiving request or dispatch.	Intent is to fulfill within 10 minutes 90% of the time and 30 minutes 100% of the time, contingent on weather or other conditions.
9	Law/Code Enforcement		
9.1		Provide unarmed, non-sworn personnel to enforce applicable local and State code as it pertains to boating and waterfront use within City limits.	100% of the time
9.2		Provide services for impounded, stolen, lost, and recovered vessels and property.	100% of the time
9.3		Mediate harbor user disputes and conflicts as they arise.	100% of the time
9.4		Conduct liveboard vessel inspection and enforcement.	As required
9.5		Assist other law enforcement	100% of the time

		agencies as-requested to the Harbor Patrol's level of equipment and training.	
10	Other Community Services		
10.1		Assist other City departments in the performance of their duties.	As requested and as resources are available.
10.2		Assist with the rescue and humane care of injured animals in a manner that causes minimal risk to Officers.	100% of the time if deemed safe and necessary.
10.3		Manage public resources from an environmental standpoint such as Snowy Plover nesting areas, eelgrass beds, mitigation of derelict vessels etc.	100% of the time
10.4		Provide reimbursable staff to support community events such as the Harbor Festival, July 4 <sup>th</sup> celebration, Lighted Boat Parade, Kite Festival, etc.	As required
10.5		Provide reimbursable staff to support other activities such as athletic events, charity events, etc.	As required
10.6		Provide non-emergency public telephone assistance 8 hours per day, 7 days per week.	100% of the time
10.7		Accommodate, assign tasks, and supervise court-assigned community service workers and Sheriff's alternative Work Program participants.	As-required
10.8		Provide and maintain one (1) beach wheelchair available to the public on a check-out basis.	As-requested
11	Communications		
11.1		Provide self-dispatch services to meet response requirements herein on public-direct initiated calls for service and self-generated calls.	100% of the time
11.2		Utilize dispatching provided by Morro Bay Police Department for 911 or after-hours calls for service.	100% of the time as the need arises
11.3		Dispatch contacts after-hours on-call personnel for emergency/urgent call back by phone and/or text message.	100% of the time as the need arises

11.4		Dispatch provides emergency and non-emergency telephone assistance during incidents as they are available.	100% of the time as the need arises
11.5		Support and maintain all radios (hand-held, mobile, and fixed) assigned to equipment and personnel. Radios include VHF marine, VHF programmable, and UHF programmable units as-required.	100% of the time
11.6		Radio repair and maintenance shall be conducted locally if within 5% of cost.	100% of the time
11.7		Provide full-time Harbor Patrol Officers and Operations Manager with City cell phones for continual access and call-out capabilities.	100% of the time
11.8		Police Department shall monitor and maintain all FCC communication licenses for the City of Morro Bay.	100% of the time
11.9		Participate in the City Communications Committee meetings involving each City department. Assist in communications system planning and make recommendations.	Quarterly or as-scheduled.
12	Education & Prevention		
12.1		Assist in coordinating and organizing public educational events/lectures such as Cal Poly WOW Week, National Safe Boating Week, etc. as they pertain to harbor/water uses with other agencies and entities (local, county, state, and federal).	As scheduled
12.2		Provide speakers to civic groups, community organizations, and school groups.	As requested
12.3		Conduct patrol vessel tours for classes and pre-schools.	As requested
12.4		Participate in school career day programs.	As requested
12.5		Continue job shadowing programs such as Grizzly Academy and MBHS Job Shadow.	As requested
12.6		Provide adequate signage (permanent and/or temporary) to warn and advise the public of rules,	100% of the time

		regulations, hazards, etc.	
12.7		Provide educational safety, pollution, regulation, services, etc. brochures and handouts as appropriate for the harbor/ocean environment.	100% of the time
12.8		Conduct random vessel boarding and inspection for legally required safety equipment, operation, etc.	100% of the time
13	Training		
13.1		Provide legally mandated or regulated training of all full-time and part-time personnel to provide a well trained, safe, effective, and efficient workforce and to minimize liability to the City.	100% of the time
13.2		Provide industry-standard training for all personnel as above.	100% of the time
13.3		All personnel shall be trained and responsible for detailed knowledge of local conditions including harbor topography, bathymetry, facilities, surrounding ocean and beaches, special hazards, utility shut offs, etc.	100% of the time
13.4		All personnel shall only respond to their level of training and readiness for a particular incident.	100% of the time
13.5		Provide individual training records for all employees.	100% of the time
13.6		Training shall be provided by qualified training officer, full-time Harbor Patrol Officer, or subject matter expert providing training that meets or exceeds regulatory or industry standards.	100% of the time
13.7		Assure all personnel maintain required licenses, certifications, and accreditations.	100% of the time
13.8		Provide fitness assessment/doctor's physical examination as required for personnel utilizing SCBA.	100% of the time
13.9		Assure all miscellaneous as-needed OSHA safety-related training occurs.	100% of the time
13.10		Provide an annual training plan and budget costs to assure continued training for all personnel.	Continuous
13.12		Achieve and maintain personnel fitness through scheduled on-duty	Continuous

		exercise opportunities.	
13.13		All personnel are afforded career development training.	Continuous

#	Planning	Service Level	Performance Criteria
14	Strategic Planning		
14.1		Review and provide input into revisions of the City General Plan and included elements as they pertain to Harbor operations.	As required
14.2		Lease planning – provide oversight of leases for compliance, negotiate leases per Council direction.	Continuous
14.3		Capital project planning, tracking on-going current projects, planning and scheduling for future capital projects based on both the necessity of the project and economic and planning feasibility.	Continuous
14.4		Long-term facility maintenance/update/replacement planning, including facility inspections.	Continuous
14.5		Planning for electronic equipment replacement needs including computers, computer programs, printers, faxes, VHF radios, GPS systems.	Continuous
14.6		Assist Army Corps of Engineers in planning for short and long-term dredging needs of the harbor.	As required
15	General Operating Guideline Development		
15.1		Develop and implement department policies and guidelines regarding administration, operations, training, etc.	Continuous
15.2		Periodically review and update Harbor Patrol Officer's manual and other operational and departmental	As-required

		manuals.	
16	Municipal Codes and Ordinances		
16.1		Review and update codes and ordinances related to Harbor department issues as needs are identified.	As needed or As directed
17	Harbor Rules and Regulations		
17.1		Review and update rules and regulations related to Harbor department issues as needs are identified.	As needed or As directed
18	Disaster Preparation		
18.1		Coordinate emergency management planning with local, county, State, and Federal agencies as they pertain to harbor operations.	Continuous
19	Safety	.	
19.1		Conduct monthly department safety/staff meetings.	Monthly
19.2		Attend and participate in City Safety Committee meetings.	Quarterly
19.3		Review City's Injury and Illness Prevention Plan.	Annually
19.4		Review and update the departmental hazard communication program and MSDS sheets.	Annually
19.5		Assure all appropriate personal protective equipment (PPE) is available and worn during vessel responses, fires, medical incidents, hazardous material spills, and other emergencies.	Continuous

#	Logistics	Service Level	Performance Criteria
20	Facilities		
20.1		Staff, equip, manage, and operate an administrative and operational headquarters at 1275 Embarcadero Rd.	100% of the time
20.2		Manage and maintain two (2) remote	100% of the time

		Harbor Dept. storage/repair facilities on Embarcadero Rd.	
20.3		Manage and maintain a waste oil, waste oil filter, used oil absorbent pad, waste engine coolant, and used battery recycling facility for acceptance of these public wastes.	100% of the time, acceptance as time/manpower allows
20.4		Manage and maintain one (1) vessel bilge water oil/water separator pumpout facility.	Continuous
20.5		Manage and maintain two (2) public vessel sewage pumpout stations.	Continuous
20.6		Manage and maintain two public piers.	Continuous
20.7		Manage and maintain fifty (50) vessel slips for permanent slip holders and transient slip users.	Continuous
20.8		Manage and maintain three (3) public day-use street-end docks.	Continuous
20.9		Manage and maintain one (1) public day-use and pumpout dock.	Continuous
20.10		Manage a public anchorage area.	Continuous
20.11		Manage and maintain a public floating dock in the anchorage area.	Continuous
20.12		Manage 125 moorings, including eleven (11) City-owned moorings.	Continuous
20.13		Manage and maintain several public visitor-serving waterfront overlooks and piers.	Continuous
20.14		Manage two (2) public shower facilities and one (1) vessel rinse-down station.	Continuous
20.15		Maintain 2-3 industry-standard Lifeguard towers seasonally placed.	Continuous
20.16		Maintain and manage one (1) remotely-operated emergency phone on the sandspit.	Continuous
21	Vessels and Vehicles		
21.1		Operate, equip, evaluate, maintain,	100% of the time

		and repair Patrol Boat 68 to industry-standard levels.	
21.2		Operate, equip, evaluate, maintain, and repair Patrol Boat 66 to industry-standard levels.	100% of the time
21.3		Operate, equip, evaluate, maintain, and repair Patrol Boat 65 to industry-standard levels.	100% of the time
21.4		Operate, equip, evaluate, maintain, and repair two (2) personal watercraft (PWC), Rescue 1 and Rescue 2 to industry-standard levels.	100% of the time
21.5		Operate, equip, evaluate, maintain, and repair 2-Door Dodge truck to industry-standard levels.	100% of the time
21.6		Operate, equip, evaluate, maintain, and repair 4-Door Dodge truck to industry-standard levels.	100% of the time
21.7		Operate, equip, evaluate, maintain, and repair Hybrid vehicle to industry-standard levels.	100% of the time
21.8		Operate, equip, evaluate, maintain, and repair Flat Bed truck to industry-standard levels.	100% of the time
21.9		Operate, equip, evaluate, maintain, and repair two (2) patrol boat trailers and one (1) PWC trailer.	100% of the time
22	Equipment		
22.1		Equip Harbor Patrol Officers with industry-standard rescue, surf rescue, and fire gear to their level of training.	100% of the time
22.2		Provide USLA-standard gear and equipment for Lifeguards.	100% of the time
22.3		Provide two (2) dedicated pumps and associated equipment for fire fighting (one fixed, one portable).	100% of the time
22.4		Provide small power and hand tools for various repair and maintenance tasks.	100% of the time
22.5		Provide at least two (2) gasoline-	100% of the time

		powered dewatering pumps and three (3) electric dewatering sump pumps for general and emergency vessel dewatering.	
22.6		Provide various miscellaneous industry-related items including but not limited to line, floats, chain, shackles, fenders, etc.	100% of the time
22.7		Provide SCBA, conduct fit testing and maintain records.	Annually
22.8		Conduct AED service and maintenance on two units. Maintain records.	Quarterly
22.9		Provide office-related equipment as required.	Continuous
23	Maintenance		
23.1		Inspect, maintain, and replace vessels, vehicles, and equipment. Maintain records for all.	As scheduled
23.2		Daily vessel, vehicle, and equipment checks to be completed. Maintain records.	Daily, 100% of the time
23.3		Weekly vessel, vehicle, and equipment checks to be completed. Maintain records.	Weekly, 100% of the time.
23.4		Harbor Patrol Officers to perform minor and routine and preventive maintenance on vessels and vehicles. Maintain records.	As required
23.5		City mechanics provide vehicle maintenance not conducted by Harbor Patrol Officers in accordance with industry practices, California Vehicle Code, Department of Transportation regulations, Cal-OSHA, and all applicable laws and regulations. Repairs may be completed off site by certified professional specialty mechanics as needed. Maintain records and report on all vehicle	100% of the time to provide legal compliance and preventative maintenance

		maintenance activities.	
23.6		Provide SCBA repair and bench testing and maintain records.	100% of the time as required
23.7		Conduct required DMV inspections of vehicles	As required
23.8		Provide facility maintenance in accordance with industry practices, Cal-OSHA, and other applicable laws and regulations with City budgetary allowances, skill of Harbor and City personnel, and City policies. Maintain records on all facilities maintenance activities.	Intent is for 100% legal compliance and immediate mitigation of health and safety issues
23.9		Provide equipment (non-vehicular) maintenance in accordance with industry practices, Cal –OSHA regulations, and other applicable laws and regulations. Maintain records and report on all equipment maintenance activities.	Intent is for 100% legal and operational compliance to mitigate any health or safety issues. Protect City investment, and to minimize City liability.
23.10		Perform all scheduled maintenance and repairs in a timely manner to protect the City investment in facilities, vehicles, and equipment and to ensure optimum resources to accomplish the department's mission.	Continuous
23.11		Make recommendations regarding major repairs, repair costs, and repair methods for approval.	As required
23.12		Maintain a detailed maintenance schedule for vehicles, facilities, and equipment.	Intent is for 100% compliance
23.13		Pump test all fire pumps.	Annually
23.14		Test all fire hose to NFPA standards.	Annually
24	Supplies		
24.1		Provide office supplies with budget provided.	Purchase as-needed
24.2		Purchase fuel and monitor use	Continually

		through City Yard fueling program.	
24.3		Provide medical supplies with budget provided.	Purchase routinely as needed
24.4		Provide facility and grounds supplies with budget provided.	Purchase as-needed
24.5		Provide uniforms and PPE with budget provided.	Purchase as-needed
24.6		Provide emergency, communication, equipment, and tool supplies with budget provided.	Purchase as-required
24.7		Provide training supplies with budget provided.	Purchase as-required
24.8		Provide uniform supplies with budget provided.	Purchase as-needed
24.9		Provide pollution response equipment and supplies with budget provided.	Purchase as-required