

# HARBOR ADVISORY BOARD MEETING

Thursday March 4, 2010  
7:00 PM  
Morro Bay Veteran's Hall  
209 Surf Street  
Morro Bay CA 93442

## AGENDA

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- I. ROLL CALL
  - II. APPROVAL OF MINUTES
  - III. ORAL COMMUNICATIONS  
Members of the audience wishing to address the Board on City business matters other than those on the agenda may do so now.
  - IV. PRESENTATIONS AND ACTION ITEMS
    - IV-1. State Park Marina Maintenance Dredging Project
    - IV-2. Proposed Policy for Applying for Public Agency Liquor Licenses on City Managed Tidelands Lease Sites
  - V. INFORMATION ITEMS
    - V-1. Harbor Department Status Report
    - V-2. Quarterly Lease Site Development Review
  - VI. ADDITIONAL COMMENTS
  - VII. FUTURE AGENDA ITEMS
  - VIII. ADJOURNMENT
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**CITY OF MORRO BAY**  
**HARBOR ADVISORY BOARD**  
**SYNOPSIS MINUTES**

The regular meeting of the City of Morro Bay Harbor Advisory Board was held Thursday, February 4, 2010 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
		Jim Phillips
		Elaine Serda
Absent:		Michele Leary
Lynn		Meissen
	Staff:	Rick Algert, Harbor Director
Polly		Curtis, Office Assistant

**II. MINUTES**

Mr. Doughty moved the December 3, 2009 Harbor Advisory Board minutes be approved as submitted. The motion was seconded by Mr. Cunningham and carried unanimously.

**III. ORAL COMMUNICATIONS**

Chairman Phillips welcomed new Harbor Advisory Board member Elaine Serda. Chairman Phillips recognized the passing of Mr. Ed Ewing, former Harbor Advisory Board member and commercial fisherman.

**IV. PRESENTATIONS AND ACTION ITEMS**

**IV-1. Election of Chair and Vice Chair**

Mr. Luffee moved that Mr. Jim Phillips be elected Chair to the Harbor Advisory Board, and Ms. Meissen be elected Vice-Chair to the Harbor Advisory Board. The motion was seconded by Mr. Cunningham and carried unanimously.

**IV-2. Boat Yard Development Project**

Mr. Algert introduced Mr. Mike Sherrod of RRM Design. Mr. Sherrod reviewed the history of the capital improvement project relating to boating access facilities from 1997 to present. In June 2009, a Concept Plan was developed by RRM Design on the Boating Access Facility Plan and Low-Impact Development Boat Yard. Mr. Sherrod said the next steps are to complete the CEQA then process local use permits through the Planning Commission and City Council. Mr. Algert said the project did not qualify for last year's stimulus funds due to lack of readiness, and he told the Board in December 2009 he did not believe the boat yard project should be a priority for additional funding right now.

Mr. Cunningham asked Mr. Algert if the project had been ready would we have been able to receive stimulus money. Mr. Algert said most likely, because this is exactly the type of project that was being funded. Mr. Luffee asked about the Environmentally Sensitive Habitat (ESH) designation. Mr. Sherrod said the Coastal Commission assigned the ESH designation to any dune system. All or most of the boat yard project sits on the dune system; so the alternative is to determine mitigation projects or tradeoffs.

Mr. Luffee asked Mr. Algert what the approximate costs would be for future permitting and design work. Mr. Algert said permitting costs, detailed engineering, and more design work by RRM would cost approximately \$45-60,000. Mr. Cunningham asked if the project could be reduced in scope for next year in order to lower the design costs. Mr. Algert said the scope could be lowered for next year due to limited funds, possibly by working halfway on the design project for a lower cost of \$20-30,000. Mr. Luffee asked if there were any other avenues for funding. Mr. Cunningham said the Joint Cable/Fisheries Liaison Committee might have some money available to keep the boat yard project moving forward.

Chairman Phillips said discussions on the boat yard project have been ongoing for thirteen years, and much time and money has already been invested. He did not want to put the project on the back burner another eight to ten years; so hoped that a modification of the scale of the project would help to keep moving forward.

Motion: Mr. Doughty moved that the Harbor Advisory Board recommend to City Council to continue moving forward with the boat yard project, but capping expenditures at \$25,000 for this fiscal year. The motion was seconded by Mr. Cunningham and carried unanimously.

Motion: Mr. Cunningham moved that the Harbor Department Staff pursue funding from the Joint Cable/Fisheries Liaison Committee for future use toward completion of the boat yard project. The motion was seconded by Mr. Doughty and carried unanimously.

#### **IV-3. Sea Lion Deterrence**

Mr. Algert said the Harbor Department completed construction of barriers on one finger of the Anchor Park slips, and it worked well at that location to prevent sea lions from hauling out onto the dock. He said the plan is to expand to other City docks, using this passive deterrence method. He said boat owners may choose their own preferred methods that comply with the laws, and copies of the list of deterrence methods is available at the Harbor Department, or online at the NOAA's National Marine Fisheries website: <http://swr.nmfs.noaa.gov/deter>.

Mr. Cunningham said fishermen frequently ask him what the Harbor Department is doing about the sea lion problem. He recommended the Harbor Department send a mailer to all the commercial fishermen and slip holders prior to this spring when the sea lions return, describing the acceptable and not acceptable deterrents for sea lions. He said the sea lions tend to move around, and that a mobile deterrent such as the hot-wire concept would be the most effective.

Mr. Luffee asked if it is the slip holders or the Harbor Department's responsibility to put up the barriers. Mr. Algert said it is the responsibility of private property owners (boats), and lease site holders to protect their property from damage by sea lions; but the Harbor Department will help to the extent that we can to protect the commercial fishing slips. However, fishing boat owners would be responsible to protect their own boats, nets and gear from sea lion damage by using legal deterrence methods. Mr. Algert said it is a good idea to send out mailers of the legal sea lion deterrence methods to slip holders this spring.

## **V. INFORMATION ITEMS**

### **V-1. Harbor Department Status Report**

Mr. Algert reviewed the following items for the Board:

Dredging Project Completion

State Park Marina Progress

Coast Guard Change of Command 4/06/10

Sumer Beach Lifeguards

Lady Washington 2/13/10 and 2/14/10

Central Coast Wave Energy Project Public Meetings 2/03/10 and 2/04/10

## **VI. ADDITIONAL COMMENTS**

Chairman Phillips said the Lady Washington had been barred from California waters until their old engines are replaced. Mr. Doughty said the electrical work at the Bay Front Marina has been completed.

## **VII. FUTURE AGENDA ITEMS**

March:           State Park Marina Development Update  
                    Quarterly Lease Site Development Review  
                    Proposed Policy for Applying for Public Agency Liquor Licenses on  
                    City Managed Tidelands Lease Sites

## **VIII. ADJOURNMENT**

This meeting was adjourned at 8:15 PM

Submitted by,

Polly Curtis  
Harbor Department

AGENDA NO. IV-1

DATE: 3/4/10 Action:       

**TO: HARBOR ADVISORY BOARD**

**DATE: 2/25/10**

**FROM: HAR BOR DIRECTOR**

**SUBJECT: STATE PARK MARINA MAINTENANCE DREDGING PROJECT**

An oral report will be given.

**TO: HARBOR ADVISORY BOARD**

**DATE: 2/25/10**

**FROM: HARBOR DIRECTOR**

**SUBJECT: PROPOSED POLICY FOR APPLYING FOR PUBLIC AGENCY LIQUOR LICENSES ON CITY MANAGED TIDELANDS LEASE SITES**

Harbor Department Staff recommends that the Harbor Advisory Board hold a public hearing on this issue and recommend that the City Council direct Staff to develop a policy to allow, under Section 23824 of the Business and Professions Code, liquor licenses to be issued to qualified City tenants.

An Embarcadero tenant has requested that the City file a written request for a special issue liquor license as allowed under the attached Code Section 23824. The City Council has referred this request to the Harbor Advisory Board so a public hearing could be held to solicit public comment. The potential benefits to the City include increased rental revenues from increased gross sales and percentage rents, and improved evening traffic on the Embarcadero business corridor. The Council has concerns about whether such additional liquor licenses could affect public safety or negatively affect other businesses in the City. Following are highlights of how such a liquor license might be issued if the City chose to proceed.

- City Council would direct Staff to develop a general policy so that such a license would be made available to any *bona fide* eating establishment on Tidelands lease sites that meet policy qualification criteria.
- Once the policy is approved by the City Council, City files a written request for a specific site stating why the issuance of the license is in the public interests.
- If ABC agrees, the license is issued to the tenant on the public property at a fee of \$6000 and can only be transferred to another tenant on the property; the license cannot be sold or transferred to any other location.

Staff feels that a reasonable and fair policy can be presented to City Council to facilitate this request and add to City revenues and the Embarcadero business environment.

Staff recommends that the Harbor Advisory Board hold a public hearing to take public comment and recommend that the City Council direct Staff to develop a policy to facilitate application for special liquor licenses at *bona fide* eating establishments on Tidelands lease sites.

TO:                   HARBOR ADVISORY BOARD

DATE: 2/25/10

FROM: HAR           BOR DIRECTOR

SUBJECT: STATUS   REPORT

**DREDGING:** The excavator dredge has completed its work in the Morro Channel and has left Morro Bay. Dredging continues in the Entrance Channel and Sand Trap areas with the pipeline dredge La Encina. Due to continued high surf and weather events, they must regularly pull back to an area opposite Target Rock. Because of this, the Corps requested and received an extension from State Parks and Fish & Wildlife to continue depositing the dredged material on the beach north of the Rock after the traditional “no-go” date of the March 1 snowy plover nesting season. The new date is March 15 for complete demobilization. Because more time is needed to complete the work, both the contractor and Corps are working on a plan to bring the pipeline dredge back here in August to finish the work, and are preliminarily planning on running the outfall pipeline across the south jetty base, then run it down the sandspit beach a bit then to sea and to the near-shore disposal site. This will depend on input from State Parks regarding snowy plover nesting there, but the plan would be to keep all equipment and materials well out of the nesting areas.

**FEE PARKING AT THE LAUNCH RAMP:** We have received the disassembled equipment to begin truck/trailer fee parking at the Launch Ramp parking lot, and plan to assemble, test, and install it to begin fee parking in the month of April.

**UPCOMING LIEN SALES:** Authorization has been granted by DMV to conduct lien sales on the vessels *Sea Dove* and *Tuscan* on March 23. *Sea Dove* is a small wooden sailing vessel and will be eligible for Abandoned Watercraft Abatement Fund (AWAF) grant reimbursement, which will come out of our current \$13,500 AWAF grant from the Department of Boating and Waterways. The *Tuscan* is a 55-foot ex-commercial fishing vessel, built in 1929 of wood but sorely neglected for the past 10 years. Funding for her demolition, presuming nobody buys her out of the auction, should come from the NEP grant received last year for commercial vessel demolition.

**LIFEGUARD TOWERS:** Herb White, the Junior Lifeguard Program Coordinator for the Recreation & Parks Dept. and full-time State Park Ranger, put a call out to his old lifeguard friends looking for surplus lifeguard towers on our behalf. He had several responses, and Operations Manager Endersby looked at two that were available in Ventura. Although they are 15-20 years old, they are fully serviceable and only being retired because the State Lifeguards there received funding for two new towers. The towers are being offered to us free of charge. The only cost will be disassembly and trucking from Ventura to Morro Bay, for which we have a very reasonable quote. We will be getting them moved in the coming weeks. This is in contrast to the current asking price of \$30,000-\$40,000 each for brand new towers.

**HARBOR-FIRE DEPT:** Per City Council direction, City Manager Andrea Lueker is conducting some preliminary groundwork to work up a report of potential joint Harbor Dept.-Fire Dept. To that end Operations Manager Endersby identified two like agencies as possible comparables; Redondo Beach and Mission Bay. On February 18<sup>th</sup> Lueker, Fire Chief Mike Pond, and Endersby traveled to Redondo and met with their Fire Chief, City Manager, and some of their Harbor Patrol staff and had a look at their operation. It was a valuable trip and a lot of information was gathered. A conference call to key Mission Bay staff is planned for the near future, with a possible field trip there in the future as well.

TO:           HARBOR ADVISORY BOARD

DATE: 2/25/10

FROM: HAR       BOR DIRECTOR

SUBJECT:    QUARTERLY LEASE SITE DEVELOPMENT REVIEW

The Harbor Advisory Board has expressed an interest in reviewing waterfront development applications that affect the “use, control, promotion and operation of vessels within the Harbor.” This is the third such quarterly report.

**Coleman/Embarcadero Improvement Project:** In 2008 the City Council adopted a conceptual plan for future Harbor and Recreation & Parks facilities in this area. In your December 2009 packet you were provided a memo from the Recreation & Parks director with extensive background on their process for developing new recreational components in the Coleman/Embarcadero Road area. They have been working with RRM Design to develop a public outreach plan and to form a citizens advisory committee.

**North Embarcadero (Harbor) Capital Improvement Plan:** On the Harbor Department elements, you received a report at your February 2010 meeting and passed a motion to recommend that the City Council continue moving forward with the boat yard project, but capping expenditures at \$25,000 for this fiscal year, and requesting that the Harbor Department staff pursue funding from the Joint Fisheries/Cable Liaison Committee for future development/design of the boat yard project.

Harbor Department staff is working with our CEQA initial study consultant and design team to respond to the comments received on the draft initial study for the boat yard project, and we hope to have a hearing at the Planning Commission to finalize the CEQA initial study and concept plan this April.

The City Council has set a “Budget and Goals Priorities” workshop on March 16<sup>th</sup>-17<sup>th</sup> and the City Council will be advised by memo prior to this hearing on the Harbor Advisory Board recommendation to continue working on the boat yard project.

The Central Coast Joint Fisheries/Cable Liaison committee just completed a grant cycle and is not expected to solicit proposals again until at least the fall of 2010.

**Virg’s Fish’n, Harbor Hut and GAFCO:** Still working on precise plans, attached FYI are the slip elements as proposed at this time.

**Central Coast Fuel and Ice Slips:** Tenant has repaired an existing side-tie dock and is proposing to install finger docks. Not yet scheduled for Planning Commission.

**Whale’s Tail Restaurant - 945 Embarcadero:** The new tenant is currently rehabbing the restaurant with a hoped for re-opening date in May 2010 and will be submitting long term redevelopment plans this year.

**Conference Center Project 833 - 801 Embarcadero:** The proposed project received Coastal Commission approval in December 2009. The project has been modified to be one story. The project applicant is working on precise plan submittal to the City Planning Department.

**Held-Violet project 591 and 575 Embarcadero:** Precise plan review may be scheduled for March 15<sup>th</sup> or 29<sup>th</sup> 2010 Planning Commission meeting.

**Salt Building - 571 Embarcadero:** Concept plan review may be scheduled for April or May 2010 Planning Commission meetings.

**Lease Site 35W-36W:** Environmental analysis has been completed on the dock demolition project and the City engineer is working on ACOE permit.