

NEWPORT BEACH HARBOR COMMISSION REGULAR MEETING MINUTES
City Council Chambers – 100 Civic Center Drive
Wednesday, May 8, 2024
5 p.m.

1. CALL MEETING TO ORDER

The meeting was called to order at 5 p.m.

2. ROLL CALL

PRESENT: Ira Beer, Vice Chair
Scott Cunningham, Commissioner
Rudy Svrcek, Commissioner
Gary Williams, Commissioner
Don Yahn, Commissioner

ABSENT: Steve Scully, Chair (excused)
Marie Marston, Secretary (excused)

Staff Members: Paul Blank, Harbormaster
Matt Cosylion, Deputy Harbormaster
Jennifer Biddle, Executive Assistant
Rosalinda Gonzalez, Administrative Assistant

3. PLEDGE OF ALLEGIANCE – Led by Commissioner Williams

4. PUBLIC COMMENTS

Adam Leverenz commented that he had submitted a document for the record and expressed continued concerns regarding the Harbor Commission's April 10, 2024 recommendations related to mooring rents. He alleged meeting materials were unavailable to the public and stated his perception of violations of open meeting and conflict of interest laws and disparity between pier permit and mooring permit rates concerning the controversy over the mooring fee increases.

5. APPROVAL OF MINUTES

1. Draft Minutes of the April 10, 2024 Harbor Commission Regular Meeting

Vice Chair Beer opened public comments. Seeing none, Vice Chair Beer closed public comments.

Commissioner Williams moved to approve the April 10, 2024 Harbor Commission Regular Meeting minutes, as amended. Seconded by Commissioner Yahn. The motion carried by the following roll call vote:

Ayes: Cunningham, Svrcek, Yahn, Williams, and Beer
Nays: None
Abstain: None
Absent: Marston (excused), Scully (excused)

6. CURRENT BUSINESS

1. Ad Hoc Committee Updates

Recommendation:

- 1) Find this action exempt from the California Environmental Quality Act (CEQA) pursuant to Sections 15060(c)(2) (the activity will not result in a direct or reasonably foreseeable indirect physical change in the environment) and 15060(c)(3) (the activity is not a project as defined in

Section 15378) of the CEQA Guidelines, California Code of Regulations, Title 14, Division 6, Chapter 3, because it has no potential for resulting in physical change to the environment, directly or indirectly; and

- 2) Receive and file.

Balboa Ferry Ad Hoc – Commissioners Scully, Svrcek and Yahn (05-10-2023)

Commissioner Yahn provided an interim report stating that there may be a pathway to exemptions to the State CARB initiatives related to electrification of the ferries.

General Plan Vision Statement Ad Hoc – Commissioners Scully and Marston (08-09-2023)

This report was deferred to the next meeting as the two ad hoc committee members had an excused absence from this meeting.

Public Dock Utilization Ad Hoc – Commissioners Beer, Svrcek, and Williams (04-10-2024)

Vice Chair Beer had conversations with Chris Miller to coordinate a strategy discussion in the next two weeks.

Vice Chair Beer opened public comments.

Jim Mosher commented on the General Plan Vision Statement ad hoc committee item noting there is an element of the General Plan called the Harbor and Bay Element, and the General Plan consultant is preparing background reports that detail current state and possible need for improvement in the various Elements. He understands the background report on the Harbor and Bay Element is complete and that the intention is to review it at an upcoming public meeting of the Harbor and Bay Element subcommittee, and meeting information is available on the City's online calendar.

Adam Leverenz commented that 15th and 19th Streets have been dredged and he appreciates the improvement.

Seeing no others, Vice Chair Beer closed public comments.

There was no further action taken on this item and it was received and filed unanimously.

2. Harbor Commission 2024 Objectives

Recommendation:

- 1) Find this action exempt from the California Environmental Quality Act (CEQA) pursuant to Sections 15060(c)(2) (the activity will not result in a direct or reasonably foreseeable indirect physical change in the environment) and 15060(c)(3) (the activity is not a project as defined in Section 15378) of the CEQA Guidelines, California Code of Regulations, Title 14, Division 6, Chapter 3, because it has no potential for resulting in physical change to the environment, directly or indirectly; and
 - 2) Receive and file.
1. Conduct annual review of Title 17 and recommend updates to City Council where necessary (Commissioner Yahn).
Update: *No report.*
 2. Collaborate with the Water Quality/Coastal Tidelands Committee to partner on areas within the Harbor that both Commission/Committees intersect (Commissioners: Svrcek, Scully).
Update: *No report.*
 3. Successful implementation of the mooring reconfiguration initiative, including design, testing, permitting, execution, and monitoring (Commissioner: Beer).
Update: *There is currently some additional information going back and forth to the Coastal Commission, and the process takes time.*

4. Collaborate with Parks, Beaches, and Recreation Commission and Staff to evaluate the best use for Lower Castaway and make a recommendation to City Council (Commissioners: Marston, Svrcek).
Update: *Commission discussion ensued on this item including comments that the City Council has taken over this process via a Council subcommittee, leaving the Harbor Commission ad hoc committee open for now to remain active in the process and convey the Harbor Commission's ideas in a united manner, the ad hoc committee should continue conversations with staff and potentially the City Council related to the alternatives for the project, including the aquarium and a marina-type use along with a pool.*
5. Work with staff to identify opportunities to add additional Harbor Services (Restrooms, additional pump out stations, dock space, Shore Boat Service, Boat Launch Ramp, and development of the mobile app) (Commissioners: Marston, Yahn).
Update: *No report.*
6. Continue with the participation of businesses, nonprofits, and the Harbor Department with a Newport Harbor Safety Committee to promote best practices and address safety issues on the water (Commissioner: Scully).
Update: *No report.*
7. Review Harbor Department responsibilities, evaluate the Department's readiness and effectiveness to deliver Harbor services as necessary for normal operations and during emergencies and make recommendations as determined necessary (Commissioner: Scully, Williams).
Update: *No report.*
8. Work with City Staff on an update of the market rent to be charged for onshore and offshore moorings (Commissioner: Cunningham, Beer).
Update: *A Harbor Commission recommendation has been forwarded to the City Council.*
9. Evaluate establishing day moorings off Big Corona Beach (Commissioner: Williams).
Update: *No report.*
10. Support staff in all efforts related to the dredge completion of the Federal Navigation channels in addition to the upcoming agency renewals of the Regional General Permit (RGP54) shallow water dredging permit. (Commissioners: Cunningham, Svrcek)
Update: *Commission discussion ensued on this matter including comments it has been relegated to the City's legal counsel as there is a lawsuit in process. The timeline is unknown at the moment.*

Vice Chair Beer opened public comments. Seeing none, Vice Chair Beer closed public comments.

There was no further action taken on this item and it was received and filed unanimously.

5. Harbormaster Update – April 2024 Activities

Recommendation:

- 1) Determine this action is exempt from the California Environmental Quality Act (CEQA) pursuant to Sections 15060(c)(2) and 15060(c)(3) of the CEQA Guidelines because this action will not result in a physical change to the environment, directly or indirectly; and
- 2) Receive and file.

Deputy Harbormaster Matt Cosylyon provided a summary of the agenda report provided in the publicly noticed agenda packet. A PowerPoint presentation was displayed.

Commission and staff discussion ensued including comments related to lack of fish for which Harbor pelicans depend on for nourishment, the increase in sick or starving pelicans reported to the Department, reports of a recently abandoned boat with video showing approximately 25 individuals coming out, information from staff that there may have been incidents of human trafficking related to the abandoned

boat, Harbor Department staff is now receiving specific training on how to handle such incidents, specifics on citations issued for use of the Harbor as a restroom by Duffy boat renters, implementation of boater education related to those citations for violations, the citation rates for various violations of the Municipal Code, the Water Wheel, clean up as related to a recent accident, public availability of the eel grass survey, and inquiries related to the boat show.

Vice Chair Beer opened public comments.

Jim Mosher commented on the performance metrics process recently instituted by the City, the Finance Committee will be reviewing the list for all Departments, including the Harbor Department, at their meeting tomorrow, and that meeting materials are available on the City's website. He stated he is the Chair of the General Plan Update Advisory Committee subcommittee assigned to review the Noise Element and they have asked City staff to gather noise complaints from all Departments for better understanding of noise impacts in the City, as related to the General Plan update.

There was no further action taken on this item.

7. MOTION FOR RECONSIDERATION

None.

8. COMMISSIONER ANNOUNCEMENTS (NON-DISCUSSION ITEMS)

Commissioner Williams offered congratulations on the recent boat show and expressed his support for the Distinguished Citizens Program, which develops future leaders for the City of Newport Beach.

Commissioner Cunningham reminded the community that the Newport Harbor Foundation will be sponsoring a "State of the Harbor" luncheon on May 15, 2024 at the Newport Beach Harbor Yacht Club.

9. MATTERS WHICH COMMISSIONERS WOULD LIKE PLACED ON A FUTURE AGENDA FOR DISCUSSION, ACTION, OR REPORT (NON-DISCUSSION ITEM)

Commissioner Cunningham requested discussion at the July meeting of the mooring license product and the cost and feasibility for migration to a helix system, as he will absent from the June meeting.

10. DATE AND TIME FOR NEXT MEETING:

The next meeting was scheduled for Wednesday, June 12, 2024, at 5 p.m.

11. ADJOURNMENT

There being no further business to come before the Harbor Commission, the meeting was adjourned at 5:45 p.m.