

NEWPORT BEACH HARBOR COMMISSION MINUTES
City Council Chambers
February 10, 2010

CALL TO ORDER 6:00 P.M.

PLEDGE OF ALLEGIANCE

ROLL CALL: Chair Karen Rhyne, Commissioners Tim Collins, John Corrough, Marshall Duffield, Ralph Rodheim and Vincent Valdes were present.

Staff: Chris Miller and Shannon Levin

MINUTES: The minutes from the January meeting were not available. Therefore, the January and February minutes will be reviewed in March.

PUBLIC COMMENTS ON NONE AGENDA ITEMS:

ACTION & APPEAL ITEMS

ITEM #1

Subject: **Balboa Marina Status Update**

Issue: The Harbor Commission will be updated by the Office of the City Attorney on the status of the public accessibility condition for their newly constructed marina.

Discussion: Assistant City Attorney Leonie Mulvihill updated the Commission on her recent meeting with Cal Rec and Harbor Resources to discuss the public access issue at the Balboa Marina. She explained that Cal Rec was making efforts to accommodate the public in different ways by 1) providing a gate key to users who pre-register at their offices therefore allowing unlimited access, or 2) allowing the public to use the docks, then rely on the valets at the restaurants or security guards to provide access back into the marina. Ms. Mulvihill did state that Cal Rec would improve upon this plan to accommodate the public who need access when the restaurants are not open or when the security guards are absent.

The Commission stated that although the two restaurants will be the primary recipients for the marina's public access plan, the original plan approval also accounted for access to the other local marine businesses such as West Marine across the street. Also, this public access should accommodate visiting boaters who are using the anchorage and who need to come ashore, not just local residents dining at the restaurants. Balboa Marina needs to have staff available on site to manage the marina. Commissioner Duffy suggested that the best solution would be a separate gangway for the public to use. The Commission also requested to be kept informed during this process.

Public Comments:

Action: Receive and File.

ITEM #2

Subject: **Statewide Coastal Marina Permit**

Issue: The Harbor Commission is asked to provide comments on the State Water Resources Control Board's (SWRCB) proposal of the Coastal Marina Permit currently under consideration.

Discussion: Manager Chris Miller gave a brief re-cap of January's presentation on the proposed Coastal Marina Permit. He explained that the Commission may not sign position letters per Council Policy, but they may recommend a letter to be forwarded to the Council for consideration. Chris presented a draft letter which was written by the Recreational Boaters of California.

Commissioner Collins liked the letter but thought it needed some stronger wording and perspective. He noted that historical users are to blame and that this was discriminatory to marinas which represent less than one third of the people who use the harbor.

Commissioner Corrough said that marinas are surrounded by 'non-marinas' and large channels, so this proposal was not fair to marinas because of the other influences. Water quality violations would be unenforceable because it would be impossible to determine the source. The Shelter Island example in San Diego is different than Newport Harbor because it is fairly isolated and does not have the flushing that Newport has. The Clean Marina program is the best answer to water quality.

Chip Donnelly wondered if the sea lion population had an effect on water quality.

Public Comments:

Action: Commissioner Collins made a motion for recommendation No.1, (forward the letter to Council), but to add some strong language as suggested. Chair Rhyne can proof the final draft. Commission Valdez seconded this motion. Motion carried, all ayes.

ITEM #3

Subject: **Association of Orange Coast Yacht Clubs (AOCYC)**

Issue: The Harbor Commission will hear a presentation by Commodore Jon Reynolds of the AOCYC.

Discussion: Commodore Jon Reynolds described the role that the AOCYC has in Orange County and Newport Harbor. Specifically, the AOCYC coordinates all of the races between the yacht clubs so there isn't a conflict. Also, all of the race markers in Newport Harbor are maintained by the AOCYC. He handed out informational packets to each of the Commissioners.

Public Comments:

Action: Receive and File

ITEM #4

Subject: **Revised Sea Lion Ordinance**

Issue: Should the Harbor Commission recommend the current time limits for sea lion deterrent measures in Title 17 (§17.25.020.I.4 and §17.50.100) be tightened from ten (10) day and seven (7) day written notices to a more stringent deadline?

Also, should the Harbor Commission recommend the subsection of this code excepting marine contractors from compliance of the mooring provisions be changed or eliminated?

Discussion: Supervisor Shannon Levin presented the history of sea lions in the harbor, and the steps the City has taken to help control these wild animals. Specifically, the City initially issued warning letters with 37 days notice before an Administrative Citation, then it was subsequently changed a couple years ago to 17 days notice. The current proposal is to shorten the time limit to 7 days.

Commissioner Corrough said this was an elegant and direct solution.

Commissioner Collins didn't want to make any more trouble for the marine contractors. He suggested aggressive enforcement and didn't understand why fines have not been issued to date.

Chuck South said that the sea lion problem has been handled intelligently. But he is concerned about lumping the marine contractors who maintain the harbor, in with the pleasure boaters. With that said, he and the other marine contractors do spend time and money fending off the sea lions each year.

Len Bose was concerned about folks who are on vacation, and their ability to react to the warning letters.

Public Comments:

Action: Commissioner Rodheim made a motion to accept a variation of Alternative No. 1 which includes tightening the warning letter time limit to 7 days, then moving the exemption language for marine contractors in the Code to a position just above the sea lion section. Commissioner Corrough seconded the motion. Motion carried, all ayes.

SUB-COMMITTEE REPORTS:

None to report.

HARBOR RESOURCES UPDATE – Chris gave a PowerPoint presentation on harbor updates. *The update is posted at <http://www.newportbeachca.gov/index.aspx?page=462> (under Harbor Resources Updates).*

RECOMMENDED TOPICS FOR FUTURE AGENDAS:

- Bay Island update
- Eelgrass Issue
- Balboa Island Bulkhead Report
- Sea Lion report
- Harbor Patrol needs authority to impound vessels during special events. It will need to go into the City code.

DATE OF NEXT MEETING: March 10, 2010

ADJOURNMENT