

# HARBOR COMMISSION AGENDA

City of Newport Beach  
3300 Newport Blvd.  
Council Chambers  
Wednesday, July 14, 2010  
Regular Meeting – 6:00 pm

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Karen Rhyne - Chairman

John Corrough  
Tim Collins  
Marshall Duffield

Don Lawrenz  
Ralph Rodheim  
Vincent Valdes

The Harbor Commissioners are citizens of Newport Beach who volunteer to serve on the Harbor Commission. They were appointed by the City Council by majority vote for 4-year terms. At the table in front are City staff members who are here to advise the Commission during the meeting. They are:

Chris Miller  
Manager, Harbor Resources

Shannon Levin  
Supervisor, Harbor Resources

## **NOTICE TO THE PUBLIC**

Regular meetings of the Harbor Commission are generally held on the second Wednesday of each month at 6:00 p.m. Staff reports or other written documentation have been prepared. The agendas, minutes and staff reports are available on the City's web site the Friday afternoon before the meeting. The address is: <http://newportbeachca.gov/> under Agendas & Minutes, then Harbor Commission. If you have any questions or require copies of any of the staff reports or other documentation, please contact the Harbor Resources staff at (949) 644-3034.

It is the intention of the City of Newport Beach to comply with the Americans with Disabilities Act (ADA) in all respects. If, as an attendee or a participant at this meeting, you will need special assistance beyond what is normally provided, the City of Newport Beach will attempt to accommodate you in every reasonable manner. Please contact Shannon Levin, Harbor Resources Supervisor at (949) 644-3041, at least 48 hours prior to the meeting to inform us of your particular needs and to determine if accommodation is feasible.

**NEWPORT BEACH HARBOR COMMISSION AGENDA**  
**City Council Chambers**  
**3300 Newport Blvd**  
**Wednesday, July 14, 2010**

**CALL TO ORDER**                    6:00 P.M.

**PLEDGE OF ALLEGIANCE**

**ROLL CALL/INTRODUCTION:**

*“The Commissioners sitting before you are citizens of Newport Beach who volunteer to serve on the Harbor Commission. They were appointed by the City Council at large by majority vote for 4-year terms. The people sitting at the table in front are City staff members and are here to advise us during the meeting. Immediately to my left are:*

*Chris Miller, Harbor Resources Manager  
Shannon Levin, Harbor Resources Supervisor*

**SPECIAL ANNOUNCEMENT:**

Introduction of newly appointed Harbor Commissioners Duncan McIntosh and Doug West.

**MINUTES:**

**Recommended Action:** Approve minutes from last meeting.

**PUBLIC COMMENTS:** *Public comments are invited on non-agenda items generally considered to be within the subject matter jurisdiction of the Harbor Commission – Speakers must limit comments to 3-minutes. Before speaking, please state your name and address for the record.*

*ALL TESTIMONY GIVEN BEFORE THE HARBOR COMMISSION IS TAPE RECORDED. SPEAKERS MUST LIMIT REMARKS TO THREE MINUTES ON ALL ITEMS. (Red light signifies when three minutes are up; yellow light signifies that the speaker has one minute left for summation.)*

**ACTION & APPEAL ITEMS**

**ITEM #1**

**Subject:**            **Election of Officers**

**Issue:**             The Harbor Commission will elect officers to serve for the 2010-11 term.

**Discussion:**

**Public Comments:**

**Action:**            1. Elect Chairman  
                         2. Elect Vice-Chairman  
                         3. Elect Secretary

**ITEM #2**

**Subject:**            **Council Liaison to the Harbor Commission**

**Issue:**             The City Council’s Bay Issues Committee has designated Council Member Nancy Gardner as the Council Liaison to the Harbor Commission.

**Discussion:**

**Public Comments:**

**Action:**            1. Receive and file.

**ITEM #3**

**Subject:** *Harbor Zoning Task Force Position Letter*

**Issue:** The Harbor Zoning Task Force will give a presentation to the Commission on the City's proposed zoning ordinance. The Commission will consider forwarding this position to the City Council for review.

**Discussion:**

**Public Comments:**

**Action:** The Harbor Commission may:

1. Accept the findings in the presentation and forward this position to the City Council.
2. Modify the findings in the presentation and forward this position to the City Council.
3. Reject the findings and re-evaluate the issue at a future date.

**ITEM #4**

**Subject:** *Review of the Harbor Commission's Purpose and Responsibilities*

**Issue:** The City Council's Bay Issues Committee has requested the Harbor Commission to review the Commission's Purpose and Responsibilities in order to be more productive and responsive to the needs of the Harbor.

**Discussion:**

**Public Comments:**

**Action:** The Harbor Commission is requested:

1. Discuss the Commission's Purpose and Responsibilities and make suggestions as needed, then present a draft document to the Bay Issues Committee.

**SUB-COMMITTEE REPORTS** – Receive and File

**QUESTIONS AND ANSWERS WITH COUNCIL LIAISON ON HARBOR RELATED ISSUES**

**HARBOR RESOURCES UPDATE** – Receive and File

**PUBLIC COMMENTS ON SUB-COMMITTEE REPORTS OR HARBOR RESOURCES UPDATE**

**COMMISSIONER'S ANNOUNCEMENTS OR MATTERS TO BE PLACED ON FUTURE AGENDAS FOR DISCUSSION, ACTION OR REPORT**

**RECOMMENDED TOPICS FOR FUTURE AGENDAS**

- Harbor Commission Task List
- Rhine Wharf public pier rules (time limits, no fishing etc...)
- Eelgrass
- Balboa Island bulkhead report
- Sea Lions
- Harbor Patrol authority to impound vessels during special events
- Balboa Marina
- San Diego Copper Paint Presentation
- American Legion Wooden Boat Festival

**DATE AND TIME FOR NEXT MEETING:** Wednesday, August 11, 2010

**ADJOURNMENT**

**CITY OF NEWPORT BEACH  
HARBOR COMMISSION STAFF REPORT**

Agenda Item No. 1  
July 14, 2010

**TO:** Harbor Commission

**FROM:** Harbor Resources Division  
Chris Miller, Manager (949) 644-3043  
cmiller@newportbeachca.gov

**SUBJECT: Election of Officers**

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**ISSUE:**

The Harbor Commission will elect officers to serve for the 2010-11 term.

**RECOMMENDATION:**

1. Elect Chairman
2. Elect Vice-Chairman
3. Elect Secretary

**PUBLIC NOTICE:**

This agenda item has been noticed according to the Ralph M. Brown Act (72 hours in advance of the public meetings at which the Harbor Commission considers the item).

**ENVIRONMENTAL REVIEW:**

The Harbor Commission's review of this agenda item does not require environmental review.

Prepared by:

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Chris Miller  
Harbor Resources Manager

# CITY OF NEWPORT BEACH HARBOR COMMISSION STAFF REPORT

Agenda Item No. 2  
July 14, 2010

**TO:** Harbor Commission

**FROM:** Harbor Resources Division  
Chris Miller, Manager (949) 644-3043  
cmiller@newportbeachca.gov

**SUBJECT: Council Liaison to the Harbor Commission**

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## **ISSUE:**

The City Council's Bay Issues Committee has designated Council Member Nancy Gardner as the Council Liaison to the Harbor Commission.

## **RECOMMENDATION:**

1. Receive and file.

## **DISCUSSION:**

The Bay Issues Committee decided it would be appropriate to have a Council liaison attend the Harbor Commission meetings in order to stay informed of the issues facing the harbor. Council Member Nancy Gardner was chosen as the liaison with other Council Members as substitutes.

## **PUBLIC NOTICE:**

This agenda item has been noticed according to the Ralph M. Brown Act (72 hours in advance of the public meetings at which the Harbor Commission considers the item).

## **ENVIRONMENTAL REVIEW:**

The Harbor Commission's review of this agenda item does not require environmental review.

Prepared by:

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Chris Miller  
Harbor Resources Manager

# CITY OF NEWPORT BEACH

## HARBOR COMMISSION STAFF REPORT

Agenda Item No. 3  
July 14, 2010

**TO:** Harbor Commission

**FROM:** Harbor Resources Division  
Chris Miller, Manager (949) 644-3043  
cmiller@newportbeachca.gov

**SUBJECT:** Harbor Zoning Task Force Position Letter

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### **ISSUE:**

The Harbor Zoning Task Force will give a presentation to the Commission on the City's proposed zoning ordinance. The Commission will consider forwarding this position to the City Council for review.

### **RECOMMENDED OPTIONS:**

The Harbor Commission may:

1. Accept the findings in the presentation and forward this position to the City Council.
2. Modify the findings in the presentation and forward this position to the City Council.
3. Reject the findings and re-evaluate the issue at a future date.

### **DISCUSSION:**

At the June 9, 2010 Harbor Commission meeting, the Planning Department gave a presentation on the proposed zoning ordinance that will be considered by Council. The Harbor Commission wanted to provide feedback, so a Harbor Zoning Task Force was formed to further research the topic and to assemble a position presentation and possibly a letter.

### **PUBLIC NOTICE:**

This agenda item has been noticed according to the Ralph M. Brown Act (72 hours in advance of the public meetings at which the Harbor Commission considers the item).

### **ENVIRONMENTAL REVIEW:**

The Harbor Commission's review of this agenda item does not require environmental review.

Prepared by:

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Chris Miller  
Harbor Resources Manager

# CITY OF NEWPORT BEACH HARBOR COMMISSION STAFF REPORT

Agenda Item No. 4  
July 14, 2010

**TO:** Harbor Commission

**FROM:** Harbor Resources Division  
Chris Miller, Manager (949) 644-3043  
cmiller@newportbeachca.gov

**SUBJECT: Review of the Harbor Commission's Purpose and Responsibilities**

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## **ISSUE:**

The City Council's Bay Issues Committee has requested the Harbor Commission to review the Commission's Purpose and Responsibilities in order to be more productive and responsive to the needs of the harbor.

## **RECOMMENDED OPTIONS:**

The Harbor Commission is requested to:

1. Discuss the Commission's Purpose and Responsibilities and make suggestions as needed, then present a draft document to the Bay Issues Committee.

## **DISCUSSION:**

At a recent Bay Issues Committee meeting with Harbor Commissioners Rhyne, Valdes and Collins present, the Commission's Purpose and Responsibilities document was discussed with respect to being more productive and responsive to the harbor's needs. The Committee requested that the Harbor Commission review the document then present suggested changes, if any, to the Committee at a later date.

## **PUBLIC NOTICE:**

This agenda item has been noticed according to the Ralph M. Brown Act (72 hours in advance of the public meetings at which the Harbor Commission considers the item).

## **ENVIRONMENTAL REVIEW:**

The Harbor Commission's review of this agenda item does not require environmental review.

Prepared by:

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Chris Miller  
Harbor Resources Manager

Attachments: Harbor Commission's Purpose and Responsibilities

## **HARBOR COMMISSION**

### **AUTHORIZATION:**

Established by Ordinance 2001-25, adopted on January 8, 2002.

### **MEMBERSHIP:**

Seven (7) members appointed by the City Council pursuant to Section 702 of the City Charter. In no event will individual appointments to the Harbor Commission exceed two (2) consecutive full terms, exclusive of appointments to fill unexpired terms.

### **TERM:**

Each member shall serve a term of four (4) years and such terms shall be on a staggered basis, pursuant to Section 702 of the City Charter.

### **PURPOSE & RESPONSIBILITIES:**

Newport Harbor supports numerous recreational and commercial activities, waterfront residential communities and scenic and biological resources. The purpose of the Harbor Commission is to provide the City of Newport Beach with an advisory body representing these diverse uses of Newport Harbor and its waterfront.

- A. Advise the City Council in all matters pertaining to the use, control, operation, promotion and regulation of all vessels and watercraft within the Newport Harbor.
- B. Approve, conditionally approve, or disapprove applications on all harbor permits where the City of Newport Beach Municipal Code assigns the authority for the decision to the Harbor Commission.
- C. Serve as an appellate and reviewing body for decisions of the City Manager on harbor permits, leases, and other harbor-related administrative matters where the City of Newport Beach Municipal Code assigns such authority to the Harbor Commission.
- D. Advise the City Council on proposed harbor-related improvements.
- E. Advise the Planning Commission and City Council on land use and property development applications referred to the Harbor Commission by the City Council, Planning Commission, or the City Manager.
- F. Make recommendations to the City Council for the adoption of regulations and programs necessary for the ongoing implementation of the goals, objectives, and policies of the Harbor and Bay Element of the General Plan.

### **STAFF:**

City Manager or designee.