

NEWPORT BEACH HARBOR COMMISSION MINUTES
City Council Chambers
July 14, 2010

CALL TO ORDER 6:00 P.M.

PLEDGE OF ALLEGIANCE

ROLL CALL Chair Karen Rhyne, Commissioners Marshall Duffield, Ralph Rodheim, Vincent Valdes and Doug West were present. Commissioners Don Lawrenz and Duncan McIntosh were absent.

Staff: Manager Chris Miller

MINUTES Commissioner Rodheim motioned to approve the minutes from June 9, 2010. Commissioner Duffy seconded the motion. All ayes.

PUBLIC COMMENTS ON NON-AGENDA ITEMS

Len Bose commented about the lack of bilge pump-out facilities in the harbor. Council Member Gardner said that she is on the Green Building Task Force and that maybe some information could be posted on their website. Commissioner Rodheim suggested this as a future topic to discuss.

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: No public comments.

Action: For the Chair, Commissioner Rodheim nominated Don Lawrenz and Commissioner Duffield seconded. All ayes.

For the Vice Chair, Commissioner Rodheim nominated Marshall Duffield and Commissioner Valdes seconded. All ayes.

For the Secretary, Commissioner Duffield nominated Ralph Rodheim and Commissioner West seconded. All ayes.

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: Manager Miller explained that Council Member Gardner will attend all of the Commission meetings and she will discuss or clarify any harbor related matters from a Council perspective. Council Member Selich will be an alternate if needed.

Public Comments: Commissioner Rodheim was very happy to have Council Member Gardner's involvement at the meetings.

Action: 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:

Commissioner Duffield gave a PowerPoint presentation on the proposed zoning changes being considered by the Planning Commission and eventually the Council. His particular focus was for the waterfront properties and how these changes will negatively affect the marine related uses in these areas.

Commissioner Rhyne stated that the properties don't stay mixed use as intended, and that they largely evolve into solely residential.

Commissioner Rodheim is not opposed to development, and believes in property rights. He stated that under the old zoning, there was a 40% requirement for marine uses at these properties, but under the new rules, there are no requirements for marine use. He also noted the lack of enforcement for projects that have public access or residential uses.

Commissioner West agrees with the presentation. He noted that we only have one harbor and most of it is private property, so what happens with the zoning changes is very important. The Harbor Commission should help to preserve the balance.

Commissioner Rodheim suggested that Commissioner Lawrenz make the presentation to Council when the matter is being considered. He made a motion to accept the findings and present to Council when appropriate and to submit a position letter as well. Commissioner Valdes seconded the motion.

Public Comments:

Council Member Gardner said that the General Plan talks about preserving marine uses.

Mark Sites said that his company is the last dredger that the harbor has. His storage area where he keeps his dredging equipment is being considered for redevelopment, and his business is completely water dependent.

Chuck South said that he believes Larson's Shipyard is going out of business and that the Rhine Wharf is the only place to launch boats.

Commissioner Rhyne reiterated that the waterfront property should stay marine, and if it's mixed use, it should stay mixed use.

Commissioner Rodheim said this was the most important issue that will ever be in front of the Commission and that it could be a tipping point.

Action:

Motion Carries. All ayes.

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: Commissioner Rhyne disagrees with the proposed changes. She suggested discovering how they could fine tune it to maximize effectiveness. She was disappointed that the zoning changes didn't include a Commissioner for input. She suggested recommending changes at a later date.

Public Comments:

Action: Commissioner Rodheim made a motion to form a Task Force to make recommendations. He said Commissioners Rhyne, West and Valdes should be on this committee. Commissioner Valdes seconded the motion. Motion carries. All ayes.

SUB-COMMITTEE REPORTS:

Commissioner Duffield reported on the last Mooring Master Plan Subcommittee and how they discussed the time limits for the public piers as well as the section of Code that allows different types of vessels to be used on on-shore moorings as long as they are self-righting and would not swamp.

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:

- 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
- Commission Study Session to be held before the next meeting
- City Attorney to give an update on the Balboa Marina

PUBLIC COMMENTS

- Chip Donnelly asked for a status on the HAMP and the transferability rules.
- Len Bose wanted enforcement of the rules in the bay.
- Mark Sites said that all bayward facing cleats on the public piers

DATE OF NEXT MEETING: August 11, 2010

ADJOURNMENT