

CITY OF MORRO BAY
HARBOR ADVISORY BOARD
SYNOPSIS MINUTES

The regular meeting of the City of Morro Bay Harbor Advisory Board was held Thursday, October 2, 2008 at 7:00 PM in the Veteran's Hall, 209 Surf ST, Morro Bay, California.

I. ROLL CALL

Present Members: Gene Doughty
 Bill Luffee
 Lynn Meissen
 Jim Phillips
 Ed Ewing
 Absent: Michele Leary
 Staff: Rick Algert, Harbor Director
 Polly Curtis, Office Assistant

II. MINUTES

Ms. Meissen moved the September 4, 2008 Harbor Advisory Board minutes be approved as submitted. The motion was seconded by Mr. Luffee and carried unanimously.

III. ORAL COMMUNICATIONS

None.

IV. PRESENTATIONS AND ACTION ITEMS

IV-1. 2008 Summer Beach Lifeguard Report

Presenters were unable to attend. This Item will be carried over to the November meeting.

IV-2. Formation of Liveaboard Ordinance Review Standing Sub-Committee

Chairman Phillips said ten letters of interest have been submitted to the Board, and he thanked them all. He said there are no specific requirements to serve, basically taking an interest in the welfare of the harbor, and having a willingness to commit the time required to review the Liveaboard Ordinance is sufficient. Chairman Phillips asked if there were any applicants in the audience who would like to come forward and speak to the Board.

Ms. Joan Gagnon said her family moved to Morro Bay in July from Hawaii where she was a teacher for 22 years. During those years she said she served on several committees at the community college and was also the president and secretary of their condo association. Ms. Gagnon said she wants to be involved directly in her living situation as a resident, and prefers to participate in an active way. She said review of the liveaboard ordinance would directly affect her, her husband, and her 15-year-old son, which is why she submitted a letter of interest to the Board.

Mr. Luffee asked if she is a currently permitted liveaboard in Morro Bay. Ms. Gagnon said she is currently a permitted liveaboard in Morro Bay.

Chairman Phillips asked if there were further comments from the public; seeing none, he brought the discussion back to the Board. After discussion, the Board members each nominated three names out of the ten names submitted. Chairman Phillips tallied the votes, stating that five applicants have been nominated, and he asked for a Motion from the Board.

Motion: Mr. Doughty moved that a Standing Sub-Committee of the Harbor Advisory Board be formed, consisting of the following seven members: Lynn Meissen, Bill Luffee, Peter Behman, Joan Gagnon, David Hantman, Drew Jacobson (Denise Jacobson –Alternate), and Burke Vanderhoef. The Motion was seconded by Mr. Ewing and carried unanimously.

After further discussion, the Board asked Ms. Meissen and Mr. Luffee to select a date, time, and location for the first meeting; then contact Mr. Algert or Ms. Curtis who can then contact the committee members. Chairman Phillips restated the goal for this Standing Sub-Committee: to review the existing Liveboard Ordinance with a view toward what it does or does not say and work toward any improvements that are applicable to our situation.

IV-3. Discussion of Potential Amendment to Measure D

Mr. Algert reviewed Measure D, saying that in June 2008 the City Council requested a meeting of stakeholders be held to receive input on potential ballot initiatives to change Measure D, CF zoning north of Beach Street. Mr. Algert read the exact wording of City Ordinance No. 207:

“The City shall not grant any permit, authorization or other approval of any state owned tidelands subject to city lease between Beach Street and Target Rock, unless such development or use is primarily for the purpose of serving or facilitating licensed commercial fishing activities or noncommercial recreational fishing activities, or is clearly incidental thereto. For purposes of illustration only, and not by way of limitation, no approval shall be granted for any new passenger for hire boats or supporting facilities, or for any new restaurant, café, gift shop or other retail establishments serving the general public, and any existing such uses shall hereafter be considered nonconforming and shall not be expanded or enlarged.”

Mr. Algert said a ballot initiative is the only way Measure D can be changed, and the City Council can prepare a request for a ballot initiative. He said at the Council’s second meeting they reviewed the four draft amendments prepared by the City Attorney, and those four suggestions are included in this packet. He said the City Council decided to postpone action until there had been a meeting with stakeholders. Mr. Algert said this current Harbor Advisory Board meeting is being held to hear public comment, to engage in discussion, and to decide if an ad-hoc committee should be formed to discuss Measure D issues or changes.

Chairman Phillips opened discussion to the public. Mr. Michael Durek said he first heard this issue would be discussed two weeks ago in the Bay News and he sent an e-mail to Mr. Algert, who informed him that a committee has not yet been formed. Mr. Durek said the Board should make careful analysis of who those stakeholders are and that they should be defined carefully. He said anyone who is interested should be informed. He thanked the Board for their time.

As there were no further comments from the public, Chairman Phillips brought the discussion back to the Board, asking if there is any interest in changing the existing wording to Measure D, and what the Board wishes to request of City Council on this issue.

Mr. Ewing reviewed the history of Measure D, saying it was basically written to protect the area located between the power plant and Target Rock from development other than marine-related businesses such as a boat yard or marine research facility. Mr. Ewing said he signed the petition while he was president of the Morro Bay Commercial Fisherman's Organization at the time. He said some wording in Measure D of concern to current lease holders down on the waterfront. He said he would prefer not to change Measure D, but believes it probably will be changed; so he would prefer to try to get the wording to work for everyone.

Ms. Meissen said the commercial fishermen are the major stakeholders, and they are not present at this meeting. Mr. Ewing said the fishermen will show up at the City Council meeting when there is a stakeholders public hearing called.

Mr. Doughty said the key word in the original Measure D is "primarily" in the first sentence after the words "...Target Rock, unless such development or use is primarily for the purpose of serving or facilitating licensed commercial fishing activities..." which means it is very important to hold the area mostly for commercial fishing uses. He said in Suggestion #4, the word "primarily" is still there, and he would also recommend adding the words, "marine research facility at the end of the underlined sentence "... and commercial fishing, recreational fishing and commercial and pleasure boats."

After further discussion by the Board, Chairman Phillips suggested recommending that City Council form an ad-hoc committee that requests stakeholder input and the Harbor Advisory Board would be part of that stakeholder committee. Mr. Ewing said that would be okay, but the one reason Measure D was formed was to protect commercial fishing infrastructure such as fuel docks, unloading stations, marine stores, etc. now and for the future. Chairman Phillips agreed, but restated the three options the Board has before them as:

1. Specifically recommend changes of the wording on Measure D to City Council; or,
2. Appoint an ad-hoc committee of the Harbor Advisory Board with the purpose of gathering stakeholders to discuss Measure D; or,
3. Recommend City Council gather stakeholders for an ad-hoc committee, one of which should be the Harbor Advisory Board.

Mr. Ewing said all that is needed is to cross out the words as shown in Suggestion #1, which are, "for any new passenger for hire boats or supporting facilities," and the Board should be able to do that themselves.

Mr. Algert reminded the Board that an ad-hoc committee is not subject to the Brown Act for one topic only and should contain not more than three Harbor Advisory Board members for a limited duration. Mr. Algert asked about the time frame to report back to the Board. Mr. Ewing and Mr. Luffee agreed that the ad-hoc committee will report back to the Board in November.

Motion: Mr. Ewing moved that an ad-hoc committee be formed of three members of the Harbor Advisory Board to work on issues of Measure D that concern stakeholders and persons with a vested interest, and will report back to the Harbor Advisory Board with recommendations. The Motion was seconded by Mr. Luffee and carried unanimously.

The Board agreed by consensus that the two present members, Ed Ewing and Bill Luffee, will be two of the members forming the ad-hoc committee on Measure D.

Motion: Mr. Doughty moved that Ms. Leary serve on the ad-hoc committee as the third member, along with Mr. Ewing and Mr. Luffee. The Motion was seconded by Mr. Ewing and carried unanimously.

V. INFORMATION ITEMS

V-1. Harbor Department Status Report

Mr. Algert briefed the Board on the following topics:

Harbor Fest this Weekend

DBW Grant for Re-Powering of Harbor Patrol Boat

DBW Abandoned Watercraft Grant

Restless C II Vessel Sinking

Letter Commending HPO Evan Buddenhagen's Job on Restless C II

Signage

Revisions to the Morro Bay State Marine Recreational Management Area

Lifeguard Towers

Upcoming Events:

The Nina at Marina Square – November 5-16, 2008

Lighted Boat Parade – December 7, 2008

VI. ADDITIONAL COMMENTS

Mr. Doughty reminded people of the long-board paddle race this Sunday. Chairman Phillips asked Mr. Algert if there are any fishing restrictions on the Tidelands dock and the two launch ramp finger docks. Mr. Algert said there are no other specific restrictions other than the regular Fish and Game regulations.

VII. FUTURE AGENDA ITEMS

November: Report by Ad-Hoc Committee on Measure D Progress
Commercial Fishing Qualifications
Boat Yard/Dry Storage Project Progress Report
2008 Summer Beach Lifeguard Report
News Rack Ordinance Informational Update

VIII. ADJOURNMENT

This meeting was adjourned at 8:25 PM

Submitted by,

Polly Curtis
Harbor Department