



CITY OF MORRO BAY HARBOR ADVISORY BOARD A G E N D A

The City of Morro Bay is dedicated to the preservation and enhancement of the quality of life. The City shall be committed to this purpose and will provide a level of municipal service and safety consistent with and responsive to the needs of the public.

**Regular Meeting - Thursday, September 3, 2015
Veteran's Memorial Building - 6:00 P.M.
209 Surf Street, Morro Bay, CA**

Bill Luffee, Chair	Marine Oriented Business
Dana McClish, Vice Chair	Recreational Boating
Alan Alward	Morro Bay Commercial Fishermen's Organization
Gene Doughty	South Bay/Los Osos
Neal Maloney	Waterfront Leaseholders
Lynn Meissen	Member at Large
Ron Reisner	Member at Large
Tom Hafer	Alternate to Alan Alward (MBCFO)
Joe Conchelos	Alternate to Alan Alward (MBCFO)

ESTABLISH QUORUM AND CALL TO ORDER

MOMENT OF SILENCE

PLEDGE OF ALLEGIANCE

CHAIR AND ADVISORY BOARD MEMBER ANNOUNCEMENTS & PRESENTATIONS

PUBLIC COMMENT PERIOD

Members of the audience wishing to address the Board on City business matters other than scheduled items may do so at this time. To increase the effectiveness of the Public Comment Period, the following rules shall be followed:

- When recognized by the Chair, please come forward to the podium and state your name and address for the record. Board meetings are audio and video recorded and this information is voluntary and desired for the preparation of minutes.
- Comments are to be limited to three minutes.
- All remarks shall be addressed to the Board, as a whole, and not to any individual member thereof.
- The Board respectfully requests that you refrain from making slanderous, profane or personal remarks against any elected official, Board member and/or staff.
- Please refrain from public displays or outbursts such as unsolicited applause, comments or cheering.
- Any disruptive activities that substantially interfere with the ability of the Board to carry out its meeting will not be permitted and offenders will be requested to leave the meeting.
- Your participation in Board meetings is welcome and your courtesy will be appreciated.

In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact the Harbor Department's Office Assistant at (805) 772-6254. Notification 24 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to this meeting.

CONSENT CALENDAR

- A-1 Approval of Minutes from Harbor Advisory Board meeting held on August 6, 2015
Staff Recommendation: Approve minutes.

A. PUBLIC HEARINGS, REPORTS, AND APPEARANCES

- B-1 Harbor Department Status Report
Staff Recommendation: Receive and file.
- B-2 Morro Bay Community Quota Fund Status Report
Staff Recommendation: Receive and file.

B. UNFINISHED BUSINESS

- C-1 Update from the Marine Services Facility/Boatyard Ad-Hoc Committee on Committee's Recent Activities
Staff Recommendation: Receive and file.
- C-2 Update from the Capital Improvement Planning Ad-Hoc Committee on Committee's Recent Activities
Staff Recommendation: Receive and file.
- C-3 Update from the Insurance Ad-Hoc Committee on Committee's Recent Activities
Staff Recommendation: Receive and file.

C. NEW BUSINESS

- D-1 Harbor Advisory Board Review and Input on Various Existing and Potential Vessel Best Management Practices in Morro Bay
Staff Recommendation: Consider the Best Management Practices (BMPs) presented by staff and provide staff input, as well as consider other BMPs as may be identified by the public or Board.

D. DECLARATION OF FUTURE AGENDA ITEMS

E. ADJOURNMENT

This agenda is subject to amendment up to 72 hours prior to the date and time set for the meeting. Please refer to the agenda posted at the Morro Bay Harbor Department, 1275 Embarcadero, for any revisions or call the department at 772-6254 for further information.

Materials related to an item on this Agenda are available for public inspection during normal business hours at the Harbor Department and at Mill's/ASAP, 495 Morro Bay Boulevard, or online at www.morro-bay.ca.us. Materials related to an item on this Agenda submitted to the Board after publication of the Agenda packet are available for inspection at the Harbor Department during normal business hours or at the scheduled meeting.



AGENDA NO: A-1

MEETING DATE: September 3, 2015

CITY OF MORRO BAY

HARBOR ADVISORY BOARD

SYNOPSIS MINUTES

The regular meeting of the City of Morro Bay Harbor Advisory Board was held Thursday, August 6, 2015 at 6:00 PM in the Veteran's Hall, 209 Surf ST, Morro Bay, California.

ESTABLISH QUORUM AND CALL TO ORDER

Present: Members: Joe Conchelos (MBCFO Rep)
Gene Doughty
Bill Luffee
Neal Maloney
Lynn Meissen
Absent: Dana McClish
Ron Reisner
Staff: Eric Endersby, Harbor Director
Polly Curtis, Office Assistant

MOMENT OF SILENCE

PLEDGE OF ALLEGIANCE

CHAIR AND ADVISORY BOARD MEMBER ANNOUNCEMENTS & PRESENTATIONS

Mr. Doughty said there is a lot of life in the bay with anchovies showing up. Mr. Conchelos said there has been a lot of squid unloading activity lately, including all the semi-trucks; he said Morro Bay is the only location with a squid pump for many miles.

Ms. Meissen reported the captain of the dredge Yaquina had been directed to stop dredging and move away if sea otters are in the area of dredging and if further complaints are received, the dredge must stop dredging. Mr. Endersby said NOAA Marine Fisheries advised the dredge on the Marine Mammal Act which says vessels are not allowed to change the behavior of sea otters as the vessels approach the animals, whether that be kayaks or a dredge.

PUBLIC COMMENT

Mr. Michael Roland complained about the citations he has received from the Harbor Patrol and the ongoing litigation. Mr. Drew Jacobson voiced his support for Mr. Roland. Ms. Denise Jacobson voiced her support for Mr. Roland.

A. CONSENT CALENDAR

A-1 MINUTES

Mr. Doughty moved the June 4, 2015 Special Harbor Advisory Board minutes be approved as submitted. The Motion was seconded by Ms. Meissen and carried unanimously.

A-2 MINUTES

Mr. Doughty moved the July 22, 2015 Harbor Advisory Board Special Meeting minutes be approved as submitted. The Motion was seconded by Mr. Maloney and carried unanimously.

B. PUBLIC HEARINGS

B-1 Harbor Department Status Report

Mr. Endersby briefed the Board on the following topics:

Summer Medical Aids with Fire Department
Fishing Season
Cable Inspection Ships
Recent City Council Action
Recent Events
Coast Guard Change of Command
Harbor Patrol Boat 65 Auction
Lifeguard Paddleboard Relay Won by Morro Bay
Upcoming Events
Lifeguard Beach Coverage
Vessel Turn-In Program, Funding

C. UNFINISHED BUSINESS

C-1 Update from the Marine Services Facility/Boatyard Ad-Hoc Committee on Committee's Recent Activities

Chair Luffee asked Mr. Endersby to review the activities of the Ad-Hoc Committee, since the chairman is absent from the Board tonight. Mr. Endersby briefed the Board on the Master Plan for the Triangle Lot, saying the RFPs are due next Friday. There will be future roundtables with consultants.

C-2 Update from the Capital Improvement Planning Ad-Hoc Committee on Committee's Recent Activities

Mr. Maloney said the Ad-Hoc Committee will meet on August 14 and currently there is nothing to report.

C-3 Update from the Insurance Ad-Hoc Committee on Committee's Recent Activities

Ms. Meissen said there have been no new meetings of the Ad-Hoc Committee since the last Harbor Advisory Board meeting and so there is nothing to report.

D. NEW BUSINESS

D-1 Potential Deterrence Methods for California Sea Lions

Chair Luffee read a statement by Mr. McClish, who is absent tonight, reporting the party boats tossing fish carcasses in the bay possibly resulting in negative impacts including attraction of sea lions. Chair Luffee said people should not feed the sea lions.

Mr. Endersby restated the importance of people, party boats included, not throwing fish carcasses in the bay. He reviewed the NOAA Fisheries West Coast Region Potential Deterrence Methods for Pacific Harbor Seals and California Sea Lions. He said there are often hundreds of sea lions inside Morro Bay at times and when these animals become a threat these deterrence methods can be employed for the safety and security of life and property. The main point is that people cannot physically harm the animals.

Discussion by the Board on the population explosion of California sea lions; the cases where sea lions attacked fishermen and boaters; the Marine Mammal Protection Act and the need to review the numbers; the floating dock occupied by sea lions; the public impression when they see legal methods of deterrence being employed by fishermen; public awareness; the necessity of signage along the Embarcadero stating the fishermen have the right to protect themselves and their property.

D-2 Water Lease Site Improvements Including Dock Configurations

Mr. Endersby presented a slideshow to the Board of the 30 Master Lease Sites on the land and water, which includes approximately 90 businesses, showing the slips and docks at each site.

Discussion by the Board.

D-3 1-Year Review of Public Dock Off-the-Boat Fish Sales and Harbor Advisory Board Recommendations to City Council

Mr. Endersby reviewed the item, saying he would recommend support by the Board to recommend that City Council approve a permanent allowance of off-the-boat commercial fish sales on the City's public docks and piers.

Discussion by the Board. Mr. Conchelos said this is potentially a great program, and there would be more sales if there is a set dock location as well as advertising to show where and when fish are available. He said certain fish are more marketable to the public such as salmon but this season was horrible, and the albacore stayed up north.

Mr. Maloney thought the Harbor office could use a whiteboard to show which slips the boats are selling fish from and when those boats are at the slips or dock. He suggested a flag showing the off-the-boat sales could be raised above each boat currently selling.

Mr. Endersby said there is an online application called Fishline that shows daily sales off the boats for different locations up and down the coast.

MOTION: Mr. Conchelos moved that the Harbor Advisory Board recommend to City Council to support a permanent allowance of off-the-boat commercial fish sales by commercial fishermen on various public docks and piers in Morro Bay. The Motion was seconded by Ms. Meissen and carried unanimously.

E. DECLARATION OF FUTURE AGENDA ITEMS

Future:

- Management Partners Study
- Friends of the Harbor Department Activities
- Best Management Practices, HAB Review
- Sublease Slip Rate Discount for Qualified Commercial Fishermen on List
- Eelgrass Mitigation Co-op by City
- Status of Bayside Cafe
- Coast Guard Building Location Plans
- Morro Bay Fish Quota Share and Trawl Permits
- Inspecting Marine Sanitation Devices on All Vessels in Morro Bay Harbor
- Planning for Power Plant Property

F. ADJOURNMENT

This meeting was adjourned at 8:00 PM.
Submitted by,

Polly Curtis
Harbor Department



AGENDA NO: B-1

MEETING DATE: September 3, 2015

Staff Report

TO: Harbor Advisory Board

DATE: August 28, 2015

FROM: Eric Endersby, Harbor Director

SUBJECT: Harbor Department Status Report

RECOMMENDATION

Receive and file.

DISCUSSION

Fish & Wildlife Warden Change: Lt. Warden Ryan Hanson, operator of the patrol boat BLUEFIN and ranking warden in our area, is moving on to a new post in Roseville as a warden in the Office of Spill Prevention and Response (OSPR). Ryan has been with us since September, 2010 and we wish him well.

Recent City Council Action: At their August 25, 2015 meeting, the City Council approved the “precise” plan for the land redevelopment of Lease Site 124-128/124W-128W, Morro Bay Landing. The redevelopment includes demolition of the existing tackle shop building and Tognazzini’s III building, and rebuilding their uses in a new, nautically themed partial two story building, reconfiguration of the roadway turn through the area and creation of a mini “pocket park” in the remaining area where Tog’s III is currently located. The plan opens additional public access including a view deck from atop the new building and widened view corridors.

Recent Events: August 4th National Night Out event at City Park with numerous public safety agencies, including the Harbor Patrol, on-hand to display and present to the community their roles in public safety.

August 18th NOAA Fisheries presented an “Entanglement Response 101” informational item for people and agencies coming into contact with entangled marine mammals. Justin Viezbicke, California Stranding Network & Large Whale Entanglement Response Coordinator for NOAA Fisheries presented on the whale entanglement response program.

Upcoming Events: Art in the Park September 5th, 6th, and 7th at Morro Bay City Park, located at Morro Bay Blvd. and Harbor Streets, where numerous local and other artisans show and sell their various wares.

Avocado & Margarita Festival September 12th and 13th at the municipal parking lot on mid-

Prepared By: EE

Dept. Review: EE

Embarcadero beginning at 10:00 each day. Festival goers can indulge themselves with various forms of the region's freshest avocados and sip on premium margaritas.

The Morro Bay National Estuary Program will be having its 20th Anniversary party on Saturday, September 26th at Windows on the Water. Join the NEP at Windows and grab a light bite and beverage as you enjoy the company of fellow founders, supporters, volunteers, community members, and all those who have guided the Estuary Program along the way. Or drop by the Estuary Program offices to watch Bay Story Videos where locals share their love for this special place, snap your picture in a fun photo booth, visit their Nature Center and view educational displays, participate in a free raffle, and help recognize the founders of the Morro Bay National Estuary Program.

Coastal Cleanup Day is Saturday, September 19th from 9:00 to noon. Contact your favorite environmental or other public service organization to volunteer for this California-wide event to clean our area beaches.

Surfboard Art Festival October 3rd, in various locations around town and produced by Morro Bay in Bloom.

34th Annual Morro Bay Harbor Festival October 3rd. The Harbor Festival is taking on a whole new format and location this year with a one-day event in the core Embarcadero area from roughly Harbor to Marina streets. Admission is free for all where festival goers will be able to enter and leave freely and purchase the freshest seafood from our local fishermen, including oysters, shrimp, barbecued albacore, and rock crab right from the dock. There will also be races and watercraft demonstrations in the Bay and plenty of musical entertainment all day long. Morro Bay businesses will be presenting their wares and ocean-related agencies will provide information about local resources. Capping off the day will be a spectacular fireworks show over the Bay.

CMANC: Your Harbor Director will be attending the fall meeting of the California Marine Affairs and Navigation Conference being held in Lafayette on September 16-18. This important meeting will begin to lay the groundwork for our annual Washington DC trip in the spring to ensure adequate Corps of Engineers' dredging funding for Morro Bay, as well as to address important fishery and other federal issues with our legislators and regulators.



AGENDA NO: C-1

MEETING DATE: September 3, 2015

Staff Report

TO: Harbor Advisory Board

DATE: August 28, 2015

FROM: Eric Endersby, Harbor Director

SUBJECT: Update from the Marine Services Facility/Boatyard Ad-Hoc Committee on Committee's Recent Activities

RECOMMENDATION

Receive and file.

DISCUSSION

The Marine Services Facility/Boatyard Ad-Hoc Committee will be presenting an oral update on their activities, if any. This is a standing committee report agenda item.

Prepared By: EE

Dept. Review: EE



AGENDA NO: C-2

MEETING DATE: September 3, 2015

Staff Report

TO: Harbor Advisory Board

DATE: August 28, 2015

FROM: Eric Endersby, Harbor Director

SUBJECT: Update from the Capital Improvement Planning Ad-Hoc Committee on Committee's Recent Activities

RECOMMENDATION

Receive and file.

DISCUSSION

The Capital Improvement Planning Ad-Hoc Committee will be presenting an oral update on their activities, if any. This is a standing committee report agenda item.

Prepared By: EE

Dept. Review: EE



AGENDA NO: C-3

MEETING DATE: September 3, 2015

Staff Report

TO: Harbor Advisory Board

DATE: August 28, 2015

FROM: Eric Endersby, Harbor Director

SUBJECT: Update From the Insurance Ad-Hoc Committee on Committee's Recent Activities

RECOMMENDATION

Receive and file.

DISCUSSION

The Insurance Ad-Hoc Committee will be presenting an oral update on their activities, if any. This is a standing committee report agenda item.

Prepared By: EE

Dept. Review: EE

Pertinent Harbor Advisory Board input from previous meetings addressing Chapter 15.24 issues will be incorporated into that update. Per MBMC Chapter 15.40, discharge of sewage is grounds for revocation of a liveaboard permit.

Vessel BMPs generally fall into these six categories:

1. Preventing fuel and oil spills
2. Cleaning and maintenance
3. Sewage containment and disposal
4. Hazardous waste disposal
5. Trash and plastics
6. Graywater

Staff is seeking Board input on the following BMPs, by category, recommended by staff for incorporation into a future “Morro Bay Vessel Best Management Practices” document, as well as other BMP recommendations not included here but recommended by the public or Board.

1. PREVENTING FUEL AND OIL SPILLS

- A. Requiring an oil absorbent sock or pad to be in a vessel’s bilge at all times, and/or an oil containment pan be kept under the engine if practical.
- B. Fuel fill nozzles be held open by hand only – no clip or device to keep fuel freely flowing even if the fuel nozzle has an automatic shutoff device.
- C. While fueling, place an oil absorbent pad or sock around the fueling nozzle and port in case an accidental overfill occurs.
- D. Regularly check for and repair small fuel or oil leaks.
- E. Fuel small portable outboard motor tanks on land only.
- F. Consider installing a “whistle” and/or fuel/air separator device in the fuel tank vent line to prevent vent spills.
- G. Never use detergents or emulsifiers on any fuel or oil spill.

2. CLEANING AND MAINTENANCE

- A. Encourage major (generally over 25% of the vessel’s area) to be done at a boatyard.
- B. Vacuum-bag sanders and vacuums be employed during all sanding, chipping and scraping operations, and such operations should not be done during windy or rainy conditions.
- C. Tenting and/or tarping of vessels and securing or blocking of overboard discharge points (scuppers) be employed during all sanding, chipping and scraping operations.
- D. No spray equipment is to be used.
- E. Perform paint and solvent mixing in a contained location onshore or on the vessel where spillage will not enter waterways.
- F. Storage of maintenance and repair materials and equipment in a covered and secure location when not in use.
- G. Use minimal amounts of environmentally friendly cleaning and maintenance products, including phosphate-free and biodegradable products.
- H. Consider non-toxic underwater hull paints.

I. Undertake underwater hull cleaning regularly to prevent excessive, hard to remove growth, and follow California Professional Diver's Association underwater hull cleaning practices.

J. Use sponges, soft cloths or carpet to remove underwater marine growth, and not scouring pads, scrapers or abrasives that will result in an underwater plume of bottom paint.

3. *SEWAGE CONTAINMENT AND DISPOSAL*

A. Use onshore restrooms whenever possible.

B. Do not discharge treated or untreated sewage.

C. Use a pumpout facility or vessel to empty holding tanks.

D. Ensure MSD systems are working properly and regularly check that diverter ("Y") and through-hull valves are properly positioned.

E. Even if your vessel does not require one, install a Coast Guard-approved holding tank system if space allows.

F. Avoid holding tank disinfectants and/or deodorizers that contain chlorine, formaldehyde or quaternary ammonia.

G. Do not allow pet waste to accumulate onboard vessels and docks, and dispose of pet wastes properly.

4. *HAZARDOUS WASTE DISPOSAL*

A. Recycle all used engine and hydraulic oil and oil and fuel filters, engine coolant, zinc anodes, batteries and oil absorbent materials.

B. Bring all other hazardous materials to a Household Hazardous Waste disposal center.

C. Store minimal amounts of hazardous materials in contained areas, and ensure containers for hazardous materials are in good material shape and not likely to leak.

5. *TRASH AND PLASTICS*

A. Do not accumulate trash or plastics onboard, and dispose of trash and plastics ashore regularly.

B. Separate trash and recyclables, including separation of hazardous materials for proper disposal or recycling.

6. *GRAYWATER*

A. Use environmentally friendly, phosphate-free, biodegradable and non-toxic products for all galley, sink or shower activities.

B. Minimize the production of graywater.

C. Do not drain cooking or kitchen oils into graywater systems.

D. Wipe or scrape all food residues from dishes before cleaning.

E. Use onshore facilities wherever possible.

CONCLUSION

Staff will take public and Board input on these and other vessel BMPs for incorporation into a future “Morro Bay BMP” document, with possible incorporation of certain elements as appropriate into the Morro Bay Municipal Code and/or Harbor Department Rules and Regulations. While the BMPs considered in this staff report cover the majority of areas of concern, it is by no means a completely comprehensive document and additional BMPs could certainly be considered.

ATTACHMENTS

1. Pertinent minutes from the July 22, 2015 Harbor Advisory Board meeting
2. MBMC Chapter 15.24 and pertinent section of Chapter 15.40



AGENDA NO: A-2

MEETING DATE: August 6, 2015

CITY OF MORRO BAY

SPECIAL HARBOR ADVISORY BOARD

SYNOPSIS MINUTES

The special meeting of the City of Morro Bay Harbor Advisory Board was held Wednesday, July 22, 2015 at 6:00 PM in the Veteran's Hall, 209 Surf ST, Morro Bay, California.

ESTABLISH QUORUM AND CALL TO ORDER

Present: Members: Joe Conchelos (MBCFO Alternate Rep)
Gene Doughty
Bill Luffee
Neal Maloney
Dana McClish
Lynn Meissen
Ron Reisner
Staff: Eric Endersby, Harbor Director
Polly Curtis, Office Assistant

MOMENT OF SILENCE

PLEDGE OF ALLEGIANCE

PUBLIC COMMENT RE: ITEMS ON THE AGENDA

None.

SPECIAL MEETING AGENDA ITEMS:

- I. REVIEW OF HARBOR DEPARTMENT RULES AND REGULATIONS AND MORRO BAY MUNICIPAL CODE CHAPTER 15 FOR HARBOR ADVISORY BOARD INPUT AND DIRECTION REGARDING PROHIBITING CAREENING OF VESSELS ON THE SANDSPIT EXCEPT IN EMERGENCIES, LIMITING THE AMOUNT OF REPAIR ON VESSELS IN-WATER (25%) THAT SHOULD GO TO A BOATYARD, ADDING/STRENGTHENING BEST MANAGEMENT PRACTICES, AND MARINE SANITATION DEVICES AND DISCHARGE INTO THE BAY

Mr. Endersby reviewed the item, saying the review from the original list "A" includes #9, #10, #13, and #14. He proposed reviewing each number separately and make any recommendations after each section.

#9. Prohibit careening of vessels on sandspit except in emergencies.

Mr. Endersby reviewed the item. Mr. Reisner suggested the description of careening of vessel in the phrase, "...allowing a vessel to lay on its side on the bottom to do work..." the word should be changed from "bottom" to "beach." Mr. Endersby said this can be changed in the definitions.

Discussion by the Board on harmlessness of careening if the boat owner does not scrape or sand; chances of pollution and ability to control all substances from entering the bay.

Mr. Doughty asked what's the difference between a vessel owner who careens a boat to do bottom work versus a hired diver who does bottom cleaning on a vessel that is in the water? He said divers scrape barnacles off, making paint chips go into the water. Mr. McClish said there are responsible boat owners and there are others who are not so responsible. He said the sea life in Sandal's Cove at certain times of the year includes thousands of sand dollars that could be wiped out during just one careening event.

MOTION: Mr. Reisner moved to prohibit careening of vessels for repair and maintenance in Morro Bay, except in cases of emergencies with no potential for pollution, or in the event of short-term maintenance on not more than one tide change during maintenance. The Motion was seconded by Mr. McClish and carried with a vote of 6 to 1, with Ms. Meissen voting no.

#10. Limiting the amount of repair on vessels in-water (25%) that should go to a boatyard.

Mr. Endersby reviewed the current rule, saying although no vessel project on Morro Bay waters can discharge pollutants to the bay under several local, state and federal codes, there currently exists no Morro Bay rule or code specifically addressing the amount of work that can be done on a vessel in-water. He said without a full-service boatyard that can accommodate the majority of vessels in Morro Bay at this time, he recommends this item not be codified as a requirement but remain as a Best Management Practices recommendation. Mr. Endersby recommends larger in-water projects such as tenting and tarping be codified as a compliance requirement.

Discussion by the Board. Consensus that item be included with BMP as it relates to no contaminants in Morro Bay waters.

#13. Adding/Strengthening Best Management Practices (BMP).

Mr. Endersby said many BMPs for clean vessel ownership/operation exist, none of which are specifically codified in Morro Bay. He reviewed the current Section 15.24 of the Morro Bay Municipal Code, and recommended this Section and/or the Harbor Department Rules and Regulations be amended to require employment of certain accepted BMPs for vessel ownership, operation and repair/maintenance.

Discussion by the Board on removal of prohibition of fueling in slips, at piers or locations other than properly equipped and permitted fuel docks. Discussion by the Board and Mr. Endersby on the Clean Marina Certification for Morro Bay expiring in 2016. Discussion on importance of using advisory/education vs regulation and enforcement.

Mr. Endersby said advising and education are always the first tools the Harbor Patrol uses, and they never go straight to enforcement; however, the rules need to be codified as a backup when education does not work. He said he plans revision of all Harbor Department contracts, rental agreements, dockage cards, etc., and a packet can be created that includes BMPs as a handout to boaters.

MOTION: Mr. Reisner moved the Harbor Advisory Board recommend the Harbor Department provide City Council with modified drafts of Section 15.24 of the Morro Bay Municipal Code and that the City develop Morro Bay specific Best Management Practices, and where appropriate as an advisory document. The Motion was seconded by Ms. Meissen and carried unanimously.

#14. Marine Sanitation Devices and discharge into the bay.

Mr. Endersby reviewed the issue of MSDs and discharge into the bay, and the local, state and federal laws pertaining to discharge; he discussed the requirements in the case of Liveboards.

Discussion by the Board.

MOTION: Mr. Doughty moved that the Harbor Advisory Board approve Staff recommendation that Municipal Code Section 15.24.010 be amended to clarify that discharge of both untreated and treated sewage of any kind is prohibited in the bay. The Motion was seconded by Mr. Reisner and carried unanimously.

II. UPDATE FROM THE MARINE SERVICES FACILITY/BOATYARD AD-HOC COMMITTEE ON COMMITTEE'S RECENT ACTIVITIES, FINDINGS AND RECOMMENDATIONS

Mr. Reisner said the Ad-Hoc Committee had not met since the previous Harbor Advisory Board meeting, and has nothing to report; he asked if Mr. Endersby had recently been given direction by the City Council. Mr. Endersby said the City Council gave direction and approval of funds to hire a consultant to determine if there is space in the triangle lot for a boatyard, parking, and the Maritime Museum. He said there is support from Council to move forward.

III. UPDATE FROM THE CAPITAL IMPROVEMENT PLANNING AD-HOC COMMITTEE ON COMMITTEE'S RECENT ACTIVITIES, FINDINGS AND RECOMMENDATIONS

Mr. Maloney reported on discussions at their recent Ad-Hoc meetings. Discussion by Mr. Maloney, Mr. Luffee and Mr. Reisner on Cost Allocation and the documents under review from FY2009-10. Mr. Maloney said there are no recommendations, but the Committee plans to meet with the Harbor Director before the next Harbor Advisory Board meeting.

IV. UPDATE FROM THE INSURANCE AD-HOC COMMITTEE ON COMMITTEE'S RECENT ACTIVITIES, FINDINGS AND RECOMMENDATIONS

Ms. Meissen reported the findings from Committee meetings in April and May, 2015. She concluded by saying that more information needs to be gathered, and future meetings would be beneficial with City staff and trained risk assessment personnel from the CJPIA, which incorporates the various liability and property related potential risks identified by the Ad-Hoc Committee.

Discussion by the Board and Mr. Endersby on the next steps needed to assess potential risks to the City and the Harbor Department.

ADJOURNMENT

This meeting was adjourned at 8:20 PM.

Submitted by,

Polly Curtis
Harbor Department

Chapter 15.24 - HARBOR SANITATION

Sections:

15.24.010 - Refuse discharge prohibited.

- A. No person shall discharge, or permit or allow any other person on a vessel under his control or command to discharge any human or animal excreta into the waters of Morro Bay.
- B. No person shall throw, discharge, deposit or leave or cause, suffer or permit to be thrown, discharged, deposited or left, either from the shore or from any pier or vessel any refuse matter of any description, into the navigable waters of Morro Bay or on the shore of Morro Bay or any navigable water within the boundaries of the city where the same may be washed into Morro Bay or such navigable water, either by tides, by floods or otherwise.
- C. No person shall place or allow vessels, boats, materials, garbage, refuse, timber or waste matter of any description to remain on or upon the shorelines of the Pacific Ocean or on the shorelines of Morro Bay within the city. The harbor director may remove the same with or without notice, at his option, and the cost thereof may be recovered from any person owning the same, or placing same or causing same to be placed on the shoreline.

(Ord. 364 § 1 (part), 1989: Ord. 119 § 1 (part), 1974: prior code § 9405.1)

15.24.020 - Flammable material discharge prohibited.

No person shall pump or discharge from any vessel or tank into the waters of Morro Bay, oil, spirits or any flammable liquid, or deposit any rubbish, refuse matter or articles of any offensive character therein or upon any pier or street leading to such facility.

(Ord. 119 § 1 (part), 1974: prior code § 9405.2)

15.24.030 - Dead animals.

No person shall throw, place or leave any dead animal, bird or putrefying matter into or in the waters of Morro Bay, or on or along the shore thereof or the shore of any tidewater within the city.

(Ord. 119 § 1 (part), 1974: prior code § 9405.3)

15.24.040 - Live bait receivers defined.

A "live bait receiver" is an object for confining live bait which is afloat in the water of Morro Bay or the Pacific Ocean, either moored to a pier, bulkhead or seawall, or moored by means of an anchor or other weight to the bottom of the bay or ocean; provided, however, that a live bait receiver shall not be deemed to be a "structure" within the meaning of Chapter 15.20 of this title.

(Ord. 119 § 1 (part), 1974: prior code § 9405.4)

15.24.050 - Bait receiver—Permit—Required—Issuance.

No person shall install or operate within the waters of Morro Bay any bait receiver without first obtaining a permit and paying a fee as established in the Master Fee Schedule. No permit shall be issued until the design of the receiver is approved by the harbor director and the community development director. All applications for permits provided for herein shall be made to the harbor director and accompanied by plans showing the design of the receiver.

(Ord. 364 § 2 (part), 1989: Ord. 225 § 92, 1982; Ord. 119 § 1 (part), 1974: prior code § 9405.5)

15.24.060 - Bait receiver—Permit—Suspension or revocation.

A permit for a bait receiver shall be issued for an indeterminate period. Any permit for a live bait receiver shall be revoked by the city council if the receiver is in a state of disrepair, does not comply with the requirements of this chapter, has become a source of pollution of the bay, or is a nuisance or becomes detrimental to persons or property in the vicinity. The permittee shall be given written notice of the intention to revoke the permit at the address shown on the permit not less than five days before the matter is to be considered by the city council. Such notice may be delivered to the permittee personally or by first class mail with postage prepaid.

(Ord. 119 § 1 (part), 1974: prior code § 9405.6)

Chapter 15.40 - VESSEL HABITATION

Sections:

FOOTNOTE(S):

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Editor's note— Ord. No. 550, adopted August 10, 2009, repealed the former Chapter 15.40, §§ 15.40.010—15.40.130, and enacted a new Chapter 15.40 as set out herein. The former Chapter 15.40 pertained to similar subject matter and derived from Ord. No. 427, 1993.

15.40.050 - Termination/revocation of permit.

- A. Conditions for Termination/Revocation. Liveaboard permits may be revoked for the following reasons:
1. Discharge of sewage.
 2. Violation of any section of this chapter not specifically listed in this section, for a period in excess of thirty days after having been notified to correct the violation. Notice of violation shall be given by first-class mail or personal service or by attachment of said notice in a conspicuous location on the vessel or any combination of the above. Proof of correction of any violation shall be deemed to be the obligation of the permittee, or liveaboard, and shall be to the satisfaction of the harbor director.
 3. If twice in any twelve-month period the permittee has been found in violation of the terms of this chapter, it shall be evidence of non-compliance with the intent of this chapter to maintain an orderly harbor operation and shall constitute grounds for revocation of the permit.
 4. In the event that city policy concerning the number of liveaboard permits issued shall change and the number of liveaboard permits shall be reduced, notice of revocation of liveaboard permits shall be given by first-class mail or personal service or by attachment of said notice in a conspicuous location on the vessel or any combination of the above. Since this will require relocation of a personal residence, sixty days notice of termination of the liveaboard permit will be given in this situation. This shall also include requirements established by other agencies whose jurisdiction may be imposed upon the city of Morro Bay. In the event terms and or conditions of maintaining a liveaboard permit are modified by the city council, then those persons holding current liveaboard permits shall have a period of sixty days after adoption of said modifications in which to fully comply with such new regulations. Those permittees with the shortest tenure as a permitted liveaboard will be the first to receive such notice.
 5. In the event that the liveaboard permit holder moves from the area or no longer resides on the vessel for minimum time periods required or voluntarily terminates liveaboard status.
 6. Non-payment of fees associated with liveaboard permit or vessel associated with liveaboard permit, service charges, dockage charges or other fees due to the city of Morro Bay for a period in excess of ten days after written notice. Notice shall be given as described in subsection (A)(2) of this section.
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