



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

---

*The City of Morro Bay provides essential public services and infrastructure to maintain a safe, clean and healthy place for residents and visitors to live, work and play.*

## **Regular Meeting - Thursday, May 4, 2017 Veteran's Memorial Building - 6:00 P.M. 209 Surf Street, Morro Bay, CA**

Ron Reisner, Chair	Member at Large
Lynn Meissen, Vice Chair	Member at Large
Gene Doughty	South Bay/Los Osos
Bill Luffee	Marine Oriented Business
Neal Maloney	Waterfront Leaseholders
Dana McClish	Recreational Boating
Jeremiah O'Brien	Morro Bay Commercial Fishermen's Organization
Peter Griffin	Alternate to Jeremiah O'Brien (MBCFO)
Owen Hackleman	Alternate to Jeremiah O'Brien (MBCFO)

ESTABLISH QUORUM AND CALL TO ORDER

MOMENT OF SILENCE

PLEDGE OF ALLEGIANCE

CHAIR, ADVISORY BOARD MEMBER & LIAISON 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.**

A. CONSENT CALENDAR

- A-1 Approval of Minutes from Harbor Advisory Board meeting held on April 6, 2017.  
**Staff Recommendation: Approve minutes.**

B. REPORTS AND APPEARANCES

- B-1 Harbor Department Status Report  
**Staff Recommendation: Receive and file.**

C. BUSINESS ITEMS

- 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 Finance & Budget Ad-Hoc Committee on Committee's Recent Activities  
**Staff Recommendation: Receive and file.**
- C-3 Update from the Eelgrass Ad-Hoc Committee on Committee's Recent Activities  
**Staff Recommendation: Receive and file.**
- C-4 Update from the Marine Sanctuary Ad-Hoc Committee on Committee's Recent Activities  
**Staff Recommendation: Receive and file.**
- C-5 Update from the Working Waterfront Ad-Hoc Committee on Committee's Recent Activities, Including Consideration of a Draft Working Waterfront Mission Statement  
**Staff Recommendation: Receive committee report, and provide input on the draft Working Waterfront Mission Statement being presented for consideration.**
- C-6 Review and Recommendations on Proposed Changes to the Definitions in Morro Bay Municipal Code Chapter 15 and Harbor Department Rules and Regulations  
**Staff Recommendation: Review and make recommendations on proposed changes to the definitions in Morro Bay Municipal Code Chapter 15 and Harbor Department Rules and Regulations as noted.**
- C-7 Work Program for 2017/2018 City Council Goal Objectives for Harbor Advisory Board Review, Input and Recommendation on Timeline Implementation  
**Staff Recommendation: Staff recommend the Harbor Advisory Board review and provide comment and recommendations on the current draft 2017/2018 City Council Goal Objectives and Objective Work Program as they pertain to the timeline calendar quarters of implementation.**

D. DECLARATION OF FUTURE AGENDA ITEMS

- Pending items previously declared:  
Goals and Objectives – Working Waterfront Designation  
Measure D  
Back Bay Water Use Forum  
Deliberation on Paid Parking on the Embarcadero and Adjacent Vicinities  
Explore Benefits of Becoming a Harbor or Port District

## 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.morrobayca.gov](http://www.morrobayca.gov). 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.

MINUTES-MORRO BAY HARBOR ADVISORY BOARD  
REGULAR MEETING-APRIL 6, 2017  
VETERAN'S MEMORIAL HALL-6:00 P.M.

AGENDA NO: A-1

MEETING DATE: May 4, 2017

PRESENT: Ron Reisner HAB Chair  
Neal Maloney HAB Member  
Lynn Meissen HAB Vice-Chair  
Jeremiah O'Brien HAB Member  
Gene Doughty HAB Member  
Bill Luffee HAB Member  
Dana McClish HAB Member

LIAISON: Matt Makowetski Council Member

STAFF: Dave Buckingham City Manager  
Eric Endersby Harbor Director  
Lori Stilts Harbor Business Coordinator

ESTABLISH QUORUM AND CALL TO ORDER

The meeting was called to order at 6:02p.m. with all members present.

MOMENT OF SILENCE

PLEDGE OF ALLEGIANCE

CHAIR AND ADVISORY BOARD MEMBER ANNOUNCEMENTS & PRESENTATIONS

<https://youtu.be/kih-ljzk8sE?t=2m22s>

HAB Member Luffee congratulated the Harbor Patrol staff for attending and passing the Maritime Institute Captains' License Course and announced a new group that has formed called Morro Bay Open Space Alliance which will be meeting on 4/26/17 at the golf course club house to discuss issues like the Chevron property and goals and objectives as they pertain to Morro Bay.

HAB Member McClish reviewed last month's youth regatta races hosted at the Morro Bay Yacht Club.

HAB Member Maloney warned boaters to check pendant lines due to an upcoming storm.

HAB Member Meissen announced Morro Bay Yacht Club's opening day is Sunday 4/9/17 starting around 11 a.m.

HAB Member O'Brien informed the public that the commercial fishing ice machine located adjacent to the Morro Bay Fish Company, will be down for a few days for a major repair. In addition, Bertha Tyler has published a book chronologizing the history of the Morro Bay Aquarium titled "Life Ashore with Human Parents." Books are available locally.

HAB Member Doughty conquers with HAB Member Maloney and asked boaters to be prepared for the storm that is coming.

PUBLIC COMMENT

None

The public comment period was closed.

A. CONSENT AGENDA

<https://youtu.be/kih-ljzk8sE?t=13m50s>

A-1 APPROVAL OF MINUTES FROM HARBOR ADVISORY BOARD MEETING HELD ON MARCH 2, 2017.

MOTION: HAB Member Maloney moved the March 2, 2017 Harbor Advisory Board minutes be approved as submitted. The Motion was seconded by HAB Member O'Brien and passed with HAB Members Luffee and McClish abstaining.

#### B. REPORTS AND APPEARANCES

<https://youtu.be/kih-ljzk8sE?t=14m36s>

The HAB members agreed to move item B-3 to be heard first at the request of the City Manager.

#### B-3 PRESENTATION ON CITY OF MORRO BAY 10-YEAR BUDGET FORECAST

Morro Bay City Manager, Buckingham presented the City's current 10-year budget forecast power point presentation and responded to HAB member inquiries.

A link to the forecast is: <http://www.morro-bay.ca.us/DocumentCenter/View/10546>

#### B-1 HARBOR DEPARTMENT STATUS REPORT

Harbor Director Endersby presented the staff report and responded to Board Member inquiries.

#### B-2 UPDATE ON THE MORRO BAY COMMUNITY QUOTA FUND

<https://youtu.be/kih-ljzk8sE?t=1h12m42s>

Dwayne Oberhoff, the Executive Director of the Morro Bay Community Quota Fund (MBCQF), presented a power point presentation with an update of the Fund's activities, issues and future.

Discussion by the Board.

Mr. Oberhoff announced we will have a new trawler in town within the next week leasing Morro Bay quota. Link to the MBCQF website is: <http://www.morrobaycommunityquotafund.org/>

#### C. BUSINESS ITEMS

<https://youtu.be/kih-ljzk8sE?t=2h3m13s>

The HAB members agreed to move item C-5 to the beginning of business items to accommodate a guest speaker.

#### C-5 UPDATE FROM THE WORKING WATERFRONT AD-HOC COMMITTEE ON COMMITTEE'S RECENT ACTIVITIES

Committee Chair Doughty stated the committee has not met since the last HAB meeting, but previously did determine there are 3 areas of concerns with the working waterfront. They have been unable to receive any communication from the City's consultant on the general plan update, and has contacted Henry Pontarelli with Lisa Wise Consulting since he has experience with working waterfront policies in other locations.

Guest speaker Whitney Bennett from Lisa Wise Consulting explain the policy making aspect of creating the working waterfront with a zoning overlay.

Discussion by HAB Members and Harbor Director.

#### C-1 UPDATE FROM THE MARINE SERVICES FACILITY/BOATYARD AD-HOC COMMITTEE ON COMMITTEE'S RECENT ACTIVITIES

<https://youtu.be/kih-ljzk8sE?t=2h17m46s>

HAB Board member Luffee excused himself from the meeting at 8:15PM.

Committee Chair McClish informed the Board on March 16<sup>th</sup> the Request for Qualifications was posted on the City's website and sent out to various resources. The Ad-Hoc committee did not meet this last month, but will be possibly meeting soon to go over how will be responding to responses from the RFQ and grant funding.

C-2 UPDATE FROM THE FINANCE & BUDGET AD-HOC COMMITTEE ON COMMITTEE'S RECENT ACTIVITIES

<https://youtu.be/kih-ljzk8sE?t=2h19m40s>

Committee Chair Maloney stated the committee had not met since the last meeting. With all the information from tonight's presentation from Mr. Buckingham, Chairman Reisner requested questions from the Board be forwarded to the Finance & Budget Ad-Hoc committee as soon as possible so a meeting can be set up with Mr. Buckingham to go over them.

The public comment period for Item C-2 was opened; seeing none, the public comment period was closed.

C-3 UPDATE FROM THE EELGRASS AD-HOC COMMITTEE ON COMMITTEE'S RECENT ACTIVITIES

<https://youtu.be/kih-ljzk8sE?t=2h21m1s>

Committee Chair Meissen stated the committee did meet with Lexie Bell from NEP and Cathy Novak, a consultant who has worked with eelgrass mitigation and permitting. They will be having further meetings to explore the problems involved in mitigation and policy development, the importance and the current state of the plant, including eelgrass impacts to businesses who want to develop where eelgrass is present.

Ad-Hoc committee member Doughty reviewed Newport Beach's approved eelgrass policy, which he reported more tailored to dredging than to building of docks.

There was discussion by the Board.

The public comment period for Item C-3 was opened; seeing none, the public comment period was closed.

C-4 UPDATE FROM THE MARINE SANCTUARY AD-HOC COMMITTEE ON COMMITTEE'S RECENT ACTIVITIES

<https://youtu.be/kih-ljzk8sE?t=2h28m52s>

Committee Chair Reisner stated there is nothing to report at this time.

The public comment period for Item C-4 was opened; seeing none, the public comment period was closed.

HAB Member O'Brien mentioned the Morro Bay Commercial Fishermen's Organization and Port San Luis Commercial Fishermen's Association received a grant through the Central Coast Joint Cable Fisheries Liaison Committee to resume their employment of Amber Johnson, who has been working for the last year on Marine Sanctuary issues.

C-6 REVIEW AND INPUT ON PROPOSED 2017/2018 CITY COUNCIL GOALS FOR JOINT CITY COUNCIL/HARBOR ADVISORY BOARD CHAIR WORK PLAN DISCUSSION

<https://youtu.be/kih-ljzk8sE?t=2h30m>

Harbor Director Endersby presented the staff report beginning with background and power point presentation. The December 2016 HAB meeting, the 2016/2017 Goals and Objectives were reviewed and input gathered from the meeting for 2017/2018. Since then Council has conducted two goal-setting study sessions for 2017/2018 and revised the goals down to four main goals from the previous ten goals. In preparation for the joint Council/Chair meeting, it is necessary for the HAB to review the current draft 2017/2018 Goals and Objectives, and to provide comment and/or create a list of HAB work plan elements to assist in implementation of each objective for discussion between the City Council and the HAB Chairman.

Only pertinent Harbor-related goals and objectives were included with Board Member input.

Discussion by the Board

Council Member Makowetski spoke to the future uses of the existing wastewater treatment plant site and other nearby opportunities.

Harbor Director Endersby reminded the Board we are looking for measurable and achievable work plan items.

#### Goal 1 – Achieve Economic and Fiscal Sustainability

Members agreed on the following items:

b. HAB input into the submission for the Aquarium project.

HAB input into the repurpose of the power plant and wastewater treatment plant properties.

d. Paid parking

Pursue moving for-profit events and activities from the Public Area Use Permit process (no revenue generation) to a License Agreement process (with revenue generation).

Contract with a concessionaire or concessionaires to provide food truck and/or other basic beach need sales/rentals at the Rock parking lot and other city locations.

License Agreements with base and/or percent rents collected from various for-profit “freelance” business operations being conducted on and around the bay that are not operating as approved subleases from our lease sites.

Increase slip, pier and dock fees to fully recover the amounts spent by the City for electrical and water usage.

RV and trailer boat storage in a portion of the Triangle Lot until some permanent use is allocated to that location.

Concerts venue in the Triangle Lot.

More outdoor drive/walk-in “movie nights” at the Rock and/or Tidelands.

Leaseholder incentives, longer term for higher lease rents and/or more diverse retail for more Years.

City Staff explore more robust grant opportunities.

Revisit City managing State Park Marina.

Expanding the current mooring field for potential increased revenues.

Board Member O'Brien added the working waterfront as a potential revenue source, and this would cross over into Goal 4. The Board agreed.

e. City engage in an updated cost allocation study to address that the City is receiving correct funds for services from enterprise funds.

Addressed but not on work plan, Council please clarify how the Harbor fits into this goal as the goal only seems to pertain only to the general fund?

#### Goal 3 – Improve Infrastructure and Public Spaces

Members agreed on the following items:

b. Review proposed traffic circulation and management plans as they relate to the waterfront.

d. Review and evaluate Boatyard RFQ responses and make recommendations from what we get out of the submittals.

Develop and recommend next steps from reviewed responses, which may include feasibility study.

e. HAB and Staff inventory and identify potential volunteer groups.

HAB evaluate existing programs and facilities for volunteer opportunities.

#### Goal 4 – Review and Update Significant City Land Use Plans

Members agreed on the following items:

a. Complete the GP/LCP rewrite no later than August 2018 with incorporation of working waterfront consideration and measure D clarification.

d. Solicit public input as it pertains to boats and boat trailers stored and parked on City streets in a HAB public workshop format.

Work plans not discussed and added are the following:

Added to Goal 1, (b).

HAB facilitate an eelgrass mitigation plan.

Repair of the alley way between the fish dock and Tognazzini's discussed, but couldn't find a spot to insert it. Goal 3, (a) was the best place to put it.

**D. DECLARATION OF FUTURE AGENDA ITEMS**

<https://youtu.be/kih-ljzk8sE?t=3h53m50s>

HAB Member McClish requested the Board explore the benefits of becoming a Harbor or Port district for a future agenda item.

The Board concurred to add it to the list.

Pending items previously declared:

Goals and Objectives – Working Waterfront Designation

Measure D

Back Bay Water Use Forum

Deliberation on Paid Parking on the Embarcadero and Adjacent Vicinities

**E. ADJOURNMENT**

This meeting was adjourned at 9:57 PM. The next Regular Meeting will be held on Thursday, May 4, 2017 at 6:00 p.m. at the Veteran's Memorial Hall located at 209 Surf Street, Morro Bay, California.

Recorded by,



Lori Stilts

Harbor Business Coordinator



AGENDA NO: B-1

MEETING DATE: May 04, 2017

## Staff Report

**TO:** Harbor Advisory Board  
**FROM:** Eric Endersby, Harbor Director  
**SUBJECT:** Harbor Department Status Report

**DATE:** April 25, 2017

### RECOMMENDATION

Receive and file.

### BACKGROUND

#### **Recent Department Activity:**

Harbor Patrol statistics for the month of April 2017 to date were 6 emergency responses and 100 calls for service, 30 assists of other agencies, 16 enforcement contacts, and 9 weather hazards.

On April 1st, opening day of rockfish season proved to be a busy day with over 75 boats launching from the public launch ramp. Harbor Patrol was called out to a vessel dead in the water two miles west of the Rock. HP Officers Mather and Shaffer safely towed the boat back to the State Park Marina. Later, HP Officers were dispatched along with partner agencies to Montana de Oro for a surf rescue. When they arrived, the victim had washed into the rocks and clinging to a cliff after falling out of his kayak. The victim was successfully rescued by assets on land.

On April 4th, County agencies gathered to honor USCG Chief Nilles as he was officially promoted to Senior Chief.

April 11th, hosted by Morro Bay Fire Department, Harbor Patrol participated in a multi-agency water rescue training at the Abalone farm in Cayucos.

All in all, April proved to be a busy month for HP Officers, with a multitude of emergency events that ended well, including swimmers in distress, a kite boarder losing control and crashing, to numerous kayaker situations and boats dead in the water.

#### **Harbor Dredging:**

On May 1, the dredge ship *Yaquina* is due to arrive, and be dredging for the month of May. The navigational buoys located in the vicinity of the harbor entrance have been removed and all boaters are reminded they are responsible for the safe navigation of their vessel. If in doubt, call the dredge, Harbor Patrol or Coast Guard on marine channel 16 for information.

The previous pipeline dredging project, which began in January by Ahtna Design-Build, has been put on hold until the *Yaquina* has completed her work. Ahtna has their equipment secured in the harbor and on the sand spit, and plan to resume dredging the inner harbor navigable channel with a contract completion date of June 26.

Prepared By: LS

Dept Review: EE

City Manager Review: \_\_\_\_\_

City Attorney Review: \_\_\_\_\_

**Recent City Council Activity:**

At a special April 4<sup>th</sup> meeting, the City Council discussed the 2017/18 City goals and program objectives.

At a special April 11 meeting, the Council met with each Chair from the City's various commissions and boards. Council and each individual Chair reviewed their goals and work program for the upcoming year.

At their regular April 11 meeting, the Council reviewed the remaining two proposals from the 833 Embarcadero (Off the Hook) Request for Proposals. Council directed staff to further evaluate and confirm the financial viability and other factors of TLC Family Enterprises proposal, and return to Council at a later date with a Consent of Landowner to develop the property.

At their regular April 25th meeting, the Council approved the webcam license agreement between the City of Morro Bay and Surfline, Inc, to continue service in the City for another three-year term.

**Fishing Front:**

Commercial salmon opens May 1.

**Past Events:**

Morro Bay National Estuary Program State of the Bay, month of April

April 10-14 Spring Clean Up Week

April 16 Easter at the Rock Services

April 23 Blessing of the Fleet

April 29-30 Morro Bay Kite Festival

**Upcoming Events:**

May 5-7 Cruisin' Morro Bay Car Show

May 13 Miracle Miles for Kids 10k

May 16 AMGEN 2017 Tour of California, Stage 3 Pismo to Morro Bay.

May 20 National Safe Boating Week - Morro Bay Harbor Patrol will join the US Coast Guard Auxiliary, Sheriff's Department, and various agencies to provide the public with valuable safe boating information. Vendor demos & displays along with lifejacket trade-in, vessel safety checks and boat tours. This free event will be held at the North T-Pier adjacent to the Harbor Office from 10am-2pm.

**Status of Pending HAB Recommendations:**

HAB Recommendation	Date	Status
Staff draft letter to Council encouraging the City to pursue negotiating with State Parks the City assume both marina and café concessions.	5/7/15	Staff's last contact with Parks indicated no Parks interest in giving up the café concession. Since that time, all of Parks' key personnel on the SPM have either retired or positions turned over. Staff's current thinking is we're at a "start-over" point with Parks to begin talks anew, and are acting accordingly before taking anything back to the Council.
Staff provide Council with modified sections of MBMC 15.24 (harbor sanitation) and develop environmental BMP's.	7/22/15	Staff have incorporated this BMP effort into the ongoing Rules & Regs/MBMC updating project.

<p>Council direct staff to engage consultancy relative to obtaining regulatory approval for cost-effective ocean disposal of SPM dredge material, and/or determine the practical and economic feasibility of using same as landfill.</p>	<p>1/7/16</p>	<p>Staff did engage consultancy and the Corps to investigate regulatory permit approval of SPM material disposal in the Nearshore Disposal area. With consultant cost estimate to <i>attempt</i> this approval of \$178,000, and no guarantee of success, staff ceased pursuing. In discussions with the EPA, permitting success seemed not likely. City also seeking (along with CMANC) regulatory relief of the “80-20” dredge material disposal rule, which could change the playing field.</p>
<p>City Council to approve issuance of the final draft Marine Services Facility/Boatyard Request for Qualifications document.</p>	<p>2/2/17</p>	<p>2/14/17 Council approved the release of a Request for Qualifications (RFQ) document as-proposed. RFQ is out, and responses due July 14, 2017.</p>
<p>City Council to involve the Harbor Advisory Board directly in the consideration and incorporation of Measure D into the General Plan and Local Coastal Plan update.</p>	<p>3/2/17</p>	



AGENDA NO: C-1

MEETING DATE: May 04, 2017

## Staff Report

**TO:** Harbor Advisory Board

**DATE:** April 24, 2017

**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.

### **BACKGROUND**

The Marine Services Facility/Boatyard Ad-Hoc Committee will be presenting an oral update on their activities, if any.

The Boatyard Request for Qualifications (RFQ) was issued on March 16, 2017, with a closing date of July 14, 2017. A link to the RFQ on the City's website is here:

<http://www.morro-bay.ca.us/DocumentCenter/View/10569?bidId=65>

This is a standing committee report agenda item.

Prepared By: EE

Dept Review: EE

City Manager Review: \_\_\_\_\_

City Attorney Review: \_\_\_\_\_



AGENDA NO: C-2

MEETING DATE: May 04, 2017

## Staff Report

**TO:** Harbor Advisory Board

**DATE:** April 24, 2017

**FROM:** Eric Endersby, Harbor Director

**SUBJECT:** Update from the Finance & Budget Ad-Hoc Committee on Committee's Recent Activities

### RECOMMENDATION

Receive and file.

### DISCUSSION

The Finance & Budget 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

City Manager Review: \_\_\_\_\_

City Attorney Review: \_\_\_\_\_



AGENDA NO: C-3

MEETING DATE: May 04, 2017

## Staff Report

**TO:** Harbor Advisory Board

**DATE:** April 24, 2017

**FROM:** Eric Endersby, Harbor Director

**SUBJECT:** Update from the Eelgrass Ad-Hoc Committee on Committee's Recent Activities

### RECOMMENDATION

Receive and file.

### DISCUSSION

The Eelgrass 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

City Manager Review: \_\_\_\_\_

City Attorney Review: \_\_\_\_\_



AGENDA NO: C-4

MEETING DATE: May 04, 2017

## Staff Report

**TO:** Harbor Advisory Board

**DATE:** April 24, 2017

**FROM:** Eric Endersby, Harbor Director

**SUBJECT:** Update from the Marine Sanctuary Ad-Hoc Committee on Committee's Recent Activities

### **RECOMMENDATION**

Receive and file.

### **DISCUSSION**

The Marine Sanctuary Ad-Hoc Committee will be presenting an oral update, if any. This is a standing committee report agenda item.

Prepared By: EE

Dept Review: EE

City Manager Review: \_\_\_\_\_

City Attorney Review: \_\_\_\_\_



AGENDA NO: C-5

MEETING DATE: May 04, 2017

## Staff Report

**TO:** Harbor Advisory Board

**DATE:** April 24, 2017

**FROM:** Eric Endersby, Harbor Director

**SUBJECT:** Update from the Working Waterfront Ad-Hoc Committee on Committee's Recent Activities, Including Consideration of a Draft Working Waterfront Mission Statement

### **RECOMMENDATION**

Receive committee report, and provide input on the draft Working Waterfront Mission Statement being presented for consideration.

### **BACKGROUND**

The Working Waterfront Ad-Hoc Committee will be presenting an update on their activities, including the attached summary report and a draft mission statement for Board consideration.

This is a standing committee report agenda item.

### **ATTACHMENT**

1. April 30, 2017 Working Waterfront Ad Hoc Committee summary report and draft mission statement.

Prepared By: EE

Dept Review: EE

City Manager Review: \_\_\_\_\_

City Attorney Review: \_\_\_\_\_

**Morro Bay Working Waterfront Initiative  
Harbor Advisory Board WPE3 Project Report**

Working Waterfront Ad Hoc Committee

April 30, 2017

**DRAFT**

**Summary**

On April 11, 2017, the HAB Chairman met with the City Council to discuss the HAB's FY 2017/2018 work for the Council. During that discussion, the subjects of a Morro Bay Working Waterfront policy, and the apparent Measure D ambiguities, were raised. At the end of the discussion, the Mayor requested the HAB generate a generalized "mission statement" regarding a Morro Bay Working Waterfront, and Measure D, for consideration by Council for possible inclusion in the current General Plan/Local Coastal Plan update.

This proposed generalized mission statement is to be sufficiently broad to facilitate the future generation of a Morro Bay Working Waterfront policy, and sufficiently broad to address Measure D, but not at this time be specific as to either a Working Waterfront definition or policy, or a clarification of Measure D.

Language such as that below is for consideration and refinement by the Ad-Hoc Committee, and deliberation by the Harbor Advisory Board. Once the HAB has developed generalized language suitable to the Mayor's direction, the HAB would make a formal recommendation to Council that it consider the recommended generalized language in terms of the current GP/LCP update.

**Draft mission statement language**

*Incorporate into the current Morro Bay General Plan and Local Coastal Plan update, a Morro Bay Working Waterfront concept that would encompass: Harbor Tract lease sites and other City lands adjacent to Morro Bay; structures on, over, or adjacent to Morro Bay along the waterfront within the City; infrastructure, facilities and properties that provide access to Morro Bay; infrastructure, facilities and properties that are used for water-dependent or Harbor related private, commercial, industrial, or City activities, including but not limited to: tourism, commercial fishing, recreational fishing, aquaculture, boat repair and maintenance, boat building, marine supply services, marine industry support services, seafood processing, seafood sales, transportation, shipping, marine construction, military activities and other water dependent uses. Further, incorporate into a Morro Bay Working Waterfront concept the designated Measure D area and its defined uses, and ensure that provisions of Measure D are incorporated into the current Morro Bay General Plan and Local Coastal Plan update.*



AGENDA NO: C-6

MEETING DATE: May 04, 2017

# Staff Report

TO: Harbor Advisory Board

DATE: April 27, 2017

FROM: Eric Endersby, Harbor Director

SUBJECT: Review and Recommendations on Proposed Changes to the Definitions in Morro Bay Municipal Code Chapter 15 and Harbor Department Rules and Regulations

## RECOMMENDATION

Review and make recommendations on proposed changes to the definitions in Morro Bay Municipal Code Chapter 15 and Harbor Department Rules and Regulations as noted.

## BACKGROUND

Previously the HAB reviewed and provided input on several sections of Chapter 15 (Harbor and Ocean Regulations) of the Morro Bay Municipal Code (MBMC) and Harbor Department Rules and Regulations (R&R's), including the definitions, in a department effort to update those documents.

The definitions are now being brought back for final review and HAB recommendation. Subsequent sections will be similarly brought back in future meetings.

## DISCUSSION

The harbor-related definitions "live" in several locations in the MBMC and R&R's. It is staff's intent to collate them into one location at the beginning of Chapter 15. The following list includes those definitions that previously received HAB comment or recommendation, or those staff intend to revise, in track-changes format:

15.04.020 Anchorage area. "Anchorage area" means ~~the~~any portion of Morro Bay Harbor which ~~is~~has been so designated.

15.04.090 Houseboat. "Houseboat" means a watercraft or on in the water of Morro Bay, ~~floating or non-floating~~, which is designed~~ated~~, intended and fitted out at a place of habitation and is not principally used for transportation or capable of navigating ocean waters under its own power.

15.04.100 Mooring. "Mooring" (noun) means any appliance used to secure a vessel to the seafloor in the city of Morro Bay, not connected to the shore or land other than to a pier, which is not normally carried aboard such vessel as regular equipment when under way, and is subject to City specifications as to construction, size and materials.

Prepared By: EE

Dept Review: EE

City Manager Review: \_\_\_\_\_

City Attorney Review: \_\_\_\_\_

~~15.04.110 Motorboat. “Motorboat” means any vessel propelled by machinery, whether or not such machinery is the principal source of propulsion, but shall not include a vessel which has a valid marine document issued by the appropriate federal agency.~~

15.04.120 Pier. “Pier” means any fixed ~~or floating~~ structure, not subject to tidal action, for securing vessels, loading or unloading persons, ~~or~~ property or goods, or providing access to the water, and includes wharf, ~~quaydock, float~~ or any other non-floating landing facility.

~~15.04.140 Vessel. “Vessel” means a craft whose physical characteristics indicate that it was designed and constructed for the purpose of carrying people or goods over the water includes every description of watercraft which is designed and principally intended for use as a means of transportation on water and which is capable of being navigated from place to place.~~

15.04.150 Vessels of a Commercial Nature. “Vessels of a commercial nature” means vessels for which the State of California, Department of Fish and Wildlife has issued ~~a~~ current commercial fishing registration license, and whose operator holds a current commercial fishing license, and which, within the previous twelve monthseurrent calendar year, has been actively used for commercial fishing activities. “Vessels of a commercial nature” shall also include vessels engaged in licensed and/or permitted aquaculture or mariculture activities.

15.04.160 Water of Morro Bay. “Water of Morro Bay” means all water within the city limits of the City of Morro Bay in which the tide ebbs and flows, whether or not the ordinary mean high tide line of the Pacific Ocean has been fixed by ordinance, statute, court action or otherwise, and whether or not the lands lying under the tidal water are privately or publicly owned, and including the tidelands and submerged lands granted to the City of Morro Bay as successor to the County of San Luis Obispo under Chapter 1076 Statutes of 1947 of the State of California.

15.40.020(A). For the purposes of this chapter, “Morro Bay Harbor” shall be the Water of Morro Bay, as defined, lying bayward of the Federal COLREGS Demarcation Line ~~tidelands and submerged lands granted to the City of Morro Bay as successor to the County of San Luis Obispo under Chapter 1076 Statutes of 1947 of the State of California.~~

15.40.020(B)(1). A “liveaboard” is defined as any person(s) who uses a vessel as a residence and/or is occupying that vessel for four or more days or nights in any seven-day period engaging in those usual and customary activities associated with a person’s residence or abode such as, but not limited to, sleeping and preparation of meals, and who otherwise cannot reasonably demonstrate residence elsewhere. This definition will also include any individual using a vessel for four or more days or nights within any seven-day period as a place of business, professional location or other commercial enterprise, as evidenced by a business license, when transportation is a secondary or subsidiary use.

~~15.40.020(D). “Off-shore mooring means any site where a vessel is secured within Morro Bay Harbor which is not directly connected to the shore or land by means of a dock, pier, float or other structure providing direct access from the vessel to the land or shore.~~

~~15.40.020(E). “Shore-side mooring” means any site where a vessel is secured within Morro Bay Harbor which is directly connected to the shore or land by means of a dock, pier, float or other structure providing direct access from the vessel to the land or shore.~~

15.40.020(G). “Sewage holding tank” means a permanently installed, United States Coast Guard-approved receptacle on a vessel which is used to retain sewage.

15.40.020(I). An “adequate vessel sanitation facility” means an operational marine sanitation device or portable toilet approved by the United States Coast Guard as suitable to prevent direct discharge of untreated or treated human waste into Morro Bay Harbor.

“Dinghy” means a small vessel used as a tender to a larger vessel, also known as a “skiff,” and typically twelve feet or less in overall length.

“Dock” means a floating platform, typically secured by pilings, providing for wet storage of a vessel and pedestrian access to and from vessels or the water.

“Dockage” means the fees assessed a vessel which moored to a dock, pier, mooring, anchorage or other facility managed by the City of Morro Bay as set forth in the Master Fee Schedule.

“Greywater” means vessel waste water from baths, showers, sinks, washing machines and other appliances, but that has not come into contact with human or animal feces or excreta.

“Head float berth” means a vessel berthing or mooring area between the shore and the common main dock access float serving one or more docks.

“Moored” means a vessel being secured to or in a particular place or location. Also known as “berthed.”

“Mooring” (verb) means the act of a vessel being secured to or in a particular place or location.

“Operable” means ~~capable of maneuvering under a vessel’s own power to the Harbor entrance or to an inspection site designated by the Harbor Director and back to its berthing location.~~ a vessel’s ability to maneuver safely under its own power from any place in Morro Bay Harbor to the open waters of the Pacific Ocean and back to its point of origin.

“Pier” means any fixed structure, not subject to tidal action, for mooring vessels, loading or unloading persons, property or goods, or providing access to the water, and including “wharf” and “quay.”

“Seaworthy” ~~shall means~~ the vessel’s hull, keel, decking, cabin, and mast are structurally sound and generally free from structural rusting, delamination, or dry rot. the sufficiency of a vessel in materials, construction, equipment, crew, outfit and repair for the vessel’s intended service in the waters in which it is operated.

“Slip” means a docking space for a vessel. Also known as a “berth.”

## **CONCLUSION**

Once all sections of the MBMC and R&R’s proposed for revision are reviewed by the HAB for final input, they will be brought to the City Council as a complete package for Council consideration of approval.



AGENDA NO: C-7

MEETING DATE: May 04, 2017

## Staff Report

**TO:** Harbor Advisory Board

**DATE:** April 27, 2017

**FROM:** Eric Endersby, Harbor Director

**SUBJECT:** Work Program for 2017/2018 City Council Goal Objectives for Harbor Advisory Board Review, Input and Recommendation on Timeline Implementation

### **RECOMMENDATION**

Staff recommend the Harbor Advisory Board review and provide comment and recommendations on the current draft 2017/2018 City Council Goal Objectives and Objective Work Program as they pertain to the timeline calendar quarters of implementation.

### **BACKGROUND**

At their special April 11, 2017 meeting, the City Council, in joint session with advisory body chairs, considered and provided input on the proposed Harbor Advisory Board Work Program for City Council 2017/2018 Goals & Objectives.

### **DISCUSSION & CONCLUSION**

The Work Program, revised from Council input on the 11<sup>th</sup>, is being brought back for Harbor Advisory Board consideration and recommendation with regard to the timeline calendar quarters for program implementation.

The final draft Work Program matrix is included with this staff report as Attachment 1, in track-changes format from original.

### **ATTACHMENT**

1. Draft 2017/2018 Goals and Objectives as of the February 28, 2017 City Council meeting.

Prepared By: EE

Dept Review: EE

City Manager Review: \_\_\_\_\_

City Attorney Review: \_\_\_\_\_

Item	Description	Expected HAB Review (by fiscal year quarter)	
<b>Harbor Advisory Board Work Program for City Council 2017/18 Goals &amp; Objectives</b>			
as updated from City Council input on 4/11/17			
<b>GOALS</b>			
Goal 1	Achieve Economic and Fiscal Sustainability	N/A	Status / HAB Recommendation
b.	Pursue opportunities and relationships that are likely to result in the revitalization and redevelopment of important properties including the Morro Bay Power Plant, the existing wastewater treatment plant site, Morro Bay Elementary School, and the Morro Bay Aquarium lease site. Take proactive action to facilitate the revitalization of underused and vacant parcels in all commercial districts.		
	WPE1 - Aquarium. Harbor staff and HAB provide input and guidance to Central Coast Aquarium, <del>and</del> Community Development, <u>Planning Commission and City Council</u> on aquarium's redevelopment proposal during proposal development <del>and review for Concept approval prior to consideration by PC/Council.</del>	As-Required	
	<del>WPE2 - Aquarium. Harbor staff and HAB review and recommendations to PC/Council on CCA proposal during review for Concept approval.</del>		
	WPE3 - Morro Bay Power Plant. Harbor Staff and HAB review and recommendations to PC/Council on development proposals during review by PC/Council for Concept approval.	As-Required	
	WPE4 - WWTP Site. Harbor Staff and HAB review and recommendations to PC/Council on development proposals relative to land use during review by PC/Council for Concept approval.	As-Required	
	WPE5 - Eelgrass. Continue eelgrass Ad-Hoc Committee work into research on eelgrass mitigation alternatives, <u>potential state and federal regulatory paths forward, and</u> including robust engagement with MBNEP, <u>and consider hiring consultancy to facilitate the process.</u>	Q1-3	This issue is on current HAB goal work plan list, and should continue under the banner of this goal objective since the presence of eelgrass and the current "unfriendly" eelgrass regulatory mitigation policy is a damper on waterfront development/redevelopment.
	<del>WPE6 - Eelgrass. Research and identify potential state and federal regulatory paths forward to develop a Morro Bay specific eelgrass policy.</del>		Currently underway with committee.
	<del>WPE7 - Eelgrass. Consider hiring consultancy to facilitate WPE6 (and budget in FY18 if req'd).</del>		
	WPE8 - Eelgrass. Develop Morro Bay Eelgrass Mitigation Policy for state and federal regulatory approval contingent upon outcomes of <del>WPE5</del> <u>WPE6 and WPE7.</u>	Q4	
	WPE9 - Complete License Agreement and MOU update with the Central Coast Maritime Museum for museum establishment in the Triangle Lot per current efforts.	Q1 (License Agreement), Q2 MOU	Currently underway. Final draft of License Agreement in CCMMA's hands for their approval.

d.	<b>Evaluate oppoortunities for new or expanded revenue sources, including, but not limited to: paid parking, marijuana associated revenues, other tax measures and a review of City fees.</b>	N/A	
	WPE1 - Participate in the research and bringing to Council for consideration establishment of paid parking on and around the Embarcadero.		
	WPE2 - Research and bring to Council for consideration moving for-profit events and activities from the Public Area Use Permit process (no revenue generation) to a License Agreement process (with revenue generation).	Q2	
	WPE3 - Research and bring to Council for consideration concessionaire contracts for food truck and/or other basic beach need sales/rentals at the Rock parking lot and/or other City locations during special events.	Q2	
	WPE4 - Research and bring to Council for consideration establishment of License Agreements with base and/or percent rents for various for-profit business operations being conducted on the Bay that are not currently operating as an approved lease or sublease from a lease site.	Q2	
	WPE5 - Research and bring to Council for consideration slip, pier and dock fees or metering to fully recover the amounts spent by the City for electrical and water usage on various pier and dock facilities.	Q3	
	WPE6 - Research and bring to Council for consideration fee-based RV and/or boat/trailer storage parking in a portion of the Triangle Lot until some permant use is allocated to that location.	Q3	
	WPE7 - <u>Research and bring to Council for consideration</u> establishment of a concert venue in the Triangle Lot.	Q3	
	WPE8 - <u>Research and bring to Council for consideration production of</u> <del>Produce</del> more drive/walk-in movie nights at the Rock and/or Tidelands.	Q4	
	WPE9 - Research and bring to Council for consideration a waterfront leaseholder incentive to obtain more years on the term of their leases in exchange for paying more base and/or percent rents.	Q4	
	WPE10 - Research and bring to Council for consideration a waterfront leaseholder incentive to obtain more years on the term of their leases in exchange for diversifying the caliber or type products or services they sell to types that are lacking/needed in the area.	Q4	
	WPE11 - Seek and establish a more robust harbor-related grant-seeking process.	Q1	
	WPE12 - Research, work with State Parks and bring to Council for consideration revising the State Park Marina Operating Agreement to allow the City to take over direct operations of the marina to maximize revenue collection to put toward dredging and redevelopment.	Q1	
	WPE13 - Research full GIS mapping of the City's two mooring fields in order to achieve maximum utilization of space, to determine if new moorings can be established.	Q4	
e.	<b>Considering Council direction to identify no less than \$400K of cost reductions across FY19 and FY20, develop a cost control and reduction plan to achieve these cuts, including a complete review of staffing levels and non-labor costs in all departments.</b>		HAB would like Council clarification how this objective will affect the Harbor Department since the enterprise funds are not a part of the \$400K cost reduction equation?

	HAB recommends the Council adopt an objective under this goal to pursue Management Partner's recommendation #3 – prepare an OMB A-87 compliant cost allocation study and plan.		
	WPE1 - Perform a department "gut-check" of the current cost allocation plan for accuracy.	Q1	
<b>Goal 3</b>	<b>Improve Infrastructure and Public Spaces</b>	N/A	
<b>b.</b>	<b>Bring to Council for information, consideration and possible implementation a review of circulation and parking management plans and options in the downtown and waterfront districts.</b>		
	WPE1 - HAB review and provide input on proposed management plans and options as they relate to the waterfront.	As-Required	
<b>d.</b>	<b>Complete the approved RFQ process for a marine services facility (boatyard) and bring to Council for information and consideration of next steps prior to any decision on feasibility study.</b>		
	WPE1 - With Boatyard Ad-Hoc committee participation, review responses to RFQ and evaluate.	Q1	RFQ process currently underway; deadline to submit July 14, 2017.
	WPE2 - Depending on RFQ response, if any, develop and recommend to Council consideration of next steps, including, but not limited to, possible issuance of an RFP for boatyard development, or possible issuance of a RFP for financial feasibility study services.	Q1	
<b>e.</b>	<b>Inventory, evaluate and refresh existing programs for volunteer groups to assist in providing routine maintenance in the City ( such a adopt-a-park programs), while soliciting and facilitating additional volunteer group support for routine maintenance (such as park beautification) and small capital projects (such as park bathroom reconstruction).</b>		
	WPE1 - Identify facilities in need or opportunities for participation and/or projects, <u>and identify groups or organizations likely or willing to adopt or take on projects in/on waterfront facilities.</u>	Q3	
	<del>WPE2— Identify groups or organizations likely or willing to adopt or take on projects in/on waterfront facilities.</del>		
<b>Goal 4</b>	<b>Review and Update Significant Land Use Plans</b>		
<b>a.</b>	<b>Complete the GP/LCP rewrite no later than August 2018.</b>		
	WPE1 - HAB Working Waterfront Ad-Hoc committee to <u>develop a "Working Waterfront" mission statement or policy for work with staff, consultants and GPAC to provide input and review relative to the City establishing a "working waterfront" and its</u> incorporation into the GP/LCP.	Q1	
	WPE2 - HAB Working Waterfront Ad-Hoc committee to work with staff, consultants and GPAC to provide input and review relative to clarification of Measure D and incorporation of clarifications into the GP/LCP.	As-Required	
<b>d.</b>	<b>Bring to Council for consideration the results of Code Enforcement outreach on existing codes related to fences and hedges, and boat, RV and trailer parking/storage on City streets and neighborhoods to determine whether to keep, or modify, related existing ordinances.</b>		
	WPE1 - Provide venue to take public input and make HAB recommendations for Council consideration regarding boat and boat/trailer parking and storage.	As-Required	

	<b>OTHER ITEMS</b>	
	<b>HAB Recommendations on Other Existing Council Goals/Objectives</b>	
	N/A at this time.	
	<b>HAB Recommendations on Adding New Goal Objectives</b>	
	N/A	