



CITY OF MORRO BAY HARBOR ADVISORY BOARD AGENDA

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, December 7, 2023 – 5:30 P.M. Veterans Memorial Hall 209 Surf St., Morro Bay, CA

Cal Myers	Recreational Boating
Cherise Hansson	Waterfront Leaseholders
Gene Doughty	South Bay/Los Osos
Sean Green	Member at Large
Christopher Vaile	Member at Large
Mary Witkowski	Marine Oriented Business
Jeremiah O'Brien	Morro Bay Commercial Fishermen's Organization
Lori French	Alternate to Jeremiah O'Brien (MBCFO)

Public Participation:

Public participation is allowed in the following ways:

- *Community members may attend the meeting in person at the Morro Bay Veterans Memorial Hall.*
- *Alternatively, members of the public may watch the meeting and speak during general Public Comment or on a specific agenda item by logging in to the Zoom webinar using the information provided below. Please use the "raise hand" feature to indicate your desire to provide public comment.*

Please click the link below to join the webinar:

- <https://us02web.zoom.us/j/82722747698?pwd=aWZpTzdwTHlRTk9xaTlmWVNWRWFUQT09>

Password: 135692

- *Or Telephone Attendee: 1 (408) 638-0968 or 1 (669) 900 6833 or 1 (346) 248 7799; Webinar ID: 827 2274 7698; Password: 135692; Press * 9 to "Raise Hand" for Public Comment*

- *Members of the public may watch the meeting either on cable Channel 20 or as streamed on the City [website](#).*
- *Community members are encouraged to submit agenda correspondence in advance of the meeting via email to the Harbor Advisory Board at hab@morrobayca.gov prior to the meeting. Agenda Correspondence received at hab@morrobayca.gov by 10 a.m. on the meeting day will be posted on the City website.*

ESTABLISH QUORUM AND CALL TO ORDER

MOMENT OF SILENCE

PLEDGE OF ALLEGIANCE

CHAIR, ADVISORY BOARD MEMBER & LIAISON ANNOUNCEMENTS AND PUBLIC OUTREACH REPORTING

PRESENTATIONS

- Update on Coleman Park improvements, Public Works Director, Greg Kwolek
- Friends of the Morro Bay Harbor Department status and fundraising opportunities, Bill Luffee.

PUBLIC COMMENT

Members of the audience wishing to address the HAB on Harbor business matters not on the agenda may do so at this time. For those desiring to speak on items on the agenda, but unable to stay for the item, may also address the HAB at this time.

A. CONSENT CALENDAR

Unless an item is pulled for separate action by the Board, the following actions are approved without discussion. The public will also be provided with an opportunity to comment on consent agenda items.

- A-1 Approval of Minutes from the Harbor Advisory Board meeting held on August 3, 2023.
RECOMMENDATION: Approve as submitted.
- A-2 Approval of Minutes from the Harbor Advisory Board meeting held on September 7, 2023.
RECOMMENDATION: Approve as submitted.
- A-3 Approval of Minutes from the Harbor Advisory Board meeting held on October 5, 2023.
RECOMMENDATION: Approve as submitted.
- A-4 Harbor Department Status Report.
RECOMMENDATION: Receive and file report.

B. BUSINESS ITEMS

- B-1 Harbor Director – Departmental Updates
RECOMMENDATION: Receive and file update.
- B-2 Update from the Commercial Vessel Fees Ad-Hoc Committee on Committee’s Recent Activities
RECOMMENDATION: Receive and file committee update.
- B-3 Update from the Harbor Liability Ad-Hoc Committee on Committee’s Recent Activities
RECOMMENDATION: Receive and file committee update.

C. DECLARATION OF FUTURE AGENDA ITEMS

D. 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, 1275 Embarcadero Road, or online at 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 MEETING – August 3, 2023
VETERAN'S MEMORIAL HALL – 5:30 P.M.

AGENDA NO: A-1

MEETING DATE: December 7, 2023

PRESENT:	Cal Myers	Chair
	Cherise Hansson	Vice-Chair
	Mary Witkowski	Member
	Jeremiah O'Brien	Member
	Gene Doughty	Member
	Christopher Vaile	Member
ABSENT:	Sean Green	Member
STAFF:	Ted Schiafone	Harbor Director
	Lori Stilts	Harbor Business Coordinator

ESTABLISH QUORUM AND CALL TO ORDER

https://youtu.be/8vhW7CHkXcE?si=d_dy4BN8XPQg3ydN&t=16

The meeting was called to order at 5:30 p.m., with a quorum present.

MOMENT OF SILENCE

PLEDGE OF ALLEGIANCE

CHAIR, ADVISORY BOARD MEMBER & LIAISON ANNOUNCEMENTS AND PUBLIC OUTREACH REPORTING

PRESENTATIONS

<https://youtu.be/8vhW7CHkXcE?si=3eonnbnN6Xyqs58d&t=485>

San Salvador Visit presentation, Judy Salamacha with the Morro Bay Maritime Museum

PUBLIC COMMENT

<https://youtu.be/8vhW7CHkXcE?si=XvCj8aSoswBJzGP6&t=1711>

The public comment period was opened.

Chuck Losness, spoke of the need for a shipyard in Morro Bay.

The public comment period was closed.

A. CONSENT AGENDA

https://youtu.be/8vhW7CHkXcE?si=bGhxU_BylnLYDVIA&t=1895

Unless an item is pulled for separate action by the Board, the following actions are approved without discussion.

A-1 Harbor Department Status Report.

RECOMMENDATION: Receive and file report.

MOTION: Board Member Hansson moved to approve the consent agenda. The Motion was seconded by Board Member Vaile and carried, 6-0-1 with Member Green absent.

B. BUSINESS ITEMS

B-1 HARBOR DIRECTOR – DEPARTMENTAL UPDATES

<https://youtu.be/8vhW7CHkXcE?si=rPDxS6My9ti2MKhN&t=1951>

Director Schiafone gave an oral report on recent Harbor affairs including windfarm activity, channel dredging, DBW launch ramp grant, 1st quarter sales report on the Embarcadero, North T-Pier structural assessment and responded to Board Member inquiries.

The public comment period was opened and closed with no comments.

B-2 UPDATE FROM THE CONSENT OF LANDOWNER PROCESS AD-HOC COMMITTEE ON COMMITTEE'S RECENT ACTIVITIES

<https://youtu.be/8vhW7CHkXcE?si=EoSLsu14p1lnq7gH&t=3030>

Committee Member Hansson presented an oral background on the creation of the Consent of Landowner Ad-Hoc committee and stakeholder involvement.

Committee Member Witkowski presented the Ad-Hoc's proposed consent of landowner recommendations:

1. Penalty of 1/30 of the base rent for each day the milestone is not met.
2. Incentive, if applicant completes the milestone before the timeline date, they receive a 0% on percentage rent until the milestone or projected project completion date.
3. Introduction of adjudication process regarding proposed timelines.
4. Inclusion of examples for reason of timeline extensions.
5. Updates to 2 lease policy flow charts.

Director Schiafone thanked the Ad-Hoc committee for their work and will take their recommendation to the City Attorney for legal review and then to City Council.

The public comment period was opened and closed with no comments.

B-3 COMMERCIAL FISHING DOCK REPAIR PLAN

<https://youtu.be/8vhW7CHkXcE?si=p2Yi469HI5hsfhjg&t=3648>

Member Doughty recused himself from the dais.

Director Schiafone presented the staff report and recommend the Harbor Advisory Board support the proposed Commercial Fishing Dock Repair Plan and request the Harbor Department submit the Plan to City Council for approval and funding.

Director Schiafone responded to Board Member inquiries.

MOTION: Board Member Vaile moved in support of the proposed Commercial Fishing Dock repair Plan and recommended funding. The Motion was seconded by Board Member Witkowski and carried, 6-0-1 with Member Green absent.

The public comment period was opened and closed with no comments.

Member Doughty returned to the dais at 6:36 pm.

B-4 COMMERCIAL VESSEL FEES

<https://youtu.be/8vhW7CHkXcE?si=xMO-RijkXY1MUqUs&t=3960>

Director Schiafone presented the staff report requesting the creation of an Ad-Hoc Committee to investigate how other harbors charge for commercial vessel slip and use fees.

There was Board discussion on creating goals to be established for the Ad-Hoc committee.

Board Members Vaile, Witkowski and O'Brien volunteered to establish the committee.

MOTION: Board Member Vaile moved to form an Ad-Hoc Committee to investigate how other harbors charge and therefore make recommendations out of that information. The Motion was seconded by Board Member Witkowski and carried, 6-0-1 with Member Green absent.

The public comment period was opened and closed with no comments.

B-5 HARBOR LIABILITY

<https://youtu.be/8vhW7CHkXcE?si=40HTC79Ow7YXXvcl&t=4813>

Director Schiafone presented the staff report and recommend the creation of an Ad-Hoc Committee to investigate how other Harbors handle insurance requirements on vessels docked or moored. Additionally, investigate how other Harbors handle swimming in the channel/bay and jumping off the city piers.

Board Members Vaile and Myers volunteered to establish the committee.

MOTION: Board Member Vaile moved to form an Ad-Hoc Committee to investigate how other Harbors handle insurance requirements and additionally other Harbors handle swimming in their channels & bays and off piers. The Motion was seconded by Board Chair Myers and carried, 5-1-1 with Member Doughty opposed and Member Green absent.

The public comment period was opened and closed with no comments.

C. DECLARATION OF FUTURE AGENDA ITEMS

<https://youtu.be/8vhW7CHkXcE?si=ecrGT1JcexpEr-31&t=5356>

Member Witkowski requested an update on the skiff permitting program.

There was Board consensus to add the item.

D. ADJOURNMENT

This meeting was adjourned at 7:01 p.m.

Lori Stilts
Harbor Department

MINUTES-MORRO BAY HARBOR ADVISORY
BOARD MEETING – September 7, 2023
VETERAN'S MEMORIAL HALL – 5:30 P.M.

AGENDA NO: A-2

MEETING DATE: December 7, 2023

PRESENT:	Cal Myers	Chair
	Sean Green	Member
	Mary Witkowski	Member
	Gene Doughty	Member
	Christopher Vaile	Member
	Lori French	Member
ABSENT:	Cherise Hansson	Vice-Chair
STAFF:	Ted Schiafone	Harbor Director
	Lori Stilts	Harbor Business Coordinator

ESTABLISH QUORUM AND CALL TO ORDER

https://youtu.be/-8rT0Xni_qU?si=0D_jNTE-YvPz3jjX&t=26

The meeting was called to order at 5:30 p.m., with a quorum present.

MOMENT OF SILENCE

PLEDGE OF ALLEGIANCE

Member French arrived at the dais at 5:34pm.

CHAIR, ADVISORY BOARD MEMBER & LIAISON ANNOUNCEMENTS AND PUBLIC OUTREACH REPORTING

PRESENTATIONS

Morro Bay Yacht Club presentation, Dana McClish

PUBLIC COMMENT

https://youtu.be/-8rT0Xni_qU?si=mDZKCBQDpRoEu1ZH&t=1093

The public comment period was opened.

John Hovdahl, Rear Commodore of the Morro Bay Yacht Club, has a boat in the City's mast-up dry storage and expressed his excitement working as a docent recently on the San Salvador.

Sherry Hafer, Secretary of the Central Coast Women for Fisheries, spoke on behalf of the commercial fisherman requesting the City of Morro Bay to adopt a resolution in support of the offshore wind developers to become members of the Morro Bay Lease Areas Mutual Benefits Corporation.

Tom Hafer, President of the Morro Bay Commercial Fishermen's Organization, supports Sherry's comments.

The public comment period was closed.

A. CONSENT AGENDA

https://youtu.be/-8rT0Xni_qU?si=bU8I9wESaMIV6iOg&t=1980

Unless an item is pulled for separate action by the Board, the following actions are approved without discussion.

A-1 Approval of Minutes from the Harbor Advisory Board meeting held on April 6, 2023.
RECOMMENDATION: Approve as submitted.

A-2 Approval of Minutes from the Harbor Advisory Board meeting held on June 1, 2023.
RECOMMENDATION: Approve as submitted

A-3 Harbor Department Status Report.
RECOMMENDATION: Receive and file report.

MOTION: Board Member Doughty moved to approve the consent agenda. The Motion was seconded by Board Member Green and carried, 6-0-1 with Vice-Chair Hansson absent.

B. BUSINESS ITEMS

B-1 HARBOR DIRECTOR – DEPARTMENTAL UPDATES

https://youtu.be/-8rT0Xni_qU?si=EIXglApvLi4ZEIqC&t=2029

Director Schiafone gave an oral report on recent Harbor affairs including windfarm activity, joint planning meeting, funding for commercial slip repairs, new harbor patrol vehicle, FEMA and responded to Board Member inquiries.

Member Witkowski requested staff to bring back a timeline of implementation to the next meeting for the skiff permit program.

The public comment period was opened and closed with no comments.

B-2 UPDATE FROM THE COMMERCIAL VESSEL FEES AD-HOC COMMITTEE ON COMMITTEE'S RECENT ACTIVITIES

https://youtu.be/-8rT0Xni_qU?si=BGq6N2MSVr43qtPh&t=3645

Committee Member Witkowski briefed the Board on the status of the Ad-hoc committee work so far and stated they would have recommendations by the next meeting.

The public comment period was opened and closed with no comments.

B-3 UPDATE FROM THE HARBOR LIABILITY AD-HOC COMMITTEE ON COMMITTEE'S RECENT ACTIVITIES

https://youtu.be/-8rT0Xni_qU?si=9SFelxUqZVjuYuUz&t=3852

Committee Member Myers presented an update on the committee's outreach to other harbors, City Risk Management, and their information gathering to date.

There was Board questions and discussion.

Director Schiafone spoke to the different types of vessel insurance available and reason to carry a liability policy.

The public comment period was opened and closed with no comments.

C. DECLARATION OF FUTURE AGENDA ITEMS

https://youtu.be/-8rT0Xni_qU?si=NxZYBIBIje9VfXRT&t=4889

Chair Myers requested a list of declared future agenda items brought back to the next meeting for review.

The Board agreed.

D. ADJOURNMENT

This meeting was adjourned at 6:52 p.m.

Lori Stilts
Harbor Department

MINUTES-MORRO BAY HARBOR ADVISORY
BOARD MEETING – OCTOBER 5, 2023
VETERAN'S MEMORIAL HALL – 5:30 P.M.

AGENDA NO: A-3

MEETING DATE: December 7, 2023

PRESENT:	Cal Myers	Chair
	Cherise Hansson	Vice-Chair
	Sean Green	Member
	Mary Witkowski	Member
	Gene Doughty	Member
ABSENT:	Lori French	Member
	Christopher Vaile	Member
STAFF:	Ted Schiafone	Harbor Director
	Lori Stilts	Harbor Business Coordinator

ESTABLISH QUORUM AND CALL TO ORDER

<https://youtu.be/GQt-i4RizRE?si=12xCXC2WU7BMq20M&t=27>

The meeting was called to order at 5:30 p.m., with a quorum present.

MOMENT OF SILENCE

PLEDGE OF ALLEGIANCE

CHAIR, ADVISORY BOARD MEMBER & LIAISON ANNOUNCEMENTS AND PUBLIC OUTREACH REPORTING

PRESENTATIONS

None

PUBLIC COMMENT

<https://youtu.be/GQt-i4RizRE?si=zQLqjBw7E7cflV8&t=630>

The public comment period was opened.

Council Member Landrum announced an upcoming town hall meeting on October 15 discussing short term rentals in Morro Bay and a meeting on offshore wind in November.

The public comment period was closed.

A. CONSENT AGENDA

<https://youtu.be/GQt-i4RizRE?si=1D3PhBhiNRcKP6i2&t=686>

Unless an item is pulled for separate action by the Board, the following actions are approved without discussion.

A-1 Harbor Department Status Report.

RECOMMENDATION: Receive and file report.

MOTION: Board Member Witkowski moved to approve the consent agenda. The Motion was seconded by Board Member Hansson and carried, 5-0-2 with Member Vaile and French absent.

The public comment period was opened and closed with no comments.

B. BUSINESS ITEMS

B-1 HARBOR DIRECTOR – DEPARTMENTAL UPDATES

<https://youtu.be/GQt-i4RizRE?si=2H1QnkfN7LHDaZ5H&t=752>

Director Schiafone gave an oral report on recent Harbor affairs including the Harbor revenues, the planning commission and council joint meeting, windfarm website, commercial slip repairs, vehicle replacement, fire/response vessel 3869 out for service, NTP structural update and responded to Board Member inquiries.

The public comment period was opened and closed with no comments.

B-2 UPDATE FROM THE COMMERCIAL VESSEL FEES AD-HOC COMMITTEE ON COMMITTEE'S RECENT ACTIVITIES

<https://youtu.be/GQt-i4RizRE?si=wYBjji9InpWxJWmv&t=2130>

Committee Member Witkowski briefed the Board on the status of the Ad-hoc committees work and recommended adding a third member to the committee as Member O'Brien is not available.

Board Chair Myers volunteered to join the committee.

The public comment period was opened and closed with no comments.

B-3 UPDATE FROM THE HARBOR LIABILITY AD-HOC COMMITTEE ON COMMITTEE'S RECENT ACTIVITIES

https://youtu.be/GQt-i4RizRE?si=g_uMrxbzTI6qOaeZ&t=2229

Member Myers presented an update on the committee's work so far , mostly touching on jumping off the pier, swimming in the bay and vessel insurance requirements. The Committee will provide their report at the next Board meeting.

The public comment period was opened and closed with no comments.

C. DECLARATION OF FUTURE AGENDA ITEMS

C-1 REVIEW AND PRIORITIZE DECLARED FUTURE AGENDA ITEMS

https://youtu.be/GQt-i4RizRE?si=xSuj22sr_NFBGEuA&t=2346

Director Schiafone and the Board updated the future agenda items list below with the following changes..

- ~~Wind Energy Generation off the Coast of Morro Bay~~
- Creation of an Embarcadero Business District to Fund Harbor Infrastructure
- ~~Review the RV Camping Program~~
- ~~Consideration of an RV Camping Program Ad-Hoc Committee~~
- ~~Vistra Battery Community Benefits~~
- TOT Derived from Waterfront to be used by the Harbor Fund
- Ironman Subcommittee
- Goals Work Planning Process - Reform Ad-hoc Committees
- Milestone Updates on the Skiff Permit Program
- ~~Lease Update.~~

Added future agenda items:

- Coleman Park Update
- CFAC Joint Ad-Hoc Committee

The public comment period was opened.

Chuck Losness, requested to hear more information on the skiff program.

The public comment period was closed.

D. ADJOURNMENT

This meeting was adjourned at 6:30 p.m.

Lori Stilts
Harbor Department



AGENDA NO: A-4

MEETING DATE: December 7, 2023

Staff Report

TO: Harbor Advisory Board
FROM: Ted Schiafone, Harbor Director
SUBJECT: Harbor Department Status Report

DATE: November 29, 2023

RECOMMENDATION

Receive and file report.

DISCUSSION

Recent Department Activity:

Harbor Patrol statistics for **October & November 2023:**

158 bay patrols
367 land patrols
22 emergency responses
161 calls for service
88 assists of other agencies
53 enforcement contacts
35 Trainings
413 maintenance actions
24 weather warnings, and 1 hazardous bar warnings

Harbor Patrol Activity.

Lifeguard towers.

On October 3rd the Lifeguard towers were removed from the beach. Lifeguards will resume next Memorial Day weekend and for special events this winter. This summer season we had a total count of 43,047 beach patrons during the hours of 10am-5pm. There were 1,324 public contacts and 490 public safety lectures. Lifeguards had 4 emergency water rescues and 23 swimmer/surfer assists. There was one fatal drowning this summer on July 10th.



Prepared By: LS/BK

Dept Review: TS

City Manager Review: _____

City Attorney Review: _____

Events.

Thank you to all that came to the Harbor Department **Open House** on October 11. We are certainly proud of our remodel and appreciate the efficiency it has provided for our workspace.

A new fundraising campaign was launched at the **Family Fun Day** on October 14 for the Friends of the Harbor Department to raise money to purchase a UTV for the Harbor Department Lifeguards to use on the beach. This vehicle will provide a better platform to work from with a smaller footprint on the beach and save the Harbor Patrol full size truck from daily beach use in the summers.

Harbor Patrol welcomed the Polynesian sailing canoe **Hokule'a** on October 13 to Morro Bay. They were greeted outside the Harbor and escorted to Tidelands Park for a multicultural ceremony. The vessel is on a worldwide voyage to spread awareness for the future of the earth.

We witnessed another popular **Witch's Paddle** on October 29. This event has been a grass roots snowball that should have an event coordinator to assist with a safety plan and organization. Harbor Patrol had extra staff on to ensure safety and still had to assist several paddlers including a 911 call during the event. While we love to see the enthusiasm and ingenuity of the paddlers, we hope to have some collaboration in the future with a group organizer.

Close to 800 triathletes competed in the **MB Triathlon** on November 5. Harbor Patrol led the water safety team to ensure all swimmers/paddlers made it back to Coleman Beach to move on to the bike and run.

Foghorn.

You may be hearing the foghorn again or not, as the Coast Guard Aids to Navigation Team has been working on making repairs to this structure on the tip of the North Jetty. The foghorn provides a sound warning mariners of hazards ahead. In 2020, the Coast Guard installed a radio operated system that made an automated sound when a VHF radio was keyed 5 times on channel 83a. During last winter, large swells broke this technology. Last month the foghorn was restored to sounding 24/7 and surprised many locals. However, after large swells last week, there is no sound at all again. This has been reported to the Coast Guard and we are awaiting repairs.

Life Jacket Loaner Station.

Harbor Patrol replaced the life jacket loaner station at the launch ramp. This is a safety tool that originally was donated by a local citizen with the intention slogan, Kids Don't Float. During the storms last winter the original structure was damaged and beyond repair. California State Parks Division



Boating and Waterways provided new lumber, signage and life jackets for us with the premise of safe boating campaign, but all items had to be picked up in Sacramento. The Coast Guard Auxiliary volunteered to pick up all these supplies and the Friends of the Harbor Department paid for all fuel costs. We are truly thankful for the collaboration and happy to provide this valuable tool to the public.

Theft.

There has been a string of reports taken for theft on the waterfront, specifically on boats in the City managed dry boat storage lot near the Maritime Museum and on boats down by Tidelands dock. We are asking all boat owners to keep their valuables locked up and report any lost property to the Police Department.

Winter swell action. A few large swells that make the Morro Bay Harbor Entrance dangerous have kept Harbor Patrol busy. On October 20, we had multiple calls for emergency assistance. Our boat went to Cayucos for a swimmer in distress and later that same day to Montana de Oro for a surfer attempting to scale up the bluffs just south of Spooners Cove needing assistance. Multiple contacts were made at the Harbor Entrance for small boats wanting to transit outside the harbor and were advised to alter their plans. On November 11th, a report of a broke down jet ski washed up in the surf on the sandspit and the owner crossed over the dunes and made it back to his vehicle at the launch ramp. His surfboard was tied to help adrift out in the ocean. Three days later, when swell had dropped enough, Harbor Patrol Officers with incredible skill were able to tow the broke down jet ski off the sandspit and return it to its owner at the launch ramp. The surfboard was found by a commercial fisherman more than 5 miles north of the last known location. On November 25, a citizen was washed off the top of the North Jetty approximately halfway out to the tip by breaking waves over the entire length of the jetty. A Harbor Patrol boat was in the area and witnessed the fall and requested a land unit send a swimmer in the water to help the victim back to shore. The victim was incredibly lucky to survive the fall and released by paramedics at scene after full assessment.



Crab Pot Christmas Tree.

Come check out the Crab Pot Christmas Tree that Harbor Patrol Officers have set up on the South T Pier. This is the 8th consecutive year the Harbor Department has erected this special tree made of fishing gear from our local fleet. This year there is not only Dungeness crab traps in the structure, but it also has one black cod trap and several spot pawn traps.



AGENDA NO: B-1

MEETING DATE: December 7, 2023

Staff Report

TO: Harbor Advisory Board

DATE: November 28, 2023

FROM: Ted Schiafone, Harbor Director

SUBJECT: Harbor Director – Departmental Updates

RECOMMENDATION

Receive and file oral report.

BACKGROUND, DISCUSSION & CONCLUSION

The Harbor Director will be presenting an oral update on the department's activities.

Prepared By: LS

Dept Review: TS

City Manager Review: _____

City Attorney Review: _____



AGENDA NO: B-2

MEETING DATE: December 7, 2023

Staff Report

TO: Harbor Advisory Board

DATE: November 28, 2023

FROM: Ted Schiafone, Harbor Director

SUBJECT: Update from the Commercial Vessel Fees Ad-Hoc Committee on Committee's Recent Activities

RECOMMENDATION

Receive and file committee update.

BACKGROUND, DISCUSSION & CONCLUSION

The Commercial Vessel Fees Ad-Hoc Committee of the Harbor Advisory Board will be presenting an oral update on their activities.

Prepared By: LS

Dept Review: TS

City Manager Review: _____

City Attorney Review: _____



HARBOR ADVISORY BOARD AD-HOC REVIEW OF COMMERCIAL VESSEL FEES

December 7th, 2023

ABSTRACT

The Harbor Advisory Board Ad-Hoc Harbor Liability to investigate o how other Harbors charge for commercial (non-fishing) vessel slip fees and use fees.

HAB Ad Hoc Harbor Liability Committee

Cal Myers, Chris Vaile, Mary Witkowski

SCOPE OF WORK

At the August 3rd, 2023, Harbor Advisory Board Meeting Item B-4 was approved, with the content provided below.

RECOMMENDATION

Staff recommends the creation of an Ad-Hoc Committee to investigate how other Harbors charge for commercial vessel slip fees and use fees.

BACKGROUND

Morro Bay Harbor has slip fees approved by Council for recreational and commercial fishing vessels. There is currently no fee established for any other types of vessels. Occasionally we have requests from Government Agencies, Government Contractors, or Private Companies to berth other type of vessels.

DISCUSSION

How are other Harbors in California charging for these vessels and use?

Note: Fees for commercial fishing, standard mooring and liveboards were excluded from this study.

METHODOLOGY

The Ad-Hoc committee reached out to several different Harbor Department in California that the team thought to be similar to Morry Bay in order to compare their policies around commercial vessel slip fees and use fees.

Below is the list of the various harbors that were contacted along with research on their public web site:

- Noyo Harbor - Anna Neumann, Harbormaster
- Monterey Harbor - Nichole Rodriguez, Harbor Operations
- Santa Cruz Harbor – Blake Anderson, Harbor Master
- Santa Barbara - Brian Adair, Waterfront Facilities Manager

The team contacted each of the harbor departments and asked a series of questions around fees for usages for different commercial usages for the harbor.

- Does the harbor have different fee schedules depending on the commercial purpose of the vessel, such as commercial fishing, sports fishing, charter, operation & maintenance vessels for offshore infrastructure, government vessels, etc.
- Determined current fee structures based on web-site

SURVEY SUMMARY

All harbors had similar policies, in that commercial fishing, recreational and commercial use were the only categorizations along with vessel length. Some harbors were progressively more expensive as the length of the vessel increased. Specific vessel length differences in charging appears to be driven by the harbor characteristics.

Harbor	Industry Specific Rates	Surcharges	Notes
Santa Cruz	Commercial Fishing	Rates increase along with size of vessel, no additional type of use charges	Does have different transient rates for multihull vessels
Monterey	Commercial Fishing	Rates increase along with size of vessel, no additional type of use charges	Monterey does have specific charge for cruise ships
Santa Barbara	Commercial Fishing	Rates increase along with size of vessel, no additional type of use charges	O&M vessels for drilling platforms have specific procedures for using piers and wharfs
Noyo	Commercial Fishing	Fixed minimum fees under 25 feet then charged by foot	Harbor Master has had conversation with Offshore Wind about use of harbor
Morro Bay	Commercial Fishing	Fees based on vessel size	

STUDY DETAILS

No harbor with the exception of Santa Barbara handled commercial vessels any differently based on type of industry, sans commercial fishing. Santa Barbara did have some very specific guidelines for the vessels that were supporting the oil industry offshore drilling rigs. Constraints about wharf usage consistent of limits to offloading and on-boarding the operation and maintenance vessels, but not fees.

Morro Bay is currently one of the more affordable harbors against their peers for commercial use such as luxury charter, other commercial use such as survey or operation & maintenance vessels. These vessels above 50 feet or multi-hull can place additional demands on the Morro Bay harbor department due the size of the harbor and limited ability to accommodate larger vessels.

RECOMMENDATIONS

The ad-hoc recommend that the Harbor Department create a new tiered pricing for larger commercial vessels. A common strategy is to create a length of vessel that would typically require special harbor department handling, say 50 feet or multihull and then charge 50-100% progressive rate structure.

The ad-hoc also recommends that when or if new commercial/industrial uses are established in Morro Bay, that policies about how those vessels are on/off boarded to be put in place, based on their operating procedures. Details such as time of day/week, material handling, and other process details can be reviewed as those uses become known.



AGENDA NO: B-3

MEETING DATE: December 7, 2023

Staff Report

TO: Harbor Advisory Board

DATE: November 28, 2023

FROM: Ted Schiafone, Harbor Director

SUBJECT: Update from the Harbor Liability Ad-Hoc Committee on Committee's Recent Activities

RECOMMENDATION

Receive and file committee update.

BACKGROUND, DISCUSSION & CONCLUSION

The Harbor Liability Ad-Hoc Committee of the Harbor Advisory Board will be presenting an oral update on their activities.

Prepared By: LS

Dept Review: TS

City Manager Review: _____

City Attorney Review: _____

EXECUTIVE SUMMARY

At the August 3rd Harbor Advisory board Item B-5 was approved, with the content provided below

RECOMMENDATION

Staff recommends the creation of an Ad-Hoc Committee to investigate how other Harbors handle insurance requirements on vessels docked or moored. Additionally, investigate how other Harbors handle swimming in the channel/bay and jumping off piers.

BACKGROUND

If a vessel sinks in the water or damages a structure, the Harbor could be subject to significant financial expense. If a visitor is harmed by swimming in the bay/channel or by jumping off the pier, the Harbor could be subject to significant financial expense.

DISCUSSION

How are other Harbors in California handling insurance requirements and activities in the water and on piers/docks?

SCOPE OF STUDY

The Ad-Hoc committee reached out to several different Harbor Department in California to compare their policies around both liability insurance and activities directly inside the harbor area. Various Harbor Department that were contacted:

- Noyo Harbor - Anna Neumann, Harbormaster
- Monterey Harbor - Nichole Rodriguez, Harbor Operations
- Santa Cruz Harbor – Blake Anderson, Harbor Master
- Santa Barbara – Brain Adari, Waterfront Facilities Manager
- Morro Bay – Becka Kelly, Harbor Master

The team contacted each of the harbor departments and asked a series of questions around the topics.

- Does the harbor department have any restriction around jumping into the harbor from dock or piers
- Is swimming prohibited in the harbor
- Were these restriction put in place due to previous incidents or proactively
- Has there been any liability due to injuries
- How much effort goes into enforcement
- For vessels that use the harbor, mooring, slips, liveboards, transients, etc. do you require liability insurance

SURVEY SUMMARY

Of the 4 harbor departments that were contacted there was some consistency based on the size/characteristics of the harbor. Santa Barbara, Santa Cruz and Monterey harbor all had similar policies. Each of the above harbors are considerably larger and more active than Morro Bay, with their harbor department being part of the county sheriff departments. Noyo Harbor was the smallest of the harbors and has similar policies to what is in place today in Morro Bay.

Harbor	Swimming	Diving off Piers	Insurance
Santa Cruz	Prohibited Actively enforced	Prohibited Actively enforced	Yes
Monterey	Prohibited Actively enforced	Prohibited Actively enforced	Yes
Santa Barbara	Prohibited Actively enforced	Prohibited Actively enforced	Yes
Noyo	No codes against activity	No codes against activity	No, Had previously mandated insurance and fined for non- compliance, but rescinded mandate
Morro Bay	No codes against activity	No codes against activity	Yes, Partial

STUDY DETAILS

Santa Barbara, Santa Cruz & Monterey harbor departments are staffed as part of their county sheriff departments. All three harbors have considerably more marine traffic, larger navigable area and can accommodate larger vessels than Morro Bay. Based on the interview these locations also had updated their municipal codes to prohibit entering the water from piers and docks along with swimming in the harbor, based on reported injuries, i.e. reactive.

Noyo Harbor has had no recent reported incidents from people swimming in the harbor or jumping off the piers. The Harbor department had mandated liability insurance for vessels and included a fine if they did not have proof of insurance. They opted in rescind that policy when one of the vessel owners made a claim that being changed the “fine” implied that the harbor department was providing insurance.

For Morro Bay both the Harbormaster and City Clerk were contacted. During their tenure (10+ years) there have been no reported injuries due to swimming in the harbor or related to jumping off the T-piers here in Morro Bay. There are several city sanctioned events that allow these two activities. The Junior Lifeguards as part of their training will jump off the T-pier. Recent athletic events such as the triathlons use the harbor for the swimming portion of those events.

RECOMMENDATIONS

For the swimming and jumping off T-piers the ad-hoc committee recommends no changes to the current municipal codes, in other words no need to prohibit these activities. There is very little record of anyone jumping off the T-piers. Due the recreational uses (scuba diving, kayaking, paddle boarding surfing, etc.) of the harbor swimming restrictions would be difficult to enforce.

The ad-hoc committee does recommend that liability insurance be required for all vessels using the harbor, but does have some concerns about the compliance/enforcement costs, especially in light of the Noyo Harbor experience. Many of the vessels in Morro Bay currently carry insurance and self-report that to the city. The ad-hoc committee did have some concern about the availability/affordability of liability insurance, but a simple quote from a large insurance provider was obtained for a typical vessel and was very affordable.