

NEWPORT BEACH HARBOR COMMISSION REGULAR MEETING MINUTES  
City Council Chambers – 100 Civic Center Drive  
Wednesday, April 10, 2024  
5 p.m.

**1. CALL MEETING TO ORDER**

The meeting was called to order at 5:01 p.m.

**2. ROLL CALL**

PRESENT: Steve Scully, Chair  
Ira Beer, Vice Chair  
Marie Marston, Secretary  
Scott Cunningham, Commissioner  
Rudy Svrcek, Commissioner  
Gary Williams, Commissioner  
Don Yahn, Commissioner

ABSENT: None

Staff Members: Paul Blank, Harbormaster  
Matt Cosylion, Deputy Harbormaster  
Jennifer Biddle, Administrative Assistant  
Lauren Wooding Whitlinger, Real Property Administrator  
Jeremy Jung, Deputy City Attorney

**3. PLEDGE OF ALLEGIANCE** – Led by Commissioner Yahn

**4. PUBLIC COMMENTS**

Bill Kenney described the purpose of the Newport Harbor Foundation and invited the community to their State of the Bay luncheon on Wednesday, May 15, 2024, at the Newport Harbor Yacht Club.

**5. APPROVAL OF MINUTES**

**1. Draft Minutes of the February 1, 2024, Harbor Commission Special Meeting**

Chair Scully opened public comments. Seeing none, Chair Scully closed public comments.

Vice Chair Beer moved to approve the February 1, 2024, Harbor Commission Special Meeting minutes, as amended. Seconded by Commissioner Williams. The motion carried by the following roll call vote:

**Ayes:** Cunningham, Marston, Svrcek, Yahn, Williams, Beer, Scully  
**Nays:** None  
**Abstain:** None  
**Absent:** None

**2. Draft Minutes of the March 18, 2024, Harbor Commission Special Meeting**

Chair Scully noted the proposed amendments to the subject minutes, submitted by himself and Secretary Marston. Vice Chair Beer also stated he had provided proposed amendments.

Chair Scully stated written comments on the draft minutes were submitted by Jennifer Kresten. He paraphrased from her submitted comments, in which she stated in Item No. 3, that Chris Benzen was not

representing, nor has he had an official position, with the NMA, and Mr. Benzen's comments were his own views.

Chair Scully stated that the ~~NMA Newport Mooring Association requested was advised time for a presentation at the they would be allotted 20 minutes to make a presentation at the March 18, 2024, Special meeting. Chair Scully had allotted 20 minutes for this request and that anyone that spoke could not have an additional three minutes during Public Comments.~~

~~Chair Scully offered the NMA an additional 20 minutes for the April 10<sup>th</sup> Harbor Commission Meeting. This was done through email and was accepted by the NMA via their email. The NMA, prior to the Harbor Commission Meeting, provided staff a password protected PowerPoint. Once the NMA commenced their presentation, presentation. The Newport Mooring Association started the presentation and after a couple of minutes provided the balance of the NMA's time to Mr. Benzen. As this time was agreed upon with the NMA and the presentation was provided by the NMA, it was understood by the Harbor Commission that Mr. Benzen spoke at the request on behalf of the NMA, during the NMA's allotted 20-minute presentation period. Chair Scully requested this information be incorporated into the March 18 April 10, 2024, meeting minutes.~~

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Chair Scully opened public comments.

Jennifer Kresten summarized her submitted written comments concerning the draft March 18, 2024, minutes, including references that an allegation of a potential conflict of interest was brought to the attention of the NMA by a mooring permit holder. She also made a request for the Harbor Commission to investigate the allegations of conflicts of interest.

Wade Womack stated the NMA did not ask for 20 minutes of presentation time, but rather they were informed that 20 minutes of presentation time would be made available to them. Mr. Benzen spoke of his own accord.

Don Potenza began comments but was informed by the Chair that his comments were related to Item No. 6.1 on the agenda. Mr. Potenza deferred his comments to the appropriate public comment period.

Vice Chair Beer inquired as to the email notification to the NMA offering them a 20-minute presentation time allotment. Harbormaster Blank responded that an email was sent to the administrator account of the Newport Mooring Association, and not to a particular person, and that he could not recall the exact wording of the correspondence.

Seeing no others, Chair Scully closed public comments.

Vice Chair Beer moved to approve the March 18, 2024, Harbor Commission Special Meeting minutes, as amended by the Commissioners, to include Item No. 1 only from the suggested changes submitted by Jennifer Kresten as related to the comments made by Anne Stenton. Seconded by Commissioner Williams. The motion carried by the following roll call vote:

**Ayes:** Cunningham, Marston, Svrcek, Yahn, Williams, Beer, Scully  
**Nays:** None  
**Abstain:** None  
**Absent:** None

## 6. CURRENT BUSINESS

### 1. Review of Appraisal and Discussion of Rental Rates for Mooring Permits

**Recommendation:**

- a) Determine this action is exempt from the California Environmental Quality Act (CEQA) pursuant to Sections 15060(c)(2) and 15060(c)(3) of the CEQA Guidelines because this action will not result in a physical change to the environment, directly or indirectly; and
- b) Issue a recommendation to the City Council regarding this matter.

Harbormaster Blank, stated that he is a mooring permittee and that decision-making on this item may affect him financially, recused himself during this item and did not participate in the presentation or discussion.

Chair Scully requested Deputy City Attorney Jung present-provide comments concerning allegations of conflicts of interests as related to this agenda item. Deputy City Attorney Jeremy Jung stated the Office of the City Attorney is making the following statement concerning the conflict-of-interest allegations have been made against Mr. Netzer and the Harbormaster. Mr. Netzer was selected through an open competitive selection process. He is a highly qualified appraiser whose qualifications include the MAI designation. His membership and role with the Newport Aquatic Center organization does not affect his ability to impartially appraise the moorings. The matter of evaluating mooring rents and the mark fair market rate in this appraisal has been handled by the Community Development Department, not the Harbor Department. Nevertheless, the Harbormaster has chosen not to participate in these proceedings to avoid any appearance of potential conflict. There is no conflict of interest for members of the Harbor Commission to consider this matter and forward a recommendation to the City Council.

Real Property Administrator Lauren Wooding Whittinger provided a summary of the publicly noticed agenda report and previous reports which were presented publicly concerning the review of appraisal and discussion of rental rates for mooring permits. A PowerPoint presentation was displayed..

At this juncture, Chair Scully opened the floor to inquiries from the Harbor Commissioners on Real Property Administrator Lauren Wooding Whittinger's presentation. Seeing none, Chair Scully opened the floor to the next presenter (Vice Chair Beer)

Vice Chair Beer provided a summary of the Harbor Commission's involvement in this topic and history of the public meetings and public input received on the subject matter. A PowerPoint presentation was displayed.. He summarized the information provided in the publicly noticed agenda report, stating that it has been updated after each public meeting with new data points and information. There have been many noticed public meetings on the topic of the mooring rental rates, and special meetings on the same topic which have included stakeholders such as the NMA. There have been hundreds of received public comments on the topic, which have been read and reviewed. He summarized the most often cited concerns expressed at subject meetings and via written correspondence, as well as the responses to each as detailed in the agenda report. The concerns included that mooring rental rates should not be tied to slip rates, that mooring permittees are being discriminated against compared to residential and commercial dock owners, the increase of mooring rents going up over 300% is unfair, and various concerns over the Netzer appraisal.

Responses to the concerns included that the 2006-07 Grand Jury report included a recommendation to the City to establish a regularly scheduled independent appraisal for the fair market value of mooring permit fees based on a percentage of the cost of a slip, comparing the two primary alternatives (slips and public marinas) for boat storage in Newport Haror is a reasonable way to monitor and maintain fair market value in rental rates, the City may charge different rates for different uses, when it is supported by an appraisal that makes distinctions in value, the City is required to obtain fair market rent in exchange for exclusive use, fair market value is what is required by law, including the City's municipal code, and that the subject rates have only been adjusted once over the past 28 years, the subcommittee is recommending a phased-in approach to adjust the rates over several years to reduce the immediate impacts, a meeting with the State Lands Commission, including distinguishing between Yacht Club membership and mooring rental fees in the comparative rental analysis of the Netzer appraisal report, and referencing several appraisal-related questions and responses via a memorandum dated

April 5, 2024, which was included in the publicly noticed agenda report. The California State Lands Commission provided a written response concerning the methodology used in the Netzer appraisal which concluded that the approach, methodologies and its recommendations are reasonable. Charging less than fair market rates for the use and occupation of granted sovereign land may constitute an unconstitutional gift of public funds and a violation of the City's fiduciary duties to the State.

Vice Chair Beer summarized the subcommittee's final recommendations concerning a fair adjustment to the mooring rental rates, including that since the only two ways to store a boat in Newport Harbor are via slip or mooring, the Netzer appraisal used a mooring to slip ratio of about 30% of the City Marina index for the fair market value determination, consistent with many marinas along the California coast. The State Lands Commission's written comments state they believe the methodologies and recommendations in the Netzer appraisal are reasonable. The subcommittee actually recommends 25% less than the Netzer appraisal recommendation. The subcommittee recommendation also takes into consideration the cost of maintenance of the tackling gear by reducing rates, with the recommended new rates staying below the current rates for city licenses which have a waitlist of over 100 people. Additionally, the recommendation suggests a gradual increase over more than five years to reach the fair market rental rates. Slides were displayed which illustrated the various comparison and recommended rates. The phasing of rental rate adjustments would occur over 5 and ½ years, with the first increase not occurring until January of 2025.

At this juncture, Chair Scully opened the floor to inquiries from the Harbor Commissioners on Vice Chair Beer's presentation.

Commissioner Yahn thanked Vice Chair Beer and the subcommittee for their work on this matter.

Discussion ensued between Commissioner Williams and Vice Chair Beer, including comments that adjustments to keep pace with fair market value should have taken place along the way to avoid a large correction up front, this is no fault of the public, and that the phased-in approach over 5 ½ years is supported by the State Lands Commission, that each year when an adjustment is made to the slip index, the adjustment will also apply to the mooring rental rates, and there will be regular appraisals, as required by law.

Seeing no further inquiries from the Harbor Commission on Vice Chair Beer's presentation, Chair Scully opened public comments.

Tom O'Keefe expressed concerns regarding the proposed rate increases, including that the appraisal did not take into consideration the lack of amenities for the public moorings, and that the rate increases constitute a tax, which must be approved by voters.

Chris Benzen expressed concerns regarding the proposed rate increases, including that those with docks are not charged similar rates, even though they are using the same water for the same purpose as mooring permittees.

Adam Leverage expressed concerns regarding the proposed rate increases, including allegations that Vice Chair Beer's presentation was selectively including only certain information regarding the mooring rate increases and recommendations from the State Lands Commission. He also expressed concerns regarding the use of the Netzer appraisal over other similar appraisals and sources of information.

Jennifer Krestan expressed concerns regarding the proposed rate increases, including deficiencies in the Netzer appraisal and that the subcommittee did not consider the full recommendations offered by the State Lands Commission in their written response to the city.

Dr. Navarro expressed concerns regarding the proposed rate increases, including the city is not following recommendations from the State Lands Commission to work collaboratively with mooring permittees, the disparity between residential pier and mooring rates, and the lack of consideration of the CBRE appraisal.

Chris Bliss expressed concerns regarding the proposed rate increases, including that comparisons do not take into consideration the lack of amenities for City moorings and the proposed rates will push middle-income mooring permittees out of the Harbor.

Jack Polgree expressed concerns regarding the proposed rate increases, including that the proposed rates will push middle-income mooring permittees out of the Harbor, and that it is a steep hike, even if phased-in over several years.

Don Potenza expressed concerns regarding the proposed rate increases, including that many middle-income mooring permittees cannot afford the rates, and that the proposed rates would be used to pay for inflated costs of the Harbor Department.

Wade Womack expressed concerns regarding the proposed rate increases, including that inaccurate comparisons were made in the appraisal, as the city moorings do not include amenities and that there will be additional increases other than the phased-in approach which will further make the rates unaffordable for the non-wealthy.

A mooring holder expressed concerns regarding the proposed rate increases and inquired why CBRE appraisal information was not considered as part of the proposed mooring rates evaluation.

Hein Austin, expressed concerns regarding the proposed rate increases, including that the Netzer appraisal was inaccurate and contradicted his own former appraisal, the disparity between residential pier and mooring rates, and that inaccurate comparisons were made with private moorings, such as the Yacht Club, which have amenities.

Bill Kenney expressed support for the subcommittee's recommendation, as it is the most equitable method for determining fair market values for the moorings by using a percentage of the slip rates, as this methodology is supported by both appraisals conducted.

Seeing no others, Chair Scully closed public comments.

Commissioner Yahn confirmed with Deputy Harbormaster Cosyion that there are currently 100 individuals on the waiting list for City mooring licenses. He further stated that he appreciates the concern of the existing mooring permittees and that the Harbor Commission has taken careful consideration with reviewing this matter. He expressed concern with the allegations made against the Commissioners and stated clearly that they are responsible for following and implementing State and City laws and policies concerning the establishment of mooring rental rates. He supported the subcommittee's methodology and recommendations, particularly the phased-in approach.

Commissioner Svrcek noted the many factors that needed to be taken into consideration concerning this matter and adjustments needed due to the unique nature of Newport Harbor, the City moorings are clearly the closest comparisons available, and that he supports the rates recommended by the subcommittee and believe they are established at a fair market rate.

Commissioner Williams stated that he was in support of the subcommittee's recommendations.

Secretary Marston stated the Harbor Commission must operate in adherence with State and City laws and policies concerning the use of public tidelands over which the City is steward. The City must not make any gift of public funds and must charge fair market value. She stated that some of the comments regarding the Harbor Commission's work on this matter were inappropriate, given their mandate and the in-depth work that was conducted. She has read all reports and considered all the information provided on this matter and affirmed that the city is not adjusting rates to make up for any budget deficit. The city is obligated to adhere

to State laws. She stated the appraisal did take the lack of amenities for City moorings into consideration and that she is sympathetic to the financial situations of mooring holders. She did not agree with the CBRE proposals for various reasons. The city-owned moorings are the most current similar product on the market and clearly should be a source of data in the appraisal. She reached out to the CBRE appraiser and did not receive a response. The City hired an independent qualified appraiser based on receiving for proposals and contracting with the one of the most qualified to establish values for the moorings. The Harbor Commission assembled a subcommittee to specifically review the appraisal and develop recommendations for the other Commissioner's consideration. She was not part of the subcommittee; however she reviewed the suggestions from the subcommittee. Her observations regarding the appraisal and the subcommittee's recommendations are that appraisals, in general, for any item or property are highly subjective and could be considered more of an art than a science. The item for consideration is the appraisal for the moorings and only the moorings, not other features. It is difficult to assess the value of Newport Harbor mooring as there are limited similar products. The subcommittee's recommendation of a 25% discount takes into consideration lack of storage and amenities. The State Lands Commission has stated they believe the City's appraisal approach, methodologies, and its recommendations are reasonable. She is supportive of the phased-in approach for the proposed rates and expressed support for the subcommittee's recommendations.

Commissioner Cunningham stated that many long hours of work and consideration were undertaken by members of the subcommittee and that he agrees with the proposed recommendations. The consideration was not taken lightly, and he emphatically stated that he understood the difficulty in establishing appropriate comparisons to establish fair market rate. It is the most difficult undertaking and decision he has had responsibility for as a Harbor Commissioner.

Vice Chair Beer responded to comments made by earlier speakers, noting that the subcommittee had Mr. Netzer respond to the State Lands Commission's inquiries concerning the appraisal and that information was provided in the public agenda report. Additionally, the subcommittee recommendation is substantially below the city mooring prices, even with the proposed increases.

Chair Scully stated that the current process to establish rates ~~was has been~~ a long undertaking. He stated that has read and listened to all the public information and comments that he has recieved. Additionally, Chair Scully stated that the Harbor Commission has ~~and~~ tried to balance ~~his the responsibilities responsibilities as of the Commissiona Harbor Commissioner and with~~ those of the mooring permittees. The rates have not kept pace with the market ~~and as~~ Newport Harbor is one of the most desirable harbors in the Western United States. He understands the impacts of the cost increase(s) to get to fair market value and how challenging this will be on existing permittees. Based on these concerns, He Chair Scully stated that he is a strong proponent of the 5 1/2 year phased-in approach and that it is the Harbor Commission responsibility to recommend a is tasked with establishing the fair market value for the mooring permits and making a recommendation to the City Council. He thanked City staff for their hard work and assistance, along with the members of the Commission and subcommittee.

Vice Chair Beer moved to approve the following:

1. Determine this action is exempt from the California Environmental Quality Act (CEQA) pursuant to Sections 15060(c)(2) and 15060(c)(3) of the CEQA Guidelines because this action will not result in a physical change to the environment, directly or indirectly; and
2. Approve providing a recommendation to the Newport Beach City Council adjusting the rental rates for onshore and offshore mooring permits to the fair market rates as set forth in the presentation discussed tonight, which is supported by an independent appraisal report and other documentation. Specifically, the recommendation includes:
  - Establishing the fair market rental rates for onshore and offshore moorings as equal to 24% of the City adopted Marina Index used for determining slip rental rates at the Balboa Yacht Basin.

- After the January 2025 adjustment, all future mooring rental rate adjustments will coincide with annual city slip rate adjustments effective at the start of each new city fiscal year beginning July 1, 2025.
- The total mooring rate adjustments will be phased in beginning January 1, 2025, through a final adjustment on July 1, 2029 as per the schedule set forth in the presentation material provided during this April 10, 2024 Harbor Commission meeting.
- The 24% phased-in rate adjustment amounts per linear foot per mooring size, will be adjusted each year based on future annual adjustments per the city adopted Marina Index. These subsequent adjustments will be applied to the initial recommended rate adjustment and equally distributed and phased in over the same period of time.
- At the end of the phase-in period (July 1, 2029), the mooring rental rates for onshore and offshore moorings in Newport Harbor will be equal to 24% of the then average slip rates as determined by the city adopted Marina Index.

Seconded by Commissioner Williams. The motion carried by the following roll call vote:

**Ayes:** Cunningham, Marston, Svrcek, Yahn, Williams, Beer, Scully  
**Nays:** None  
**Abstain:** None  
**Absent:** None

At 6:37 p.m., Chair Scully called for a five-minute recess of the meeting.

At 6:44 p.m., the Harbor Commission meeting reconvened.

**2. Create and Appoint Members to a Proposed Ad Hoc Committee to Review the Utilization of Public Dock and Recommend Potential Improvements**

**Recommendation:**

- a) Determine this action is exempt from the California Environmental Quality Act (CEQA) pursuant to Sections 15060(c)(2) and 15060(c)(3) of the CEQA Guidelines because this action will not result in a physical change to the environment, directly or indirectly; and
- b) Establish a subcommittee and appoint Harbor Commissioners to review and evaluate the utilization of the public piers in Newport Harbor. Identify up to three Harbor Commissioners to serve on the subcommittee.

Vice Chair Beer provided a summary of the publicly noticed agenda report concerning review of the utilization of public docks and recommended improvements. A PowerPoint presentation was displayed. In conclusion, he suggested the Harbor Commission consider the formation of an ad hoc subcommittee to conduct preliminary research and formation of recommendations for consideration by the full membership.

Commission and staff discussion ensued including comments related to access being the number one amenity that is missing, studying docks closer to inland areas, gathering data on docks to address, the development of rules and guidelines, and the scope of the proposed ad hoc subcommittee's work on this matter.

Commissioner Williams stated for the record that the Harbor Commission conducts its work during public meetings and that many attendees left this meeting tonight when their particular issue was concluded. He strongly emphasized that the Harbor Commission is listening to the public comments provided and even though discussion is occurring on the present item concerning moorings, there are no attendees in the audience, including representatives from the NMA, who he thinks may be interested in this matter.

Chair Scully opened public comments.

Adam Leverage spoke in support of addressing public docks and inquired as to the level of dredging that may be required. He expressed concerns regarding the impacts to individuals with larger vessels.

Steve Walker expressed concern regarding adding another leg at Marina Park and the impacts of shallow water.

Len Bose suggested exploration of dry storage options given the increase in electric motors.

Seeing no others, Chair Scully closed public comments.

Vice Chair Beer moved to create an ad hoc committee to review the utilization of public docks and recommend potential improvements consisting of Vice Chair Beer and Commissioners Svrcek and Williams, with Commissioner Williams serving as Chair. Seconded by Commissioner Yahn. The motion carried by the following roll call vote:

**Ayes:** Cunningham, Marston, Svrcek, Yahn, Williams, Beer, Scully  
**Nays:** None  
**Abstain:** None  
**Absent:** None

### 3. Ad Hoc Committee Updates

#### Recommendation:

- 1) Find this action exempt from the California Environmental Quality Act (CEQA) pursuant to Sections 15060(c)(2) (the activity will not result in a direct or reasonably foreseeable indirect physical change in the environment) and 15060(c)(3) (the activity is not a project as defined in Section 15378) of the CEQA Guidelines, California Code of Regulations, Title 14, Division 6, Chapter 3, because it has no potential for resulting in physical change to the environment, directly or indirectly; and
- 2) Receive and file.

#### Balboa Ferry Ad Hoc – Commissioners Scully, Svrcek and Yahn (05-10-2023)

Reported on a recent conversation with the owner, Seymour Beek; he will be a featured speaker at an upcoming Foundation meeting and things are moving in a positive direction. There was a good conversation with Joe Beek concerning the grant opportunities for electrification. There are some challenges with the grant documentation, as there are different requirements for each of the granting agencies. Some discussion ensued concerning Dixon's bill related to exemptions for electrification.

#### General Plan Vision Statement Ad Hoc – Commissioners Scully and Marston (08-09-2023)

No update.

Chair Scully opened public comments. Seeing none, Chair Scully closed public comments.

There was no further action taken on this item and it was received and filed.

### 4. Harbor Commission Current Objectives

#### Recommendation:

- 1) Find this action exempt from the California Environmental Quality Act (CEQA) pursuant to Sections 15060(c)(2) (the activity will not result in a direct or reasonably foreseeable indirect physical change in the environment) and 15060(c)(3) (the activity is not a project as defined in Section 15378) of the CEQA Guidelines, California Code of Regulations, Title 14, Division 6, Chapter 3, because it has no potential for resulting in physical change to the environment, directly or indirectly; and
- 2) Receive and file.



1. Conduct annual review of Title 17 and recommend updates to City Council where necessary (Commissioner Yahn).  
Update:
2. Collaborate with the Water Quality/Coastal Tidelands Committee to partner on areas within the Harbor that both Commission/Committees intersect (Commissioners: Svrcek, Scully)  
Update: *Commented on the new trash collector and attendance at the Water Quality and Coastal Tidelands meeting, received a presentation from the City of Santa Ana on their stormwater catching initiative.*
3. Successful implementation of the mooring reconfiguration initiative, including design, testing, permitting, execution, and monitoring (Commissioner: Beer).  
Update: *The Coastal Commission application is still deemed incomplete. The only item outstanding is a new eelgrass survey of the C field. Specifically, it has been ordered, money was set aside for it, and the survey is expected to be complete by the end of April. It will be submitted, and it is believed it will deem the application complete. Then the clock will start ticking for a six-month review.*
4. Collaborate with Parks, Beaches, and Recreation Commission and Staff to evaluate the best use for Lower Castaways and make a recommendation to City Council (Commissioners: Marston, Svrcek).  
Update: *There has been no official report from the City Council subcommittee which was formed to address this matter.*
5. Work with staff to identify opportunities to add additional Harbor Services (Restrooms, additional pump out stations, dock space, Shore Boat Service, Boat Launch Ramp, and development of the mobile app) (Commissioners: Marston, Yahn)  
Update:
6. Continue with the participation of businesses, nonprofits, and the Harbor Department with a Newport Harbor Safety Committee to promote best practices and address safety issues on the water (Commissioner: Scully).  
Update:
7. Review Harbor Department responsibilities, evaluate the Department's readiness and effectiveness to deliver Harbor services as necessary for normal operations and during emergencies and make recommendations as determined necessary (Commissioner: Scully, Williams).  
Update: *The subcommittee got back together and had a good meeting, including readiness for the summer season.*
8. Work with City Staff on an update of the market Rent to be charged for onshore and offshore moorings (Commissioner: Cunningham, Beer).  
Update:
9. Evaluate establishing day moorings off Big Corona Beach (Commissioner: Williams).  
Update:
10. Support staff in all efforts related to the dredge completion of the Federal Navigation channels in addition to the upcoming agency renewals of Regional General Permit (RGP54) shallow water dredging permit. (Commissioners: Cunningham, Svrcek)  
Update:

Chair Scully opened public comments. Seeing none, Chair Scully closed public comments.

There was no further action taken on this item and it was received and filed.

**5. Harbormaster Update – March 2024 Activities**  
**Recommendation:**

- 1) Determine this action is exempt from the California Environmental Quality Act (CEQA) pursuant to Sections 15060(c)(2) and 15060(c)(3) of the CEQA Guidelines because this action will not result in a physical change to the environment, directly or indirectly; and
- 2) Receive and file.

Harbormaster Paul Blank provided a summary of the agenda report provided in the publicly noticed agenda packet. A PowerPoint presentation was displayed.

Commission and staff discussion ensued including comments related to location of an abandoned shopping cart in the Harbor, the waiting list process for mooring permits, Bluetooth transmission and steering mechanisms, boats proposed would run through a 10-hour shift without needing refueling or recharging, the charging station at Marina Park will be available to the public during the day and the Harbor Department overnight without the City having to pay the public rate for use, the need for additional large vessel storage space in Newport Harbor, the color of dinghy's used in the Harbor to stand out, and Harbor Department support for the maintenance of the outer Harbor buoy,

Chair Scully opened the floor to public comments.

Len Bose commented on a recent incident he witnessed water balloons being tossed from Lido Bridge and thanked the Harbormaster for taking his call concerning the incident.

Seeing no others, Chair Scully closed the floor to public comments.

There was no further action taken on this item.

**7. MOTION FOR RECONSIDERATION**

None.

**8. COMMISSIONER ANNOUNCEMENTS (NON-DISCUSSION ITEMS)**

None.

**9. MATTERS WHICH COMMISSIONERS WOULD LIKE PLACED ON A FUTURE AGENDA FOR DISCUSSION, ACTION, OR REPORT (NON-DISCUSSION ITEM)**

None.

**10. DATE AND TIME FOR NEXT MEETING:**

The next meeting was scheduled for Wednesday, May 8, 2024, at 5 p.m.

**11. ADJOURNMENT**

There being no further business to come before the Harbor Commission, the meeting was adjourned at 7:34 p.m.