

NEWPORT BEACH HARBOR COMMISSION REGULAR MEETING MINUTES
City Council Chambers – 100 Civic Center Drive, Newport Beach
Wednesday, June 11, 2025
5 p.m.

1. CALL MEETING TO ORDER

The meeting was called to order at 5:00 p.m.

2. ROLL CALL

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

ABSENT: Gary Williams, Commissioner

Staff Members: Paul Blank, Harbormaster

Chris Miller, Public Works Administrative Manager
Cynthia Shintaku, Administrative Assistant

Commissioner Yahn arrived at 5:10 p.m.

3. PLEDGE OF ALLEGIANCE – Led by Secretary Marston

4. PUBLIC COMMENTS (NON-AGENDA ITEMS)

Chair Cunningham opened public comments.

Joel Romero, representing Eco Yacht Group, introduced himself and Ana Rothwell. He presented their proposed solution to the Total Maximum Daily Load (TMDL) issue, a nationwide concern for marinas due to poor water circulation and chemical buildup from boat paints, which also contributes to rising water temperatures and climate change. He explained that their solution, the Eco Dry Dock, has been in use for over 12 years with around 1,400 installations globally, including 65 in the United States, with adoption being particularly strong on the East Coast, where warmer waters and coral presence demand more intensive maintenance compared to the cooler West Coast.

Mr. Romero explained that the Eco Dry Dock reduces the need for bottom painting, zinc replacement, and routine maintenance, while also promoting beneficial marine growth on the dock surface. He reported that it helps preserve vessel value, as unpainted hulls tend to have higher resale prices, and keeps boats out of corrosive water, reducing exposure to stray currents, electrical issues, and barnacle buildup. He explained that the system also minimizes cleaning costs and prevents environmental contamination by containing potential fuel or oil leaks. He further explained that it is equipped with mobile-controlled pumps, and users can monitor operations remotely, check pump status, and view their vessels. He noted that overall, the product provides environmental benefits and a strong return on investment for boat owners. He remarked that the Eco Yacht Group is currently working with Marina del Rey, where one of their Eco Dry Docks has been installed since 2017. He reported that Marina del Rey conducted its own 62-page study on the dock during the COVID-19 period, which was appreciated and unexpected.

Mr. Romero noted that he has been based in Newport Beach since 1999, initially as the importer of Sunseeker Yachts, with his first office on Bayside Drive. Referring back to the Marina del Rey slide, he

highlighted the Aqua Cleaner, a component of the dock system. He noted that part of the system had arrived the day before, with full installation expected within two weeks. He explained that the goal is to lower maintenance costs and address bottom paint pollution in the marina. He concluded by citing a study from the Department of Environmental Resources (DERE) and thanked the audience.

Ana Rothwell introduced the Lookout 360 Artificial Intelligence (AI) camera, a safety-enhancing technology that acts as a second set of eyes on the water. She explained that the system detects surrounding activity and aids in navigation to help avoid collisions with buoys, people, and marine life such as whales. She noted that the technology is currently being piloted on the East Coast in partnership with Viking boats and whale safety initiatives near Cape Cod, aiming to reduce whale strikes. He advised that beyond open water, the camera also has marina applications. She reported that it can be installed in fixed positions to support security operations, offering the potential to reduce patrol needs and improve harbor safety while lowering costs.

Ms. Rothwell reported that she has worked with the City for many years, having helped develop a public service campaign alongside Water Conservation Coordinator Shane Burkle and worked on a PSA featuring Rob Machado and Ed Begley Jr., which aired in every theater in Newport Beach for many years. He noted that their work spans partnerships with major brands with a long-standing focus on youth empowerment and sustainability, spanning 25 years. She further advised that she has collaborated with leaders in both Newport Beach and the broader surf industry manufacturing sectors. She noted that most recently she worked with Roth Capital to create strategic relationships aimed at fostering economic development and offering solutions for local marinas and ocean preservation. She expressed enthusiasm for supporting efforts in Newport Beach and welcomed any opportunity to contribute to business growth and community-focused environmental solutions.

Adam Leverenz stated that he was pleased to see a representative from the City Attorney's Office present. He indicated that he had a point of order to raise regarding an agenda item. He advised, based on his understanding of the Commission's process, that the Commission typically discusses items before opening them to public comment, and he believed this point of order was appropriate to raise at that moment. He advised that the matter in question was under Current Business, Item 3, concerning the proposal to increase shore mooring rates to 300 pounds on a number of shore moorings. He advised that according to his understanding of the staff materials, this proposal would affect either 42 or 49 permittees. He noted that he had received an email from the Harbor Department at 2:20 p.m. that afternoon stating, in part, "No notice was sent specifically to permittees. Once we have a response from Harbor Commission, we will send out notices if necessary." He pointed out that the agenda stated the Commission was being asked to either approve the staff recommendation to update onshore mooring specifications or dismiss it. He emphasized that, while he deferred to the Deputy City Attorney if the 49 impacted individuals had not received any prior notice, he believed the Commission should defer discussion of this item to the following month's meeting.

Chair Cunningham acknowledged the point of order. He announced his intention to move Item Number 3 to be heard as Item Number 2 and to move Item Number 2 to follow as Item Number 3. He then asked if there were any objections to discussing the item this evening.

Chair Cunningham closed public comments.

5. APPROVAL OF MINUTES

1. Draft Minutes of the May 14, 2025 Harbor Commission Regular Meeting

A speaker noted that beginning on page 3, Mr. Mosher's name was misspelled each time it appeared, and their name was also misspelled on that page. During the section for additional public comment, the speaker observed that "None" was listed.

Chair Cunningham opened public comments.

Jim Mosher addressed the Commission and clarified the correct spelling of his name, noting that staff had omitted the "H" after the "S." He remarked that he typically did not comment on the meeting minutes, as the Commission generally reviewed them thoroughly. However, he pointed out that he had planned to assist staff with the correct spelling by filling out a speaker card, but none were available that evening. He acknowledged that this placed staff at a disadvantage when speakers did not provide their names in writing. He concluded by thanking the Commission and expressing his appreciation.

Adam Leverenz spoke again and noted that in Commissioner Scully's draft proposal for the minutes related to the Corona Del Mar moorings, there were edits made with some words struck out, and others were added or corrected. He quoted the draft, which stated, "It was his opinion that the Commission should close out the objective and not move forward with the 20-foot offshore Big Corona Beach moorings." He pointed out that the moorings in question were 60-foot moorings, not 20-foot moorings. He was unsure whether this was a typographical error in the draft or if Commissioner Scully had misspoken at the meeting but wanted to clarify the discrepancy.

Chair Cunningham closed public comments.

Vice Chair Beer moved to approve the May 14, 2025 Harbor Commission Regular Meeting minutes, as amended. Seconded by Secretary Marston. The motion carried by the following roll call vote:

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

6. CURRENT BUSINESS

Chair Cunningham then clarified his earlier statement, acknowledging an error in the item numbers previously mentioned. He noted that under Current Business, there were three items scheduled for discussion that evening. He advised that first would be the Balboa Yacht Basin, marina reconstruction, and the maintenance dredging, which was listed as a receive and file item with no action to be taken. He explained that Item Number 3, regarding the recommendation on onshore mooring specifications, would be moved up to become Item Number 2. Finally, he stated that Item Number 2, the code enforcement update, also a receive-and-file item, would be moved to Item Number 3 on the agenda.

1. Balboa Yacht Basin Marina Reconstruction and Maintenance Dredging - Update

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, California Code of Regulations, Title 14, Division 6, Chapter 3, because this action will not result in a physical change to the environment, directly or indirectly.
- 2) Receive and file.

Public Works Manager Chris Miller presented the Commission with an update on the Balboa Yacht Basin and upcoming projects scheduled for the near future. He explained that the Balboa Yacht Basin is located at the end of Harbor Island Drive. He recognized Basin Marine and expressed pride in having them as a tenant. He explained that the Balboa Yacht Basin is located at the end of a residential street, making it a unique site. He advised that the City plans to dredge the Balboa Yacht Basin due to the presence of sediment that is unsuitable for open ocean disposal. He explained that this issue mirrors the challenge encountered with the Lower Bay dredging project, where material could not be deposited at the federally designated open ocean disposal site, known as LA-3, located approximately 6.5 miles offshore from the entrance channel.

Public Works Manager Miller explained that while planning the upcoming marina reconstruction project, staff evaluated whether dredging was needed and determined that it was. He noted that upon analysis, staff found the sediment required an alternative disposal site. He announced that fortunately, an existing solution was available through the Port of Long Beach, which is scheduled to receive material from federal channels via the Army Corps of Engineers later this year. He explained that the Memorandum of Agreement (MOA) between the City and the Port of Long Beach contained additional disposal capacity. He noted that by coincidence, the quantity of excess material allowed under the agreement matched exactly what was needed to be dredged from the Balboa Yacht Basin. He explained that recognizing this alignment, the staff decided in early to mid-December to move forward with the project quickly and efficiently. He announced that the City is now at the final stage of securing permits for the dredging work, which are expected to be received within the next two to three weeks.

Public Works Manager Miller noted that the City had been scheduled to present the proposed addendum to the Port of Long Beach Commission earlier in the week, seeking approval to include the Balboa Yacht Basin material under the existing memorandum. He advised that the Long Beach Board of Harbor Commissioners was unable to convene due to a lack of quorum, and the meeting was canceled. He explained that the City anticipates returning within two weeks to seek execution of the agreement, which will authorize the transfer of dredged material to the Port of Long Beach.

Public Works Manager Miller explained that the project has not yet been put out to bid because the City has not received its permits. He explained that, however, the intent is to do so once the permits are in hand. He noted that the City Council will ultimately decide whether the marina will undergo dredging, based on the bids received and associated costs. He explained that, as such, the project is not yet officially underway but is in the final planning stages.

Public Works Manager Miller advised that the focus of the dredging effort will be on the fairways within the marina. He noted that coordinating the relocation of all 170 boats at various times will present a significant logistical challenge as it will be for the larger marina reconstruction project. He explained that however, for the dredging effort, it was determined to be sufficient to dredge the fairways and as many slips as possible. He further explained that if boaters can be persuaded to vacate their slips temporarily, or if alternative moorings can be arranged during the period when their fairway is being dredged, it will allow the project to extend further into the slips and improve overall results.

Public Works Manager Miller reported that the project is expected to be beneficial, primarily because of the unique opportunity to dispose of the sediment at the Port of Long Beach. He noted if the sediment was suitable for traditional disposal, there would be no urgency to complete the dredging ahead of the reconstruction project. He explained that the limited and timely disposal option offered by the Port of Long Beach has prompted the City to take full advantage of the opportunity and dredge as much of the Balboa Yacht Basin as possible. He explained that initially, the expectation was that the Port of Long Beach would allow the material to be transported via barge in July but the timeline has since shifted, with the window now expected to be late fall or possibly January. He noted that the exact timing remains undetermined, as the Port must complete its preparatory work before confirming a schedule.

Public Works Manager Miller reported that the City is working to finalize those dates, but the current estimate is that dredging will occur within the next six months. He noted that as a result, tenants of the Balboa Yacht Basin will not need to make any accommodations this summer, but should anticipate potential activity in late fall or early winter, assuming the bids come in at acceptable levels and the City Council awards the contract.

Chair Cunningham inquired whether dredging the fairways, rather than under the slips, was the most effective approach, noting that over time, sediment from higher areas will naturally shift downward, potentially beneath boats.

Public Works Manager Miller responded that while the planned dredging is relatively shallow (about two feet), even minor improvements help, and the slope created could aid sediment movement away from slips.

Commissioner Yahn questioned the efficiency of dredging only the fairways and suggested a more comprehensive effort, especially given the current opportunity to transport unsuitable material to Long Beach.

Public Works Manager Miller explained that while removing all boats to dredge under slips would be ideal, it presents logistical challenges. He further explained that coordination is planned with marina tenants, and temporary relocation options, such as vacant moorings, may be explored. He noted that dredging capacity is limited by the approved disposal quantity. He advised that given that most slips already meet depth requirements, focusing on fairways was considered the most practical approach.

Commissioner Scully inquired about the estimated cost of the marina dredging project and whether the Request for Proposal (RFP) would include areas beyond the marina.

Public Works Manager Miller clarified that the project is limited to the marina, as that is the scope under current permits. He expressed hesitation to provide an estimate at this time due to uncertainty but noted that he expects to have a better sense of the potential expense after reviewing the Lower Bay project bids, which are being opened the following day.

Public Works Manager Miller explained that the purpose of reconstructing the marina is to replace it in its entirety. He advised that the existing facility is exactly 40 years old, having been completed in September 1985, and it has reached the end of its useful life. He reported that a new dock system would not only replace the aging infrastructure but is projected to have a significantly longer lifespan than what is currently in place at the Balboa Yacht Basin. He advised that the existing marina consists of 170 slips, and the proposed design will preserve the overall configuration as much as possible. He noted that the marina's configuration before the 1980s was entirely different. He reiterated that the goal throughout the redesign was to maintain as much of the original slip mix as possible while recognizing that some updates were necessary. He highlighted the enhanced Americans with Disabilities Act (ADA) access to the slips which involves the installation of 80-foot gangways and slightly wider fingers to allow appropriate access.

Public Works Manager Miller reported that the new design also considers the changing dimensions of vessels as boats have generally become wider. He explained that while the changes are not dramatic, they are enough to pose challenges in matching vessels to appropriately sized slips. He acknowledged that while the redesign may not resolve every all issues, the slips and fingers will be constructed to modern standards, with slightly increased widths to better accommodate today's vessels and meet accessibility requirements. He announced a reduction from 170 slips to 150. He explained that the reduction is due to factors largely outside the City's control, including compliance with updated design and accessibility standards. He concluded by expressing pride in the fact that, despite the upgrades, the marina's new design will look nearly identical to its current configuration.

Public Works Manager Miller noted that the City's consultant, Anchor QEA, did an excellent job in designing the marina. He advised that one of the key accomplishments of the design was the ability to retain and reuse some of the existing piles which offers flexibility when the project goes out to bid, as the City will be able to choose whether to keep a certain number of piles in place or replace everything entirely. He highlighted the 80-foot ADA access ramp at the top of B Dock. He noted that the first few slips closest to the bulkhead on that dock are shorter than the others to accommodate the wider, longer ADA-compliant gangway.

Public Works Manager Miller explained that, during the redesign process, the Harbormaster requested the inclusion of what are referred to as double-loading slips, or catamaran slips. He explained that the idea was to provide flexibility in case one or more catamarans chose to use the marina. He further explained that if those designated slips were available, or if existing tenants could be reassigned, the

marina would be able to accommodate such vessels. He clarified that these slips are not exclusively for catamarans, but the locations were selected as a representative sample of practical sizing. He advised that the design includes three 35-foot slips and two 40-foot slips configured as double slips, which differ in that they do not have a center finger.

Public Works Manager Miller advised that the slips at the ends of the fairways remain essentially unchanged, as staff aimed to maintain the existing slip mix in those areas. He noted a few minor concessions in the design. He advised that not all of the so-called "pitchfork" slips, ranging in length from 52 to 75 feet, have floats or docks on both sides. He noted that on one dock in particular, four slips are affected: while two of them have fingers on both sides, the outer two do not, due entirely to space constraints.

Public Works Manager Miller reported that the pump-out station located at the end of E Dock will remain in place. He noted that it is a well-used amenity, available to all harbor users and the City is pleased to continue providing that service. He referenced the public guest slip located at the base of C Dock. He advised that this slip has been in place for approximately ten years and will also remain in its current location noting it serves various purposes, including short-term access for individuals visiting The Galley or the Basin Marine Shipyard.

Public Works Manager Miller highlighted that one of the enhancements involves utilizing an underused section of the basin which is the oddly shaped corner between D and E Docks. He proposed repurposing the space by adding a small number of dinghy racks and possibly storage for stand-up paddleboards, exclusively for Balboa Yacht Basin tenants. He advised that these would be similar to those found at Marina Park, designed for hand-launching kayaks, dinghies, or small sailboats. He noted that the goal is to create a more user-friendly setup without significantly affecting existing slip availability—though it does result in the removal of one slip at the base of D Dock. He advised that an ADA-accessible gangway has also been incorporated into this area. He noted that D Dock will now have two gangways: one 30-foot gangway running straight down the dock and an 80-foot ADA gangway that extends outward to serve E Dock. He confirmed that the gangway at the end of E Dock will also remain, mirroring the existing setup. He noted that a smaller version of the low freeboard configuration between the D and E Docks will be replicated elsewhere within the marina.

Public Works Manager Miller reported that the total number of piles would be reduced from 97 to 94, however, the overall square footage of the piles would increase slightly from 139 square feet to 148 square feet due to a different configuration and mix of piles. He emphasized that the project aims to minimize the number of piles as much as possible. He advised that the new layout concentrates most of the piles inboard of the slips along the headwalk, as opposed to the current configuration, where most piles are positioned at the tips of the fingers. He noted that placing piles at the base of the slips, closer to the headwalk, is now considered a preferred design approach. He advised that this arrangement reduces the likelihood of vessels swinging into piles and damaging their bows, particularly for boats with high bow profiles. He explained that keeping the piles inboard along the headwalk provides a more efficient and user-friendly marina layout.

Public Works Manager Miller reported that the docks were designed to use a concrete system, as the Commission had been previously updated in March. He explained that concrete dock systems are known for their durability and can have lifespans potentially double that of the current system in place at the Balboa Yacht Basin. He noted that once the project is approved by the City Council and the contract is awarded, the new dock system would offer significantly improved longevity and performance. He referenced the new marina currently being installed at Dana Point, which uses similar construction technology.

Commissioner Scully inquired whether the plan would be to remove and rebuild the entire marina at once or proceed dock by dock.

Public Works Manager Miller responded that the most efficient and least disruptive method for tenants would be to focus on one or two docks at a time. He noted that this phased approach would allow some tenants to remain in the marina during construction. He emphasized that the logistics would be carefully considered, and the plan would be developed in coordination with the Harbor Department. He advised that the City would offer mooring alternatives for displaced tenants during the construction period to the best of its ability. He expressed commitment to working closely with his colleagues to minimize disruption and accommodate boaters as much as possible.

Commissioner Scully referenced the staff report and inquired whether the slips would be wider.

Public Works Manager Miller confirmed that they would be wider. He advised that, in general, the new slips would be approximately 6 inches to 1 foot wider than the current configuration, depending on slip size and location. He acknowledged that the increase is modest but intentional, reflecting the fact that today's vessels tend to be wider than those designed 40 years ago.

Commissioner Scully noted that the Harbor Commission had previously discussed the type of dock construction being proposed, referencing feedback from individuals such as Pete Swift and others who have expressed opinions on the matter. He inquired whether a specific dock construction material had been selected for the upcoming RFP.

Public Works Manager Miller confirmed that the Harbor Commission subcommittee had met with the City's design team and that the subcommittee provided a report to the full Harbor Commission in March. He explained that during that process, various dock construction materials were reviewed, including wood, aluminum, concrete, fiberglass, and hybrid options. He advised that an analysis was conducted to weigh the pros and cons of each material, including considerations of durability and projected longevity. He reported that based on that evaluation, the subcommittee concluded that concrete was the most suitable choice for the Balboa Yacht Basin reconstruction. He advised that as a result, the current marina design is based on a concrete float system. He clarified that the design is not tied to a specific manufacturer but is instead tailored to the structural characteristics of concrete construction. He noted that when designing a marina, the selected material significantly impacts design considerations such as pile size, flotation, and overall layout. He advised that the proposed design approach is consistent with the concrete marina currently in place at Marina Park.

Commissioner Yahn commended the presentation and noted that he had served on the subcommittee that reviewed dock materials and recalled the discussions comparing concrete, timber, and other construction options. He remarked that, in his view, concrete offers the most stability, particularly in terms of flotation, when compared to timber or other materials. He inquired about the spacing between the slip fingers and whether the current design includes three-foot-wide fingers, and whether that measurement represents an increase, a decrease, or is consistent with the existing configuration.

Public Works Manager Miller explained that the width of each finger depends on the size of the slip it serves. He further explained that an additional variable is whether the slip is ADA-accessible, which requires more width. He advised that taking those factors into account, the average finger width across the marina is approximately four feet.

Commissioner Yahn acknowledged that the slip count would be reduced by 20 and asked whether any effort had been made to engineer around that reduction, such as slightly reducing dock surface areas in certain locations, to preserve more slip positions.

Public Works Manager Miller confirmed that a great deal of consideration went into that issue. He described the process as six months of back-and-forth design review involving extensive trial and error. He stated that the consultant, Anchor QEA, had done an excellent job presenting and refining multiple iterations to optimize the layout. He emphasized that maintaining the existing slip mix was a top priority which was important both to ensure current tenants could be retained, and from a permitting standpoint as regulatory agencies view proposals more favorably when they reflect consistency with the existing

configuration. He noted that shifting the mix dramatically toward either larger or smaller vessels would have raised concerns. He explained that despite the constraints of modern design standards, vessel sizes, and ADA requirements, the team did its best to preserve as many slips as possible. He noted that the total change amounts to only about 2 to 2.5 percent, a minimal reduction given the improvements being made and the realities of updating a 40-year-old marina to current standards.

Commissioner Yahn inquired about the total estimated cost of the project.

Public Works Manager Miller reported that the final calculation is still pending but that his current estimate is in the range of \$6 to \$7 million. He noted that this figure may be refined further as the current design is finalized. He emphasized that the City owns 100 percent of the marina and charges slip fees at an average market rate. He explained that as a result, the Return On Investment (ROI) for the project is expected to be quite short from the City's perspective.

Commissioner Yahn recalled that concrete was selected as the preferred material because, although it may carry a slightly higher upfront cost, it offers nearly double the lifespan compared to materials like timber or aluminum. He noted that this would further enhance the long-term return on investment.

Public Works Manager Miller affirmed that the concrete dock system will provide significantly greater durability before requiring replacement. He offered a brief explanation of advancements in concrete dock technology. He noted that modern concrete docks now use fiberglass rods instead of steel. He explained that fiberglass does not rust, which greatly improves the structural longevity of the docks. He advised that should the City proceed with this construction method; it would be a clear example of how the marina's durability and long-term performance could be significantly improved.

Vice Chair Beer inquired about ADA accessibility, specifically noting that A and C Docks did not appear to be ADA-compliant, while the other docks were. He inquired if that observation was accurate and sought clarification on the compliance requirements.

Public Works Manager Miller confirmed that under current regulations, there is no requirement to provide ADA access to every dock or every slip within the marina. He explained that in this design, ADA access is provided to three of the five docks, B, D, and E, which he described as a representative and defensible mix that meets the intent of accessibility standards. He advised that it would be possible to provide ADA access to A and C Docks as well, but doing so would trigger design adjustments that would reduce slip sizes near the gangways.

Secretary Marston inquired if in evaluating the marina's end-of-life condition, the structural integrity of the piles had been assessed, particularly since the design proposes retaining many of them.

Public Works Manager Miller confirmed that a pile inspection had been conducted and that the existing piles were found to be in very good condition. He explained that concrete guide piles typically endure minimal stress, as the docks simply float up and down alongside them, with only occasional contact. He noted that from an engineering standpoint, there is no constant stress on the piles, and therefore, the wear is generally limited. He reported that given their current condition most, if not all, of the piles appear to have sufficient longevity to last through the next life cycle of the marina. He advised that further study could identify a few piles for replacement, and that could be addressed either selectively or through an optional line item in the RFP. He noted that the City Council may choose, for an additional cost, to replace all of the piles using the same size and hole alignment, even if structurally unnecessary.

Secretary Marston inquired about the length of the piles.

Public Works Manager Miller advised that while he did not know the specific lengths of the existing piles, typical piles currently being installed elsewhere in the harbor measure around 35 to 38 feet. He also confirmed that the planned four-foot dredging depth would not affect the piles.

Secretary Marston inquired about project timing.

Public Works Manager Miller explained that permitting is the first major milestone. He noted that for a project of this scale, he typically allows for a one-year permitting window, particularly with agencies such as the Army Corps of Engineers and the Regional Water Quality Control Board. He expressed optimism about the process, noting that the marina design involves minimal changes to the existing layout which he believes will be viewed favorably by permitting agencies. He estimated one year for permitting but was hopeful it could be completed in less time. He advised that once permits are secured and there is confidence that the design is acceptable to all stakeholders, the next step will be the final engineering design. He clarified that the current plan is still in the conceptual design phase. He advised that the final design work will require additional time, after which the project will be put out to bid. He noted that the overall timeline is likely to be at least a couple of years before construction begins.

Chair Cunningham inquired if the piles could be replaced at any point in the future beyond the project timeline.

Public Works Manager Miller confirmed that pile replacement is a relatively simple process and could be completed in a single day.

Commissioner Yahn inquired about the land-based development component of the Balboa Yacht Basin project, such as whether the Galley restaurant would remain or whether multi-family housing was being considered, and how any such plans might interact with the new slips.

Public Works Manager Miller responded that, to his knowledge, the landside development is a completely separate process and should not have any direct interaction with the in-water slip reconstruction. He clarified that he did not have any specific information to share, and the City currently has no details to make public. He reiterated that the landside development would proceed on its separate track, independent of the Commission's purview, and likely through the City's Community Development Department. He emphasized that this was a separate matter, and he did not want to speculate further without accurate information.

Chair Cunningham opened public comments.

Derek New, representing Basin Marine Shipyard, expressed strong support for the upcoming dredging project, noting that it is long overdue and that he looks forward to its implementation. He shared that he had informed Public Works Manager Miller of his willingness to assist in any way possible, particularly with maneuvering boats to accommodate dredging operations. He added that the marina is effectively his "backyard" for the next 40 years, having recently signed a long-term lease, and expressed hope that his son would also continue the relationship beyond that term. He inquired whether the dock tenants had been surveyed about the condition of the docks. He questioned whether anyone had assessed whether the docks were truly beyond their useful life and whether input had been gathered on what specific improvements tenants might prefer, beyond the planned reduction of 20 slips, which represents roughly 12 percent of the marina's capacity and, he noted, would result in lost income for the City. He also mentioned that several individuals had expressed hesitation about participating in the meeting because they were unsure how the berth allocation—or "cut list"—would be handled. He asked for clarification on how decisions would be made, whether based on seniority or some other criteria. He invited the Commission to visit Basin Marine, sharing that they had recently completed a dock revamp led by Pete Swift, which included replacement of fascia boards, cleats, pile guides, dock edge moldings, electrical outlets, and water lines, transitioning from aging copper to new PVC piping. He noted that all work was done using local contractors, and operations at the shipyard continued without interruption during the improvements. He concluded by asking whether dock boxes would be included in the new marina design, noting that without them, dock clutter could become unsightly. He expressed support for the addition of capacity for up to 92 stand-up paddleboards and 46 kayaks on site, which he saw as a beneficial feature.

Chair Cunningham noted that this meeting marked the beginning of public outreach for the Balboa Yacht Basin project. He encouraged continued feedback to Public Works Manager Miller and emphasized the value of addressing smaller but meaningful details, such as dock boxes, that are important to marina users.

Adam Leverenz expressed his appreciation for Secretary Marston's earlier comments about the structural integrity of the piles as he had been wondering about that issue as well. He referenced the proposed reduction in slip count, pointing out that the reduction appeared to exceed 10 percent. He inquired whether any consideration had been given to designing slips that could accommodate two smaller boats per section, potentially reducing the number of slips lost. He also referenced an earlier comment regarding attrition, where the City might choose not to re-rent slips as they become vacant. He suggested that these slips could instead be converted into transient slips, rented on a week-to-week basis with the understanding that they are temporary. He expressed concern about displacing current boaters, noting how difficult it is to find available space in marinas.

Joel Romero inquired about when the marina was last dredged and about the purpose of the dredging effort.

Chair Cunningham explained that the purpose of dredging is to restore and maintain proper water depth and to remove sediment that has accumulated over time. He explained that in this case, the material within the marina is classified as unsuitable for open ocean disposal. He further explained that because of this, a rare and cost-effective opportunity has emerged to dispose of the material through a terminal in the Port of Long Beach. He clarified that without this option, removal would require land-based disposal, which would cost millions of dollars.

Public Works Manager Miller confirmed that the last dredging was completed in 1985.

Bill Kenny, representing the Newport Harbor Foundation, noted that there is currently a shorter slip located at the very end of E Dock. He shared that there has been some discussion about the City potentially acquiring a fireboat and stated that, in his view, the ideal location for berthing such a vessel would be at the end of E Dock. He noted that this location would provide optimal access for emergency equipment and personnel. He suggested that the City consider slightly shortening the easterly 52-foot slip and adjusting the gangway alignment to create a 31-foot slip at the end of the dock, rather than the currently planned 25-foot slip. He explained that this adjustment would allow the marina to accommodate a future fireboat, should the City move forward with its acquisition.

Chair Cunningham closed public comments.

Commissioner Scully inquired about the reduction of 20 slips, inquiring whether those slips were primarily from the larger or smaller categories and seeking clarification on which tenants might be most affected.

Public Works Manager Miller explained that the reduction is distributed somewhat across the board but clarified that it does not affect the larger slips, which are largely being retained in the new design. He noted that the reductions primarily fall within the medium-sized slip range, approximately 35 to 40 feet. He corrected an earlier statement where he had previously referenced a 2.5% figure as representing the slip count reduction; however, that percentage referred to the change in total square footage. He confirmed that in terms of slip count, the reduction from 170 to 150 represents a difference of closer to 12 percent. He noted that in most marina reconstruction projects, it is very difficult to perfectly replicate the original slip mix. He advised that some changes are inevitable due to modern design standards and spatial constraints. He confirmed that, as of now, the intention is to retain dock boxes in the new design.

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

Chair Cunningham raised a point of order regarding the agenda. He advised that Item Number 4, which pertains to the discussion of proposed revisions to the Municipal Code Title 17, will be removed from the agenda for the evening.

2. Recommendation on Onshore Mooring Specification Revisions

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 Approve staff recommendation to update onshore mooring specifications.
- 2) Or dismiss staff recommendation to update onshore mooring specifications.

Permit Technician Madison Infelise referenced Municipal Code Section 17.25.020, Subsection J, which grants the Harbor Commission authority to update or revise onshore mooring specifications. She presented a slide showing a current onshore mooring permit, noting that all moorings are listed at a uniform length of 18 feet. She presented another slide illustrating the existing specifications, which are currently based on the actual length of the assigned vessel rather than the uniform permit length. These specifications include weight requirements for three categories: 12 feet (minimum 200 pounds), 15 feet (minimum 250 pounds), and 18 feet (minimum 300 pounds). She proposed aligning the specifications with the uniform permit length by requiring all onshore moorings to meet the 300-pound minimum weight standard.

Permit Technician Infelise reported that out of 429 total onshore moorings, 335 currently meet the proposed 18-foot, 300-pound standard. She noted that an additional 31 moorings meet the standard based on the vessels currently assigned to them. She advised that 45 moorings do not meet the specifications due to the length of the assigned vessels. She explained that staff is actively working with those permittees during scheduled overhauls to bring them into compliance. She noted that 18 moorings have no vessel assigned and may be rented out by the City.

Permit Technician Infelise referenced Municipal Code Section 17.60.040(B)(2), which states that mooring permittees are responsible for all associated permit rents, fees, and maintenance or repair costs. She recommended requiring existing permittees to comply with the updated 300-pound specification throughout their next two scheduled overhauls, a process that occurs every two years, providing a four-year window for full compliance. She advised that if a mooring is transferred or sold, the new permittee would be required to meet the updated specification by the time of the next scheduled overhaul. She noted that a formal resolution may be needed for the Harbor Commission to officially adopt the updated specification.

Chair Cunningham recalled that back in 2017, the City had addressed similar issues by standardizing previous 4-foot moorings to 18 feet, and acknowledged that this update should have been addressed at that time.

Vice Chair Beer referenced the staff report and noted that it mentioned 45 vessels that were under the required weight, but later stated that 49 moorings needed to come into compliance. He requested clarification on the discrepancy between those numbers and what the additional four represented.

Permit Technician Infelise clarified that the 49 moorings referenced were not in addition to the 45 already identified as needing to come into compliance. She further clarified that the 49 includes two other groups: 31 moorings that currently meet the specification based on the assigned vessel but would still need to meet the proposed standard based on permit length, and 18 moorings that do not have an assigned vessel. She explained that these groups total 49 moorings that would need to be brought into compliance under the new proposed standard.

Vice Chair Beer shared his perspective after reviewing the staff recommendation and public comments from mooring permittees, which were generally consistent.

He estimated that a total of 94 moorings would eventually need to be brought into compliance. Based on his rough calculations, the average existing mooring weight is 239 pounds, meaning each permittee would need to add about 61 pounds to meet the proposed 300-pound standard. Citing a conversation with Chuck South earlier that day, he noted the cost to add weight is approximately \$1 per pound—resulting in an average cost of around \$61 per affected permittee. He advised that of the 94 moorings, 45 are currently out of compliance based on the vessel specifications tied to each mooring. He explained that, under the staff's proposed approach, these permittees would have up to four years, spanning two maintenance cycles, to meet the requirement.

Permit Technician Infelise confirmed that staff are working with those individuals during each scheduled overhaul to bring them into compliance.

Vice Chair Beer addressed the 18 moorings with no vessel assigned, noting that they currently do not meet the specification and therefore cannot be rented out to a new permittee with an 18-foot vessel. He suggested that these vacant moorings should also be brought up to the new standard, either at the next scheduled maintenance or by the end of the year, so they can become rentable assets for the City. He concluded by stating that the plan to phase in compliance for the remaining moorings throughout the two maintenance cycles seemed reasonable ~~and offered that as their input on the issue.~~

Commissioner Yahn asked whether a permittee upgrading from a 250-pound mooring to a 300-pound mooring would only need to pay for the additional 50 pounds, rather than replacing the entire tackle.

Permit Technician Infelise confirmed that was correct, and that the incremental weight could be added without replacing the full mooring assembly.

Chair Cunningham requested clarification that this was a one-time cost, with no additional fees associated.

Permit Technician Infelise reiterated that this was accurate and noted that the cost range is minimal, which may be why many permittees have already volunteered to cover it themselves.

Chair Cunningham acknowledged the substantial amount of written feedback received, much of which reflected sensitivity among mooring permit holders about maintaining responsibility for their equipment—as is already stipulated in City code.

Chair Cunningham conducted a straw poll among the dais to gauge whether there was any support for the City covering the cost of the upgrades. He asked the dais if they were comfortable placing the responsibility on the mooring permittees, given that the moorings are personal equipment and they are responsible for their maintenance. By a show of hands, commissioners indicated general agreement with keeping the financial responsibility with the permit holders. He noted that this understanding might be helpful context for members of the public preparing to speak during the comment period. He noted that the remaining point of discussion centered on the timeline for bringing the remaining 49 moorings, specifically the 31 that currently meet standards based on vessel size and the 18 that are vacant, into compliance with the proposed specifications. He noted that while the 45 non-compliant moorings are already being addressed, there was some consideration as to whether the 49 should be required to comply after the next maintenance cycle or be given up to two cycles. He noted that, given the relatively low cost involved, the Commission would prefer to see full compliance within the next overhaul cycle, though he acknowledged that the distinction between one and two cycles was relatively minor. He advised that the matter would be revisited for discussion following public comment.

Harbormaster Blank clarified a procedural point, stating that the Commission would still need to formally vote on the matter. Chair Cunningham noted that the purpose of their comment was simply to get a sense of the Commission's direction. He explained that they had been working with the Newport Mooring

Association and its members for a long time, and they intended to help clear the air and ensure mutual understanding before the discussion proceeded further.

Chair Cunningham opened public comments.

Adam Leverenz addressed the Commission again, thanking Madison, the commissioners, and specifically Vice Chair Beer for reaching out to Chuck South for clarification. He noted that many concerns raised in recent emails were based on earlier versions of the staff report, which differed from what was now being presented. He explained that the original materials suggested some permittees might have as little as 30 days to comply with the new weight requirement. For example, someone who had just serviced their mooring in October and then received a permit shortly after could be required to haul the gear again—causing unnecessary labor and inconvenience. He acknowledged that the cost of compliance, now confirmed by staff and commissioners to be minimal, was not a major concern. He appreciated the clarification, especially in light of previous confusion during the Mooring Field C realignment, when service providers gave conflicting estimates. At that time, he had even submitted a public records request to verify the \$1-per-pound cost but had not received documentation—making the recent confirmation helpful. He also said the clarification around using the two-cycle maintenance schedule for compliance resolved many of the earlier concerns. Much of the initial pushback, he noted, was based on now-resolved issues. He concluded by saying he was satisfied with how the discussion had evolved but still would have preferred that affected permittees had been directly notified about the proposed changes.

Chair Cunningham closed public comments.

Commission Scully requested clarification on the next steps, specifically whether the Commission would be making a formal motion to approve the proposed updates.

Chair Cunningham responded that it appeared the Commission was heading in that direction and asked if there were any remaining questions regarding the mechanics of the process. He advised that once all questions were addressed, he would call for a motion and confirm the details with both staff and the public to ensure there was a clear understanding of what would be moving forward.

Commissioner Scully expressed support for proceeding in alignment with the staff report. He agreed with allowing a two-cycle compliance period to bring the 31 moorings, those that are currently in use but not yet fully compliant, into alignment with the proposed specifications. He further noted that the 45 moorings that are already non-compliant with the current code should continue to be handled through existing enforcement and did not require additional action by the Commission, as the Municipal Code already governs those cases. He emphasized that the 18 moorings without vessels assigned, which are currently unrentable due to non-compliance, should be included in the compliance requirement. Their recommendation was to ensure that those 18 moorings are upgraded within the same timeframe as the others, so they can be brought into active use and meet the new specifications.

Vice Chair Beer began to offer a motion. Deputy City Attorney Jose Montoya interjected with a procedural recommendation that any motion include direction for staff to return with a formal resolution drafted by the City Attorney's Office. He advised that the resolution would reflect the Commission's decision and could be formally adopted at the next meeting.

Vice Chair Beer moved that the proposed action is exempt from CEQA and that City staff be directed to prepare a resolution requiring the 18 onshore moorings that currently have no assigned vessels to come into compliance with the 300-pound minimum specification no later than the earlier of: their next scheduled biannual maintenance or December 31, 2025, that the remaining 31 moorings come into compliance throughout the next two maintenance cycles, that the 45 moorings already out of compliance under existing code be brought into compliance as soon as reasonably possible, but no later than their next scheduled maintenance.

Chair Cunningham noted that there is no need to reference cost responsibility in the motion, as it is already clearly established in the Municipal Code that mooring permittees are responsible for maintaining their equipment.

Staff requested that Vice Chair Beer clarify the year indicated in the motion. Vice Chair Beer indicated that “by the end of the year” referred specifically to December 31, 2025. He confirmed that this was the intent of the motion concerning the 18 vacant moorings.

Vice Chair Beer moved to approve the motion. Seconded by Commissioner Scully. The motion carried by the following roll call vote:

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

3. Ad Code Enforcement Update - Special Enforcement Programs

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.

Deputy Harbormaster Matt Cosylyon addressed the Commission, expressing appreciation for the opportunity to provide an update on harbor code enforcement. He noted that he values these moments to highlight the work of the City's small but dedicated code enforcement team, as well as the broader support from Harbor Department staff who patrol the harbor daily. He emphasized that the department's enforcement philosophy is centered on education, aiming to help harbor users understand the intent behind the Municipal Code rather than relying on a rigid or punitive approach. Unlike other jurisdictions that may take a stricter stance, Newport Harbor focuses on collaboration and problem-solving. Their guiding principle, he explained, is to follow the spirit of the law rather than the letter, with the ultimate goal of maintaining a clean, safe, and enjoyable harbor. To illustrate this approach, he referenced a photo in the PowerPoint presentation showing Commissioner Scully participating in the department's annual summer summit with marine activity permit holders. He noted that the event also included representatives from the U.S. Coast Guard and other partners, all working together to promote code compliance and harbor safety.

Deputy Harbormaster Cosylyon outlined several special enforcement programs the department has prioritized over the past year and a half, beginning with speeding enforcement. He described harbor patrol staff as a “traffic calming mechanism” on the water, addressing frequent community complaints about excessive vessel speeds. He noted that most speeding incidents are handled through verbal warnings, which may involve direct communication or visual cues like hand signals or patrol boat lights. Administrative citations are issued only for the most serious or repeat offenses, reflecting the department's continued emphasis on education and voluntary compliance.

Deputy Harbormaster Cosylyon continued with a brief video clip illustrating the real-world challenges of enforcing speed regulations in the harbor. He outlined three primary obstacles: limited staffing, patrol boats restricted to 5 knots unless under exigent circumstances, and limited police authority. He presented a heat map showing where speeding violations are most frequently addressed, with a noticeable concentration near the harbor mouth and in front of Marina Park. He attributed this to the presence of several boat rental companies in the area, some operating gas-powered pontoons capable of higher speeds. He noted that customers often rush back to meet rental deadlines, contributing to the problem. These conditions, he explained, highlight the difficulty of balancing safety enforcement with limited resources.

Deputy Harbormaster Cosylyon provided an overview of the Harbor Department's relatively new fishing enforcement efforts, initiated in response to three key concerns: illegal fishing from public docks where it is strictly prohibited, trash left behind from fishing activity, and restricted access to docks due to crowding. He explained that active enforcement began around March and has focused heavily on public education. He noted that one of the biggest challenges is that violations must be witnessed firsthand for staff to take enforcement action, and with many public docks throughout the harbor, coverage is difficult. He acknowledged that fishing is a long-standing part of the community, making it sensitive to enforce. He noted that as a result, most interactions end in verbal warnings rather than citations.

Deputy Harbormaster Cosylyon reported that many violators are under 18 and unaware of the restrictions. He noted that often, they fish from the nearest dock without knowing it is prohibited. He advised that because of their age and lack of transportation, citations are generally seen as overly punitive, reinforcing the department's focus on education. He noted officer safety concerns and advised that there have been instances where individuals become hostile during enforcement, and staff have encountered people carrying knives or other sharp objects. He explained that these risks further support the current emphasis on non-confrontational, educational engagement. He concluded by presenting a heat map showing the most frequent violation areas: the Balboa Marina Public Pier, the Bryan Wharf Public Dock, and the 19th Street Public Dock, all locations where fishing is explicitly prohibited.

Deputy Harbormaster Cosylyon provided an update on the Dye Tab Application Program (DTAP), noting that while it had been introduced in a prior presentation, he was bringing it back to highlight recent progress. He noted that at the time of the initial discussion, the program was still being implemented and consistency was a concern. He shared that the Harbor Department has now achieved a high level of consistency in enforcement and application. He explained that every vessel entering Newport Harbor, whether it is assigned to a mooring under a permanent permit, staying under a mooring license or sub-permit, or anchoring overnight in designated areas, is now being inspected with a dye tab, ensuring that their marine sanitation devices are properly sealed and not discharging into the harbor. He praised the staff's diligence and emphasized the benefits of the DTAP program, including environmental protection, by preventing illegal discharge into harbor waters, and education and outreach, as the program provides an opportunity to explain city rules and expectations to new harbor visitors in a welcoming and collaborative manner. He concluded by noting that this approach makes the DTAP not just a compliance tool, but also a positive first interaction between the Harbor Department and boaters entering Newport Harbor.

Deputy Harbormaster Cosylyon emphasized a key but often overlooked benefit of DTAP is its deterrent effect. He explained that the Harbor Department routinely collaborates with other harbors, receiving advance notice when an individual known for rule violations elsewhere may be heading toward Newport Harbor. He noted that DTAP provides an effective means of early engagement with these individuals if they arrive. He explained that by proactively meeting these boaters, explaining Newport's harbor rules, and requiring the dye tab inspection, the department can establish expectations in a constructive and non-confrontational way. He noted that this approach not only promotes compliance but also serves as a strong deterrent against future issues, reinforcing the harbor's commitment to safety and environmental stewardship.

Deputy Harbormaster Cosylyon provided an update on the Harbor Department's expanded after-hours patrol operations. Traditionally focused on early morning issues such as unpermitted liveaboards and noise from rowing clubs, he advised that the program has now broadened its scope and schedule. He reported that key additions to patrol efforts include nighttime monitoring of navigational lighting, vessel speeding, and noise violations, particularly from charters and rentals, a new emphasis on unattended vessels in the anchorage after sunset, prompted by concerns that some boaters are leaving vessels overnight without proper oversight, and year-round patrols.

Deputy Harbormaster Cosylyon shared a photo illustrating the challenge of enforcing navigation light rules and underscored the department's educational approach during these interactions. He reported that the

department is prioritizing staff training. He reported that all harbor staff, not just the code enforcement team, will receive instruction to effectively enforce relevant sections of the Municipal Code (Title 17), Harbors and Navigation Code, and the California Code of Regulations. He advised that this ensures consistent enforcement as the department continues to expand its focus on more specialized safety and compliance areas.

Deputy Harbormaster Cosyion shared that the department has developed an advanced training program to enhance staff readiness and capability in marine enforcement and safety operations. He reported that this initiative includes enrollment in POST-certified courses, developed by the California Division of Boating and Waterways, which are tailored specifically for non-sworn harbor patrol officers. He noted that highlights of the program include courses on boating safety, patrol techniques, search and rescue, first aid, water survival, and participation in the new Basic Coastal Operators Course in Ventura, which provides foundational training for non-sworn harbor enforcement personnel. He reported that both he and Code Enforcement Officer Jeffrey Goldfarb were the first from the department to complete the course this past May, gaining valuable knowledge they intend to share with the rest of the team. He reiterated that all staff will be scheduled to attend relevant training sessions moving forward, reinforcing the department's commitment to professional development and public safety.

Commissioner Scully inquired about officer safety, specifically referencing past reports of fishing enforcement encounters at public docks where individuals may be carrying knives and become verbally hostile. He asked how such situations are handled by the Harbor's Code Enforcement Team.

Deputy Harbormaster Cosyion explained that in these cases, staff prioritizes safety by maintaining distance, typically remaining on the patrol boat rather than stepping onto the dock. He reiterated that their primary approach remains educational, choosing not to escalate the situation unless necessary. He acknowledged that situations can change rapidly, and the team is always mindful of avoiding unnecessary risk, especially when the issue at hand, such as fishing in a restricted area, may not justify heightened enforcement action. He noted that the emphasis remains on de-escalation, discretion, and ensuring everyone gets home safely.

Commissioner Scully inquired if harbor staff have ever needed to engage law enforcement during encounters with hostile individuals.

Deputy Harbormaster Cosyion responded that, to date, neither he nor his team have had to call in law enforcement during an incident. He noted that Harbormaster Blank had likely experienced the first such situation that approached that level of concern, but emphasized that the harbor team remains mindful of the potential for escalation. He also stated that they are working to strengthen collaboration with the Newport Beach Police Department. He advised that they can contact law enforcement via their onboard radio system, and new radios are being installed that will allow for direct communication with the police department shortly.

Commissioner Scully praised Deputy Harbormaster Cosyion for running the annual meeting effectively and facilitating open, productive dialogue. He noted the strong collaboration between the Harbor Department and outside agencies and especially appreciated the ease with which conversation flowed between code enforcement staff, marine activity permit holders, and shore mooring permittees. He described the exchange as "very healthy" and commended the Harbor Department's continued partnership with the harbor community.

Vice Chair Beer echoed the praise, specifically applauding Deputy Harbormaster Cosyion's emphasis on education over-regulation, stating it reflects well on both the City and the Harbor Department.

Chair Cunningham opened public comments.

Ken Hatch, a mooring permit holder in the harbor, offered public comment expressing appreciation for the evolving relationship between the Harbor Department and the mooring community. He shared that while

there had been tension in earlier years, describing it as an "us versus them" dynamic, he believes that dynamic has significantly improved under the leadership of Harbormaster Blank and Deputy Harbormaster Cosyion. Although he acknowledged past disagreements, Mr. Hatch commended the current approach to enforcement, noting that it feels more collaborative and inclusive. He stated that both he and other mooring permit holders have noticed and appreciated the shift, and he thanked the department for working to make the harbor a better place for all users.

A member of the public offered additional comment, referencing a previous statement they made on the same issue, which they noted had been described by the Harbormaster as incomprehensible. Seeking to clarify, the speaker reiterated their core concern: they are interested in understanding what kind of training Harbor Department staff receive to assist boaters in safely accessing their moorings during challenging wind and tide conditions.

Jim Mosher raised a concern about a recent change in job titles noted in the newly approved city budget. He pointed out that personnel previously referred to as Harbor Service Workers are now listed as Harbor Safety Officers. He suggested this new title may cause confusion, as the term "public safety" is typically associated with police and fire personnel who receive special benefits and hold distinct responsibilities. Given that the Harbor Department's stated mission emphasizes service over enforcement, he questioned the rationale behind the title change and asked why the department chose to adopt the term "Harbor Safety Officers."

A member of the public agreed with Mr. Mosher's concerns and added further context regarding the community's unease with the recent title change from "Harbor Service Worker" to "Harbor Safety Officer." He noted that many harbor users are reluctant to voice their concerns publicly due to fear of retaliation, and he often speaks on their behalf. He cited comments made by Mayor Stapleton at the prior night's City Council meeting, indicating that although the new title implies a public safety role, these positions would not be sworn officers with public safety pensions. He pointed out that Deputy Harbormaster Cosyion had recently attended training that included topics like rules of arrest, typically associated with law enforcement. He noted that this raised additional concerns about the scope of authority and perception of these roles. He acknowledged the value of Harbormaster Blank's outreach efforts but emphasized that, despite positive feedback from some, others feel the department is acting more like a policing agency than a service-oriented one. He urged the Commission and staff to recognize these concerns and continue efforts to reassure and support harbor users through a collaborative, service-focused approach.

Chair Cunningham closed public comments.

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

5. Discussion of Proposed Revisions to NBMC Title 17

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) Consider a proposal from the subcommittee responsible for the current Harbor Commission Objective 1 on potential revisions to the Newport Beach Municipal Code (NBMC) related to the harbor; and
- 3) If desired, provide direction to the objective subcommittee and staff to finalize recommended revisions to be considered at a subsequent Harbor Commission meeting.

The item was removed from the agenda.

6. 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.

Commissioner Svrcek proposed that the Commission cease further discussion, time, and effort on the Promontory Bay public pier concept. Chair Cunningham confirmed that the item had already been removed from the agenda. Harbormaster Paul Blank confirmed that in order to dissolve an ad hoc committee, the Commission would need to act but it would not need to be formally agendaized.

Public Works Manager Miller clarified that the subcommittee exploring the Promontory Bay public dock was part of Objective #5 and not a standalone ad hoc committee, meaning there was nothing official to dissolve. The Commission agreed that moving forward, no additional time or resources would be devoted to this objective.

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

No update.

General Plan Harbor & Bay Element Update Ad Hoc – Commissioners Scully, Marston, and Yahn (10-09-2024)

No update.

Public Dock Utilization Ad Hoc – Commissioners Beer, Svrcek, and Williams (04-10-2024)

Vice Chair Beer noted that the Public Dock Utilization Ad Hoc Committee had been formed, to his recollection, at the request of Commissioner Svrcek in connection with the Promontory Bay initiative. He suggested that given that the Commission had just agreed to discontinue efforts related to Promontory Bay and that the ad hoc committee had not been active, eliminating the committee. He inquired whether a formal motion was required to remove it from the list of active ad hoc committees.

Vice Chair Beer moved to eliminate the Public Doc Utilization Ad Hoc Committee. Seconded by Commissioner Yahn.

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

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

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

6. Harbor Commission 2024 Objectives

- a) 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
- b) Receive and file.

Conduct annual review of Title 17 and recommend updates to City Council where necessary (Commissioner Yahn)

No update.

Collaborate with the Water Quality/Coastal Tidelands Committee to partner on areas within the Harbor that both Commission/Committees intersect (Commissioners: Svrcek, Scully)

No update.

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)

No update.

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).

Commissioner Scully referenced a California law requiring individuals operating motorized vessels to obtain a California Boater Card. He advised that the requirement applies to anyone aged 16 and older operating a motorized vessel, including Duffy boats and sailboats with auxiliary engines. He noted that while rental boat operators are currently exempt, all other operators must complete an online course and pass a test, which the commissioner described as informative and worthwhile. He asked staff if harbor personnel were also required to obtain the card.

Harbormaster Blank confirmed that holding a California Boater Card is a prerequisite for employment with the Harbor Department.

Commissioner Scully emphasized that it is required as of January 1, 2025, for full compliance and suggested it would be helpful to share this information more broadly with the public.

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).

No update.

Work with City Staff on an update of the market Rent to be charged for onshore and offshore moorings (Commissioner: Cunningham, Beer).

No update.

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)

No update.

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

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

7. Harbormaster Update – May 2025 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 his update for May 2025.

The Harbor Department continued delivering on its mission to keep Newport Harbor clean, safe, and well-enjoyed during the very busy month of May, which included the Memorial Day holiday. Among the significant activities in the harbor was the first-ever wedding on a floating platform in the west anchorage.

Clean

Significant efforts were expended to maintain and improve the cleanliness of the harbor. Highlights included:

- Harbor Safety Officers (HSOs) removed considerable debris from the harbor in May – 635 pounds was recorded on our tracker. The Good Samaritan (volunteer trash collector) removed at least as much as well
- A vessel in the J field continues to constitute an environmental issue with multiple code violations. Citations have been issued, and we continue a dialogue with the responsible party
- Education on angling restrictions at Balboa Marina, Central, and Rhine Wharf public docks generally met with compliance
- Fixtures in the marina at Marina Park were cleaned, repaired, and polished in anticipation of the busy summer season
- Illegal discharge by a mooring permittee was observed by HSOs. A Notice of Violation (NOV) was issued
- Lots of sea lion deterrent actions were taken, and NOVs were issued
- The trash skimmers at Balboa Yacht Basin and the Rhine Wharf are inspected weekly. One of our new team members investigating an outage reached out to tech support and determined that the control modules required a software update. The skimmer company will follow up to complete the update

Safe

Significant efforts were expended to maintain and improve the safety of the harbor. Highlights included:

- We supported and participated in Wear Your Lifejacket to Work Day and Safe Boating Week events, including producing and publishing a Public Service Announcement featuring the Mayor
- The boat show reported a pile failure and conducted repair work while the Harbor Department accommodated three displaced vessels
- There was an incendiary event during the Boat Show, which met with a swift and robust response. This serves as an excellent example of why permits for special events are necessary. In the absence of a protocol and plan for such occurrences, the response would not have been swift or robust, and the outcome could have been very dire. An improvement for next year will involve staging a Harbor Department patrol vessel at the event
- An HSO was waved down by a resident and reported suspicious activity. The HSO collaborated with NBPD to investigate from the land side, including a road vehicle and a description of the suspects
- Several instances of speeding were observed. Most resulted in education and compliance
- A sailing vessel was anchored in the East anchorage. The vessel began to drag anchor and drifted toward the D mooring field. An HSO was able to temporarily stabilize the vessel and requested additional assistance from OCSD. OCSD arrived on the scene and provided additional assistance. The vessel owner/operator was not on board during this incident. The HSO made an excellent observation and jumped into action to prevent property damage and physical injury to an inexperienced mariner onboard
- HSOs observed a rental vessel speeding (on a full plane) with very inexperienced operators in the Lido Reach. Educated and advised to return to the rental company at 5mph. Code

enforcement is working with the rental company to ensure such events do not take place in the future

- HSOs rescued two paddle boarders struggling in the wind. HSOs returned them to the 15th St. beach where they rented the boards. The paddleboarders had been given no safety instructions, and the wind was 15 knots
- Bridge jumpers at the Lido Bridge and 38th Street Bridge were deterred on several occasions
- A motor vessel lost power at the entrance to Promontory Bay. A patrol vessel assisted the motor vessel and secured it to a dock at Balboa Yacht Basin
- Several mooring assists for visiting mariners were carried out
- Youth paddle boarding without life jackets were advised and educated
- A Code Enforcement Officer (CEO) assisted a struggling kayaker in the Balboa Coves
- The focus on the busy Memorial Day weekend was on speeding, life jacket requirements, permitted fishing locations, and anchorage violations. The crew hustled to educate many, many violators in a professional and compassionate manner
- A foil boarder speeding near Newport Harbor Shipyard was educated/corrected
- HSOs were flagged down by a stranded, inexperienced paddleboarder by 13th St. HSOs placed the person and board on the patrol boat and transported them back to the 15th St. launch. Wind was 17 mph
- A disabled 26' powerboat was towed to a safe location where the operator was able to complete repairs and proceed under its own power

Well-enjoyed

Significant efforts were expended to maintain and improve the enjoyment of the harbor. Highlights included:

- Information exchange and education with fishermen at the Washington Street public dock. We received recognition and praise from a mooring permittee who uses that public dock frequently and has had difficulty with anglers not giving way
- HSOs had an encounter with a vessel on 15th public dock in the 20-Min zone that had overstayed the time limit. The vessel was documented as being on the dock for more than an hour. During enforcement activities, the operators who had been at the American Legion arrived and lied about their time on the dock and attempted to evade staff by driving away and pretending not to hear them. After receiving acknowledgement that the citation would be mailed, operators responded to the education and apologized
- The Recreation Department kicked off its new Adaptive Sailing Program. We assisted by operating the human lift for their participants. Eventually, we would like the Recreation personnel to be able to operate the lift for their participants
- We provided significant support and logistics coordination for a large vessel owned by a local resident that was in the Boat Show and stayed an additional three weeks in the Large Vessel Anchorage
- A dinghy found floating in the A mooring field was identified as belonging to a permittee and was reunited with its rightful owner
- HSOs witnessed a verbal altercation between a live-aboard permittee in the A field and two juveniles on the Washington Street public dock. The HSOs intervened to de-escalate the situation, which was resolved subsequently
- A motor vessel was observed conducting a charter and loading passengers from the Balboa Marina public dock. Commercial activity is not allowed at any of the public docks

- The Battle In The Bay III at Marina Park was a great success. The event was a water polo exhibition between the Newport Harbor Sailors and Corona Del Mar Sea Kings. Newport Girls and Boys were victorious over CDM. There was a great turnout, fantastic competition, and delicious TK Burgers
- The imposition of a \$502 group fee for use of the marina at Marina Park has not slowed business or diminished demand. We're now better able to meet the expectations of group participants as well as unaffiliated guests at Marina Park when groups are resident
- A vessel was observed after having stayed the night at the 19th St public dock (video surveillance). The owner resisted education and advice from a CEO, which resulted in a citation
- The first-ever Wedding on the Water (WaterCrest), a very unique event, was carried out without incident. Based on this experience, improvements could be made to ensure a better experience for all. Trash receptacles, a better arrangement for transporting guests to/from the venue, and security for the venue are all under consideration
- HSOs explained fishing rules to six fishermen at 15th St. who had an altercation with a boater

Odds and Ends

Significant efforts were expended to address harbor-related matters other than cleanliness, safety, and enjoyment. Highlights included:

- We carried out our first eviction from the mooring license program. The licensee had gotten behind on payments and was no longer permitted to occupy the mooring. This is the same vessel described as having broken loose from the east anchorage with an inexperienced mariner onboard - required assistance and better tackle
- HSOs assisted the owner with the removal of a black spill response trailer that had been stored at the Balboa Yacht Basin for many years
- A vessel was reportedly vandalizing items on the West Anchorage float
- The Harbor Department is once again fully staffed. Our most recent recruitment was approved on December 9. The final team member to join us started on May 21
- Also on May 21, we conducted a small vessel auction that brought in a bit more than \$1500
- To support the public dock replacement project, we posted sandwich boards indicating dock closures at Emerald and 19th. Both docks also have numerous additional signs showing specific closure dates. As the project proceeds, we will move the closure signage and work with frequent users to find them alternate accommodation
- Based on some leisure reading, the Harbormaster was inspired to initiate development of a 5-year and 20-year strategic plan based on the Malcolm Baldrige Criteria for Performance Excellence. The current endeavor will proceed unaided by outside professional service providers, unlike other Departments

Commissioner Scully followed up on a recent incident in which Harbor Safety Officers assisted multiple paddleboarders who had become stranded in windy conditions. He inquired whether the lack of a safety briefing, which had been noted during the incident, was reported back to the rental vendor.

Harbormaster Blank confirmed that this communication does take place. He advised that when paddleboarders are returned to the vendor, the code enforcement staff will address the issue directly with the business if time allows. He further explained that if direct conversation is not possible, a notice of violation is issued to the vendor. Commissioner Scully expressed appreciation for the thorough follow-up and commended the staff for their efforts.

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

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

7. MOTION FOR RECONSIDERATION

None.

8. COMMISSIONER ANNOUNCEMENTS (NON-DISCUSSION ITEMS)

Chair Cunningham announced that this is his final meeting after eight years of service on the Newport Beach Harbor Commission.

Commissioner Scully expressed sincere appreciation for his contributions to the harbor and the community, especially over the past six years of working together. He praised Chair Cunningham's knowledgeable, intelligent, and thoughtful approach to the Commission's work, highlighting his leadership in key initiatives such as the renewal of RGP 54 and the successful advancement of the harbor dredging project, both seen as critical to the harbor's future. He acknowledged Chair Cunningham for his role in launching the Open Water Initiative and in helping to shape the Harbor Department into the professional and responsive entity it is today. He concluded with heartfelt thanks for Chair Cunningham's service, friendship, and lasting impact on Newport Harbor.

Vice Chair Beer offered heartfelt thanks to Chair Cunningham, expressing admiration for his dedication and persistence. He acknowledged Chair Cunningham's inspiring passion and commitment, particularly highlighting his tenacity in taking on challenging projects and his willingness to travel on his own time in service of the harbor's well-being, especially efforts to maintain water quality.

Secretary Marston noted that it had been a pleasure, praising his passion as a motivating force for the entire Commission.

Commissioner Yahn expressed appreciation for Chair Cunningham, and in a lighthearted moment, he referenced the nickname, "Dredge," and celebrated the timely success of the harbor dredging project, which was approved just before the end of Chair Cunningham's tenure, capping his eight years on the commission with a key achievement. He closed by expressing hope that Chair Cunningham would remain a resource, saying he looked forward to continuing to call on his expertise even after his official service concluded.

Public Works Manager Miller echoed the Commission's appreciation for Chair Cunningham and emphasized his instrumental role in the City's dredging efforts. He highlighted his deep involvement in both the RGP (Regional General Permit) and Lower Harbor dredging programs, noting that he consistently pushed the team in a positive and constructive direction. He referenced his leadership and strategic guidance to help navigate agency coordination and implement meaningful programmatic improvements. He also acknowledged his collaboration with Adam Gale of Anchor QEA, the City's longtime dredging consultant, and recalled their many strategy sessions and joint trips to Washington, D.C., which helped advance key harbor initiatives. He praised Chair Cunningham's technical knowledge, especially his understanding of sediment testing, charts, and regulatory maps, calling him the Commission's resident expert.

Public Works Manager Miller presented Chair Cunningham with a labeled sampling jar of harbor sediment as a memento, and that the label officially recognized his tenure from 2017 to 2025 and proudly declared the contents as "suitable LA-3 material."

Chair Cunningham concluded his final meeting with a heartfelt farewell, expressing his appreciation to fellow commissioners, City staff, and longtime colleagues. Reflecting on his service, Chair Cunningham

shared that his mentor when he first joined the Harbor Commission was then-Chair Paul Blank, and he expressed gratitude for the guidance and support received from staff and partners like Adam Gale during their collaborative efforts. He spoke candidly about the journey—nearly eight and a half years and close to 100 meetings—filled with laughter, challenges, and meaningful progress. He closed by affirming his hope for the continued success of the Harbor Commission, encouraging the next generation of commissioners to build on the work done and to bring new ideas forward. With humility and appreciation, he passed the torch, thanking everyone once again for the opportunity to serve.

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 regular meeting is scheduled for July 9, 2025 at 5:00 p.m.

11. ADJOURNMENT

There being no further business to come before the Harbor Commission, the meeting was adjourned at 6:54 p.m.