

NEWPORT BEACH HARBOR COMMISSION REGULAR MEETING MINUTES
City Council Chambers – 100 Civic Center Drive
Wednesday, June 12, 2024
5 p.m.

1. CALL MEETING TO ORDER

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

2. ROLL CALL

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

ABSENT: Scott Cunningham, Commissioner (excused)

Staff Members: Paul Blank, Harbormaster
Matt Cosyion, Deputy Harbormaster
Jennifer Biddle, Administrative Assistant
Rosalinda Gonzalez, Administrative Assistant

3. PLEDGE OF ALLEGIANCE – Led by Chair Scully

4. PUBLIC COMMENTS

Adam Leverenz inquired whether the mooring rent increase recommendation forwarded by the Harbor Commission to the City Council will apply to private entities, and stated that the email response he received from Chair Scully did not clarify this matter.

5. APPROVAL OF MINUTES

1. Draft Minutes of the May 8, 2024 Harbor Commission Regular Meeting

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

Vice Chair Beer moved to approve the May 8, 2024 Harbor Commission Regular Meeting minutes. Seconded by Commissioner Yahn. The motion carried by the following roll call vote:

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

6. PRESENTATION

1. City of Newport Beach Water Quality Program Overview

Senior Engineer John Kappeler provided an overview report on the City's Water Quality Program. Topics presented included the involvement of regional cities and entities in water quality issues, water quality program monitoring cost sharing agreements, Total Maximum Daily Load (TMDL) programs as related to the regulations which govern the various limits of elements in the water, the costs of water sampling, the noticing process required if limits are exceeded, projects instituted by the City to get rid of bacteria and

trash in targeted locations, the success of diversion projects and associated grants, the success of the particle separator project facilitated by Mr. Hylkema which keeps items out of the vessel pump outs which can cause damage, and the State grant which pays 75% of the cost.

Mr. Kappeler continued his presentation providing an overview of the Bay and ocean water weekly testing at 35 stations, related public noticing and historical data, new proposed State rules concerning dissolved copper in the Bay, the City's difference of opinion and investment into challenging components of the proposed copper regulation, State mandates concerning compliance with trash collecting devices and the City's historic proactive stance on placement of such devices, the installation of trash skimmers around the Bay, the cost of which is 75% covered by a grant, the success of the debris booms and related grant funding, successful partnerships with surrounding agencies on a \$9 million trash collection device that also incorporates a storm water to sewer diversion, the upcoming September deployment of the Newport Bay trash inceptor and related grant funding, mitigation measures required by the Coastal Commission, and underwater clean ups hosted by the City in collaboration with various community partners.

Commission and staff discussion ensued including comments related to clarification of dry weather runoff, copper testing in the water, the schedule for TMDL testing and partnership with various agencies, implementation schedule for the Water Wheel project and its intersection with the boom, clarification concerning the removal of the bacteria postings in light of launch of the diversion (approximately 2006 through 2008), weight specifications and inspections for the moorings, clarification of mandates versus TMDL's, locations for testing, impacts of first flushes at the beginning of the wet season, determination of the sources of copper in the water, clarification of the amount of grant funds the City has obtained for water quality projects and programs (approximately \$50 million), opportunities to obtain or secure grant funds, the potential impact of dredging, the potential negative impacts of the City acting as a regulatory body on certain water quality matters, and the process and costs for undergrounding certain trash collection devices.

Chair Scully opened public comments.

Adam Leverenz thanked staff for the presentation, expressed his mutual concern regarding the impacts of trash and litter, and inquired if the Harbor Commission could institute a public education campaign encouraging clean up. Additionally, he opined concerning the source of copper as related to recent measurements.

George Hylkema thanked staff for the presentation and recognition of the value of the particle separator. He appreciated the collaboration and update on the project.

Seeing no others, Chair Scully closed public comments.

There was no action taken on this item.

7. CURRENT BUSINESS

1. 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)

Report noted that Joe Beek is working diligently on grant opportunities, including being close to securing \$8.9 million grant with the South Coast Air Quality Management District. However, they may be delays at

the State level. As related to electricity, staff has been working on the matter and there will be significant interaction with Southern California Edison related to power capacity and connectivity.

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

Report noted that Mr. Jim Mosher had suggested the Ad Hoc Committee engage with the consultants related to role of the Harbor Commission concerning to the General Plan update. Additionally, based upon Ad Hoc member's attendance at the recent General Plan Advisory Committee meeting, it was confirmed the Harbor Commission should be involved in the process, particularly as related to the Harbor & Bay Element.

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

Report noted meetings were held with two different private parties concerning providing access to offshore moorings and transportation around the harbor to key locations. City staff has been informed and there are related legal items that are currently under review. There are challenges to a test pilot project as a MAP is required to drop off or pick up individuals on public piers or floats.

Chair Scully opened public comments. Seeing no others, Chair Scully closed public comments.

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

2. Harbor Commission 2024 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: *No report. Actively soliciting potential changes and keeping lists.*
 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: *No report.*
 3. Successful implementation of the mooring reconfiguration initiative, including design, testing, permitting, execution, and monitoring (Commissioner: Beer).
Update: *Harbormaster Blank providing renderings concerning eel grass and moorings to the Coastal Commission.*
 4. Collaborate with Parks, Beaches, and Recreation Commission and Staff to evaluate the best use for Lower Castaway and make a recommendation to City Council (Commissioners: Marston, Svrcek).
Update: *Eliminating objective as the City Council is leading this process.*
 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: *No report.*
 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: *Feedback from Harbor business owners and operators at the last Safety Committee meeting concerning behavior on public docks and concerns regarding ingress and egress visibility around the new Irvine Company docks.*

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: *No report.*
8. Work with City Staff on an update of the market Rent to be charged for onshore and offshore moorings (Commissioner: Cunningham, Beer).
Update: *A Harbor Commission recommendation has been forwarded to the City Council and it is pending their public review.*
9. Evaluate establishing day moorings off Big Corona Beach (Commissioner: Williams).
Update: *No report.*
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: *No report.*

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

Commissioner Yahn inquired when the City Council may be considering the mooring rates. Vice Chair Beer responded ~~there have been~~ City Council has had Closed Session ~~items-meetings~~ regarding the matter, however there are no updates as to when the matter will be considered during Open Session.

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

3. Harbormaster Update – May 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.

Deputy Harbormaster Matt Cosyion 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 the number of permits issued in May and the success of the dye tab program, the color of the Harbor Patrol boat lights.

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 unanimously.

8. MOTION FOR RECONSIDERATION

None.

9. COMMISSIONER ANNOUNCEMENTS (NON-DISCUSSION ITEMS)

Commission Yahn announced the City Council approved a \$50,000 grant for the Chamber of Commerce Boat Parade and thanked the City Council for the approval.

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

None.

11. DATE AND TIME FOR NEXT MEETING:

The next meeting was scheduled for Wednesday, July 10, 2024, at 5 p.m.

12. ADJOURNMENT

There being no further business to come before the Harbor Commission, the meeting was adjourned at 6:19 p.m.

DRAFT