



CITY OF NEWPORT BEACH HARBOR COMMISSION AGENDA

City Council Chambers - 100 Civic Center Drive

Wednesday, May 12, 2021 - 5:00 PM

Harbor Commission Members:

William Kenney, Jr., Chair
Scott Cunningham, Vice Chair
Ira Beer, Secretary
Marie Marston, Commissioner
Steve Scully, Commissioner
Gary Williams, Commissioner
Don Yahn, Commissioner

Staff Members:

Carol Jacobs, Assistant City Manager
Paul Blank, Harbormaster
Jennifer Biddle, Administrative Support Specialist

SPECIAL NOTICE REGARDING COVID-19

On March 4, 2020, Governor Newsom proclaimed a State of Emergency in California as a result of the threat of COVID-19. On March 12, 2020, Governor Newsom issued Executive Order N-25-20, which allows Harbor Commission members to attend Harbor Commission meetings telephonically. Please be advised that to minimize the spread of COVID-19, some, or all, of the Newport Beach Harbor commission Members may attend this meeting telephonically.

Also, please be advised that on March 17, 2020, Governor Newsom issued Executive Order N-29-20, which allows for the public to participate in any meeting of the Harbor Commission telephonically or by other electronic means. As a member of the public, if you would like to participate in this meeting, you can participate via the following options:

1. You can submit your questions and comments in writing for Harbor Commission consideration by sending them to Carol Jacobs at cjacobs@newportbeachca.gov. To give the Harbor Commission adequate time to review your questions and comments, please submit your written comments by Tuesday, May 11, 2021, at 5 p.m.
2. You can attend and participate in the meeting by going to the City Council Chambers located at 100 Civic Center Drive and you can address the Harbor Commission. Face masks are required and social distancing requirements will be adhered to.
3. You can connect with a computer by joining through Zoom. Click the link below to register for the meeting using a valid email address. You will receive a confirmation email allowing you to join the meeting.
https://zoom.us/webinar/register/WN_2WOCBsgcQwCYkSVy-fYz2g
 - If Zoom is not already installed on your computer, click "Download & Run Zoom" on the launch page and press "Run" when prompted by your browser. If Zoom has previously been installed on your computer, please allow a few moments for the application to launch automatically.
 - Select "Join Audio via Computer."
 - The virtual conference room will open. If you receive a message reading, "Please wait for the host to start this meeting," remain in the room until the meeting begins.
 - During Public Comments, use the "raise hand" function located in the participants' window and wait for City staff to announce your name and unmute your line when it is your turn to speak. Comments are limited to 3 minutes, or as otherwise directed.
4. Or you may connect by Phone/Audio Only by calling: 1-669-900-9128. The meeting ID is 979 4531 9553 #. During Public Comments, press *9 to add yourself to the queue and wait for City staff to announce your name/phone number and press *6 to unmute your line when it is your turn to speak. Comments are limited to 3 minutes, or as otherwise directed.

Please know that it is important for the City to allow public participation at this meeting. If you are unable to participate in the meeting via the process set forth above, please contact Carol Jacobs at (949-644-3313 or cjacobs@newportbeachca.gov) and she will attempt to accommodate you. While the City does not expect there to be any changes to the above process for participating in this meeting, if there is a change, the City will post the information as soon as possible to the City's website.

The City of Newport Beach thanks you in advance for continuing to take precautions to prevent the spread of the COVID-19 virus.

NOTICE REGARDING PRESENTATIONS REQUIRING USE OF CITY EQUIPMENT

Any presentation requiring the use of the City of Newport Beach's equipment must be submitted to Carol Jacobs 24 hours prior to the scheduled Harbor Commission meeting.

PUBLIC HEARINGS

If in the future, you wish to challenge in court any of the matters on this agenda for which a public hearing is to be conducted, you may be limited to raising only those issues which you (or someone else) raised orally at the public hearing or in written correspondence received by the City at or before the hearing.

NOTICE TO THE PUBLIC

Any times listed in this agenda are provided as a courtesy and the actual item may be heard either before or after the time given.

The City of Newport Beach's goal is to comply with the Americans with Disabilities Act (ADA) in all respects. If, as an attendee or a participant at this meeting, you will need special assistance beyond what is normally provided, we will attempt to accommodate you in every reasonable manner. Please contact Assistant City Manager Carol Jacobs prior to the meeting to inform us of your particular needs and to determine if accommodation is feasible (949-644-3313 or cjacobs@newportbeachca.gov).

1) CALL MEETING TO ORDER**2) ROLL CALL****3) PLEDGE OF ALLEGIANCE****4) PUBLIC COMMENTS**

Public comments are invited on non-agenda items generally considered to be within the subject matter jurisdiction of the Harbor Commission. Speakers must limit comments to three (3) minutes. Before speaking, we invite, but do not require, you to state your name for the record. The Harbor Commission has the discretion to extend or shorten the speakers' time limit non-agenda items, provided the time limit adjustment is applied equally to all speakers. As a courtesy, please turn cell phones off or set them in the silent mode.

5) APPROVAL OF MINUTES**1. Draft Minutes of the April 14, 2021 Harbor Commission Regular Meeting**

[April 14, 2021 Harbor Commission Draft Minutes](#)

[Additional Material Received 4-14 Draft Minutes Secretary Beer Revisions](#)

[Additional Material Received 04-14-2021 Draft Minutes Commissioner Marston's Comments](#)

6) CURRENT BUSINESS**1. Caulerpa in Newport Harbor**

The invasive algae, *Caulerpa prolifera*, was recently found growing in the Entrance Channel area of Newport Harbor. Staff will provide an update to the Harbor Commission on the current efforts to eradicate the algae.

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.

[Staff Report](#)

[6.1 Caulerpa Update Staff Presentation 05-12-2021](#)

2. Council Policy H-1 - Harbor Commission Review of Proposed Changes

As a result of recent applications for dock extensions and reconfigurations brought before the City Council, the City Council raised a concern regarding the inability of the Harbor Commission to resolve applications. The City Council requested the Harbor Commission review the policy. The Harbor Commission established a subcommittee at the February 10, 2021 Harbor Commission meeting, to review City Council Policy H-1, Harbor Permit Policy, to clarify the Policy's intent and process in order to assist staff and the Harbor Commission when considering future applications. The City Council also directed the Harbor Commission to review the recent changes adopted in 2020 and to make recommendations to the City Council regarding any proposed revisions thereto.

Recommendation:

1) Determine that the project 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, Chapter 3, because it will not result in a physical change to the environment, directly or indirectly; and

2) Review, modify and or approve proposed changes to Council Policy H-1 and forward the recommendations to the City Council for consideration.

[Staff Report](#)

[Attachment A - Council Policy H-1 - Redline](#)

3. Harbor Commission 2021 Objectives and Ad Hoc Reports

Each ad hoc committee studying their respective Functional Area within the Commission’s 2021 Objectives, will provide a progress update.

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, Chapter 3, because it has no potential for resulting in physical change to the environment, directly or indirectly; and

2) Receive and file.

[Staff Report](#)

[Attachment A – Harbor Commission 2021 Objectives](#)

[Attachment B – Harbor Commission 2021 Objectives Tracking Sheet](#)

4. Harbormaster Update - April 2021 Activities

The Harbormaster is responsible for the management of the City’s mooring fields, the Marina Park Guest Marina and Harbor on-water code enforcement activities. This report will update the Commission on the Harbor Department’s activities for April 2021.

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, Chapter 3, because it has no potential for resulting in physical change to the environment, directly or indirectly; and

2) Receive and file.

[Staff Report](#)

[Attachment A - Harbor Department Statistics, Fiscal Year through April 2021](#)

[6.4 Harbormaster Report Staff Presentation 05-12-2021](#)

- 7) **COMMISSIONER ANNOUNCEMENTS (NON-DISCUSSION ITEMS)**
- 8) **QUESTIONS AND ANSWERS WITH STAFF ON HARBOR RELATED ISSUES**
- 9) **MATTERS WHICH COMMISSIONERS WOULD LIKE PLACED ON A FUTURE AGENDA FOR DISCUSSION, ACTION OR REPORT (NON-DISCUSSION ITEM)**
- 10) **DATE AND TIME FOR NEXT MEETING: Wednesday, June 9, 2021 at 5 p.m.**
- 11) **ADJOURNMENT**