



**CITY OF**

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# **NEWPORT BEACH**

## **Harbor Commission Staff Report**

May 11, 2022  
Agenda Item No. 6.5

**TO:** HARBOR COMMISSION

**FROM:** Paul Blank, Harbormaster  
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**TITLE:** Harbormaster Update – April 2022 Activities

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### **ABSTRACT:**

The Harbormaster oversees the City Harbor Department and is responsible for the management of the City's mooring fields, enforcement of the municipal code, events permitting, safety and rescue operations, the Marina Park Guest Marina, marine sanitation pump out equipment and public pier maintenance, impound and disposition of abandoned and unclaimed vessels and public relations and information dissemination on and about Newport Harbor.

This report will update the Harbor Commission on the Harbor Department's recent 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.

### **FUNDING REQUIREMENTS:**

There is no fiscal impact related to this item.

### **DISCUSSION:**

#### **Clean**

Marina Park has undergone some cleaning and maintenance up in anticipation of a busy spring and summer. Dock boxes and pile caps have all been polished. The dock surfaces have all been pressured washed and get weekly attention to spots where needed to look as fresh and as new as possible. A couple of extra cleats have been installed and repairs to some fascia boards have been completed.

A damaged dock float along with some other material was removed from the bay floor underneath the Coral Street Public Pier.

A situation with a specific vessel of concern was resolved successfully with significant effort on the part of the Harbor Department. Addressed quickly, these situations remain manageable and get resolved for the benefit of the greater population of harbor users. As has been experienced in the past, if not resolved quickly and thoroughly, such situations can linger for years all while nuisance and unsafe conditions remain. This situation took multiple contacts to achieve resolution. From the four service request entries:

- Vessel spent five nights in the public anchorage during which contact was made several times with the occupant(s) and a notice of violation was posted
- On at least one occasion the vessel was left unoccupied while in the public anchorage for more than the allowed three hours and another notice of violation was issued
- On at least one occasion the vessel dragged anchor while in the public anchorage and was found adrift outside the anchorage, unattended and another notice of violation was issued
- The vessel owner attempted to arrange moorage with the OCSD but was unsuccessful
- After three notices of violation the vessel was impounded
- Upon retrieval from impound, the vessel owner indicated he would be leaving the harbor by an agreed upon day and time
- While attempting to exit the harbor near the harbor entrance the vessel experienced operational difficulty (wrapped propeller), attempted to dock at a private residence twice, then attempted to moor at a public dock and ultimately anchored in front of a private residence in an area of heavy traffic
- A Department patrol boat stood by, lights flashing to provide protection as the occupants attempted to remedy the operational difficulty
- Once regaining operation of the vessel, the occupants attempted to come back into the harbor at which time Code Enforcement Officers Cosylion and Goldfarb were asked to assist on the water
- Once contacted by Code Enforcement Officers the vessel did leave the harbor and anchored in Corona del Mar Cove for the evening
- The Harbormaster witnessed the vessel still in Corona del Mar Cove early the next morning. When a patrol boat was sent out to the harbor entrance later that morning, the vessel had departed. The vessel has not been seen in the harbor since

## **Safe**

The Harbor Department completed the Boating Safety and Enforcement Equipment grant application to the California Department of Parks and Recreation, Division of Boating and Waterways. It is hoped a grant award will help fund replacement of the 2007 Boston Whaler the Department uses as a patrol vessel (HD1). According to Council Policy for replacement of small vessels, HD1 was due for replacement in 2017. The replacement value of the vessel was fully reserved in 2017 but no effort has been made to execute the replacement. Further, that vessel was purchased before the Harbor Department was

established and without the Harbor Department's operational and functional requirements in mind. It is now appropriate to select a replacement vessel with the requirements now known and with the funds accrued for this purpose. Four different vessels are under consideration for the replacement, but according to the grant terms, we had to select only one on the application and explain why the other three under consideration were rejected. The vessel selected on the application is the SAFE 23 Center Console. The three vessels still under consideration but not included in the grant allocation are:

- Maritime 210 Patriot (the same as our other two patrol boats)
- Boston Whaler 210 Montauk (similar to what is being replaced)
- Munson 23 Patrol (Former Harbormaster Durgan's suggestion)

As part of the grant application, we also had to identify boating safety issues in Newport Harbor. Our response included:

The top three boating safety needs in Newport Harbor are: 1. providing safe and adequate mooring assist for large vessels; 2. responding safely to search and rescue incidents with stand-up paddle boarders and kayakers within our harbor; 3. utilizing our patrol vessels safely in high wind alerts or bad weather to respond to harbor or code enforcement incidents.

## **Well-enjoyed**

Harbor Department staff have been practicing use of the human lift now fully implemented at the base of the gangway in the marina. We haven't had any requests to use the human lift but there is a code for tracking use in our "calls for service" system, Quest. There will be a demonstration of the lift use for City leaders and media on May 12, 11 am at Marina Park. Our continued thanks go to Swift Slip for their creative and collaborate efforts related to the installation and portability of the device itself.

Harbor Department personnel aided scores (if not more) of vessels here enjoying the Newport to Ensenada Yacht Race. The marina was almost exclusive to participants in the days leading up to the race. Department patrol boats were seen aiding boats who had or were in danger of going aground during the extreme low tide on the morning of the race. Two patrol boats were also seen out at the start ensuring all vessels got underway and racing (or made it back into the harbor) safely. One participant in particular from San Diego went out of his way to express his appreciation for the exemplary hospitality and service he experienced here at Marina Park.

## **Odds and Ends**

A new, automated Impound Log has been developed and continues to undergo improvements at the front desk. The new log is more accessible to the team who makes use of it and allows us to better track inventory and find boats when callers inquire on boats that have gone missing. The new log also helps with status tracking as we move

from impound into disposition whether it be auction or destruction. Other technology improvements initiated, currently in process or recently completed include:

- Better data capture on the mobile devices in use on the patrol boats
- A new automated system for capturing Marina Park Guest survey responses
- Training on the new Code Enforcement application, EnerGov (going live in July)

It's been nearly a year since the current Harbormaster started and here are some highlights:

- Both practical and written training programs for existing and new team members were developed, practiced and continue to be refined and enhanced. There are procedure and training documents for all team members as ones specific to Leads, Code Enforcement Officers and the Dockmaster
- All three Department patrol boats are now properly registered, marked as City vessels and outfitted with basic marine operations and life-saving equipment
- Revenue is up significantly at Marina Park and for offshore mooring sub-permits. Onshore mooring sub-permits were offered for the first time and represent \$60K in new revenue for the year. Analysis on occupancy statistics is coming soon
- The Harbormaster made more than a dozen public appearances outside normal City responsibilities raising the Department's profile. Almost all included presentations customized for the audience
- Recruiting and Personnel Development efforts included:
  - o 12 new team members were recruited into the Department and 2 previous team members were brought back
  - o 2 existing team members were promoted from Harbor Services Worker to Lead
  - o While we miss them, the 7 team members who left the Department went onto full-time positions with our best wishes at some great organizations including:
    - Newport Beach Police Department
    - Newport Beach Utilities Department
    - Port of San Pedro
    - Sierra Madre Fire Department
    - Houston Grand Opera
    - Advanced educational opportunities in flight school
- 46 vessels were accepted, processed and permanently removed from the harbor via the VTIP and SAVE grant programs
- Abandoned vessel auctions were conducted resulting in the following going to new, happy owners:
  - o 15 standup paddleboards
  - o 21 kayaks
  - o 10 tenders/dinghies
  - o 4 small sailboats
- The west anchorage was re-established and remains in place
- There were 11 Large Vessel Anchorage visits for a total of 80 nights, more than the previous 5 years combined

- Initiatives were launched resulting in better data capture and statistics reporting. Future improvements will include customer satisfaction survey data analysis and calls for service location analysis
- Participated in the Emergency Operations Response to the following:
  - o Elly oil spill
  - o Tsunami warning
  - o Three severe weather occurrences
  - o Sewage spill into the harbor
  - o Out of control stolen boat in the harbor

The Harbormaster has disclosed the arrangements made, at his own expense to alleviate any conflict of interest associated with his ongoing use of an offshore mooring permit. While undergoing the recruitment process, any and all known possible conflicts of interest were disclosed. Prior to the City making an offer of employment, all such possible conflicts were discussed with the City Attorney. Agreements and arrangements satisfactory to all relevant parties were made during that discussion. The Harbormaster was entrusted and empowered to make determinations going forward related to any conflict disclosures. In support of this arrangement, the Harbormaster:

- does not participate in discussions or the development of recommendations related to use or financial arrangements associated with offshore moorings
- reminds anyone with an interest that input on recommendations related to offshore mooring permits are made by Real Property Administration staff
- does not deliberate or vote on any policy related matters before the Harbor Commission
- is expected to answer questions related to policy implementation and impacts on Harbor Department operations
- hereby discloses that the offshore mooring permit he enjoys is held in an irrevocable trust the beneficiary of which is the Balboa Yacht Club. The Balboa Yacht Club holds all the offshore mooring permits adjacent to the subject mooring
- hoping to avoid other conflict of interest concerns also hereby discloses any significant financial interests related to the Balboa Yacht Club including a membership certificate are held in the same irrevocable trust
- further discloses that all remaining financial interests in either the subject offshore mooring permit or membership in the Balboa Yacht Club are de minimis

### **ENVIRONMENTAL REVIEW:**

Staff recommends the Harbor Commission find this action is not subject to 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.

**NOTICING:**

The agenda item has been noticed according to the Brown Act (72 hours in advance of the meeting at which the Harbor Commission considers the item).

**ATTACHMENTS:**

- Attachment A – Harbor Department Statistics Infographic
- Attachment B – Harbor Department Statistics by Month, Current Year
- Attachment C – Harbor Department Statistics, Year over Year Comparison
- Attachment D – Harbor Department Definitions