NEWPORT BEACH HARBOR COMMISSION REGULAR MEETING MINUTES
City Council Chambers – 100 Civic Center Drive, Newport Beach, CA
Wednesday, August 10, 2022
5 p.m.

1) CALL MEETING TO ORDER

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

2) ROLL CALL

Commissioners:	Steve Scully, Chair Ira Beer, Vice Chair Don Yahn, Secretary Scott Cunningham, Commissioner Marie Marston, Commissioner Gary Williams, Commissioner
Excused:	Rudy Svrcek, Commissioner
Staff Members:	Paul Blank, Harbormaster Jennifer Biddle, Administrative Support Specialist

3) PLEDGE OF ALLEGIANCE – Commissioner Cunningham

4) PUBLIC COMMENTS

None

5) APPROVAL OF MINUTES

1. Minutes of the July 13, 2022, Harbor Commission Regular Meeting

Chair Scully noted that he and Vice Chair Beer had submitted written comments.

Commissioner Marston mentioned on Page 6 the answer to her question was not reflected properly in the minutes.

Vice Chair Beer moved to approve the draft Minutes of the July 13, 2022, meeting with the changes referenced by Chair Scully, Commissioner Marston and himself. Secretary Yahn seconded the motion. The motion carried by the following roll call vote:

Ayes:	Chair Scully, Vice Chair Beer, Secretary Yahn, Commissioner Cunningham, Commissioner Marston
Nays:	None
Abstaining:	Commissioner Williams
Absent:	Commissioner Svrcek

6) CURRENT BUSINESS

1. Ad Hoc Committee

Updates Several ad hoc committees have been established to address short term projects outside of the Harbor Commission objectives. This is the time the ad hoc committees will provide an update on their projects.

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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 Guide lines, 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 in directly; and
2) Receive and file.

Secretary Yahn announced there was no update from the ad hoc committee tasked with exploring floats attached to docks and piers.

Chair Scully shared the ad hoc committee tasked with exploring revisions to Council Policy H-1 has reviewed proposed revisions with staff and Mr. Pete Swift. The proposed revisions will be shared with other stakeholder groups and then a draft document will be presented to the Commission in September.

Commissioner Marston added that there are revisions that can be made to Council Policy H-1 to make it clearer.

Commissioner Cunningham reported he recently discussed the timing of the Harbor Beaches Master Plan with staff and will continue the discussion in September.

2. Reassignment of Harbor Commission Current Objectives

The Harbor Commission periodically conducts a review and updates its Objectives. With Commissioner Kenney now termed out and the appointment of Commissioner Svrcek, there is an opportunity to reassign and adjust assignment of the objectives across the newly convened Commission.

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) Review and revise current Commission Objectives assignments.

Harbormaster Paul Blank remarked that this is the time to assign Commissioner Svrcek to any Harbor Commission objectives.

Commissioner Cunningham stated Commissioner Svrcek seemed amiable to being part of Functional area 3 for Objectives 3.1 and 3.2. He also noted that it would be ideal if he could fill vacancies left by former Chair Kenney.

Secretary Yahn was concerned about assigning objectives to Commissioner Svrcek without his feedback.

Chair Scully believed the Commissioners assigned to each objective should remain on their objectives and Commissioner Svrcek should fill in any vacant positions that Chair Kenney formerly occupied.

Commissioner Marston remarked Objective 1.2 was covered by staff and suggested Commissioner Svrcek be assigned to Objective 1.4.

Secretary Yahn agreed with Commissioner Marston.

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Secretary Yahn moved to add Commissioner Svrcek to Functional Area 1.4, 3.1 and 3.2 for the 2022 Current Harbor Commission Objectives. Commissioner Williams seconded the motion. The motion carried by the following roll call vote:

Ayes: Chair Scully, Vice Chair Beer, Secretary Yahn, Commissioner Cunningham, Commissioner Marston, Commissioner Williams
Nays: None
Abstaining: None
Absent: Commissioner Svrcek

3. Harbor Commission 2022 Objectives

Each ad hoc committee studying their respective Functional Area within the Commission's 2022 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, 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.

Functional Area 1: Secretary Yahn commented that with respect to floats and lifts the ad hoc committee is working on closing the loop on the follow-up items that have been identified.

Functional Area 2: Commissioner Cunningham announced there was no report for Objectives 2.1, 2.2 and 2.4. Vice Chair Beer reported with respect to Objective 2.3, that all documents and materials have been reviewed by the City's contract engineer for the new mooring configuration realignments. Once the final report is received, the information will be verified at the mooring fields to make sure that the design meets the engineer's specifications. He was hopeful the Commission will be able to have a full review of the project at the September 2022 meeting.

In answer to Secretary Yahn's request for a status update on the new mooring permits, Commissioner Cunningham answered that staff is closing in on the end goal of having all the new permits done. Secretary Yahn understood that once the permits have been updated the objective could be closed.

In reply to Commissioner Cunningham's query regarding the report for Objective 2.3, Vice Chair Beer noted that the work requires ongoing feedback.

Functional Area 3: Commissioner Cunningham announced that there are no reports with respect to Objectives 3.1 and 3.2. With respect to Objective 3.3, the dredging project will be presented to the Coastal Commission on September 10, 2022.

Functional Area 4: In answer to Chair Scully's question regarding the water wheel, Harbormaster Blank shared that staff is optimistic that the plans for the water wheel will be approved by the Coastal Commission. If approved, staff will issue a Request for Proposals (RFP) towards the end of 2022. Chair Scully reported with respect to Objective 4.2, that the objective will be placed on hold due to the Orange County YMCA having discussions with the City Council about use of Lower Castaways. Harbormaster Blank concurred and mentioned there are no additional discussions proposed to be held with the Council on the topic in the near future. Chair Scully stated with Objective 4.3.1, Commissioner Williams and himself have identified 25 candidates to be on the Newport Harbor Safety Committee. The first meeting will be held at Marina Park on October 18 at 5:30 p.m.

4. Harbormaster Update June 2022 Activities

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.

Harbormaster Blank announced with respect to keeping the Harbor clean, that one nuisance vessel was asked to leave the Harbor and not return. The vessel had been impounded twice by Harbor staff and once for a period of 9-months. With respect to water conservation, a new device was installed at Marina Park and had proved to be successful in reducing water utilization. The device is expensive, and staff continues to negotiate with the vendor to see if we can get a better deal. The State of California continues to monitor water utilization and the City has earned the top tier marks in terms of water savings implemented over the last 60 days. With respect to the pump-out stations, the particle separator has been very successful and has eliminated outages caused by foreign objects. In July, various harbor services workers identified illegal discharge into the Harbor from an upland construction site. Training has been provided to all staff on how to identify urban runoff and illegal discharge into the Harbor. An updated Harbor Map and QR Code card with the locations of the public restrooms will be provided to all rental operators in the Harbor. With respect to keeping the Harbor safe, harbor services workers performed many rescues and many assists in July. Also, harbor services workers performed repairs to both the 15th and 19th public docks. There was a discussion with the Harbor Department, the Newport Beach Fire Department, lifeguards and the Orange County Sheriff's Harbor Department to use Marina Park as a meeting point in emergencies. The Flight of Newport was a permitted activity that happened in July. There was a proposal to place floating saunas on the Harbor but that was declined. He reminded the Commission and the public that the new rates for Balboa Yacht Basin (BYB) are set by Council Policy and the methodology could not be revised without further Council action. With respect to improving statistic reports, staff has entered into a spreadsheet all of the paper-based guest survey results. The average satisfaction of guests staying at Marina Park has increased when compared to the year 2021 and the staff received a 5.0 rating. With respect to the new mooring permits, the permits in the process continue to decrease.

In response to Commissioner Cunningham's request for more details about the drowning in the Harbor, Harbormaster Blank explained the person was participating in a raft up, was free diving and likely drinking alcohol. An ongoing investigation was underway to determine if the raft-up was a paid attendance event or not. Commissioner Cunningham requested an update on the investigation at the September 2022 meeting.

In answer to Harbormaster Blank's inquiry regarding the special Harbor Commission meeting to discuss raft-ups on September 20, 2022, Commissioner Cunningham wanted to have more information about the drowning incident before a public meeting is held. Commissioner Williams wondered if the topic could be covered at the October 2022 Harbor Commission meeting.

In reply to Secretary Yahn's query regarding what agencies were present at the scene of the drowning, Harbormaster Blank answered the Orange County Sheriff's Harbor Department arrived first. The City's lifeguards aided with the search and rescue. Aerial support was provided at the request of the City of Newport Beach Police Department. The Harbor Department was asked to provide crowd control and the Orange County Coroner was called in. Secretary Yahn was pleased about the QR code. In answer to his question regarding if the map tracks folk's location in the Harbor, Harbormaster Blank answered no. Secretary Yahn encouraged staff to explore including that feature.

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Vice Chair Beer agreed the QR code is fantastic and recommended the code be shared with the marinas and Newport Mooring Association. Harbormaster Blank concurred they are available at the front desk at Marina Park. The next step was to distribute them to all rental operators and marinas.

Commissioner Williams stated the QR code could be used to track folk's whereabouts and warn them if they venture into an area, they are not supposed to be in. Also, the app could be linked to emergency services.

Chair Scully thanked the staff for their quick work on the QR code. In answer to Chair Scully's query regarding the raft up drowning incident, Harbormaster Blank stated the maximum number of boats in the raft up was 17 and the incident occurred at 4:40 p.m. Chair Scully commented he would not be attending the special Harbor Commission meeting on September 20, 2022, but supported the meeting be held.

Commissioner Cunningham wanted more information about the raft-up incident and suggested moving the meeting out a month.

Chair Scully, Secretary Yahn, Vice Chair Beer, Commissioner Marston and Commissioner Williams agreed with Commissioner Cunningham to postpone the meeting for at least another month.

Commissioner Cunningham suggested having more signage in the Harbor advertising the QR code.

7) MOTION OF RECONSIDERATION

None

8) COMMISSIONER ANNOUNCEMENTS (NON-DISCUSSION ITEM)

Chair Scully announced he was anxiously awaiting the arrival for his first grandchild.

9) QUESTIONS AND ANSWERS WITH STAFF ON HARBOR-RELATED ISSUES

None

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

Commissioner Cunningham requested an updated overview from the Finance Department on Harbor revenues and expenses.

Commissioner Marston mentioned that the list of incidents on the Harbor for July was not included in the Harbormaster's report. Harbormaster Blank reported that bridge jumping had increased in July and monitoring of bridge jumping had decreased due to staffing constraints. Commissioner Marston requested at future meeting to see the different departments compared to the Harbor Department with respect to staffing, income and expenditures.

11) DATE AND TIME FOR NEXT MEETING: Wednesday, September 14, 2022 at 5 p.m.

None

12) ADJOURNMENT

There being no further business to come before the Harbor Commission, the meeting was adjourned at 5:58 p.m.

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