



**CITY OF**

---

---

# **NEWPORT BEACH**

## **City Council Staff Report**

November 14, 2017  
Agenda Item No. SS4

**TO:** HONORABLE MAYOR AND MEMBERS OF THE CITY COUNCIL

**FROM:** Dave Kiff, City Manager  
dkiff@newportbeachca.gov

**PREPARED BY:** Dave Kiff, Carol Jacobs, Dave Webb, and Dennis Durgan

**PHONE:** 949-644-3001

**TITLE:** Four Month Update – Harbor Operations

---

**ABSTRACT:**

The City's new Harbor Operations program took over administration of the City's approximately 1,220 public moorings and on-water, non-safety related operations in Newport Harbor on July 1, 2017 from the Orange County Sheriff's Harbor Patrol (OCSD). OCSD has continued to serve as the primary provider of law enforcement and fire/rescue services within the harbor.

It's time now for a four-month update. This report provides that update and estimates staffing and budget levels necessary to continue this program at an optimal level service through the end of FY 17/18.

**RECOMMENDATION:**

- a) Determine that the action is 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 because it will not result in a physical change to the environment, directly or indirectly; and
- b) Provide the City Manager and staff with comments and/or further direction in regards to:
  - 1) Establishing a permanent Harbor Operations Division, with a possible broadening of duties and responsibilities, including setting the organization up under the City Manager's Office (for Phase II at least);
  - 2) Consider establishing three new positions: one full-time Harbormaster; one full-time Department Assistant; and one full-time Harbor Services Worker assigned as dockmaster. One existing unfilled position would be transitioned into one of these three new positions;

- 3) Shifting management of either (or both) of the Marina Park Marina and the Balboa Yacht Basin from Basin Marine; and
- 4) Purchasing a dedicated work boat for the Division (estimated to cost \$150K).

### **FUNDING REQUIREMENTS:**

See Attachment C.

### **DISCUSSION:**

#### **Background**

Since the 1950s, most on-water supervision of Newport Harbor vessel activity has been provided by the OCSD. In 1973, the City entered into an agreement with the County for Harbor Patrol services. In January 1975, the City also entered into a Joint Powers Agreement with OCSD to provide Mooring Administration Services in the harbor as well as to administer/enforce City-related Harbor Codes (Title 17 of the Municipal Code).

During its decades-long operation within Newport Harbor, OCSD provided staffing, facilities and equipment to perform a 24/7/365 management of the City's approximately 1,220 moorings and related harbor operation services. Their mooring program included: mooring field oversight, mooring and vessel inspections, vessel relocations and monitoring, mooring rental check ins/outs, mooring permit transfers, collection of fees, record keeping, dye tablet tests and urgent vessel pumpouts, mooring and emergency related towing needs, processing permit revocations and vessel impounds, as well as enforcement of the City's Title 17. Title 17 includes items such as vessel pier docking time limits, sound limits, live-aboard regulations, trash and waste discharges, derelict or abandoned vessel disposal, sea lion abatement, fishing restrictions and more.

On March 31, 2017, the City issued the required 90-day notice to OCSD stating that it would be terminating the contract with OCSD to manage the moorings. This action was taken with the goal of offering more customer oriented profile to harbor users, including mooring permittees, harbor residents, vessel owners, visiting guests and the general public. We started managing the moorings and related harbor operation duties as of July 1, 2017, under the interim direction of Mr. Dennis Durgan, who has the working title of Harbormaster.

#### **Phase I – Harbor Operations Start-Up**

Under the lead of the Public Works Department and our new Harbormaster, and with the assistance of many other Departments (including the City Manager's Office, Human Resources, Information Technology, Police, Community Development and Recreation), we started-up the new Harbor Operations program within a short timeframe. Key actions included:

- Establishing offices at Marina Park

- Establishing the new job classifications of Harbormaster, Harbor Services Worker and Lead Harbor Services Worker.
- Recruiting/Hiring a Harbormaster to oversee and run the new operation.
- Recruiting/Hiring/Training thirteen (13) part-time Harbor Services Workers.
- Temporarily assigning/transferring an experienced FT Management Assistant from Public Works to the new operation and back-filling with short-term temporary staff.
- Refurbishing/outfitting a current City vessel and leasing two (2) additional catamaran style vessels from Newport Aquatic Center, outfitted with appropriate technology and equipment.
- Establishing two (2) on-call agreements with local vessel towing companies for as-needed towing services (Tow Boat US and Sea Tow Newport/LA).
- Updating the City Website to include a new Harbor Operations page.
- Created/set-up the VHF Harbormaster Channel (19a), radio base station, Harbor Operation phone numbers and phone tree, contact emails, etc.
- Established 10 new guest moorings within two mooring fields in front of Marina Park.
- Worked with OCSD to transition all mooring data and existing procedures over to the City, as well as to identify roles and functions between the City and OCSD; and more.

### **Our Analysis – How did we do?**

The first four months of operation were fast-learning days for all of us. Most people would have been intimidated by an Independence Day weekend beginning to a completely new effort, but not the Harbormaster and his team.

The Harbormaster and staff began receiving visitor requests for mooring/slips, accepting payments, patrolling the mooring fields to verify the actual moored vessels to the County's permittee/visitor records, taking and returning calls and questions, entering data and setting up permittee/visitor tracking software, attending to sea lion abatement issues, setting up and overseeing lost or abandoned vessel/equipment storage and overseeing the growing Marina Park occupancies. This was in addition to familiarizing themselves with the overall harbor facilities, operation and new duties.

While harbor services workers patrolled the Harbor, they also advised visitors and locals on issues such as no-wake rules, etiquette/safety for users of stand-up paddle boards/small crafts/kayaks, fishing regulations, noise limits, raft-up applications, general harbor information, as well as addressed lost and found vessels, code issues and collected debris within the harbor. Staff continued to fine-tune the operation's procedures and activities and began renting moorings, conducting field inspections of various mooring fields, and started accepting and processing mooring permit transfers.

**New Technology.** Part of our new mooring administration effort was to introduce current technology applications so as to enhance customer service, simplify and improve access/processing (payments, permitting, transfers, mooring rentals/reservations, service request, etc.), while reducing delay and cost. This was done by deploying reservation/tracking software and other digital applications.

The City's IT staff made this a priority and have been working towards this goal. As mentioned, a new customer-oriented Harbor Operations website has been created, a Harbor link has been added to the "My NB" mobile application, and an on-line application for sub-permits was rolled out, with further software enhancements currently being developed.

Historic and current paper permittee records have now been scanned into the City's Laserfiche record system and necessary permit data put in a digital format. The "Harbormaster" boats have been outfitted with digital tablets that feed live time mooring data/status to the on-water staff and log/track service request and events.

Beginning operations in summer just prior to the busy July 4<sup>th</sup> weekend added a bit of a challenge in deploying the right amount of staffing and boats. By Labor Day; however, scheduling became a little more predictable.

### **What's Next? About Phase II**

As the busy summer season gave way very recently to a calmer fall, staff has now begun to drill down on longer-term issues within Newport Harbor, many of which have been addressed in a very limited way in years past. These issues include:

- Moored vessels that need more owner care;
- Live-aboard activity, including non-permitted live-aboards and vessel sharing akin to Airbnb or VRBO;
- Encouraging mooring permittees to appropriately prepare for wintertime;
- Reviewing and recommending changes to Title 17 to reflect today's harbor;
- Developing standard and written practices for the Harbor Operations function;
- Determining what level of permanent full-time staff is appropriate, and the classifications and salary schedules of each position;
- Properly delineating roles and responsibilities between Public Works/Harbor Resources, Harbor Operations, OCSD, and others;
- Improving code enforcement activities on the water, from public dock use to illegal discharges to vessel or mooring upkeep to the safe use of vessels and more;
- Improving trash and debris removal on the water, including assisting various volunteer groups with trash removal efforts;
- Improving the way that the City can assist the OCSD in providing a rapid response to oil or fuel spills, small fires, or vessels taking on water;
- Assisting CDD/Building, Public Works and MOD with capital and maintenance issues from the waterside, including various infrastructure observations and inspection, and more.

To date, all on-water operations have been performed using the City's whaler vessel and two leased NAC catamarans. But to assist with some of the points above, we suggest considering purchasing a work vessel (equipped with a pump, davit, and some other specialty equipment). The estimated cost for an approximately 23' outfitted boat is \$150,000.00. This expense is proposed to be added to the Vehicle Replacement Internal Service Fund managed by Municipal Operations so that future replacement costs can be considered.

Given all of the duties above, and how they cross multiple departments, we also recommend placing the Harbor Operations division within the City Manager's Office for the next period of time (Phase II).

More about Code Enforcement. As noted, one goal is to address a backlog of possible nuisance-related code violations. Harbor Operations sent out a friendly letter to all mooring permittees advising them to attend to their vessels and mooring equipment, as well as advising them that non-permitted live-aboards are not allowed. This action appeared to address some of the observed concerns. Additionally, PW's Water Quality staff and CDD's Code Enforcement staff, with assistance from the City Attorney's Office, recently began assisting with problem vessels by issuing Notices of Violation (NOVs) where necessary. As of the date of this report, Code Enforcement staff have issued 50 NOVs and 16 citations.

## Staffing

Harbor Operation staffing over Phase I has consisted of:

- Our Harbormaster, who can often work >40 hrs/week;
- One full-time and one part-time dockworker, covering up to 8 hrs/day and 7 days/week at Marina Park marina (these are contracted through Basin Marine);
- One temporarily-assigned full-time PW/Management Assistant working 40+ hrs/week
- One temporary part-time hourly Department Assistant working 10 to 40 hrs/week
- Thirteen (13) part-time hourly Harbor Services Workers working an average of 228 hrs/week (combined) in the summer and 168 hours/week in the off season.

*Note - Two of the part-time Harbor Services Workers were recently promoted to part-time Harbor Services Lead Worker positions to provide for adequate staff supervision.*

Harbor Operations current hours of operation are depicted in the following table:

*Hours of operation vary by season as follows:*

	<b>In-Season</b> (May – Labor Day )	<b>Off-Season</b> (Labor Day - April)
Office Hours (7 Days/Week)	8 a.m. to 5 p.m.	8 a.m. to 5 p.m.
On-Water Staffing (Mon – Thurs)	8 a.m. to 8 p.m.	8 a.m. to 5 p.m.
On-Water Staffing (Fri, Sat)	8 a.m. to 10 p.m.	8 a.m. to 8 p.m.
On-Water Staffing (Sun)	8 a.m. to 8 p.m.	8 a.m. to 5 p.m.

*Note: On-Water staffing times may vary depending upon need, weather conditions, events, etc.*

Now that we have four months of actual operating and cost history for the program, and a better understanding of how we see the next eight or more months playing out if we hold our present service levels, we are better able to recommend necessary adjustments to the current operating budget to finish this fiscal year.

If the City desires to continue providing harbor operations for Newport Harbor – Marina Park marina management, mooring administration, and on-water, non-safety-related harbor operations and administration in a new Phase II, we recommend the following position changes:

Phase 2 Position Changes (Recommended)			
Phase 1 Positions/Roles		Phase 2 Proposed Positions/Roles	Net FT Position Count Change?
Harbor Resources Manager	➔	Harbor Resources Manager	-
Harbormaster, PT Temp	➔	Harbormaster, FT	1.0
Harbor Resources Supervisor	➔	(removed)	(1.0)
Department Assistant, PT Temp	➔	Department Assistant, FT	1.0
Management Analyst (FT)	➔	Management Analyst, Share 0.25	-
Lead Harbor Services Worker, PT	➔	Lead Harbor Services Worker, PT	-
Harbor Services Worker, PT	➔	Harbor Services Worker, PT	-
Dockmaster, Contract	➔	Harbor Services Worker/Dock, FT	1.0
Dockmaster, PT Contract	➔	Harbor Services Worker hours, PT	-
<b>Net Change in FT Positions</b>			<b>2.0</b>

A more detailed “Before and After” draft organization chart is shown as **Attachment A**.

Staffing needs above the minimum (such as weekend, in-season, summer, holidays, and special events) will be staffed with the PT Harbor Services Workers. **Attachment B** shows the proposed typical weekly schedules for Off-Season (October – April) and In-Season (May-September).

**Budget.** Budget and financial information will be within **Attachment C** (may be added later).

**And Finally.** Ramping up this operation from the ground up since spring 2017 has been a major task. I, Dave Kiff, offer my thanks for the significant hours and effort put in by individuals and departments/divisions such as:

- The City Council, for its prompting and support, especially that of Mayor pro Tem Duffield.
- The Harbor Commission, for its support and advice.
- Carol Jacobs, Assistant City Manager, for liaison with OCSD as well as pulling together important contracts and other work.
- Dennis Durgan, our new Harbormaster, for embracing the effort with energy.
- Dave Webb, Public Works, for early and important supervision.
- Chris Miller, Public Works, for the same.
- Our office team at Harbor Operations, especially Jessica Allen and Raymund Reyes.
- The Human Resources Department, for fast recruitments and hiring.

- Our Harbor Services Worker team, for their ability to learn quickly and to provide great customer service.
- Our CDD/Code Enforcement group, especially Matt Cosylion, for help with complex CE issues on the water.

**ENVIRONMENTAL REVIEW:**

Staff recommends the City Council 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, 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 City Council considers the item).

**ATTACHMENTS:**

Attachment A – “Before and After” Organizational Chart  
Attachment B – Typical Weekly Staffing Schedules  
Attachment C – Harbor Operations Budget Summary