

NEWPORT BEACH HARBOR COMMISSION REGULAR MEETING MINUTES
Council Chambers – 100 Civic Center Drive, Newport Beach CA
115 E. Lipoa Street, Ste. 107, Kihei, HI 96753 (teleconference)
Wednesday, August 14, 2019
6:30 PM

1) CALL MEETING TO ORDER

The meeting was called to order at 6:31 p.m.

2) ROLL CALL

Commissioners: Paul Blank, Chair
Scott Cunningham, Vice Chair (absent)
Ira Beer, Commissioner (Teleconference)
William Kenney, Jr., Commissioner
Marie Marston, Commissioner
Steve Scully, Commissioner
Don Yahn, Commissioner

Staff Members: Carol Jacobs, Assistant City Manager
Kurt Borsting, Harbormaster
Jennifer Biddle, Administrative Support Specialist

3) PLEDGE OF ALLEGIANCE – Commissioner Scully

4) PUBLIC COMMENTS

Kathy McGraw requested Commissioners speak more loudly.

5) APPROVAL OF MINUTES

1. Minutes of July 10, 2019, Regular Meeting

Commissioner Kenney requested the final sentence of Public Works Administrative Manager Miller's comments on page 3 state "... to the subcommittee for harbor policies and request"

Chair Blank requested Jim Mosher's comments on page 3 reflect "... listed in the Harbor Commission minutes as findings."

Jim Mosher clarified his comments in the July 10 meeting as Harbor Policy H-1 could be added to Title 17 following the sentence that refers to Policy H-1.

Commissioner Kenney moved to approve the Minutes of the July 10, 2019 meeting as amended. Commissioner Marston seconded the motion. The motion carried by the following roll call vote:

Ayes: Chair Blank, Commissioner Beer, Commissioner Kenney, Commissioner Marston,
Commissioner Scully, Commissioner Yahn

Nays: None

Abstaining: None

Absent: Vice Chair Cunningham

6)

PUBLIC HEARING

1. Residential Dock Reconfiguration at 1708-1710 South Bay Front

The applicants at 1708 & 1710 South Bay Front are proposing to reconfigure their shared residential dock in a similar U-shape configuration. The proposed float will extend the same 15 feet beyond the pierhead line as it does in the current configuration. Council Policy H-1 generally allows floats to extend to the pierhead line, but the policy also allows the Harbor Commission to grant exceptions as to how far a float may extend beyond the pierhead line if specific findings are made. The applicants therefore, request the Harbor Commission to approve the proposed dock configuration (Project).

Recommendation:

- 1) Conduct a public hearing;
- 2) Find the Project exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15301 (Existing Facilities) and Section 15302 (Replacement or Reconstruction) of the CEQA Guidelines, California Code of Regulations, Title 14, Chapter 3; and
- 3) Approve the Project at 1708-1710 by making specific findings to allow the float to extend beyond the pierhead line by 15 feet pursuant to the provision within Council Policy H-1.

Commissioner Yahn recused himself from the item as he is acquainted with the applicants.

Public Works Administrative Manager Chris Miller reported the applicant proposes to rebuild the existing dock in a U-shaped configuration similar to the existing configuration. The Newport Beach Municipal Code states piers or floats may not extend beyond the pierhead line unless approved under Council Policy H-1. Staff can approve docks and projects that extend to the pierhead line. Staff will present projects that extend beyond the pierhead line to the Harbor Commission for consideration. Council Policy H-1 states the Harbor Commission shall consider projects for approval, conditional approval, or denial. The staff report lists the criteria or findings applicable to projects that extend beyond the pierhead line. The dock is shared between 1708 and 1710 South Bay Front and located adjacent to the Balboa Yacht Club mooring field. From the City's standpoint, a shared pier means the two permittees are equally responsible for paying the annual pier permit fee. Use and maintenance of a shared pier are matters for the permittees to determine. The distance between the bulkhead line and pierhead line is 96 feet. The distance between the pierhead line and the project line is 20 feet. The distance between the project line and the boundary for the Balboa Yacht Club mooring field is 62 feet. Both mooring lines appear to saddle the groin wall located at the end of Jade Avenue. Another obstacle at the street end is a storm drain. To the left of the property are two on-shore moorings located between the two houses. Plans for the existing float were approved in February 2000 and depict the floats extending 15 feet beyond the pierhead line. The Coastal Commission's 2000 approval states the floats will extend 15 feet beyond the pierhead line. The existing floats do extend 15 feet beyond the pierhead line. Requirements for pier permittees on Balboa Island do not allow permittees to increase the size of a dock in a reconfiguration project. In other words, the existing dock and a proposed dock must contain the same square footage. Pursuant to the Newport Beach Municipal Code, the revised structure will lie wholly within the original permitted area. In the plans, the existing extensions landward and westward have been removed to allow a wider U-shaped float. The square footage of the proposed dock is less than the existing dock and will be the benchmark for future applications. Specific to Balboa Island, vessels may extend beyond the float fingers no more than 15 feet or the vessel's beam width, whichever is less.

In response to Commissioner Marston's inquiries, Public Works Administrative Manager Miller advised that the Harbor design criteria do not address pierhead line encroachment but address the dock configuration in relation to property lines, float widths, deck heights, materials, and bulkheads. The float as proposed conforms with design criteria. In the aerial photograph, the vessel appears to encroach onto the City's property. However, aerial photographs are not as accurate as a dock or property survey. Staff has not received any complaints about the vessel encroaching onto adjoining property. No matter the size of the dock or the size of vessels, one must not encroach onto adjoining properties. City requirements state floats must be set back at least 5 feet from the property line.

In reply to Commissioner Kenney's query, Public Works Administrative Manager Miller believed the easterly faces of the existing and proposed floats will be in the same location.

In answer to Commissioner Beer's question, Public Works Administrative Manager Miller explained that the decision to position an onshore mooring between two houses was made 60-70 years ago. Staff sent letters regarding the application to property owners within a 300-foot radius of the subject property and to the four onshore mooring permittees. In 2000, the permittee for the onshore mooring adjacent to 1708 commented that he had no issues with the existing configuration. That permittee has not submitted comments on the current proposal. Based on aerial photographs taken over a number of years, a vessel has not utilized the onshore mooring adjacent to 1708 in many years. The Harbor Commission may address the conflict between onshore moorings and floats through conditions of approval.

Chair Blank opened the public hearing.

Pete Swift, applicant representative, indicated the vessel shown in the photograph will fit within the property line when the dock is reconfigured. The photograph also shows the left property line extending from the roof of the home, but the roof has to be set back from the property line. The proposed dock will extend 15 feet beyond the pierhead line as does the existing dock and many other docks in the area. The onshore mooring has existed for many years, and there have been no complaints about conflicts between it and the dock. In other locations, the onshore mooring permittee and the dock permittee have resolved any issues. Placing a restriction on the size of a vessel that can dock on the west side of the float is not needed. Mr. Swift did not believe there would be any negative impacts from reconfiguring the dock.

Public Works Administrative Manager Miller clarified that staff prepared the photograph depicting the proposed dock superimposed on the existing dock based on plans submitted for the proposed dock. The dock in reality may be slightly different by inches.

In reply to Commissioner Marston's queries, Mr. Swift advised that survey markers are located on the sidewalk; therefore, he will not have another survey prepared. Constructing the dock in the proper location is important for City and Army Corps of Engineers requirements. The float and vessels docked on it will fit within the property lines. Public Works Administrative Manager Miller added that the plans are subject to plan check by the Building Department. A building inspector will also inspect construction of the dock.

Jim Mosher remarked that the new Council Policy H-1 strongly discourages development beyond the pierhead line. The Harbor Commission may consider issuing permits through a resolution that lists findings and conditions of approval. If the Harbor Commission cannot make any one of the findings, it has to deny the permit.

Chair Blank closed the public hearing.

Commissioner Beer remarked that staff's recommended findings are reasonable based upon the presentation. His concerns regarding onshore moorings have been addressed.

Commissioner Marston supported staff's recommended findings. She questioned whether there should be a finding for the onshore moorings. Chair Blank did not believe a finding for the onshore moorings is necessary because the mooring permittees received notice of the project and the public hearing and have not appeared to comment.

Commissioner Kenney noted the applicant is not requesting a greater extension beyond the pierhead line. The existing pier contains approximately 979 square feet, and the proposed pier contains approximately 958 square feet. The applicant is not proposing to expand the size of the pier. The proposed reconfiguration conforms with the findings.

Commissioner Scully supported the project based on the applicant representative's statement that the permittee's vessel can be docked within the property line.

Chair Blank concurred with staff's recommended findings and supported the application. The intent of the current and immediate past versions of Policy H-1 is to simplify an application for a dock reconfiguration. The applicant has proposed a smaller dock.

In reply to questions from the Commission, Assistant City Attorney Yolanda Summerhill stated staff can prepare resolutions for projects in the future, if the Harbor Commission wishes. For the current project, staff can prepare a resolution and present it to the Harbor Commission for review as a consent item at a subsequent meeting.

Chair Blank preferred to proceed with a motion for the current project as the public hearing has been conducted thoroughly and fairly. Proceeding in this manner will prevent delays for the applicant and will fulfill the public's expectations of the process. The Harbor Commission may utilize a resolution for future projects.

Commissioner Scully moved to find the project exempt from CEQA based upon staff's recommendation and to approve the project at 1708-1710 South Bay Front as submitted and based upon staff's recommended findings. Commissioner Kenney seconded the motion. The motion carried by the following roll call vote:

Ayes: Chair Blank, Commissioner Beer, Commissioner Kenney, Commissioner Marston, Commissioner Scully

Nays: None

Recused: Commissioner Yahn

Absent: Vice Chair Cunningham

7) CURRENT BUSINESS

1. Proposed Changes to Title 17 – Harbor Code Sections 17.40 (Live-Aboards), 17.45 (Sanitation), 17.50 (Harbor Development Permits), 17.55 (Dredging Permits), 17.60 (Harbor Permits and Leases), 17.65 (Appeals), 17.70 (Enforcement).

The City Council requested that the Harbor Commission review Title 17 – Harbor Code, of the Newport Beach Municipal Code in February 2018. The Harbor Commission appointed an ad hoc committee comprising of Commissioners Blank, Kenney and Yahn. The proposed changes are recommended to the full Harbor Commission for consideration.

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) Approve the proposed changes as identified on Attachment A and authorize staff to forward the changes to the City Council for consideration.

Assistant City Manager Carol Jacobs reported the Code update resulted from formation of the new Harbor Department and increased service levels. The subcommittee has met 24 times and held two public meetings on April 8 and June 24. After each meeting, the subcommittee reconvened to determine which of the public comments they might want to include in Title 17. Some of the language needs refining. She recommended slowing the update process so that the revisions are correct and the community can provide additional input. After additional revisions, staff will bring the subcommittee's recommendations to the Harbor Commission for consideration and forwarding to the City Council. The subcommittee recommends a limit of 7 percent of the total number of slips in a commercial marina on the number of live-aboards. The subcommittee has clarified language regarding commercial pump-outs. The subcommittee also recommends dye tablet testing at any time for permittees. Revisions attempt to strengthen the discharge violations. This issue may need additional review. The subcommittee is working on streamlining and clarifying the process for obtaining Harbor Development Permits. The parties responsible for decisions need clarifying. The provisions for dredging permits have been revised to include a right to appeal or call for review. The Harbor Commission approved number 5 under the mooring extension process at a prior meeting. The roles and responsibilities of staff have been defined for the appeals process. Within the enforcement provisions, revisions clarify the revocation process. Staff requests the Harbor Commission receive community input, provide input to the subcommittee, and refer the document to the subcommittee for further review and clarification. Staff proposes presenting the entirety of Title 17 excluding the provisions

for Marine Activities Permits (MAP) to the Harbor Commission at its October meeting, to the City Council in a study session on October 22. The first reading of an ordinance to implement the revisions could be held in November with a second reading in December. If approved, an ordinance would become effective in January 2020.

Commissioner Kenney advised that on July 16, 2019, the subcommittee met and felt Sections 17.40-17.70 of Title 17 were ready for Harbor Commission review. Subsequent to July 16, legal staff made significant modifications, and the subcommittee learned of the modifications through the agenda and staff report for this item. He did not agree with some of the modifications. Sections 17.40.070(A) and 17.45.030(A) allow the Harbormaster to inspect marine sanitation devices and place a dye tablet to determine whether there is any discharge. The legal department proposed restricting the Harbormaster's use of dye tablets to those instances where there is "reasonable suspicion." In Commissioner Kenney's opinion, a wise boater, when the Harbormaster requests permission to place a dye tablet, will inquire as to why the Harbormaster thinks there is reasonable suspicion. This creates a situation exactly like the *Wild Wave* situation. The subcommittee has discussed the matter with the Legal Department, and he understood "reasonable suspicion" would be removed from the proposed revisions. If a vessel owner obtains a boating license, the owner agrees to chemical testing if a police officer requests to do so or to relinquish his license for a year. The subcommittee proposes a similar scenario. If the Harbormaster requests permission to board a vessel and perform a dye tablet test, the vessel owner can agree or leave the Harbor. In the document distributed to the public, Section 17.45.030(C)(1) would require every pleasure boat in Newport Harbor with a freshwater sink, shower, or any other appurtenance that utilizes water or anything else, which today is discharged overboard, to install a graywater holding tank. The provision was intended to pertain solely to the charter fleet and not to pleasure boats. When the updates return to the Harbor Commission, those provisions will be deleted from Section 17.45 and will be contained in Section 17.10, which deals with MAPs, and/or handled in the MAP itself. Section 17.50.010(A) requires a dock owner to obtain a maintenance permit to do anything to his dock.

Assistant City Attorney Yolanda Summerhill understood the City does not have a maintenance permit. Another attorney with the City provided options for the Harbor Code. The options included some of the provisions Commissioner Kenney mentioned and a provision related to maintenance and repair permits. She has deleted the portions regarding maintenance and repair permits, which were Sections 17.50.110, etc. At the beginning of the Code, an errant provision specifies that maintenance and repair permits are required, and that provision will be struck.

Commissioner Kenney explained that if a property owner has a pier, a gangway, and a cap rail painted white, he would have to obtain a maintenance permit to repaint the cap rail. He recommended reconstruction and replacement be deleted from Section 17.50.040(B)(4) because Harbor Policy H-1 allows a property owner to replace a dock like for like. Mooring permittees requested Section 17.60.040(N), mooring extensions. Commissioner Beer crafted the new provision to allow extensions and to protect the mooring fields and the permittees' abilities to navigate around and through the fields. Section 17.70.020(C) references a Hearing Officer, which should be deleted.

Assistant City Attorney Summerhill related that the provisions of Section 17.70 referring to a Hearing Officer were struck. She would review the provisions specifically for references to a Hearing Officer.

Commissioner Kenney clarified that the subcommittee's intent is for decisions by the Community Development Director, Public Works Director, or Harbormaster to be appealed to the Harbor Commission only. A Harbor Commission decision would be appealed to the City Council only. The applicant or appellant's only remedy to override the City Council's decision would be the courts.

Commissioner Beer requested Section 17.60.040(B)(1) include language that the yacht clubs will ensure placement of the single-point moorings will not result in any moored vessel swinging outside the mooring area boundaries established by the City or obstruct, impede, or restrict access to the adjacent channels and fairways surrounding the mooring fields at any time. In a previous meeting, the Harbor Commission discussed a uniform definition of length overall (LOA) and Adjusted LOA. That definition should be consistent throughout the document and specifically Section 17.60.040(N)(2). Section 17.60.040(N)(5)(a), may need to include language of "at the time or any time prior to 12 months from the date the application

was filed." When the Harbor Commission adopted language for Section 17.60.040(N)(5)(b), it requested an Item vi stating "the vessel length shall not exceed the maximum length for a specific row as set forth by Harbor policy."

Commissioner Kenney was not aware of a Harbor policy dealing with mooring extensions. Assistant City Manager Jacobs clarified that the Harbor Commission adopted the language for mooring extensions, a Harbor policy, and associated maps.

In response to Commissioner Scully's questions, Commissioner Kenney indicated live-aboard permittees will be required to use a pump-out service. Chair Blank explained that the penultimate sentence in 17.40.100 allows a permittee to apply to the Harbormaster for an exception to the requirement for pump-outs at a minimum of twice a month. The Harbormaster can grant exceptions to the policy based on the specific conditions presented by the permittee. The exception is associated with keeping the log and should remain in Section 17.40.100.

In answer to Commissioner Marston's queries, Harbormaster Kurt Borsting advised that the live-aboard community is required to maintain self-reporting logs. The subcommittee is interested in enforcing environmental standards. The new requirement for a commercial pump-out service imposes a new cost on live-aboards. The value to the Harbor was considered to outweigh the self-reporting approach. Public comment has noted unique circumstances in which a once-a-month standard may be reasonable and comply with the spirit of the subcommittee's interest. Chair Blank related that live-aboard and houseboat are defined in the definition section of Title 17.

Commissioner Marston noted Title 17 refers to the Community Development Director, the Community Development Department, the Public Works Director, the Public Works Department, the Harbormaster, and the City Attorney. There needs to be some kind of instruction that says certain things need approval by certain departments. Title 17 could refer to the department rather than the director. Section 17.40.020(C) should state "residentially zoned." Section 17.40.030 needs clarification as to how the eight-month period is counted. She questioned whether grease, oils, and food waste needs to be mentioned in Title 17. In Section 17.45.030(H), Newport Bay should be changed to Newport Harbor. In Section 17.50.030(B)(4), approval in concept or conceptual approval needs clarification. "Other agencies" and "subject to engineering approval" in Section 17.55.010(A) should be more specific. In Sections 17.55.030(B) and (D)(1), Commissioner Marston questioned how a "less environmentally damaging alternative" and "impair the long-term stability" would be evaluated. In Section 17.60.040(B)(2)(f), she assumed the agreement to defend and indemnify the City references insurance and questioned whether this is insurance on the vessel or on the mooring permit. In Subsection e, "temporarily" and "unoccupied" should be associated with lengths of time. Commissioner Marston asked if Section 17.60.040(H)(2) refers to separate insurance from the permittee.

Commissioner Kenney requested Commissioner Marston provide her comments in writing for incorporation into the next iteration.

In reply to Commissioner Yahn's inquiries, Commissioner Kenney reported he has discussed his concerns with the Legal Department, and all have agreed on changes. The subcommittee will review proposed revisions before presenting its recommendations to the Harbor Commission for final review. The subcommittee has modified the appeal provisions to remove the Hearing Officer. An appeal of the Harbor Commission's decision will be heard by the City Council. Subsequent appeals will revert to the courts. Assistant City Attorney Summerhill added that enforcing violations as they occur is critical.

In answer to Commissioner Beer's question, Chair Blank reiterated that the Harbormaster can approve exceptions to the pump-out requirement based on specific circumstances for a permittee.

Herman Cummins hoped the pump-out requirement could be revised to allow live-aboards to report their use of pump-out stations. He was not aware of any permitted live-aboards discharging waste into Newport Harbor.

Eric Langenbach inquired about the process to apply for an exception to the pump-out requirement. Chair Blank suggested Mr. Langenbach submit a written request for an exception and state the circumstances for his request when he renews his permit. In reply to Commissioner Kenney's inquiry, Mr. Langenbach reported he uses a commercial pump-out service about once a month.

Jerry McGraw did not believe a commercial pump-out service is necessary. Staff has never reviewed his pump-out logs.

Jim Mosher noted Table 17-1 has been inserted and seems to be a component of the policy and language the Harbor Commission approved in June. Submitting comments is pointless when one does not know whether the online document is the most current draft. He requested the iteration of Title 17 revisions submitted to the Harbor Commission for review be posted early so that the public has sufficient time to review it. He inquired about revisions to MAP provisions.

Chair Blank advised that additional public outreach meetings will be scheduled for revisions to the MAP. Commissioner Kenney added that revisions will not be ready for submission to the Harbor Commission in October.

The Harbor Commission reached consensus to refer Title 17 revisions to the subcommittee for further review and revision.

Commissioner Yahn reported Harbormaster Borsting is revising the pump-out requirement.

2. Harbor Commission 2018 Objectives (Revised July 2019): Ad Hoc Committee Updates

Each ad hoc committee studying their respective Functional Area within the Commission's 2018 Objectives, revised July 2019, 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.
- 2) Add Commissioner Ira Beer to Objective 4.1 and remove Commissioner Don Yahn from Objective 4.1 to more equally assign subcommittee responsibilities; and
- 3) Receive and file.

Chair Blank proposed replacing Commissioner Yahn with Commissioner Scully on the subcommittee for Functional Area 4.

In response to Commissioner Kenney's inquiry, Chair Blank clarified that Functional Area 4 is now responsible for commercial, recreational, and educational activities. The subcommittee is composed of Commissioners Yahn, Kenney, and Marston.

Commissioner Scully moved to remove Commissioner Scully from and add Commissioner Yahn to the subcommittee for Functional Area 4 with Commissioner Scully as chair of the subcommittee. Commissioner Kenney seconded the motion. The motion carried by the following roll call vote:

Ayes: Chair Blank, Commissioner Beer, Commissioner Kenney, Commissioner Marston, Commissioner Scully, Commissioner Yahn

Nays: None

Abstaining: None

Absent: Vice Chair Cunningham

Functional Area 1: No activity

Functional Area 2: Commissioner Beer advised that the subcommittee will discuss an evaluation of enforcement of applicable City Codes throughout the Harbor. Because Functional Areas 2 and 3 have been combined, the subcommittee will plan its priorities and a chronology. Derelict vessels will likely be a priority.

Functional Area 3: Chair Blank indicated the subcommittee has prepared minor recommendations for the current version of Council Policy H-1 and will present to the Harbor Commission in the next couple of months.

Functional Area 4: Commissioner Yahn reported he has met with Electra Charters, and charter operators look forward to dialogs with the subcommittee continuing.

Functional Area 5: Chair Blank indicated the subcommittee has discussed and planned reasonable accomplishments on a quarter-by-quarter basis.

3. Harbormaster Report – July 2019

The Harbormaster is responsible for on-water management of the City's moorings, 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 July 2019.

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.
- 2) Receive and file.

Harbormaster Borsting reported a large number of boaters were in the Harbor on Independence Day. A count of vessels in the anchorage totaled 27 and probably increased during the evening hours. Staff patrolled the Harbor until 9:30 p.m. on July 4. Negative activities in the Harbor were minimal. Harbor Department and Lifeguard staff participated in two staff trainings entitled Harbor Awareness and Lifesaving Techniques (HALT). The training provided practical lifesaving techniques. The City's Information Technology (IT) team has been developing an online reservation system for the guest marina at Marina Park and short-term mooring rentals. The system should be live in the next few days or by the end of August at the latest. The system will be embedded in the Harbor Department's website and the My Newport Beach mobile app. Staff participated in community meetings with the Newport Harbor Exchange Club and the Little Balboa Island Property Owners Association. He was interviewed for "On the Village Green with Nancy Gardner," and the segment aired during July. Spectrum 1 News taped a "Day in the Life of the Newport Beach Harbor Department" segment. The purchase of two patrol vessels has been approved, and a supplier will provide two Maritime Patriot 210 patrol boats in 20-22 weeks. Two rented catamarans will be retired once the patrol vessels are received. During July, guests submitted 20 customer satisfaction surveys. Responses continue to be positive for satisfaction, perception of quality, condition of slips, satisfaction with staff, and guests returning or recommending the facilities. He wanted to extend the survey to short-term users of mooring balls. Guests can now provide written comments on surveys. Guests left multiple positive comments regarding Ryan Sanford. Guests commented negatively regarding showers, restrooms, and price adjustments. Guest showers and bathrooms are receiving additional service in response to comments. Future Harbor Department statistics will include enforcement activity in greater detail.

In response to Commissioner Beer's inquiry, Harbormaster Borsting advised that the new patrol vessels will have larger engines, dive door features, and high-capacity raw water pumps to deter sea lions.

In reply to Commissioner Yahn's queries, Harbormaster Borsting stated the total cost for each vessel is approximately \$60,000. The vessels will have 115 horsepower Yamaha engines. Commissioner Yahn requested a column for prior year statistics in the report.

In answer to Commissioner Kenney's questions, Harbormaster Borsting indicated a larger, wraparound rub rail was removed from the specifications because the cost was \$10,000 per vessel. A Boston whaler could have fulfilled the specifications but at a higher cost.

Commissioner Scully suggested staff consider technology for individuals and service providers to report pump-outs.

Harbormaster Borsting explained that guests can provide their documentation via the new reservation system, and the documentation will be retained for guests' future reservations.

Chair Blank suggested placing automated electrical defibrillators (AED) on the new patrol vessels. In response to Chair Blank's question, Harbormaster Borsting did not have an update regarding the West Anchorage. The Coast Guard suggested the City reduce the size of the anchorage, and staff submitted a revised proposal to the Coast Guard in February 2019. He and a district-level representative have traded phone messages in July and August.

Commissioner Kenney expressed concern about reducing the size of the anchorage. The proposed anchorage had two components, one for average-size vessels and the other for vessels of 100 feet and more. The West Anchorage as originally proposed could accommodate two large vessels; whereas, one large vessel would fill the entire East Anchorage.

8) COMMISSIONER ANNOUNCEMENTS (NON-DISCUSSION ITEM)

None

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

In reply to Commissioner Kenney's inquiry, Assistant City Manager Jacobs advised that a court proceeding is scheduled for August 15 regarding the *Wild Wave* case. The City is attempting to prevent the owner from accessing the boat. Commissioner Kenney remarked that the owner's ability to circumvent the law for such a long period is a travesty.

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

Commissioner Kenney requested an ongoing non-discussion item regarding the *Wild Wave*.

11) DATE AND TIME FOR NEXT MEETING: Wednesday, September 11, 2019 (Meeting will be held at Marina Park)

12) ADJOURNMENT

There being no further business to come before the Harbor Commission, the meeting was adjourned at 9:00 p.m.