The City of Morro Bay provides essential public services and infrastructure to maintain a safe, clean and healthy place for residents and visitors to live, work and play.

Regular Meeting - Thursday, June 1, 2017
Veteran’s Memorial Building - 6:00 P.M.
209 Surf Street, Morro Bay, CA

Ron Reisner, Chair Member at Large
Lynn Meissen, Vice Chair Member at Large
Gene Doughty South Bay/Los Osos
Bill Luffee Marine Oriented Business
Neal Maloney Waterfront Leaseholders
Dana McClish Recreational Boating
Jeremiah O’Brien Morro Bay Commercial Fishermen’s Organization
Peter Griffin Alternate to Jeremiah O’Brien (MBCFO)
Owen Hackleman Alternate to Jeremiah O’Brien (MBCFO)

ESTABLISH QUORUM AND CALL TO ORDER
MOMENT OF SILENCE
PLEDGE OF ALLEGIANCE
CHAIR, ADVISORY BOARD MEMBER & LIAISON ANNOUNCEMENTS & PRESENTATIONS

PUBLIC COMMENT PERIOD
Members of the audience wishing to address the Board on City business matters other than scheduled items may do so at this time. To increase the effectiveness of the Public Comment Period, the following rules shall be followed:

- When recognized by the Chair, please come forward to the podium and state your name and address for the record. Board meetings are audio and video recorded and this information is voluntary and desired for the preparation of minutes.
- Comments are to be limited to three minutes.
- All remarks shall be addressed to the Board, as a whole, and not to any individual member thereof.
- The Board respectfully requests that you refrain from making slanderous, profane or personal remarks against any elected official, Board member and/or staff.
- Please refrain from public displays or outbursts such as unsolicited applause, comments or cheering.
- Any disruptive activities that substantially interfere with the ability of the Board to carry out its meeting will not be permitted and offenders will be requested to leave the meeting.
- Your participation in Board meetings is welcome and your courtesy will be appreciated.

In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact the Harbor Department’s Office Assistant at (805) 772-6254. Notification 24 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to this meeting.
A. CONSENT CALENDAR
   None

B. REPORTS AND APPEARANCES

   B-1 Harbor Department Status Report
      Staff Recommendation: Receive and file.

C. BUSINESS ITEMS

   C-1 Update from the Marine Services Facility/Boatyard Ad-Hoc Committee on Committee’s Recent Activities
      Staff Recommendation: Receive and file.

   C-2 Update from the Finance & Budget Ad-Hoc Committee on Committee’s Recent Activities, Including Consideration of Recommendations Regarding the Cost Allocation Plan, Transient Occupancy Tax, Sales Tax and Possessory Interest Tax
      Staff Recommendation: Receive committee report, and provide input on recommendations regarding the Cost Allocation Plan, Transient Occupancy Tax, Sales Tax and Possessory Interest Tax provided therein.

   C-3 Update from the Eelgrass Ad-Hoc Committee on Committee’s Recent Activities, Including Consideration of Draft Local Coastal Plan/General Plan Eelgrass Language, and Proposed Outline for an Eelgrass Policy
      Staff Recommendation: Receive committee report, and provide input on the draft Local Coastal Plan/General Plan Eelgrass language, and proposed Eelgrass policy outline.

   C-4 Update from the Marine Sanctuary Ad-Hoc Committee on Committee’s Recent Activities
      Staff Recommendation: Receive and file.

   C-5 Update from the Working Waterfront Ad-Hoc Committee on Committee’s Recent Activities, Including Consideration of a Draft Working Waterfront Mission Statement
      Staff Recommendation: Receive committee report, and provide input on the draft Working Waterfront Mission Statement being presented for consideration.

   C-6 California Resources Agency and Bureau of Ocean Energy Management Presentation and Question/Answer Session on Intergovernmental Task Force on Marine Renewable Energy as it Relates to Offshore Wind Energy Development Along the Central California Coast
      Staff Recommendation: Receive presentation and facilitate question-and-answer session.

D. DECLARATION OF FUTURE AGENDA ITEMS
   Pending items previously declared:
   Goals and Objectives – Working Waterfront Designation
   Measure D
   Back Bay Water Use Forum
   Deliberation on Paid Parking on the Embarcadero and Adjacent Vicinities
   Explore Benefits of Becoming a Harbor or Port District
E. ADJOURNMENT

This agenda is subject to amendment up to 72 hours prior to the date and time set for the meeting. Please refer to the agenda posted at the Morro Bay Harbor Department, 1275 Embarcadero, for any revisions or call the department at 772-6254 for further information.

Materials related to an item on this Agenda are available for public inspection during normal business hours at the Harbor Department and at Mill’s/ASAP, 495 Morro Bay Boulevard, or online at www.morrobayca.gov. Materials related to an item on this Agenda submitted to the Board after publication of the Agenda packet are available for inspection at the Harbor Department during normal business hours or at the scheduled meeting.
Staff Report

TO: Harbor Advisory Board  DATE: May 24, 2017
FROM: Eric Endersby, Harbor Director
SUBJECT: Harbor Department Status Report

RECOMMENDATION
Receive and file.

BACKGROUND
Recent Department Activity:
Harbor Patrol statistics for the month of May 2017 to date were 6 emergency responses and 105 calls for service, 36 assists of other agencies, 8 enforcement contacts, and 8 weather hazards.

Several-year Lifeguard Supervisor and Reserve Harbor Patrol Officer Kyle Shaffer is moving on to other pastures with a full-time position in Port San Luis as a Harbor Patrol Officer. While we are saddened to be losing Kyle, we are proud of what he has done here and that we’ve helped prepare him for a full-time position with another public safety agency. Taking Kyle’s place will be retired 30+ year State Parks Ranger/Lifeguard Robert Tolin. Robert spent more than two decades down in the Oceano/Pismo Dunes area, so he knows the county well. Good luck Kyle and welcome Robert.

On May 10th, Harbor Patrol Officers responded to body in the water at Bayfront Marina. A deceased male was found floating next to his boat. Harbor Patrol assisted Morro Bay Fire to remove the deceased from the water for the Sheriff’s Coroner to take over.

On May 18th, Harbor Patrol responded to a 14’ aluminum skiff, with 3 POB, dead in the water about 1.5 miles south of harbor entrance. Harbor Patrol towed the skiff back to the launch ramp.

On May 21st, Harbor Patrol responded to the North Rock parking lot to assist Morro Bay Police Department with a report of a climber on Morro Rock. The climber was located, escorted down by Morro Bay Fire, and then cited.

Lastly on May 24th, Harbor Patrol was alerted that a vessel on a mooring was possibly sinking. Harbor Patrol found the f/v LADY MAXINE taking on water and listing portside about 45 degrees. Sounds of water could be heard pouring into the vessel, and dewater pumps were utilized to get ahead of leaks. The owner is intending to the repair the wooden, 1970’s era wooden vessel, and the Coast Guard has taken an official interest in the vessel as a threat to pollute.

Harbor Dredging:
The Corps’ dredge ship YAQUINA will be departing on May 27 as her tour of duty in Morro Bay is complete, and Ahtna Design-Build will be starting their operations back up in the coming days. Ahtna
is intending to complete their project in by the end of June.

**Recent City Council Activity:**
At a special May 9th Budget Study Session, the City Council received staff FY 2017/18 budget presentations and provided input.

At a special May 12th meeting, the City Council and staff participated in emergency operation center (EOC) policy makers training and provided direction as needed.

At a special May 23th Budget Study Session #2, the City Council received an updated staff FY 2017/18 budget for consideration and final input.

At their regular May 23th meeting, the City Council adopted resolution No. 23-17 approving major modifications to conditional use permit UPO-359 for Rose’s Landing at 725 Embarcadero. The project includes a 10-unit hotel with conversion of second-floor and first-floor hotel lobby. Also includes, previously approved public access improvements and 7 new floating dock slips and gangway.

**Lifeguards:**
Over two recent weekends, the City of Morro Bay Harbor and Recreation Departments, and San Luis Obispo County Department of Parks and Recreation conducted this season's Ocean Lifeguard I Training Academy. This 40-hour course is designed for new-hire Ocean Lifeguards and Junior Lifeguard staff with the two departments to provide trained personnel for Estero Bay’s beaches. Coupled with other training and preparation activities, it will prepare personnel for the duties of Professional Lifeguarding on ocean waters. Thirteen cadets successfully completed the academy, which ran over two Friday evenings and two full Saturday-Sunday weekends, both in Morro Bay and Cayucos, and was instructed and proctored by Lifeguard, Junior Lifeguard, and Harbor Patrol personnel from the three departments. In addition, prior to the academy, cadets fulfilled a weekend of training for First Aid and CPR certification. If you are on our beaches this summer, stop by a tower and congratulate our new recruits and returning personnel for their excellent efforts.

**Fishing Front:**
Market squid have returned in commercially viable numbers, so a couple boats are here working the grounds and unloading locally at Giovanni’s and Morro Bay Fish Co. docks.

**Past Events:**
May 5-7 Cruisin’ Morro Bay Car Show
May 13 Miracle Miles for Kids 10k
May 16 AMGEN 2017 Tour of California, Stage 3 Pismo to Morro Bay
May 20 National Safe Boating Week
May 27-29 61st Annual Morro Bay Art in the Park

**Upcoming Events:**
Month of June multiple birding and hikes with the Museum of Natural History, call (805) 772-2694 for more information.
Status of Pending HAB Recommendations:

<table>
<thead>
<tr>
<th>HAB Recommendation</th>
<th>Date</th>
<th>Status</th>
</tr>
</thead>
<tbody>
<tr>
<td>Staff draft letter to Council encouraging the City to pursue negotiating with State Parks the City assume both marina and café concessions.</td>
<td>5/7/15</td>
<td>Staff’s last contact with Parks indicated no Parks interest in giving up the café concession. Since that time, all of Parks’ key personnel on the SPM have either retired or positions turned over. Staff’s current thinking is we’re at a “start-over” point with Parks to begin talks anew, and are acting accordingly before taking anything back to the Council.</td>
</tr>
<tr>
<td>Staff provide Council with modified sections of MBMC 15.24 (harbor sanitation) and develop environmental BMP’s.</td>
<td>7/22/15</td>
<td>Staff have incorporated this BMP effort into the ongoing Rules &amp; Regs/MBMC updating project.</td>
</tr>
<tr>
<td>Council direct staff to engage consultancy relative to obtaining regulatory approval for cost-effective ocean disposal of SPM dredge material, and/or determine the practical and economic feasibility of using same as landfill.</td>
<td>1/7/16</td>
<td>Staff did engage consultancy and the Corps to investigate regulatory permit approval of SPM material disposal in the Nearshore Disposal area. With consultant cost estimate to attempt this approval of $178,000, and no guarantee of success, staff ceased pursuing. In discussions with the EPA, permitting success seemed not likely. City also seeking (along with CMANC) regulatory relief of the “80-20” dredge material disposal rule, which could change the playing field.</td>
</tr>
<tr>
<td>City Council to approve issuance of the final draft Marine Services Facility/Boatyard Request for Qualifications document.</td>
<td>2/2/17</td>
<td>2/14/17 Council approved the release of a Request for Qualifications (RFQ) document as-proposed. RFQ is out, and responses due July 14, 2017.</td>
</tr>
<tr>
<td>City Council to involve the Harbor Advisory Board directly in the consideration and incorporation of Measure D into the General Plan and Local Coastal Plan update.</td>
<td>3/2/17</td>
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</tbody>
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Staff Report

TO: Harbor Advisory Board

FROM: Eric Endersby, Harbor Director

SUBJECT: Update from the Marine Services Facility/Boatyard Ad-Hoc Committee on Committee’s Recent Activities

RECOMMENDATION
Receive and file.

BACKGROUND
The Marine Services Facility/Boatyard Ad-Hoc Committee will be presenting an oral update on their activities, if any.

The Boatyard Request for Qualifications (RFQ) was issued on March 16, 2017, with a closing date of July 14, 2017. A link to the RFQ on the City’s website is here:

http://www.morro-bay.ca.us/DocumentCenter/View/10569?bidId=65

This is a standing committee report agenda item.
Staff Report

TO: Harbor Advisory Board
FROM: Eric Endersby, Harbor Director
SUBJECT: Update from the Finance & Budget Ad-Hoc Committee on Committee’s Recent Activities, Including Consideration of Recommendations Regarding the Cost Allocation Plan, Transient Occupancy Tax, Sales Tax and Possessory Interest Tax

RECOMMENDATION
Receive committee report, and provide input on recommendations regarding the Cost Allocation Plan, Transient Occupancy Tax, Sales Tax and Possessory Interest Tax provided therein.

BACKGROUND
This is a standing committee report agenda item.

DISCUSSION
The Finance & Budget Ad-Hoc Committee will be presenting an update on their activities, including presentation of the attached written report and recommendations regarding the Harbor Department’s Cost Allocation Plan and disposition of Transient Occupancy Tax, Sales Tax and Possessory Interest Tax collected in the Tidelands Trust area.

ATTACHMENT
1. May 19, 2017 Budget and Finance Ad-Hoc Committee Report
City Cost Allocation Plan

The City of Morro Bay uses a Cost Allocation Plan to distribute administrative costs (such as accounting, investment, maintenance, legal, etc.) to various City Departments and Enterprise Funds. This is done in order to capture each Department’s and each Fund’s share of these administrative costs - charging those costs to the budget of each Department and Fund, including the Harbor Department. An essential principal of the Cost Allocation Plan is that City Departments and Funds contribute their fair share of administrative costs to the General Fund providing these services.

The Ad-Hoc Committee is aware that the consultant’s study which produced the City’s existing Cost Allocation Plan was conducted over 10 years ago, and is aware that City Departments and their functions have been re-organized more than once since then. Therefore, it would seem the assumptions and metrics that define the current Cost Allocation Plan, at least as they relate to the Harbor Department, may no longer be accurate.

In its May 2015 report entitled, City of Morro Bay Financial and Organizational Study, the Management Partners consulting firm recognized the problem, and recommended that the City, “Prepare an OMB A-87 compliant Cost Allocation Plan on which to base contributions from all funds. Doing so will allow the City to be sure each fund is truly paying its fair share of General Fund overhead costs.”

The Ad-Hoc Committee proposes that the HAB recommend to the City Council that the City update the existing Cost Allocation Plan assumptions and metrics. Further, if City finances make the hiring of an outside consulting firm to study the current and projected Cost Allocation Plan assumptions and metrics, that the City Council direct City Staff to conduct an internal Cost Allocation reality check, Department by Department, and Fund by Fund. The goal would be to ensure that each Department and Fund, including the Harbor Department, is contributing its fair share to the City administrative services that each Department and Fund utilizes to execute its purpose and mission.

Harbor Fund and Harbor Department Revenue

According to the City of Morro Bay, the Morro Bay Harbor Department is an Enterprise Fund, and operates from revenues generated from the Tideland properties managed by the Department. Per the City web site, revenue received from tenant rents, boat fees, waterfront tideland leases, and other sources is put back into preventative maintenance, capital improvement, parking services, staffing, public safety, special events, and public education. Additionally, the Department is involved with resource management of the City's beaches and natural resources, including coordination with applicable State and Federal regulatory agencies.

While the Harbor Department has done an effective and responsible job of executing its mission using revenues from tenant rents, boat fees, waterfront tideland leases, and other Harbor related sources, it does not share in revenue from the City’s Transient Occupancy Tax (TOT), or the sales tax, or the possessory interest assessment, collected by the City from hotel and motel property and its related occupancy within the area of the Harbor Enterprise Fund.

The Ad-Hoc Committee urges the HAB to recommend to the City Council that the Harbor Department share in the TOT revenue, the sales tax revenue, and the possessory interests assessment revenue that
is collected in the area of the Harbor Enterprise Fund. Further, the Committee proposes that such revenue share be dedicated to the budgetary needs of the Harbor’s capital maintenance and improvement needs.
Staff Report

TO: Harbor Advisory Board  DATE: May 25, 2017

FROM: Eric Endersby, Harbor Director

SUBJECT: Update from the Eelgrass Ad-Hoc Committee on Committee’s Recent Activities, Including Consideration of Draft Local Coastal Plan/General Plan Eelgrass Language, and Proposed Outline for an Eelgrass Policy

RECOMMENDATION
Receive committee report, and provide input on the draft Local Coastal Plan/General Plan Eelgrass language, and proposed Eelgrass policy outline.

BACKGROUND
This is a standing committee report agenda item.

DISCUSSION
The Eelgrass Ad-Hoc Committee will be presenting an update on their activities, including the attached draft language for consideration and possible inclusion into the General Plan/Local Coastal Plan update process, and consideration of a proposed outline for a Morro Bay-specific Eelgrass Policy to be developed.

ATTACHMENT
Proposed Eelgrass Language for Local Coastal Plan/General Plan Update:

The City of Morro Bay is home to a bustling waterfront, working harbor, estuary of national significance, and designated as a safe harbor of refuge. The natural resources of the bay and the many water-related activities play a large role in the City’s history, heritage, and culture. One natural resource of consequence to both the health of the natural environment and the viability of the waterfront is eelgrass.

The City shall develop an eelgrass policy that addresses the permitting and protection issues related to eelgrass.

Proposed Outline for Eelgrass Policy (City Council Approval Process, not part of LCP/GP):

- **Purpose:**
  - The purpose of this eelgrass policy is to set a clear approach to managing eelgrass along Morro Bay’s waterfront in alignment with Federal and State guidelines. The eelgrass policy will provide clarity for potential development activities that may impact eelgrass.

- **Background:**
  - Include information on eelgrass habitat, interface with the waterfront, and permitting landscape.

- **Alignment with CEMP:**
  - Eelgrass policy will align city permitting requirements with the survey and mitigation requirements outlined in National Oceanic and Atmospheric Administration’s California Eelgrass Mitigation Policy (CEMP), last updated in October 2014. The CEMP serves as a guiding document for permitting agencies, such as Army Corps of Engineers, U.S. Fish and Wildlife Service, and California Coastal Commission.

- **Timeframe:**
  - The CEMP is reviewed and updated every five years. The City of Morro Bay eelgrass policy should be flexible enough to update with the CEMP or newly enacted federal policies for eelgrass.

- **Specific Guidance on Permitting Approach**
  - Eelgrass policy will reduce the permitting requirement of pre-planning surveys to a letter from a certified biologist that states presence/absence, general areas of growth, and approximate amounts. A detailed report with a map of eelgrass beds, footprint, stem counts, density and other parameters will not be required until the pre-construction survey as outlined in the CEMP.
  - Eelgrass policy should include language that allows for pre-planning surveys to be conducted outside the CEMP growing seasons when supported by the biologist.
Mitigation Options:
- Eelgrass policy should allow for future mitigation options such as:
  - Comprehensive Management Plans
  - In-kind mitigation
  - Mitigation banks
  - In-lieu-fee programs
  - Out-of-kind mitigation
Staff Report

TO: Harbor Advisory Board  
FROM: Eric Endersby, Harbor Director  
SUBJECT: Update from the Marine Sanctuary Ad-Hoc Committee on Committee’s Recent Activities

RECOMMENDATION
Receive and file.

DISCUSSION
The Marine Sanctuary Ad-Hoc Committee will be presenting an oral update, if any. This is a standing committee report agenda item.
Staff Report

TO: Harbor Advisory Board
FROM: Eric Endersby, Harbor Director
SUBJECT: Update from the Working Waterfront Ad-Hoc Committee on Committee’s Recent Activities, Including Consideration of a Draft Working Waterfront Mission Statement

RECOMMENDATION
Receive committee report, and provide input on the draft Working Waterfront Mission Statement being presented for consideration.

BACKGROUND
This is a standing committee report agenda item.

DISCUSSION
The Working Waterfront Ad-Hoc Committee will be presenting an update on their activities, including the attached summary report and a draft mission statement for Board consideration.

ATTACHMENT
Summary

On April 11, 2017, the Mayor, speaking for the Morro Bay City Council, requested the HAB provide the City Council with a generalized “mission statement” regarding a Morro Bay Working Waterfront, and Measure D, for consideration by Council for possible inclusion in the current General Plan/Local Coastal Plan update.

This proposed generalized mission statement is to be sufficiently broad to facilitate the future generation of a Morro Bay Working Waterfront policy, and sufficiently broad to address Measure D, but not at this time be specific as to either a Working Waterfront definition or policy, or any clarification of Measure D.

Language such as that below is for consideration and refinement by the Ad-Hoc Committee, and deliberation by the Harbor Advisory Board. Once the HAB has developed and approved generalized language suitable to the Mayor’s direction, the HAB would make a formal recommendation to the City Council that Council consider the recommended generalized language in terms of the current GP/LCP update.

Draft mission statement language:

The City of Morro Bay is uniquely located and situated to capitalize on the waters of Morro Bay and the adjacent Pacific Ocean in its General Plan and Local Coastal Plan. Further, the City of Morro Bay is dedicated to ensuring a vibrant Working Waterfront for the purposes of providing, promoting and supporting land uses and access in support of water-dependent commercial activities, water-dependent recreational activities, waterfront enhanced commercial activities, water-enhanced recreational activities, and for purposes related to providing public access to Tidelands Trust lands.

Incorporated into the current Morro Bay General Plan and Local Coastal Plan update is a Morro Bay Working Waterfront land area and its uses consistent with the requirements of the California Coastal Act. This Morro Bay Working Waterfront land area encompasses the Morro Bay waterfront from Target Rock in the North, to the southern boundary of the State Park Marina in the South, and encompass all waters of Morro Bay within the City limits, as well as all tidelands within the City limits, and all wetlands within the City limits (i.e. inclusive of City property from the West shore of the Sand Spit, to the bottom of the bluff along the east side of Embarcadero Road).
The City of Morro Bay’s Working Waterfront uses include, but are not limited to: Harbor Tract lease sites and other City lands adjacent to Morro Bay; structures on, over, or adjacent to Morro Bay along the waterfront within the City limits; infrastructure, facilities and properties that provide access to Morro Bay; infrastructure, facilities and properties that are used for water-dependent or Harbor related private, commercial, industrial, or City activities including tourism, commercial fishing, recreational fishing, mariculture, charter boat operations, boat repair and maintenance, boat building, marine supply services, marine construction, marine industry support services, seafood processing, seafood sales, aquariums, transportation, shipping, military activities, coastal-dependent energy production, boat marinas, boat moorage, boat dockage, wharfage, boat launching, and other water dependent uses. Further, the designated Measure D area and its defined uses is incorporated into the City of Morro Bay’s Working Waterfront.
Staff Report

TO: Harbor Advisory Board

FROM: Eric Endersby, Harbor Director

SUBJECT: California Resources Agency and Bureau of Ocean Energy Management Presentation and Question/Answer Session on Intergovernmental Task Force on Marine Renewable Energy as it Relates to Offshore Wind Energy Development Along the Central California Coast

RECOMMENDATION
Receive presentation and facilitate question-and-answer session.

BACKGROUND
At the request of Governor Brown, the Bureau of Ocean Energy Management (BOEM) established an intergovernmental task force on marine renewable energy. The task force held its inaugural meeting in October, 2016 during which the State of California and BOEM committed to collaborating on a planning exercise for offshore wind energy development along the Central Coast. The planning effort is being led by the California Energy Commission (CEC). Concurrently, the CEC, BOEM, California Ocean Protection Council and California Department of Fish and Wildlife are conducting substantial outreach to the public, elected officials, NGOs, tribes, industry and fishermen.

The results of the collective planning efforts and outreach to date will be presented at the next task force meeting which is scheduled for July 13, 2017, in San Luis Obispo at the Courtyard by Marriot hotel.

DISCUSSION
This informational/Q&A item is being conducted by the State of California and BOEM to get further public and other input on offshore wind energy development along the coast, including status information regarding the current Trident Winds wind farm proposal off our coast.