



Date: September 14, 2015
To: Marine Advisory Commission
From: Elvira Hallinan, Manager, Marina Bureau
Subject: MEETING MINUTES OF SEPTEMBER 10, 2015
MARINE ADVISORY COMMISSION (MAC)

Commissioners Present

Rick DuRee, Chair
Eric Peterson
Mark Turpin
Mike Schachter
Peter Schnack
Tom Mayes
Jerry Avila
Ted Kuhn

Marine Bureau Personnel

Elvira Hallinan, Manager, Marine Bureau
Kurt Borsting, Special Projects Officer
Vivian Crook, Secretary, Marine Bureau
Kimarie Vestre, Supervisor, Marine Bureau

City Staff

Don Easterby, Superintendent, Bch.Maint./QWB Ops.
Cory Forrester, Superintendent, Marine Maint. Ops.
Gonzalo Medina, Chief, Marine Safety/LBFD
Kristina Duggan, Field Deputy, Council District 3

Commissioners Absent

David Thornburg, Vice Chair

Guests

Bob Vatz, LBMBOA
Darryl Paed
Dennis Swift
Art Melendres
Bill Garrett
Frances Garrett
Ed Fitzpatrick
Michael Culkin
Sean Culkin

Chairman DuRee convened the meeting at 2:30 p.m., at the Long Beach Yacht Club.

ROLL CALL

Elvira Hallinan called the roll of commissioners.

CONSENT CALENDAR

The August 13, 2015, MAC minutes were reviewed and approved with the following changes: The word "are" removed from the second to the last bullet on page two to read, "eyes on the water;" the word "the" added to the last sentence in the fourth paragraph on page 4 to read, "evacuation in the marina;" and, the spelling of Commissioner Mayes' name corrected in the 4th paragraph on page five.

PUBLIC COMMENT

- Art Melendrez, ABM boatowner, stated that one of his friends was visiting the marina and while docked at the long dock had \$1,200 in items stolen off his vessel. His friend made a report with the LBPD. Three weeks later, Mr. Melendrez came into the marina office in ABM and wanted Marine Bureau staff to give him information on the status of his friend's crime report. He thought Marine Bureau staff were part of the LBPD and was upset that they could not give him information. Marine Bureau staff explained that the Marine Bureau does not have access to LBPD files and that Mr. Melendrez should have his friend contact the LBPD with the file case number and they would be able to assist him. Mr. Rick DuRee said that if Mr. Melendrez would wait till the end of the meeting, a LBPD Marine Patrol Unit officer would be able to meet with him regarding his concerns.
- Bob Vatz asked who is responsible for maintenance of the dock at the Davis Launch Ramp. He also asked if the dock was part of the (ABM) marina rebuild. Elvira Hallinan explained that the dock was not part of the rebuild and asked Mr. Vatz to send her an email with his concerns. She said that maintenance of the dock falls under the Marine Bureau's Maintenance Division and that possibly a work order had already been placed.

NEW BUSINESS

- Appeal by Ed Fitzpatrick for cancellation of ABM Berth 1 for Non-transferability of Slip Permit. Elvira Hallinan explained that back in 2014 operators on Berths 1, 2 and 3 were contacted; their accounts were reviewed to ensure that policies were being followed and that all leases were permitted properly. At that time she explained to the commercial operators that the Bureau might be turning the commercial berths back into pleasure craft berths, because commercial use of berths was not to the benefit of the marina (not a good financial choice). During this time of review several violations were found, i.e.; permittees were using dock space that was not assigned to them (not paying for space), paying the wrong slip fees, and some of the permits had been transferred unlawfully. Operational and financial reviews of Berths 1, 2 and 3 were done. Berth 3, Duffy Boat Club, was cancelled for non-transferability of slip permit. Berth 3 will now be used by Long Beach Transit for the Aqua Link. Berth 2 was leased by Star Party Cruises. Star Party Cruises only operated in December (Christmas boat cruises). It was also determined that this berth was not in proper condition to be used commercially. A slip/permit cancellation was issued to Star Party Cruises. The Berth 1 permit was originally issued to Adventure Outfitters. Adventure Outfitters transferred their permit to Horizon West Adventures, which was against policy and marina rules and regulations. It was determined that for financial reasons and due to the condition of the docks, Berths 1 and 2 would revert back to recreational use only.

Elvira Hallinan explained that Mr. Fitzpatrick did contact her during her interim position as Bureau Manager and requested a permit to operate at Berth 1 under Alamitos Bay Sailing. Elvira, as Interim Manager, informed him that she did not know what direction the new manager would want to go and that for the time being everything would remain status quo. Mr. Fitzpatrick was to pay for the dock space and 5% of gross sales. Gross sales received by Mr. Fitzpatrick for his operation were inconsistent. Mr. Fitzpatrick was also performing burials at sea, which was unauthorized.

Back in 2014 Mr. Fitzpatrick was informed that he could look into berthing at RBH. The RBH supervisor did speak with Mr. Fitzpatrick on a couple of occasions regarding availability in RBH. In July of 2015, Mr. Fitzpatrick emailed the Marine Bureau indicating that he was no longer interested in a slip in RBH.

Mr. Fitzpatrick's slip was cancelled for Non Transferability of Slip Permit.

Elvira Hallinan was cross-examined by Mr. Fitzpatrick's counsel.

It was moved by Commissioner Peterson and seconded by Commissioner Kuhn that the MAC sustain the Marine Bureau's cancellation for non-transferability of permit (regarding commercial use of Berth 1) and deny the appeal by Mr. Fitzpatrick. The vote passed with Commissioner Schachter recusing himself.

- Appeal by Michael Culkin for cancellation of LBSM Dock C-3 for illegal liveaboard. Elvira Hallinan reported that on July 28, the Marine Bureau issued a slip permit cancellation to Mr. Culkin for illegal live aboard activity on his vessel docked at LBSM Dock C-3. Mr. Culkin said that he did not read the Marina Rules and Regulations and did not know that he could not stay aboard. He said that he assumed he could stay aboard 14 nights a month. He said that he was in jail for 54 days and that while in jail his son was running his business and living aboard his boat. Elvira Hallinan reminded Mr. Culkin that per the Marina Rules and Regulations he agreed to abide by when he signed his permit, a boatowner can only stay aboard 12 nights a month and that no one is allowed to stay aboard the boat without the permittee onboard. Mr. Culkin said that he did not know his son could not stay aboard without him. Both Mr. Culkin and his son had been illegally livingaboard. It was noted that Mr. Culkin's son had thrown material from his father's construction company into the City's trash bins. His son said that he did not know that he could not dump his personal/business material in the City dumpsters. Mr. Culkin asked for a second chance and said that he would abide by whatever the MAC decided. Chairman DuRee stated to Mr. Culkin that he wanted him to clearly understand that should he or his son appear before the MAC again with regard to any infraction of the Marina Rules and Regulations, his slip permit would be cancelled without recourse. Mr. Culkin said that if reinstated he would bring his slip fees current tomorrow.

It was moved by Commissioner Mayes and seconded by Commissioner Avila that Mr. Culkin's slip/permit be reinstated, with the stipulation that there be no further infractions of the Marina Rules and Regulations or Polices and Procedures or his slip/permit will be cancelled with no further recourse, and that he not be allowed to submit an application for liveaboard privileges for one year from this date. The vote passed with Commissioner Schachter recusing himself.

OLD BUSINESS

- Elvira Hallinan reported on the ABM Rebuild and stated that she will be going before the City Council on September 22, to appropriate the \$49 million in bonds. The contract authority will also be extended to Bellingham Marine Industries (BMI) and TranSystems at that time. She invited the MAC Commissioners to attend the City Council meeting.
- Basin 2, Docks 6, 7, 8 and 9 are now open, and dredging and pile driving has been completed. Pile driving was completed two weeks ahead of time. Elvira explained that there was an electrical code change, which requires the City to have a Ground Fault Interrupter (GFI) on every pedestal in every slip. GFIs are designed to protect from electrical shock. This is a national electrical code change that was adopted by the State of California and then adopted by the City in January of 2014. She explained that on the new docks, boatowners with older vessels are “tripping” the GFI. The Bureau is working with BMI and TranSystems to educate the boatowners. An article with information about GFIs will be posted in the Marina Reader.
- Kimarie Vestre, ABM Supervisor, reported on the upcoming Ronald McDonald House car show this weekend, Saturday, September 19, from 9 a.m. to 3 p.m., in ABM. The car show is hosted by McKenna’s on the Bay. She said that Special Events is working with the Marine Bureau to help ease congestion and/or inconvenience to the boatowners.

MARINE BUREAU MANAGER’S REPORT

Marine Bureau Report

- Elvira Hallinan reminded MAC that the “update” portion of the 2012 and 2013 MAC Annual Report is still needed.
- Kurt Borsting, Superintendent, Marine Bureau Operations, reported that he and staff are working on updating the Marina Rules and Regulations for the Manager’s review. He also reported that staff is looking at new and better ways to communicate with the boatowners; i.e., social media (facebook, twitter, email). Kurt stated he is working with Public Works on Capital Improvement Projects and meeting with stakeholders regarding the Leeway Dock.

Marine Maintenance

- Report submitted. No questions asked.

Beach Maintenance/Queens Way Bay

- Don Easterby reported that Beach Maintenance has been busy with the recent storms; restoring sand, protecting the structures, and servicing over 1,000 trash receptacles.
- Beach Maintenance is working with Anchor Environmental on replenishing sand washed away during the storm surges.

Marine Safety Operations

- Chief Gonzalo Medina thanked Don Easterby for his assistance in giving Lifeguards a heads-up in preparing for upcoming storms and for protecting the Lifeguard structures.
- Chief Medina reported that on Tuesday the Budget Oversight Committee proposed a motion to restore the 2.5% budget cut they had initially proposed for Marine Safety, this will allow Lifeguards to maintain the same level of service as in the past.

LBPDP - Marine Patrol Unit

- No report.

Executive MAC

- All items covered.

Operations Committee

- No meeting held.

Facilities Committee

- No meeting held.

Finance Committee

- No meeting held.

COMMENTS FROM COMMISSIONERS

- None

COMMENTS FROM THE AUDIENCE

- None

ADJOURNMENT

Meeting adjourned at 4:30 p.m. The October 8, 2015, MAC meeting has been cancelled. Next meeting: Thursday, November 12, 2015, at 2:30p.m. at the Long Beach Yacht Club.

cc: Stephen Scott, Interim Director of Parks, Recreation and Marine
City Clerk