



Date: January 16, 2013
To: Members of the Marine Advisory Commission
From: Mark A. Sandoval, Manager of Marinas and Beaches
Subject: MEETING MINUTES OF JANUARY 10, 2013
MARINE ADVISORY COMMISSION (MAC)

Commissioners Present

Peter Hogenson, Chair
Rick DuRee, Vice Chair
Eric Peterson
Scott Schaidle
Randy Crawford
David Thornburg
Ted Kuhn
Darlene Gidley

Marine Bureau Personnel

Mark Sandoval, Manager, Marinas & Beaches
Elvira Hallinan, Special Projects Officer
Vivian Crook, Secretary

City Staff

Sgt. Jeff Litzinger, LBPD/Marine Patrol Unit
Randy Foster, Chief, Marine Safety/LBFD
Hurley Owens, Supt./ Marine Maint.
Don Easterby, Interim.Supt., Beach Maint.
Julie Maleki, 3rd Dist. Council

Commissioners Absent

Mike Schachter

Guests

Alfredo Fernandez, LBMBOA
Tim Birkmann, boatowner
Matt Lerner, boatowner

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

ROLL CALL

Mark Sandoval called the roll of commissioners.

CONSENT CALENDAR

- The November 15, 2012, MAC minutes were reviewed and approved as submitted.

PUBLIC COMMENT

- Matt Lerner, boatowner, asked about replacement of the rusted fence in Basin 8. He distributed pictures of the fence and stated that it was an embarrassment. He said that it has taken too long to repair. Mark Sandoval agreed that the fence needs to be redone. Elvira Hallinan said Purchasing has informed her that due to the cost being over the \$25,000 threshold the project needs final approval by the City Manager. The paperwork is with the City Manager now and will go back to Purchasing for a purchase order to be written. She said that once Purchasing gets it they can usually cut the purchase order within that week and then work needs to start within 21 days of the purchase order being cut. Mark said that he would email his director and copy the 3rd District Councilman regarding pushing this project through.

OLD BUSINESS

- Mark Sandoval reported that the contractors are driving pile in Basin 1 right now. He said that Phase 1 (Docks 1 & 2) should be done by April, and Docks 3, 4 & 5 should be done by the end of June. The next phase will be Basin 5, which alone will cost \$3.5 million. One thing that was not anticipated is how much dredging will need to be done in Basin 7 due to silting. He said that the City may need to build some type of barrier to stop the silting from going under the new docks. Chairman Hogenson asked why the seawall couldn't be a Tidelands funded project. Mark responded that the seawall protects docks that are generating marina revenue, however, he said that he would look into it.
- Mark Sandoval reported that, according to Public Works, the Fuel Dock in LBSM should be completed by the end of the month.

NEW BUSINESS

Mark Sandoval gave a brief rundown on the Marine Bureau's position regarding Liveaboard Fees owed by Tim Birkmann, a boatowner in ABM. Mark explained that the slip permit was originally in Mr. Birkmann's wife's name. Mr. Birkmann divorced and in February 2011, and in March 2011 he requested the slip permit be placed in his name. Mr. Birkmann changed his address in June 2011 to a P.O. Box. In July 2011 the office received a complaint regarding Mr. Birkmann illegally living aboard. An investigation was done by Marine Patrol and it was found that indeed Mr. Birkmann was illegally living aboard his vessel. Mr. Birkmann came to the office and did admit that he had been living aboard since February 2010. His contention was that he had submitted a request to live aboard in March 2010 and thought that since he had not heard from the office, that there was nothing more he needed to do. Mr. Birkmann was never officially granted liveaboard in that slip and would never have been granted liveaboard because there was already a boatowner living aboard in the slip next to him. The policy of the Bureau is not to have liveaboards side by side. In April 2012, another slip was found for Mr. Birkmann to live aboard legally and he was transferred. Mr. Birkmann was back-billed to May 2012.

Mr. Birkmann agreed that everything that Mark Sandoval had stated was true. He still contended that since he had not been contacted regarding his application for liveaboard status, he thought that meant that his request had been approved and there was nothing more he needed to do. He contended that he did not receive any procedural notification.

Mark Sandoval said that his most senior supervisor, now retired, dealt with Mr. Birkmann and that he cannot believe that he did not inform Mr. Birkmann of all that would be required of him as a liveaboard. He pointed out that he had been informed that he would be transferred to another slip so that he could live aboard, and that the Bureau does not move boatowners out of their slips unless there is a reason and the reason was that Mr. Birkmann wanted to liveaboard. Mr. Birkmann was instructed to notify the office when he was ready for inspection. Mark Sandoval again stated that the form he completed was a liveaboard "request" application, not a permit to liveaboard.

A boatowner in the marina who does live aboard his vessel commented that the Rules and Regulations state all the fees, rules, etc., that the boatowner is to follow. He said that when he went to the office to request liveaboard status, the office first checked for openings. He then made an appointment for his vessel to be inspected to verify that it qualified for liveaboard. The office staff told him they would send him a bill. He stated to Mr. Birkmann that he received the services regardless of whether or not he was paying for them.

In order to open discussion, it was moved by Commissioner Schaidle and seconded by Commissioner Crawford that Mr. Birkmann be back-billed to February 2010.

Commissioner Peterson agreed with Commissioners Schaidle and Crawford and thought that Mr. Birkmann should be back-billed to February 2010, the month that Mr. Birkmann stated that he had started living aboard.

Vice Chairman DuRee stated that the MAC should sustain or overrule the Marine Bureau's decision.

Commissioner Schaidle asked why Mr. Birkmann was not back-billed to February 2010.

Mark Sandoval said that Mr. Birkmann was not billed back to February 2010 because that would be breaking a marina rule. He would never have allowed Mr. Birkmann to liveaboard next to another liveaboard, which was the case on the previous gangway. That is why the Marine Bureau moved Mr. Birkmann to another gangway (May 2012), so that he could legally liveaboard.

Commissioner Schaidle amended his motion to go along with the Marine Bureau's decision.

It was moved by Vice Chairman DuRee and seconded by Commissioner Crawford that the MAC uphold the billing process as presented by the Marine Bureau and to deny Mr. Birkmann's appeal. The motion passed unanimously.

Commissioner Gidley asked about a payment plan for Mr. Birkmann to catch up. Mr. Sandoval said that he would meet with Mr. Birkmann to set up a payment schedule.

BUREAU MANAGER'S REPORT

Marina Operations Report

- Mark Sandoval reported on the November statistics. 27 vessels left the marina and 41 vessels came into the marina. Marine Bureau staff is being very aggressive in filing new permits. Mark said that he just received a purchase order for the Log Newspaper and he will be working on an article regarding available slips.

Maintenance Operations Report

Hurley Owens, Superintendent, Marine Maintenance, gave the Marine Maintenance status report for the month of November.

- Marine Maintenance now has the purchase order for the oil recycling centers in LBSM; they are ordered and should be in this weekend.
- The LBSM office roof, RBH office roof, and restrooms D5 and D2 roofs have all been fixed. Funds have been set aside for work to be done on roofs in ABM.

LBFD/Marine Safety Report

Chief Randy Foster gave the Marine Safety status report for the month of November.

- Chief Foster reported that in late November the Russian submarine located in front of the Queen Mary had problems on its starboard side. While doing maintenance work, the submarine started to sink. Rescue crews worked six to seven hours pumping out the vessel. During this incident the Lifeguards were called out to respond to a boat fire in the LBSM.
- Chief Foster reported that there was a house fire the night of the Naples Christmas Boat Parade. At that same time, Lifeguards were on scene right in front of the burning house and were able to run their fire hose inside the house. Lifeguards were ready to spray seawater on the fire when the Fire Department arrived from landside.
- Chief Foster reported that last month there were some unique "king" tides. There will again be "king" tides today and tomorrow (seven-foot tides). He commended Marine Maintenance for the great job they have been doing building the berms and keeping the homes safe on the beachfront.

LBPD/Marine Police Security Report

MP Sergeant Jeff Litzinger, LBPD/Marine Patrol Unit, gave the Marine Patrol report.

- Stats are down for November and December, as is normal in the winter months.
- No smuggling activity to report due in part to the high visibility of Marine Patrol in the parking lots and launch ramp areas.

Executive MAC

- All items covered.

Operations Committee

- The Committee will continue discussions regarding liveboard issues in the future months.

Facilities Committee

- Chairman Hogenson asked about Public Works reports to the MAC. Mark Sandoval stated that it was decided that Eric Lopez would come to the committee meetings and the Committee Chair would report to the MAC. Mark Sandoval said that he would provide the MAC with a list of highlights that Eric Lopez is working on.
- Mark Sandoval reported that the Belmont Plaza Pool had to be closed last night at 7 pm. He said that the pool needs to be replaced or refurbished. It was determined that if there were a 5.0 earthquake the roof might collapse. He said that they will know in three weeks which direction the City will take.
- Chairman Hogenson asked about the status on the Edison Power Plant pumping to keep ABM clean. Mark Sandoval responded that in 2020 the power plant will have to shut down their cooling system and that water quality in Alamitos Bay is dependant on these pumps. The energy companies are interested in what is happening, but the City is not monitoring what they are doing at this time.

Finance Committee

- The Finance Committee will meet in February. Mark Sandoval said he met with the Finance Department last week. The Finance Department is in agreement that they need to be transparent with what is going on with the costs, revenues and fee setting in the marinas. There was a detailed discussion on what the finances of the marinas would have to look like before they could float a bond.

COMMENTS FROM COMMISSIONERS

- None

COMMENTS FROM THE AUDIENCE

- None

ADJOURNMENT

Meeting adjourned at 3:45 p.m. The next meeting is set for February 14, 2013, at 2:30 p.m. at the **Long Beach Yacht Club**.

cc: George Chapjian, Director of Parks, Recreation and Marine
City Clerk