

**AGENDA
MEETING OF THE BOARD OF COMMISSIONERS
HUMBOLDT BAY HARBOR, RECREATION AND CONSERVATION DISTRICT**

DATE: February 27, 2020

TIME: Executive Closed Session 6:00 P.M.
Regular Session 7:00 P.M.

PLACE: Woodley Island Marina Meeting Room

The Meeting Room is wheelchair accessible. Accommodations and access to Harbor District meetings for people with other handicaps must be requested of the Director of Administrative Services at 443-0801 at least 24 hours in advance of the meeting.

1. Call to Order Closed Session at 6:00 P.M.
2. Public Comment

Note: This portion of the Agenda allows the public to speak to the Board on the various issues not itemized on this Agenda. A member of the public may also request that a matter appearing on the Consent Calendar be pulled and discussed separately. Pursuant to the Brown Act, the Board may not take action on any item that does not appear on the Agenda. Each speaker is limited to speak for a period of three (3) minutes regarding each item on the Agenda. Each speaker is limited to speak for a period of three (3) minutes during the PUBLIC COMMENT portion of the Agenda regarding items of special interest to the public not appearing on the Agenda that are within the subject matter jurisdiction of the Board of Commissioners. The three (3) minute time limit may not be transferred to other speakers. The three (3) minute time limit for each speaker may be extended by the President of the Board of Commissioners or the Presiding Member of the Board of Commissioners at the regular meeting of the District. The three (3) minute time limit for each speaker may be enforced by the President of the Board of Commissioners or the Presiding Member of the Board of Commissioners at the regular meeting of the District.

3. Move to Executive Closed Session

- a) CONFERENCE WITH REAL PROPERTY NEGOTIATORS. Terms of potential purchase of real property with Assessor's Parcel Numbers 002-162-001, 002-161-001, 002-162-018, 014-161- 013, 014-161-014, and 014-161-006, and 014-161-007 in the Eureka, Humboldt County, California pursuant to California Government Code § 54956.8. District negotiators: Larry Oetker, Executive Director and Ryan Plotz, District Counsel. Negotiating party: Ted Loring. Under negotiation: price and payment terms.
- b) CONFERENCE WITH LEGAL COUNSEL--EXISTING LITIGATION. (Paragraph (1) of subdivision (d) of Section 54956.9): Name of case: Humboldt Bay Harbor, Recreation and Conservation District v. Glasshouse Gardens, LLC, Humboldt Superior Court Case No. CV1901283.
- c) CONFERENCE WITH LEGAL COUNSEL—EXISTING LITIGATION. (Paragraph (1) of subdivision (d) of Section 54956.9): Name of case: Humboldt Fisherman's Marketing Association, Inc. et al. v. Humboldt Bay Harbor, Recreation and Conservation District, Court of Appeal, First District, Court Case No. A158634.
- d) CONFERENCE WITH REAL PROPERTY NEGOTIATORS. Terms of potential purchase of real property with Assessor's Parcel Numbers 401-112-021, 401-112-030 on the Samoa Peninsula, Humboldt County, California pursuant to California Government Code § 54956.8. District negotiators: Larry Oetker, Executive Director and Ryan Plotz, District Counsel. Negotiating party: Nick Keeler. Under negotiation: price and payment terms.
- e) CONFERENCE WITH REAL PROPERTY NEGOTIATORS. Terms of potential acquisition and/or lease of real property on the Samoa Peninsula, Humboldt County, with Assessor's Parcel Numbers, 401-031-056 pursuant to California Government Code § 54956.8. District negotiators: Larry Oetker, Executive Director and Ryan Plotz, District Counsel. Negotiating party: Pete Oringer, Timber Heritage Association. Under negotiation: price and payment terms.
- f) CONFERENCE WITH REAL PROPERTY NEGOTIATORS. Terms of potential purchase of real property with Assessor's Parcel Number 401-111-006 on the Samoa Peninsula, Humboldt County, California pursuant to California Government Code § 54956.8. District negotiators: Larry Oetker, Executive Director and Ryan Plotz, District Counsel. Negotiating party: Pete Jackson, Green Diamond Resource Company. Under negotiation: price and payment terms.

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- g) CONFERENCE WITH LEGAL COUNSEL—ANTICIPATED LITIGATION.** Initiation of litigation pursuant to paragraph (4) of subdivision (d) of Section 54956.9: one case (Coast Seafood).

4. Call to Order Regular Session at 7:00 P.M. and Roll Call

5. Pledge of Allegiance

6. Report on Executive Closed Session

7. Public Comment

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8. Consent Calendar

- a) Approve Payment to Zerlang & Zerlang Marine Services for Buoy 9 Emergency Chain Recovery**
- b) Receive District Financial Reports for December 2019**
- c) Approval of Meeting Minutes for January 23, 2020 Regular Board Meeting**
- d) Approval of Invoice from City of Eureka for partial payment of PO #1470, Aerial Photo and LiDAR Acquisition 2019 for the Humboldt Bay Region**
- e) Approval of Estimate #1016 from Redwood Electrical Services for Replacement of the Electric Service Panel on Dock "I"**

9. Communications and Reports

- a) Executive Director's Report**
- b) Staff Reports**
- c) District Counsel and District Treasurer Reports**
- d) Commissioner and Committee Reports**
- e) Others**

10. Unfinished Business

a) Report from Humboldt Bay Harbor District's Dredge Subcommittee

Recommendation: Staff recommends the Board: Receive a report from the Humboldt Bay Harbor District Dredging Sub-Committee.

Summary: The dredging sub-committee continues to work towards finding solutions to dredging Woodley Island Marina, Fields Landing Boat Yard, Fisherman's Channel and the other District facilities. Recently a letter was sent to the North Coast Regional Water Quality Control Board which provided specific recommended amendments to the Water Quality Control Plan for the North Coast Region to encourage dredge sediment material to be reused for climate change adaptation, habitat restoration projects, and other beneficial uses. The Committee would like to discuss the proposed amendments and other items with the Board.

b) Consider Adopting Resolution No. 2020-04 Amending the Woodley Island Marina Fee Schedule to Increase the Dredge Surcharge Fee

Recommendation: Staff recommends the Board: Adopt Resolution 2020-04

Summary: On November 14, 2019, after three meetings the Board established the formation of a Subcommittee comprised of Commissioner's Dale and Doss to work with Woodley Island Marina Tenants to review the

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proposed dredge surcharge and liveaboard fees. Three meetings of the subcommittee were held with tenants and a consensus of those present was to not increase the liveaboard fees at this time and to implement an increase to the Dredge Surcharge Fee beginning on July 1, 2020.

- c) **(1) Consideration of Adoption of Resolution 2020-03 Which Establishes Findings Relative to the Application by the County of Humboldt for the Pine Hill Road over Swain Slough Bridge Replacement Project.**
(2) Consideration of Granting Permit 2020-01 to the County of Humboldt for the Pine Hill Road Bridge Replacement over Swain Slough Bridge Replacement Project.

Recommendation: Staff recommends the Board: (1) Adopt Resolution 2020-03 which establishes finding relative to the application by the County of Humboldt for the Pine Hill Road over Swain Slough Bridge Replacement Project and (2) Grand Permit 2020-01 to the County of Humboldt for the Pine Hill Road over Swain Slough Bridge Replacement Project.

Summary: The County of Humboldt applied for a District permit to replace the bridge where Pine Hill Road crosses Swain Slough. The existing bridge is a 63 ft long, 20 ft wide, three span structure with a concrete deck on timber stringers and concreted abutments that was constructed in 1955. A Caltrans inspection in 2011 determined that the bridge is structurally deficient and functionally obsolete.

11. New Business

- a) **Discuss, Review, and Authorize the Executive Director to Execute the Samoa Peninsula Infrastructure Workgroup Agreement.**

Recommendation: Staff recommends the Board: Authorize the Executive Director to execute the Agreement.

Summary: Staff from the Harbor District, Humboldt County, Humboldt Bay Municipal Water District, Samoa Peninsula Community Services District, City of Eureka, and City of Arcata have been meeting to discuss how we can work together to complete upgrades and maintenance to the public infrastructure on the Samoa Peninsula. Since the infrastructure is owned and managed by several different governmental agencies, there is a need to coordinate our efforts in order to effectively manage and plan for future development opportunities.

- b) **Consideration of Resolution 2020-02, A Resolution Designating Business Matters, Appointment and Authorization for the Humboldt Bay Harbor, Recreation and Conservation District for Calendar Year 2020.**

Recommendation: Staff recommends the Board Adopt Resolution 2020-02

Summary: Annually the Board approves a Resolution which appoints specific staff and/or consultants, established financial limitations, legal notice designations, meeting schedules, and other business matters of the District.

12. Administrative and Emergency Permits

13. Adjournment