

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

**DATE:** September 8, 2011  
**TIME:** 7:00 p.m. Regular Session  
**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 five (5) working days in advance of the meeting.*

1. **Call to Order Regular Session at 7:00 p.m. and Roll Call**
2. **Pledge of Allegiance**
3. **Public Comment**

*Note: This portion of the Agenda allows the public to speak to the Board on 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 an 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 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.*

4. **Consent Calendar**

*Note: All matters listed under the Consent Calendar are considered to be routine by the Board of Commissioners and will be enacted by one motion. There will be no separate discussion of these items. If discussion is required, that item will be removed from the Consent Calendar and considered separately.*

- a. Consideration of approval of minutes from the Strategic Plan meeting of August 11, 2011.
- b. Consideration of approval of minutes from the Board meeting of August 11, 2011.
- c. Consideration of approval of minutes from the Strategic Plan Public Outreach meeting of August 22, 2011.
- d. Consideration of approval of minutes from the Strategic Plan meeting of August 25, 2011.
- e. Consideration of approval of minutes from the Board meeting of August 25, 2011.
- f. Consideration of approval of Amendment 1 to USFWS *Spartina* Eradication Project Permit No. 10-02.
- g. Consideration of approval of US Fish and Wildlife Service *Spartina* eradication grant fund reallocation.
- h. Consideration of approval agreement with Aquatic Environments Inc. for the Marsh Master *Spartina* Mowing Demonstration project. \$9,785.00
- i. Consideration of approval of travel for Dockmaster to attend Pacific Coast Association of Harbormasters and Port Managers, Olympia, WA, October 24-28, 2011.

**Agenda for September 8, 2011 Regular Board Meeting**

**5. Communications and Reports**

- a. Chief Executive Officer's Report
- b. District Counsel's Report
- c. Staff Reports
- d. Commissioner Reports
- e. Advisory Committee Reports
- f. Other

**6. Non Agenda**

**7. Unfinished Business**

**8. New Business**

- a. Consideration of Accepting for Filing Permit application No. 11-08 to Allen and Cheryl Nylander for the Nylander Ranch Levee Repair Project.
- b. Consideration of issuing consent to the transfer of controlling interest of Coast Seafoods Company pursuant to tideland lease.

**9. Administrative and Emergency Permits**

**10. Adjourn to Closed Session**

**11. Call Executive Closed Session to Order**

- a. **Move to Executive Closed Session pursuant to the provisions of the California Government Code Section 54956.8 (Conference with Real Property Negotiator); and 94957 (public employee evaluation)**

**1. Conference with Real Property Negotiator**

**Negotiating Parties: David Hull, Chief Executive Officer; Paul Brisso, District Counsel**

**Under Negotiation:**

- 1) **Potential lease terms for District property acquisition from Pacific Gas and Electric Company.**
- 2) **Potential lease terms of property to Timber Heritage Association.**
- 3) **Potential lease terms of District property to TJS Leasing and Holding Company, Inc.**
- 4) **Potential lease terms of District property to Taylor Mariculture, Inc.**
- 5) **Potential lease terms of District property to Freshwater Tissue Company**

**2. Public Employee Performance Evaluation**

**Title: Chief Executive Officer**

**12. Adjourn Executive Closed Session**

**13. Call to Order Regular Session**

**14. Report on Executive Closed Session**

**15. Adjournment**

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

**September 8, 2011**

**PRESENT:**

Commissioner Pellegrini  
Commissioner Curless  
Commissioner Wilson  
Commissioner Marks

**ABSENT:**

Commissioner Higgins

President Wilson called the regular meeting of the Board of Commissioners to order at 7:00 p.m.

President Wilson led those present in the Pledge of Allegiance.

**PUBLIC COMMENT**

Mike Cunningham, Woodley Island tenant, said he would like the Board to reconsider their policy of "no dogs" on Woodley Island. He said he has been a tenant here for 24 years and has walked his dog on a leash around the island for the last seven years. Recently he was told he could only walk his dog on a leash from his car to his boat and back again. He said this is not practical as there are many boat owners visiting Woodley Island Marina who have dogs on their boats and need somewhere for the dogs to exercise. Mr. Cunningham told the Board if this policy is not changed, he will leave Woodley Island Marina and move to the Eureka Public Marina, a financial loss to the Harbor District. He then went on to say he stores his crab pots at the Redwood Dock facility; however, he will remove his pots if the policy of not being able to store crab pots outside the building for short periods of time is not changed. He said the Harbor District will lose approximately \$6,000 in revenue per year with the loss of his business.

President Wilson stated this item cannot be discussed by the Board until properly agendaized. This item will appear on the Board's September 22 agenda for discussion.

Mr. Cunningham asked the Board for a waiver of the policies regarding his dog. CEO stated the policies are codified in District Ordinance 9, passed through Board action, and all changes must be made by amending the ordinance.

**CONSENT CALENDAR**

Commissioner Pellegrini asked for Items (b) and (i) to be pulled for further discussion.

COMMISSIONER PELLEGRINI MOVED FOR APPROVAL OF THE REMAINDER OF THE CONSENT CALENDAR. COMMISSIONER MARKS SECONDED. MOTION CARRIED WITHOUT DISSENT.

Item (b): Commissioner Pellegrini expressed her dissatisfaction with the recording of a section of the August 11, 2011 minutes. She said the minutes were not an accurate reflection of the Board's discussion. It was decided to strike the sentence in question.

COMMISSIONER PELLEGRINI MOVED FOR THE APPROVAL OF ITEM (B) OF THE CONSENT CALENDAR WITH THE PROPOSED CORRECTION. COMMISSIONER CURLESS SECONDED. MOTION CARRIED WITHOUT DISSENT.

Item (i): Commissioner Pellegrini said she was not in favor of overtime for the Dockmaster to attend the Pacific Coast Association of Harbormasters and Port Managers (PCAHPM) in Olympia, WA, October 24-28, 2011. CEO stated since the meetings fall on the Dockmaster's days off, overtime would have to be paid. CEO stated he would work with Dockmaster to stagger her days off so they would not fall on the meeting

days. He said since Dockmaster is on the PCAHPM Board and the District is the only California member, it is important for her to attend as many meetings as possible.

COMMISSIONER MARKS MOVED FOR THE APPROVAL OF TRAVEL FOR DOCKMASTER TO ATTEND PACIFIC COAST ASSOCIATION OF HARBORMASTERS AND PORT MANAGERS, OLYMPIA, WA, OCTOBER 24-28, 2011 WITHOUT PAYING DOCKMASTER OVERTIME WAGES TO ATTEND THE MEETINGS.

MOTION FAILED FOR LACK OF A SECOND.

Commissioner Pellegrini asked for an accounting of the proposed costs at the September 22 Board meeting.

### CEO REPORT

- ❖ Nick Angeloff, Wiyot Tribe, sent an email thanking the Board for their support of the Wiyot Tribe's double-joined gaming compact with the North Fork Rancheria of Mono Indians. Assistant Secretary of the Interior for Indian Affairs, Larry Echo Hawk, approved the compact, which will help preserve precious environmental resources; and bring revenue to the Wiyot tribe, which will also help the Humboldt County economy.
- ❖ The Timber Heritage Association (THA) fundraising event on August 27 appeared to be successful. THA met all District rules and conditions for their event.
- ❖ 9/10: Paddlefest will be held on Humboldt Bay.
- ❖ 9/17: Coastal clean-up day, a statewide event, will be held.
- ❖ 8/29: CEO participated in an M-5 conference call on the Marine Highway.
- ❖ Wilson Lacy participated in a West Coast Corridor Coalition conference call.
- ❖ Marine Spill Response Corporation, MSRC, moved their oil response equipment to the Fields Landing Boat Yard, becoming a permanent tenant for storage of their equipment.
- ❖ 8/30: CEO participated in a TIGER webinar on the pre-application for the next round of funds. Grant applications are due 9/30.
- ❖ 8/31: Commissioners Wilson and Marks and CEO met with the Northern Samoa Industrial Area property owners.
- ❖ 9/1: Commissioners Wilson, Pellegrini and Marks and CEO attended the dedication of the City of Eureka's Fishermen's Terminal.
- ❖ 9/2: District staff met to develop information for the Strategic Plan initiatives. This information will be available for the Board's 9/22 Strategic Plan meeting.
- ❖ 9/8: The Senate Committee on Energy and Water have distributed their FY2012 report, which provides \$2.8 million for FY 2012. This amount will keep the channel usable. CEO stated the funds allocated are not any more than those allocated for FY 2011.
- ❖ In 1998, the District asked for approximately \$7 million ISTEAF funds and received \$275,000. None of the six elements in the ~\$7 million were \$275,000. The grant was transferred to NCRA since it was thought the \$275,000 was adequate for track maintenance between South Fork and Samoa. Through the years, the tracks sustained wind and storm damage and the \$275,000 was not enough to cover the repairs. CalTrans has asked if the District has use for the \$275,000 if it was transferred from NCRA. The federal government has said it would change the funds to be available for a planning study. CEO suggested he send the Board the history of this money and some suggestions on how the District might utilize it. He asked the Board also to forward any suggestions they might have and he will present all the information for the Board to discuss at their September 22 meeting. The funds will no longer be available on September 30.
- ❖ CEO stated within the Strategic Plan goals developed by the Board is a section on sustainable dredging. He said alternatives for dredging have been researched for many years, including partnering with the City of Eureka on the purchase of a dredge, possibly the surplus dredge from Santa Cruz. Commissioner Pellegrini suggested CEO to look for additional partners, such as Noyo Harbor and Crescent City Harbor, along with private owners.

**DISTRICT COUNSEL REPORT:** None

**STAFF REPORT:** None

**COMMISSIONERS AND ADVISORY COMMITTEE REPORTS**

Commissioner Pellegrini:

- ❖ Attended and spoke at the City of Eureka's Fishermen's Terminal dedication.

Commissioner Curless:

- ❖ Received a phone call from someone in Mexico who said he was "Joe", the name of Commissioner Curless' grandson. Since Commissioner Curless thought his grandson should be at college, he asked the man where he was born. The man hung up. Commissioner Curless said people should be very careful when they receive phone calls from someone asking for money.

Commissioner Wilson:

- ❖ Attended the THA/Clarke Museum fundraiser and said it was a successful event.
- ❖ Attended the Northern Samoa Industrial Area property owners meeting. He said they were interested in the idea of a broader planned development.
- ❖ Attended the City of Eureka's Fishermen's Terminal dedication. He read and presented the District resolution commending the City of Eureka on their accomplishment.
- ❖ Asked if there needs to be a standing committee to review dredge options. CEO stated this would be beneficial and the Board asked him to return to the Board ideas on how the District and City of Eureka can work together to address these joint issues.
- ❖ Asked if there has been any interface with HCAOG on the \$275,000 federal funds. He said it might be beneficial to work with them on improving freight rail access to Humboldt Bay.

Commissioner Marks:

- ❖ Attended the Northern Samoa Industrial Area property owners meeting.
- ❖ Attended the City of Eureka's Fishermen's Terminal dedication. He said it is good to see activity on the waterfront.

**OTHER:** None

**NON-AGENDA:** None

**UNFINISHED BUSINESS:** None

**NEW BUSINESS**

**A. CONSIDERATION OF ACCEPTING FOR FILING PERMIT APPLICATION NO. 11-08 TO ALLEN AND CHERYL NYLANDER FOR THE NYLANDER RANCH LEVEE REPAIR PROJECT.**

COMMISSIONER PELLEGRINI MOVED FOR THE ACCEPTING FOR FILING PERMIT APPLICATION NO. 11-08 TO ALLEN AND CHERYL NYLANDER FOR THE NYLANDER RANCH LEVEE REPAIR PROJECT. COMMISSIONER CURLESS SECONDED. MOTION CARRIED WITHOUT DISSENT.

**B. CONSIDERATION OF ISSUING CONSENT TO THE TRANSFER OF CONTROLLING INTEREST OF COAST SEAFOODS COMPANY PURSUANT TO TIDELAND LEASE.**

COMMISSIONER CURLLESS MOVED FOR THE APPROVAL OF ISSUING CONSENT TO THE TRANSFER OF CONTROLLING INTEREST OF COAST SEAFOODS COMPANY PURSUANT TO TIDELAND LEASE. COMMISSIONER PELLEGRINI SECONDED.

District Counsel recommended approval of the request from Coast Seafoods for consent to transfer controlling interest, provided it posts a bond or undertaking in the amount of \$25,000 to guarantee contractual performance. This would provide a "cushion" of over one year at the current lease rent for the District to lease to a third party should Coast Seafoods default on the lease.

Greg Dale, Coast Seafoods, said the current owner, John Petrie, is a single owner and wants to sell the business. Mr. Dale said the employees are very positive about the sale.

COMMISSIONER CURLLESS AMENDED HIS MOTION AS FOLLOWS: APPROVE THE CONSENT TO TRANSFER OF CONTROLLING INTEREST OF COAST SEAFOODS COMPANY PURSUANT TO TIDELAND LEASE CONTINGENT UPON THE DELIVERY OF \$25,000 IN A MANNER ACCEPTABLE TO THE BOARD OF COMMISSIONERS AND STAFF. COMMISSIONER PELLEGRINI SECONDED. MOTION CARRIED WITHOUT DISSENT.

**ADMINISTRATIVE AND EMERGENCY PERMITS: None**

The Board of Commissioners adjourned to Executive Closed Session at 8:12 p.m.

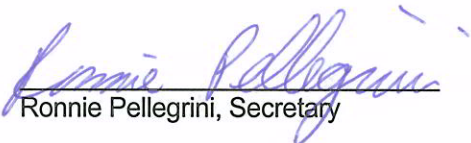
President Wilson adjourned the Executive Closed Session at 8:40 p.m.

President Wilson called to order the Regular Meeting of the Board of Commissioners at 8:41 p.m.

District Counsel reported the Executive Closed Session as follows: Public Employee Performance Evaluation – Chief Executive Officer: No action taken.

The Regular Meeting of the Board of Commissioners was adjourned at 8:42 p.m.

APPROVED BY:

  
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Ronnie Pellegrini, Secretary

RECORDED BY:

  
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Patricia L. Tyson  
Director of Administrative Services