

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

**DATE:** Friday, February 17, 2012

**TIME:** 2:00 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 2:00 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. **Communications and Reports**

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

5. **Unfinished Business**

- a. Consideration of adopting Resolution 2012-05 establishing findings relative to the permit application by City of Eureka for the Hiksari' Trail Salt Marsh Mitigation Project, Eureka, California.
- b. Consideration of granting Permit 11-09 to the City of Eureka for the Hiksari' Trail Salt Marsh Mitigation Project, Eureka, California.

6. **New Business**

- a. Consideration of contract with Dockal & Associates for preparation of the TIGER IV 2012 grant application or in the alternative to grant Interim CEO authority to enter into such a contract on behalf of the District.
- b. Consideration of accepting for filing for Permit Application No. 12-01 from Chevron USA Inc. for the construction of a new fire suppression system at their Terminal facility.
- c. Consideration of First reading of Amendment 5 to Ordinance 14, an Amendment to the Ordinance establishing procedures for the evaluation of applications for grants, franchises, leases, permits, rights or privileges affecting or involving areas or activities within the jurisdiction of the Humboldt Bay Harbor, Recreation and Conservation District and establishing rules and regulations thereto.
- d. Consideration of travel for Dockmaster and Director of Facility Maintenance to attend the 38<sup>th</sup> Annual Pacific Coast Congress of Harbormasters and Port Managers Conference in Nanaimo, British Columbia, April 10-13, 2012.
- e. Consideration of award of contract for the purchase and delivery of Two (2) Port Security Vehicles.

7. **Administrative and Emergency Permits**

8. **Adjournment**

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

**February 17, 2012**

**PRESENT**

Commissioner Dale  
Commissioner Wilson  
Commissioner Marks

**ABSENT**

Commissioner Newman  
Commissioner Higgins

President Wilson called the Regular Meeting of the Board of Commissioners to order at 2:03 P.M.

President Wilson asked District Clerk to lead those present in the Pledge of Allegiance.

**PUBLIC COMMENT:** None

**CONSENT CALENDAR:** None

**INTERIM CEO REPORT**

- ❖ Met with Director of Facility Maintenance and representatives of T-Mobile to discuss placement of a cell tower at Fields Landing. T-Mobile is working on the contract to present to the Board and hopes to have the tower in place by the end of August
- ❖ Reported that the CEO Search Committee has 27 completed applications before them to rank.
- ❖ Stated the Sea Scouts received a grant of \$8000.00 from the Rotary Club to purchase outboard motors.
- ❖ Met with Commissioner Dale and the Director of Conservation on the HASA Artificial Reef Project.
- ❖ Said the next Board Meeting will be March 8, 2012, if there is no business to discuss at the regularly scheduled meeting of February 23.

**DISTRICT COUNSEL REPORT**

- ❖ Received a forwarded e-mail from District staff with an inquiry from a title company regarding a judgment in favor of the District in 1982 on the South Bay Marina property. The property is reportedly in escrow so they were trying to clear the title, which would include the District's lien. Spoke to former District Counsel to get the background on the property: when the District was originally formed, it was disputed whether the tidelands being occupied by the South Bay Marina were in District jurisdiction. It was determined that it was District property and that South Bay Marina owed rent on it. It was paid and South Bay Marina became the lessee. District Counsel has advised District staff that when the title company prepares a form releasing District interest in property, that they sign it.

**STAFF REPORT**

- ❖ Director of Conservation reported he listened to a presentation on Sea Level Rise last night and saw Commissioner Higgins there. He said the presenters are expecting a two (2) to six (6) feet rise by year 2100 and the State is recommending to plan for four and a half (4 ½) feet. Director of Conservation stated there was around a one (1) foot increase in the 1900's, but that it seems to be increasing.

## COMMISSIONERS REPORTS

### Commissioner Dale

- ❖ Met with the CEO Selection Committee on Wednesday and said there were some good applications.
- ❖ Attended an Artificial Reef meeting today and encourages community input and assistance.

### Commissioner Wilson

- ❖ Recently attended a RREDC (Redwood Region Economic Development Committee) Prosperity 2012 function where 75 attendees were expected and 130 showed.

### Commissioner Marks

- ❖ Attended a CalTrans meeting regarding the speed limit in Manila where citizens were told that until the traffic is slowed down, the agency cannot lower the speed limit.

## UNFINISHED BUSINESS

### A. CONSIDERATION OF ADOPTING RESOLUTION 2012-05 ESTABLISHING FINDINGS RELATIVE TO THE PERMIT APPLICATION BY CITY OF EUREKA FOR THE HIKSARI' TRAIL SALT MARSH MITIGATION PROJECT, EUREKA, CALIFORNIA.

COMMISSIONER DALE MOVED FOR ADOPTING RESOLUTION 2012-05 ESTABLISHING FINDINGS RELATIVE TO THE PERMIT APPLICATION BY CITY OF EUREKA FOR THE HIKSARI' TRAIL SALT MARSH MITIGATION PROJECT, EUREKA, CALIFORNIA. COMMISSIONER MARKS SECONDED.

Director of Conservation reported this project is to improve the trail system, but that it impacts a small amount of wetlands; therefore the mitigation project will restore one (1) acre of salt marsh. The District requires a permit for the mitigation project. Permits from other agencies have been granted and the CEQA documentation has been done. He has asked the City to share the report with the District on how the vegetation recovers.

ROLL CALL VOTE WAS TAKEN:

COMMISSIONER NEWMAN – ABSENT  
COMMISSIONER DALE – AYE  
COMMISSIONER WILSON – AYE  
COMMISSIONER MARKS – AYE  
COMMISSIONER HIGGINS – ABSENT

MOTION CARRIED WITHOUT DISSENT.

### B. CONSIDERATION OF GRANTING PERMIT 11-09 TO THE CITY OF EUREKA FOR THE HIKSARI' TRAIL SALT MARSH MITIGATION PROJECT, EUREKA, CALIFORNIA.

COMMISSIONER MARKS MOVED FOR GRANTING PERMIT 11-09 TO THE CITY OF EUREKA FOR THE HIKSARI' TRAIL SALT MARSH MITIGATION PROJECT, EUREKA, CALIFORNIA. COMMISSIONER DALE SECONDED. MOTION CARRIED WITHOUT DISSENT.

**NEW BUSINESS**

**A. CONSIDERATION OF CONTRACT WITH DOCKAL & ASSOCIATES FOR PREPARATION OF THE TIGER IV 2012 GRANT APPLICATION OR IN THE ALTERNATIVE TO GRANT INTERIM CEO AUTHORITY TO ENTER INTO SUCH A CONTRACT ON BEHALF OF THE DISTRICT.**

Commissioner Wilson said there is another round of TIGER funding the District is eligible to apply for. He stated the District was unsuccessful on the last application because some of the grant-funded equipment was not US-made. Commissioner Wilson reported the District will likely ask for about \$1,500,000.00, which is less than for the TIGER III application. He said Suzanne Dockal helped with the application last time and did a good job at a good price.

District Counsel reported at the time the agenda was created, the District was not sure if they would have a contract in-hand with Suzanne Dockal, which is why the alternative is to grant the Interim Chief Executive Officer the authority to enter into the contract.

COMMISSIONER DALE MOVED FOR APPROVAL TO GRANT INTERIM CEO AUTHORITY TO ENTER INTO A CONTRACT ON BEHALF OF THE DISTRICT WITH DOCKAL & ASSOCIATES FOR PREPARATION OF THE TIGER IV 2012 GRANT APPLICATION NOT TO EXCEED \$5,000.00. COMMISSIONER MARKS SECONDED.

Commissioner Wilson said this grant program is basically to stimulate the economy by creating jobs.

MOTION CARRIED WITHOUT DISSENT.

**B. CONSIDERATION OF ACCEPTING FOR FILING PERMIT APPLICATION NO. 12-01 FROM CHEVRON USA INC. FOR THE CONSTRUCTION OF A NEW FIRE SUPPRESSION SYSTEM AT THEIR TERMINAL FACILITY.**

COMMISSIONER MARKS MOVED FOR ACCEPTING FOR FILING PERMIT APPLICATION NO. 12-01 FROM CHEVRON USA INC. FOR THE CONSTRUCTION OF A NEW FIRE SUPPRESSION SYSTEM AT THEIR TERMINAL FACILITY. COMMISSIONER DALE SECONDED.

Director of Conservation said Chevron has been mandated to improve their fire suppression system. He stated the reason Chevron needs a District permit for the running of lines out to the pier. Director of Conservation reported he is in discussion with the City of Eureka on who the lead agency will be, although the project may qualify for a CEQA exemption.

MOTION CARRIED WITHOUT DISSENT.

**C. CONSIDERATION OF FIRST READING OF AMENDMENT 5 TO ORDINANCE 14, AN AMENDMENT TO THE ORDINANCE ESTABLISHING PROCEDURES FOR THE EVALUATION OF APPLICATIONS FOR GRANTS, FRANCHISES, LEASES, PERMITS, RIGHTS OR PRIVILEGES AFFECTING OR INVOLVING AREAS OR ACTIVITIES WITHIN THE JURISDICTION OF THE HUMBOLDT BAY HARBOR, RECREATION AND CONSERVATION DISTRICT AND ESTABLISHING RULES AND REGULATIONS THERETO.**

COMMISSIONER MARKS MOVED FOR FIRST READING OF AMENDMENT 5 TO ORDINANCE 14, AN AMENDMENT TO THE ORDINANCE ESTABLISHING PROCEDURES FOR THE EVALUATION OF APPLICATIONS FOR GRANTS, FRANCHISES, LEASES, PERMITS, RIGHTS OR PRIVILEGES AFFECTING OR INVOLVING AREAS OR ACTIVITIES WITHIN THE JURISDICTION OF THE HUMBOLDT BAY HARBOR, RECREATION AND CONSERVATION DISTRICT AND ESTABLISHING RULES AND REGULATIONS THERETO. COMMISSIONER DALE SECONDED.

Director of Conservation said the District's permit process currently allows for extensions for five (5) years and the Amendment would extend it to ten (10) years. He stated there are times the District's permit runs out before the other permits are obtained or before the work is completed.

District Counsel reported the Amendment would not be adopted until the Second Reading.

MOTION CARRIED WITHOUT DISSENT.

**D. CONSIDERATION OF TRAVEL FOR DOCKMASTER AND DIRECTOR OF FACILITY MAINTENANCE TO ATTEND THE 38<sup>TH</sup> ANNUAL PACIFIC COAST CONGRESS OF HARBORMASTERS AND PORT MANAGERS CONFERENCE IN NANAIMO, BRITISH COLUMBIA, APRIL 10-13, 2012.**

COMMISSIONER DALE MOVED FOR APPROVAL OF TRAVEL FOR DOCKMASTER AND DIRECTOR OF FACILITY MAINTENANCE TO ATTEND THE 38<sup>TH</sup> ANNUAL PACIFIC COAST CONGRESS OF HARBORMASTERS AND PORT MANAGERS CONFERENCE IN NANAIMO, BRITISH COLUMBIA, APRIL 10-13, 2012. COMMISSIONER MARKS SECONDED.

Interim CEO said the Director of Facility Maintenance and the Dockmaster have attended this conference the past few years. It is a good networking opportunity for staff and often results in money-saving ideas to use at the District.

MOTION CARRIED WITHOUT DISSENT.

**E. CONSIDERATION OF AWARD OF CONTRACT FOR THE PURCHASE AND DELIVERY OF TWO (2) PORT SECURITY VEHICLES.**

Interim CEO stated this purchase is the last of the Homeland Security grant dollars, and that these vehicles will replace older ones. She reported that the vehicles are Ford Rangers that are currently on the lot at Harper Ford.

Commissioner Wilson asked if it was required to purchase trucks with the grant money.

Interim CEO said that the report had to be in by December 31, 2011, and that the grant had approved trucks since they can pull the Command Trailers.

Commissioner Wilson stated the District does not have any smaller, fuel-efficient vehicles.

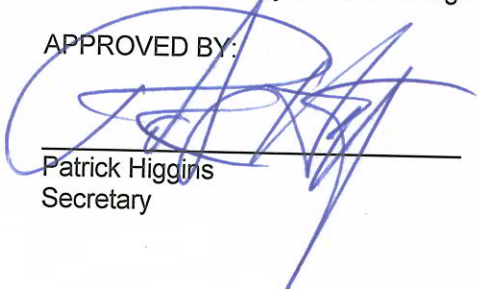
Commissioner Marks said the District is getting a good deal.

COMMISSIONER DALE MOVED FOR AWARD OF CONTRACT FOR THE PURCHASE AND DELIVERY OF TWO (2) PORT SECURITY VEHICLES. COMMISSIONER MARKS SECONDED.  
MOTION CARRIED WITHOUT DISSENT.

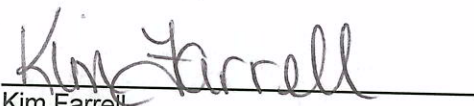
**ADMINISTRATIVE AND EMERGENCY PERMITS:** None

President Wilson adjourned the Regular Meeting of the Board of Commissioners at 2:44 P.M.

APPROVED BY:

  
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Patrick Higgins  
Secretary

RECORDED BY:

  
\_\_\_\_\_  
Kim Farrell  
Clerk