

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

**DATE:** July 12, 2012  
**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 24 hours in advance of the meeting.*

1. **Executive Closed Session – Cancelled**
2. **Call to Order Regular Session at 7:00 p.m.**
3. **Roll Call**
4. **Pledge of Allegiance**
5. **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.*

6. **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 March 8, 2012 Board Meeting.
- b. Consideration of approval of minutes from the March 15, 2012 Board Meeting.
- c. Consideration of approval of minutes from the March 29, 2012 Board Meeting.
- d. Consideration of approval of minutes from the April 12, 2012 Board Meeting.
- e. Consideration of approval of minutes from the May 10, 2012 Board Meeting.
- f. Consideration of approval of minutes from the May 24, 2012 Board Meeting.
- g. Consideration of payment to Dale Edge for construction of Bar Pilots' office. \$2,155.85

7. **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

8. **Non Agenda**

9. **Unfinished Business**

**Agenda for July 12, 2012 Regular Board Meeting**

**10. New Business**

- a. Consideration of Lease with Tom Sheldrake for the Woodley Island Ship Shop.
- b. Consideration of extension of Permit 11-7 to California Coastal Conservancy for the study of mechanical and chemical control methods of *Spartina densiflora* in muted and unmuted tidal marsh.
- c. Consideration of Resolution No. 2012-11, A Resolution Authorizing Jack Crider, Patricia Tyson, Alan Bobillot, Tim Petrusha, John Powell and Suzie Howser to Acquire Surplus Property from the California State Agency for Surplus Property.
- d. Consideration of Resolution No. 2012-12, A Resolution Designating Business Matters, Appointment and Authorization for the Humboldt Bay Harbor, Recreation and Conservation District for Fiscal Year 2012/13.
- e. Consideration of Adopting ADA Accessibility Complaint Form, required by the 1990 American with Disabilities Act and the Amendment to that Act signed in 2008.
- f. Consideration of approval of Third Amendment to Bar Pilot Employment Contract with Captain John Powell.
- g. Consideration of approval of Third Amendment to Bar Pilot Employment Contract with Captain Tim Petrusha.
- h. Consideration of Resolution No. 2012-13, A Resolution Declaring Various Items as Surplus Property and for the Disposal of Surplus Personal Property Belonging to the Humboldt Bay Harbor, Recreation and Conservation District.
- i. Consideration of extension of Permit 05-03 to Sierra Pacific Industries for maintenance dredging of the Sierra Pacific Dock.
- j. Consideration of extension of Permit 07-01 to the City of Arcata for the McDaniel Slough Wetland Enhancement Project.
- k. Second Reading and Adoption of FY 2012/13 Budget.
- l. Consideration of Resolution No. 2012-14, A Resolution Adopting Various Fees for Services.

**11. Administrative and Emergency Permits**

**12. Adjournment**

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

**July 12, 2012**

**PRESENT**

Commissioner Newman  
Commissioner Wilson  
Commissioner Marks  
Commissioner Higgins

**ABSENT**

Commissioner Dale

President Wilson called the Regular Meeting of the Board of Commissioners to order at 7:05 P.M.

President Wilson led those present in the Pledge of Allegiance.

**PUBLIC COMMENT:** None

**CONSENT CALENDAR**

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

**CHIEF EXECUTIVE OFFICER REPORT**

- ❖ Commended Director of Administrative Services for creating decipherable monthly spreadsheets.
- ❖ Said that his goal is to offset the District's operation expenses with the tax base received and the closer the District gets to that goal, the better financially it will be; operation expenses not covered by the tax base can typically be covered by grants.
- ❖ Stated the Resolution for the loan for the dock electric expense will likely be on the Agenda at the next meeting.
- ❖ Reported the cruise ship *The World* was docked in Humboldt Bay; said he visited the first log ship that has been in Humboldt Bay since he was employed by the District and took them a gift of a plaque; Captain Tim Petrusha took a gift of salmon.
- ❖ Said the Bar Pilot office and the Ship Shop construction projects are complete. An ice machine will be installed near the Ship Shop.
- ❖ Reported he is looking at ways to slow the erosion at the King Salmon dunes.

**DISTRICT COUNSEL REPORT**

- ❖ Attended four hours of continuing education on public sector employment law today.

**STAFF REPORT**

Director of Facility Maintenance reported on the following:

- ❖ Moose Boats in Petaluma is building the District's new Fire Boat that has been purchased through a Homeland Security grant; Moose Boats contracted much of the work done on the boat out to local vendors. He said the fire boat accelerates up to about 44 miles per hour at maximum speed and will enhance both the Harbor District's and the Eureka Fire Department's capabilities. Director of Facility Maintenance stated he is working with the City of Eureka and the Fire Department for guidelines on maintenance and share of costs. He reported that he and the District's Bar Pilots will be participating in sea trials in a few weeks, with an expected delivery date in August.

## Minutes

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- ❖ The Shelter Cove Fish Cleaning Station was attracting an overwhelming pelican population; and he, Captain John Powell and other Maintenance Staff built a cover with deer netting over the fish-cleaning table. Director of Facility Maintenance talked to the fish cleaning station caretakers afterwards and they reported it was holding up well and doing a good job; he has received good feedback. Director of Facility Maintenance said the District is deciding on a more permanent structure and that the pelican count has dropped off since the addition of the netting.

Commissioner Higgins commended Staff for their promptness in addressing the pelican situation. He reported this has been a bumper year for pelicans and that Crescent City has been contending with the same problem.

Director of Facility Maintenance said the pelicans have been a dilemma all over the state this year.

Commissioner Wilson stated the pelican predicament has been a starvation issue.

Director of Conservation reported on the following:

- ❖ Has been working with the Coastal Conservancy on funding for design and permitting on water trails at the Arcata Marsh facility, Samoa Boat Ramp, and I-dock at Woodley Island Marina.
- ❖ The Coastal Conservancy has approached the Humboldt Bay Initiative and the District with interest in funding a sea level rise vulnerability assessment and adaptation planning.
- ❖ There was a public meeting to wrap up the Collaborative Fisheries Research project.
- ❖ Reported the District provided a venue for a NOAA meeting on their eelgrass policy changes. He said he wrote a letter addressing the policy changes for the District. There were many concerns expressed at the meeting.
- ❖ There will be a PG&E public meeting Wednesday, July 25 about the King Salmon Canal project.

## COMMISSIONER REPORTS

Commissioner Higgins

- ❖ Reported the Collaborative Fisheries meeting was a success.
- ❖ Met with CEO and Drew Barrett about possible grant funds regarding halibut research.
- ❖ Went to Shelter Cove with CEO and was impressed with the alacrity of Mr. Crider to solve issues that have been longstanding.

Commissioner Marks

- ❖ Attended the Collaborative Fisheries meeting.
- ❖ Went to Shelter Cove with CEO and was impressed with his ability to remain professional in an uncomfortable situation when difficult questions arose.
- ❖ Attended an NCRA meeting this week.
- ❖ Said he is supportive of a trail around Humboldt Bay and is frustrated that it is taking so long.

Commissioner Wilson

- ❖ Attended the NCRA meeting.
- ❖ Received a letter from Dr. Chad Roberts terminating his employment with the District.
- ❖ Was asked to bring before the Board an opportunity to sponsor an application to Headwaters for the funding of an aquaponics project on the peninsula. He referred the project to RREDC.
- ❖ Was invited to be on a panel regarding Humboldt Bay and climate change next weekend.

Commissioner Newman

- ❖ Reported fishermen are on strike regarding the salmon price at \$2.75 per pound; they are asking \$4.00. Said yesterday the salmon season opened in Shelter Cove.

**NON AGENDA:** None

**UNFINISHED BUSINESS:** None

**NEW BUSINESS**

President Wilson moved New Business Items (k) Second Reading and Adoption of FY 2012/13 Budget and (l) Consideration of Resolution No. 2012-14, A Resolution Adopting Various Fees for Services to this place in the agenda due to considerable public participation.

**K. SECOND READING AND ADOPTION OF FY 2012/13 BUDGET.**

CEO said one of the changes made in the budget is that grants have been included. He said there is also an additional expense to determine Best Management Practices for the Fields Landing Boat Yard addressing the sediment that comes off the boat during cleaning.

Commissioner Wilson reported that Will Edington, the District's Washington D.C. lobbyist, said the District should use him to their benefit more frequently.

CEO said he wants to cut some of the District's industry memberships; there is duplication of services.

Commissioner Higgins stated he is glad the budget is balanced for the first time since he has been on the Board since 2008 and that CEO has paid great attention to detail.

Commissioner said CEO has done a great job explaining to concerned tenants the rate changes.

**COMMISSIONER HIGGINS MOVED FOR ADOPTION OF THE FY 2012/13 BUDGET.  
COMMISSIONER MARKS SECONDED.**

Bill McBroome, a tenant of Woodley Island Marina, commenting on the possible elimination of the daytime security guard, stated he does not want that position terminated because it fills a unique need by doing many duties that are beyond the scope of security; he reported it is worth every penny to keep the position filled to maintain safety on Woodley Island.

Rex Olander, a tenant of Woodley Island Marina, agrees with Mr. McBroome.

Mr. McBroome said regarding the metering of dock electricity, that electricity usage has always been included in the liveaboard fee; he asked if it would be deducted when the District started charging for electricity.

Director of Facility Maintenance stated there has been no discussion about deducting it from the liveaboard charge.

CEO reported that it will be discussed, but that the District is in the initial phases of the process of installation.

Commissioner Wilson said he wanted Staff to discuss with PG&E the possibility of discounted rates for income-eligible tenants.

Commissioner Higgins stated workshops should be organized to discuss the District's intentions on metering the docks.

CEO reported that it is unusual to have a security guard, particularly a position contracted out, essentially acting in the role of Marina Manager.

Ken Bates of the Humboldt Fishermen's Marketing Association, commended CEO for working to increase the District's revenues instead of flatly raising fees.

Sebastian Elrite of Aqua-Rodeo Farms said he does not want to see the guards' positions eliminated because he relies on them to open storage and work yards. He stated he sees the District's level of service decreasing.

Susan Penn, a Woodley Island Marina tenant, reported she is not pleased with the electric fees being added on top of liveaboard charges; she said she would like the District to make Internet access available to its tenants.

Commissioner Higgins stated he appreciated the input from the public.

MOTION CARRIED WITHOUT DISSENT.

**L. CONSIDERATION OF RESOLUTION NO. 2012-14, A RESOLUTION ADOPTING VARIOUS FEES FOR SERVICES.**

COMMISSIONER HIGGINS MOVED FOR ADOPTION OF RESOLUTION NO. 2012-14, A RESOLUTION ADOPTING VARIOUS FEES FOR SERVICES. COMMISSIONER MARKS SECONDED.

ROLL CALL VOTE WAS TAKEN:

COMMISSIONER NEWMAN – AYE

COMMISSIONER DALE – ABSENT

COMMISSIONER WILSON – AYE

COMMISSIONER MARKS – AYE

COMMISSIONER HIGGINS – AYE

MOTION CARRIED WITHOUT DISSENT.

Commissioner Wilson reported the District does not have the funds for the next round of dredging but that it is still a few years away; said discussions with the City regarding dredging are ongoing.

Ken Bates stated the City of Santa Barbara is constantly dredging and putting it directly on beaches; he reported hotels are happy when they get the sediment on their beachfront.

**A. CONSIDERATION OF LEASE WITH TOM SHELDRAKE FOR THE WOODLEY ISLAND SHIP SHOP.**

COMMISSIONER HIGGINS MOVED FOR APPROVAL OF LEASE WITH TOM SHELDRAKE FOR THE WOODLEY ISLAND SHIP SHOP. COMMISSIONER MARKS SECONDED.

District Counsel reported he has reviewed the lease.

Commissioner Higgins said it was creative thinking to reduce the size of the Ship Shop and their rent to create the Bar Pilots' office.

Susan Penn stated she likes the Ship Shop being in its current location.

MOTION CARRIED WITHOUT DISSENT.

**B. CONSIDERATION OF EXTENSION OF PERMIT 11-7 TO CALIFORNIA COASTAL CONSERVANCY FOR THE STUDY OF MECHANICAL AND CHEMICAL CONTROL METHODS OF *SPARTINA DENSIFLORA* IN MUTED AND UNMUTED TIDAL MARSH.**

COMMISSIONER MARKS MOVED FOR EXTENSION OF PERMIT 11-7 TO CALIFORNIA COASTAL CONSERVANCY FOR THE STUDY OF MECHANICAL AND CHEMICAL CONTROL METHODS OF *SPARTINA DENSIFLORA* IN MUTED AND UNMUTED TIDAL MARSH. COMMISSIONER HIGGINS SECONDED.

MOTION CARRIED WITHOUT DISSENT.

**C. CONSIDERATION OF RESOLUTION NO. 2012-11, A RESOLUTION AUTHORIZING JACK CRIDER, PATRICIA TYSON, ALAN BOBILLOT, TIM PETRUSHA, JOHN POWELL AND SUZIE HOWSER TO ACQUIRE SURPLUS PROPERTY FROM THE CALIFORNIA STATE AGENCY FOR SURPLUS PROPERTY.**

COMMISSIONER HIGGINS MOVED FOR APPROVAL OF RESOLUTION NO. 2012-11, A RESOLUTION AUTHORIZING JACK CRIDER, PATRICIA TYSON, ALAN BOBILLOT, TIM PETRUSHA, JOHN POWELL AND SUZIE HOWSER TO ACQUIRE SURPLUS PROPERTY FROM THE CALIFORNIA STATE AGENCY FOR SURPLUS PROPERTY. COMMISSIONER MARKS SECONDED.

ROLL CALL VOTE WAS TAKEN:

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

MOTION CARRIED WITHOUT DISSENT.

**D. CONSIDERATION OF RESOLUTION NO. 2012-12, A RESOLUTION DESIGNATING BUSINESS MATTERS, APPOINTMENT AND AUTHORIZATION FOR THE HUMBOLDT BAY HARBOR, RECREATION AND CONSERVATION DISTRICT FOR FISCAL YEAR 2012/13.**

COMMISSIONER MARKS MOVED FOR APPROVAL OF RESOLUTION NO. 2012-12, A RESOLUTION DESIGNATING BUSINESS MATTERS, APPOINTMENT AND AUTHORIZATION FOR THE HUMBOLDT BAY HARBOR, RECREATION AND CONSERVATION DISTRICT FOR FISCAL YEAR 2012/13. COMMISSIONER HIGGINS SECONDED.

ROLL CALL VOTE WAS TAKEN:

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

MOTION CARRIED WITHOUT DISSENT.

**E. CONSIDERATION OF ADOPTING ADA ACCESSIBILITY COMPLAINT FORM, REQUIRED BY THE 1990 AMERICAN WITH DISABILITIES ACT AND THE AMENDMENT TO THAT ACT SIGNED IN 2008.**

COMMISSIONER MARKS MOVED FOR ADOPTING ADA ACCESSIBILITY COMPLAINT FORM, REQUIRED BY THE 1990 AMERICAN WITH DISABILITIES ACT AND THE AMENDMENT TO THAT ACT SIGNED IN 2008. COMMISSIONER HIGGINS SECONDED.

Director of Administrative Services reported the form is required by the Samoa Industrial Waterfront Transportation Access Plan grant.

MOTION CARRIED WITHOUT DISSENT.

**F. CONSIDERATION OF APPROVAL OF THIRD AMENDMENT TO BAR PILOT EMPLOYMENT CONTRACT WITH CAPTAIN JOHN POWELL.**

COMMISSIONER HIGGINS MOVED FOR APPROVAL OF THIRD AMENDMENT TO BAR PILOT EMPLOYMENT CONTRACT WITH CAPTAIN JOHN POWELL. COMMISSIONER MARKS SECONDED.

District Counsel said the last review of the Bar Pilots' contracts was two years ago.

Commissioner Higgins stated having the Bar Pilots on Staff shows the public the District's priorities and commitment to shipping in Humboldt Bay.

MOTION CARRIED WITHOUT DISSENT.

**G. CONSIDERATION OF APPROVAL OF THIRD AMENDMENT TO BAR PILOT EMPLOYMENT CONTRACT WITH CAPTAIN TIM PETRUSHA.**

COMMISSIONER HIGGINS MOVED FOR APPROVAL OF THIRD AMENDMENT TO BAR PILOT EMPLOYMENT CONTRACT WITH CAPTAIN TIM PETRUSHA. COMMISSIONER MARKS SECONDED.

MOTION CARRIED WITHOUT DISSENT.

**H. CONSIDERATION OF RESOLUTION NO. 2012-13, A RESOLUTION DECLARING VARIOUS ITEMS AS SURPLUS PROPERTY AND FOR THE DISPOSAL OF SURPLUS PERSONAL PROPERTY BELONGING TO THE HUMBOLDT BAY HARBOR, RECREATION AND CONSERVATION DISTRICT.**

COMMISSIONER HIGGINS MOVED FOR APPROVAL OF RESOLUTION NO. 2012-13, A RESOLUTION DECLARING VARIOUS ITEMS AS SURPLUS PROPERTY AND FOR THE DISPOSAL OF SURPLUS PERSONAL PROPERTY BELONGING TO THE HUMBOLDT BAY HARBOR, RECREATION AND CONSERVATION DISTRICT. COMMISSIONER MARKS SECONDED.

MOTION CARRIED WITHOUT DISSENT.

**I. CONSIDERATION OF EXTENSION OF PERMIT 05-03 TO SIERRA PACIFIC INDUSTRIES FOR MAINTENANCE DREDGING OF THE SIERRA PACIFIC DOCK.**

Director of Conservation asked this Item to be removed from the Agenda since the Permit has expired and therefore is not eligible for extension.



**J. CONSIDERATION OF EXTENSION OF PERMIT 07-01 TO THE CITY OF ARCATA FOR THE MCDANIEL SLOUGH WETLAND ENHANCEMENT PROJECT.**

COMMISSIONER HIGGINS MOVED FOR APPROVAL OF EXTENSION OF PERMIT 07-01 TO THE CITY OF ARCATA FOR THE MCDANIEL SLOUGH WETLAND ENHANCEMENT PROJECT.  
COMMISSIONER NEWMAN SECONDED.

Commissioner Wilson reported the City of Arcata has been working on the McDaniel Slough for about a decade.


Director of Conservation said the project is scheduled to be completed next year.

MOTION CARRIED WITHOUT DISSENT.

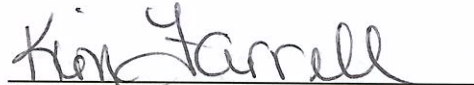
**ADMINISTRATIVE AND EMERGENCY PERMITS:** None

President Wilson adjourned the Regular Meeting of the Board of Commissioners at 8:38 P.M.

APPROVED BY:

  
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Patrick Higgins  
Secretary

RECORDED BY:

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

10-11-12

