

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

January 9, 2014

PRESENT

Commissioner Newman
Commissioner Dale
Commissioner Wilson
Commissioner Marks
Commissioner Higgins

President Wilson called the Executive Closed Session to order at 6:03 P.M.

President Wilson adjourned the Executive Closed Session at 6:52 P.M.

President Wilson called the Regular Meeting of the Board of Commissioners to order at 7:07 P.M.

President Wilson asked Pete Oringer to lead those present in the Pledge of Allegiance.

District Counsel reported out of the Executive Closed Session as follows: Conference with Labor Negotiator and Conference with Real Property Negotiator – Commissioner Higgins resigned from the Negotiating Committee and Commissioner Dale agreed to take his place; Conference with Real Property Negotiator – No action taken; Conference Regarding Potential Initiation of Litigation – The Board of Commissioners authorized District Counsel to enforce legal proceedings enforcing District's right under the subject lease.

PUBLIC COMMENT

Kent Sawatzky said 2013 was, to him, the year of the carrot. 2014 will be the year of the stick. In the court of public opinion, the Harbor District should stay out of litigation. He said he tried to find out information about the Closed Session items; any group not transparent violates the public's trust.

Sebastian Elrite, Aqua-Rodeo Farms, asked when there would be an update from staff on the aquaculture expansion project. When will the Harbor District start scoping meetings. CEO stated a meeting is scheduled for Thursday, January 16 @ 8 a.m. to discuss leases and process.

Pete Oringer said CEO recently gave a pleasant presentation on the EPA Brownfields grant application. He said many answers were give to questions on the pulp mill property cleanup process.

CONSENT CALENDAR: None

COMMUNICATIONS AND REPORTS

Chief Executive Officer

- ❖ Reported on the Pulp Mill property as follows: Power, water and sewer are now working. The property is ready for showing to potential tenants. Phase 3 of the dock has begun. EPA will return on February 3 – six test trucks will be loaded. KapStone and Port of Longview are reconsidering barging to a pipeline instead of trucking on the dike road. KapStone and EPA continue to work through legal agreement.
- ❖ CEO is working on a new outfall line agreement with DG Power Fairhaven.
- ❖ Taylor Mariculture/Berth 2: installing power to dock and warehouse; Regional Water Quality Control Board inspection January 13; Coastal Commission to consider granting modified approval at their February meeting; flupsys will be operational in March; Lease negotiations complete and

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final draft will be presented to the Board for consideration of approval at the January 23rd meeting.

STAFF REPORTS

Director of Conservation

- ❖ Spartina eradication coordinator hiring in process.
- ❖ Meeting tomorrow with stakeholders on the sediment reuse project.
- ❖ On December 31st there was a King Tide, but there was no flooding due to the absence of rainfall.
- ❖ Currently in the comment period for the King Salmon Canal Dredge permitting CEQA document.
- ❖ Working with CBS Outdoor on their permit application to remove downed billboards.

Director of Facility Maintenance

- ❖ Phase 3 of Berth 2 repairs to approachway and catwalks started.
- ❖ EPA will be using the Redwood Terminal 2 building offices; the carpets have been cleaned.

Bar Pilot Tim Petrusha

- ❖ A log ship will be in port next week.

DISTRICT COUNSEL REPORT: None

COMMISSIONER AND COMMITTEE REPORTS

Commissioner Newman

- ❖ Stated it is time to dredge in the marina slips; shallowing of areas around the slips is becoming a real problem.

Commissioner Wilson

- ❖ Took his 98-year old grandfather on a tour of the new Bay Area distillery, repurposing of a naval base.
- ❖ Neither US Fish & Wildlife Service or CalTrans is interested in maintaining the billboards through the 101 Safety Corridor.

Commissioner Marks

- ❖ Hoping for a resolution of the employee union negotiations.
- ❖ Attended a NCRA meeting yesterday

Commissioner Higgins

- ❖ Reported he was relieved (literally) of his post on the union negotiating committee.
- ❖ Enormous potential for the aquaponics facility.
- ❖ January 13 – Economic Development Committee will discuss Harbor District properties.
- ❖ January 29 – Humboldt Bay Harbor Working Group will meet – Stephen Pepper and Stas Margaronis will speak on short sea shipping.
- ❖ Salmon surveys on the Eel River show thousands of salmon spawned successfully.

NON AGENDA: None

UNFINISHED BUSINESS: None

NEW BUSINESS

A. CONSIDERATION OF ADOPTION OF RESOLUTION 2014-01, A RESOLUTION OF THE HUMBOLDT BAY HARBOR, RECREATION AND CONSERVATION DISTRICT AUTHORIZING THE ADOPTION OF THE HUMBOLDT OPERATIONAL AREA HAZARDS MITIGATION PLAN.

COMMISSIONER DALE MOVED FOR THE ADOPTION OF RESOLUTION 2014-01, A RESOLUTION OF THE HUMBOLDT BAY HARBOR, RECREATION AND CONSERVATION DISTRICT AUTHORIZING THE ADOPTION OF THE HUMBOLDT AREA HAZARDS MITIGATION PLAN. COMMISSIONER HIGGINS SECONDED.

Bar Pilot Petrusha reported 34 local agencies are involved in the five-year update of this Plan, which allows for grant funding for pre-disaster planning. The County Board of Supervisors has already approved the Plan and it has now gone to the local agencies for approval. Hazards Mitigation Plans are required by the Federal Government for disaster preparedness.

Kent Sawatzky said he addressed his concerns to the City of Arcata about the location of the Arcata sewer treatment plant due to its close proximity to Humboldt Bay. The location makes it vulnerable to many risks and an alternate site should be researched.

ROLL CALL VOTE WAS TAKEN:

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

MOTION CARRIED WITHOUT DISSENT.

B. CONSIDERATION OF APPROVAL OF AMENDMENT NO. 3 TO THE HUMBOLDT BAY HARBOR, RECREATION AND CONSERVATION DISTRICT PROFESSIONAL SERVICES AGREEMENT WITH PLANWEST PARTNERS, INC. FOR SAMOA INDUSTRIAL WATERFRONT TRANSPORTATION ACCESS PLAN.

COMMISSIONER HIGGINS MOVED FOR THE APPROVAL OF AMENDMENT NO. 3 TO THE HUMBOLDT BAY HARBOR, RECREATION AND CONSERVATION DISTRICT PROFESSIONAL SERVICES AGREEMENT WITH PLANWEST PARTNERS, INC. FOR SAMOA INDUSTRIAL WATERFRONT TRANSPORTATION ACCESS PLAN. COMMISSIONER MARKS SECONDED.

Kent Sawatzky asked if the Board could extend the contract without advertising a Request for Proposals. He also asked if there would be a conflict of interest since George Williamson is the District Planner.

President Wilson said George Williamson is the District Planner, which is a contract position. He is not an employee of the District.

MOTION CARRIED WITHOUT DISSENT.

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C. CONSIDERATION OF AWARD OF CONTRACT FOR THE CHEMICAL RECOVERY BOILER AND TURBINE GENERATOR AT REDWOOD TERMINAL 2.

CEO reported the RFP was published on November 17; a mandatory site visit was held on December 4, four interested parties attended. Two proposals were received – one from Staton and one from Figas Construction. Complaints were received that enough time was not given for the development of a proposal and the environmental cleanup requirements are unclear.

CEO recommended the withholding the award and send out new RFPs in 60-90 days.

COMMISSIONER HIGGINS MOVED TO WITHHOLD THE AWARD OF CONTRACT FOR THE CHEMICAL RECOVERY BOILER AND TURBINE GENERATOR AT REDWOOD TERMINAL 2. COMMISSIONER DALE SECONDED.

President Wilson created an ad hoc committee of Commissioner Higgins and Commissioner Newman to work with CEO.

COMMISSIONER HIGGINS MOVED FOR A FRIENDLY AMENDMENT TO HIS MOTION TO INCLUDE THE AD HOC COMMITTEE OF COMMISSIONERS DALE AND HIGGINS. COMMISSIONER DALE AGREED TO THE FRIENDLY AMENDMENT.

Steve Root, one of the two proposers, agreed with staff's recommendation even though it may not make a difference to Staton's proposal.

Kent Sawatzky said he supported the idea to wait and then send out a new RFP. He said he would like the bids to be made public, which is standard procedure. Mr. Sawatzky offered his help to the committee as a member of the public.

District Counsel said the Board is choosing to reject all proposals. The proposals are proprietary and could be disadvantageous if they are made public.

Bob Figas said tightening up the components of the RFP would help the responders.

Julie Salminen said the RFP was vague – is it a proposal or is it a bid? She said appointing a committee is a good idea and public participation is recommended. She offered to help the committee.

Commissioner Higgins said the boiler and generator are large tangible assets for the District. The Board needs leeway to make the best business plan for the District. Allowing public participation could be a problematic.

President Wilson said the public can give their comments to the Board without being on the committee.

Monte Provolt said there were ambiguous phrases in the RFP. Keep the ambiguity out, it minimizes problems.

Commissioner Dales said if someone participates in the development of the document, they would then not be allowed to bid.

MOTION CARRIED WITHOUT DISSENT.

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D. CONSIDERATION OF APPROVAL OF CONTRACT WITH LEROY ZERLANG TO LEASE A PORTION OF THE FIELDS LANDING BOAT YARD FOR MARINE SERVICES.

Bar Pilot Petrusha reported the lease is for one (1) year with optional extensions. The monthly lease amount is \$2,650 for 14,000 square feet of yard space and 1,100 square feet of the machine building. Haul-out fees will be reduced because the Mr. Zerlang will provide the ground crew. There will also be separate power meters.

Commissioner Higgins said this lease will help to fully realize the potential of the Fields Landing Boat Yard; a profitable partnership.

Kent Sawatzky said the approval of this lease appears to be a prudent business decision.

Ken Bates said he is in favor of the new operation. He asked if the District staff and Mr. Zerlang met to inspect the condition of the Travelift and building before the lease takes place.

CEO stated District staff will continue to operate the Travelift; Mr. Zerlang provides the ground crew.

Monte Provolt said he would be interested in Mr. Zerlang's suggestions for improvement at the boat yard.

MOTION CARRIED WITHOUT DISSENT.

E. CONSIDERATION OF CONTRACT FOR SPARTINA DENSIFLORA ERADICATION PROJECT COORDINATOR.

Director of Conservation said there is funding in the current Coastal Conservancy grant for a project coordinator. He recommended contracting with Craig Benson of RCAA to serve as the *Spartina densiflora* Project Coordinator for 1 ½ years for \$70,000.00.

COMMISSIONER HIGGINS MOVED FOR THE APPROVAL OF CONTRACT WITH CRAIG BENSON TO SERVE AS THE *SPARTINA DENSIFLORA* PROJECT COORDINATOR.

President Wilson said he would like to see the contract. CEO said all crews have been stopped until the Coordinator is hired; then most likely the same workers will be hired.

District Counsel told the Board of Commissioners they can authorize the CEO to sign with or without Counsel's concurrence. The Board agreed that the CEO could sign the contract with approval of Counsel.

COMMISSIONER MARKS SECONDED.

Kent Sawatzky said the public would like the opportunity to vet Craig Benson; would it really matter to postpone the contract, unless it is an emergency situation. He asked how many hours will be worked for the \$70,000. CEO stated Mr. Benson's and secondary staff time are covered under the budget of \$70,000.

Ryan Wells, LACO Associates, said he has worked with Mr. Benson in the past on habitat restoration projects and feels Mr. Benson is very qualified for the position.

Julie Salminen said she has also worked with Mr. Benson in the past and he is mindful of detailed information. She supports the contract with Mr. Benson.

President Wilson asked Commissioner Dale to work with CEO and District Counsel on the contract.

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MOTION CARRIED WITH COMMISSIONER WILSON DISSENTING.

Commissioner Wilson said he was unsure about the process and wanted to see the contract come back for Board consideration.

F. CONSIDERATION OF APPROVAL OF DRAFT ANALYSIS OF BROWNFIELD CLEANUP ALTERNATIVES AND DRAFT EPA GRANT APPLICATION.

COMMISSIONER HIGGINS MOVED FOR THE APPROVAL OF DRAFT ANALYSIS OF BROWNFIELD CLEANUP ALTERNATIVES AND DRAFT EPA GRANT APPLICATION. COMMISSIONER DALE SECONDED.

Ryan Wells, LACO Associates, and Andrew Whitney, County of Humboldt, spoke on the grant application for the Brownfields Cleanup, a grant for hazardous materials cleanup, due January 22. Harbor District would supply 20% of the match. LACO's contract for sampling and testing count towards the match.


Kent Sawatzky asked how much are the Harbor District's costs. He said the Board should look at each step objectively. Will there be competitive bidding? Make sure everyone has an equal chance at the project.

MOTION CARRIED WITHOUT DISSENT.

ADMINISTRATIVE AND EMERGENCY PERMITS: None

President Wilson adjourned the Regular Meeting of the Board of Commissioners at 8:43 P.M.

APPROVED BY:



Patrick Higgins
Secretary

RECORDED BY:



Patricia Tyson
Director of Administrative Services