

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

21 October 2003

PRESENT:

Commissioner Pellegrini
Commissioner Curless
Commissioner Fritzsche
Commissioner Hunter
Commissioner Ollivier

The Closed Session was called to order at 6:00 p.m. District Counsel reported the items of discussion: Pacific Coast Federation of Fishermen's Associations lawsuit, the Simpson Samoa lease, the USACOE audit of the Harbor Deepening Project records, the Café Marina Lease and the August 2003 claim for damages by Ray and Barbara Vasconcellas.

Closed session adjourned at 6:40 p.m.

The regular meeting of the Board of Commissioners was called to order by President Hunter at 7:00 p.m. Roll call was taken. President Hunter asked Commissioner Curless to lead those present in the Pledge of Allegiance.

District Counsel reported the following items were discussed during Closed Session: Pacific Coast Federation of Fishermen's Associations lawsuit, the Simpson Samoa lease, the USACOE audit of the Harbor Deepening Project records, the Café Marina Lease and the August 2003 claim for damages by Ray and Barbara Vasconcellas. No action was taken.

PUBLIC COMMENT: None

CONSENT CALENDAR

COMMISSIONER CURLESS MOVED TO APPROVE THE CONSENT CALENDAR.
COMMISSIONER FRITZSCHE SECONDED. MOTION CARRIED WITHOUT DISSENT.

CEO REPORT

- 10/10: The pre-bid meeting for the Fields Landing Re-roof project occurred.
- 10/17: The bid opening will take place in the Woodley Island Meeting Room at 2 p.m.
- 10/15: CEO participated in a conference call with Pacific Northwest Waterways Association regarding the 180 day limitation on Corps dredge activity. Studies have shown that the limit is ineffective on the West Coast and apparently there are reports that the East Coast is experiencing similar problems with the dredge limitations. Support has been shown to PNWA by CAPA and AAPA to ask Congress to eliminate the time limits.
- 10/23-24: Jerry Bridges, Maritime Director for the Port of Oakland, will be honored at a reception on 10/23 and will tour port facilities on 10/24. The purpose of Mr. Bridges' visit will be to explore a future reciprocal relationship with the Port of Oakland.
- 10/28: CEO will attend a one-day symposium presented by SACER (Humboldt Bay Scientific Advisory Committee for Estuary Restoration). CEO will make a presentation on the Park Street Marsh restoration as a part of the Woodley Island Marina project.

DISTRICT COUNSEL'S REPORT

District Counsel reported that Bill Bertain had sent out a letter suggesting a bicentennial be planned to celebrate Jonathon Winship, the first seaman to enter Humboldt Bay.

STAFF REPORT: None

COMMISSIONER REPORTS

Commissioner Fritzsche reported on AB 719, a bill regarding service credit purchase under the PERS retirement plan.

ADVISORY COMMITTEE: None

OTHER: None

NON-AGENDA: None

UNFINISHED BUSINESS

A. CONSIDERATION OF RESOLUTION 2003-08 WHICH ESTABLISHES FINDINGS RELATIVE TO THE APPLICATION BY CA DEPARTMENT OF FISH AND GAME FOR ZOSTERA JAPONICA REMOVAL AND DISPOSAL.

CEO reported the CA Department of Fish and Game (CDFG) had submitted an application for a permit for the removal of the non-native, invasive Zostera japonica on Indian Island. Previously CDFG, the lead agency, had been issued an emergency permit to be followed with a permit for continued removal and disposal.

COMMISSIONER PELLEGRINI MOVED FOR THE APPROVAL OF RESOLUTION 2003-08 WHICH ESTABLISHES FINDINGS RELATIVE TO THE APPLICATION BY CA DEPARTMENT OF FISH AND GAME FOR ZOSTERA JAPONICA REMOVAL AND DISPOSAL. COMMISSIONER OLLIVIER SECONDED. ROLL CALL VOTE WAS TAKEN:

COMMISSIONER PELLEGRINI – AYE
COMMISSIONER CURLESS – AYE
COMMISSIONER FRITZSCHE – AYE
COMMISSIONER HUNTER – AYE
COMMISSIONER OLLIVIER – AYE

MOTION CARRIED WITHOUT DISSENT.

B. CONSIDERATION OF GRANTING PERMIT NO. 03-03 TO THE CA DEPARTMENT OF FISH AND GAME FOR ZOSTERA JAPONICA REMOVAL AND DISPOSAL.

COMMISSIONER CURLESS MOVED FOR THE APPROVAL OF GRANTING PERMIT NO. 03-03 TO THE CA DEPARTMENT OF FISH AND GAME FOR ZOSTERA JAPONICA REMOVAL AND DISPOSAL. COMMISSIONER PELLEGRINI SECONDED. MOTION CARRIED WITHOUT DISSENT.

NEW BUSINESS

A. CONSIDERATION OF PERMIT AND AGREEMENT WITH KEVIN PINTO TO OPERATE *JENNA LEE'S SEAFOOD* AT WOODLEY ISLAND MARINA.

Prior to discussion, Commissioner Pellegrini asked District Counsel if she should recuse herself since she and her husband own a fishing boat that also sells seafood. District Counsel stated that if Commissioner Pellegrini votes on this agenda item, she and her husband should not sell seafood to Mr. Pinto for his business.

CEO stated the agreement with Mr. Pinto is to allow him to operate a floating seafood market at Woodley Island Marina. A resolution was previously adopted allowing fish and

shellfish to be sold off vessels moored at the marina. Mr. Pinto would catch his own seafood or purchase product from others.

Commissioner Hunter asked if Mr. Pinto would be in direct competition with other retail seafood markets. Mr. Pinto stated that he would be in competition with retail markets, but not wholesale vendors. He would also be required to carry liability insurance and pay a \$25 monthly permit fee to the Harbor District.

Commissioner Fritzsche asked about the glass balls that Mr. Pinto would sell. Mr. Pinto stated that he would be predominately selling glass balls made by a local glassblower in Trinidad.

COMMISSIONER OLLIVIER MOVED FOR THE APPROVAL OF PERMIT AND AGREEMENT WITH KEVIN PINTO TO OPERATE *JENNA LEE'S SEAFOOD* AT WOODLEY ISLAND MARINA. COMMISSIONER PELLEGRINI SECONDED. MOTION CARRIED WITHOUT DISSENT.

B. CONSIDERATION OF APPROVAL OF AGREEMENT WITH MOFFATT AND NICHOL ENGINEERS FOR ENGINEERING SERVICES RELATED TO THE ENGINEERING FEASIBILITY STUDY OF THE SHELTER COVE BREAKWATER REHABILITATION PROJECT.

C. CONSIDERATION OF APPROVAL OF AGREEMENT WITH WINZLER AND KELLY CONSULTING ENGINEERS FOR ENVIRONMENTAL DOCUMENT PREPARATION SERVICES RELATED TO THE SHELTER COVE BREAKWATER REHABILITATION PROJECT.

CEO reported that he and Commissioner Curless met with Shelter Cove residents to listen to their concerns about the breakwater. A grant application was submitted to the California Coastal Conservancy in October 2002 to study the breakwater rehabilitation. If the grant is approved, the engineer's feasibility study and the environmental documentation preparation work will begin. Once these are completed, California Department of Boating and Waterways is expected to provide the funds for the completion of the rehabilitation project. Moffatt and Nichol Engineers will do the feasibility study and Winzler and Kelly Consulting Engineers will prepare the environmental documentation. It is imperative that the consultants start soon in order to see the winter ocean conditions at their worst to be able to develop the best design. Approval of the agreement will allow them to start as soon as the Coastal Conservancy approves the grant.

COMMISSIONER OLLIVIER MOVED FOR THE APPROVAL OF AGREEMENTS WITH MOFFATT AND NICHOL NOT TO EXCEED \$38,440 FOR ENGINEERING SERVICES AND WITH WINZLER AND KELLY NOT TO EXCEED \$56,000 FOR ENVIRONMENTAL DOCUMENT PREPARATION RELATED TO THE SHELTER COVE BREAKWATER REHABILITATION PROJECT. COMMISSIONER PELLEGRINI SECONDED. MOTION CARRIED WITHOUT DISSENT.

D. CONSIDERATION OF FINANCIAL SUPPORT FOR THE NORTH COAST RAILROAD AUTHORITY.

Leo Sears, NCRA Board member, spoke to the Board of Commissioners about NCRA's need for local support and financial backing. At this time, the \$41 million remaining in the Governors TCRP funding has been suspended indefinitely. To take the place of this funding, NCRA has made a \$52 million application through the TEA-21 federal program. Every state is requesting TEA assistance and it is especially important to show the abundance of local support when asking for assistance in Washington DC. NCRA has applied to the Headwaters Fund for a \$40,000 grant to fund a Washington DC consultant

to track and promote NCRA's TEA application. Mr. Sears asked the Board for assistance with the \$10,000 matching funds that NCRA must pay. Mr. Sears stated that NCRA should know by December 31st if the Headwaters Fund grant was approved.

COMMISSIONER OLLIVIER MOVED FOR THE APPROVAL OF A \$5,000 GRANT TO NCRA CONTINGENT UPON NCRA RECEIVING THE \$40,000 HEADWATERS FUND GRANT. COMMISSIONER PELLEGRINI SECONDED.

Commissioner Fritzsche asked Mr. Sears if NCRA is allocating any money towards the matching funds. Mr. Sears replied that NCRA is not able to at this time.

Commissioner Hunter asked Mr. Sears if the \$52million requested of TEA-21 funds were received, would the money go to repair the Southern end of the railroad. Mr. Sears stated that the Southern end of the railroad has more than enough funds to complete the repairs (from the reprogrammed FEMA funds) and the TEA dollars would go towards repairing the Northern end.

Kaye Strickland stressed the port's need for the railroad and the railroad's need for the port. She asked the Board of Commissioners to consider the same type of financial assistance as was given the Buckhorn Improvement Project.

President Hunter cautioned Ms. Strickland not to compare the Board's loan to the County with the grant to NCRA. He stated the Harbor District has made several financial loans to NCRA over the years, of which NCRA has repaid the Harbor District.

Penny Elsebusch suggested that the Harbor District utilize their Washington DC lobbyist to fight for the TEA dollars.

Vee Sorenson stated that with the current NCRA Board, the railroad is in the best possible hands to succeed. She said that through her work for Congressman Riggs, she saw that there was plenty of federal aid dollars. She said it is just a matter of priority and with the local support for the railroad, their odds to receive the money strengthens.

Commissioner Fritzsche said that he would like to see NCRA make more of a financial commitment up front when they ask for financial support.

MOTION CARRIED WITH COMMISSIONER FRITZSCHE DISSENTING.

E. CONSIDERATION OF AGREEMENT WITH O&M INDUSTRIES FOR THE FIELDS LANDING BOAT BUILDING AND REPAIR FACILITY BUILDING RE-ROOF PROJECT.

CEO reported that the bid opening was Friday, October 17th for the Fields Landing Boat Building and Repair Facility Building Re-Roof Project. The engineer's estimate was \$138,000 and the bids ranged from \$99,964-182,660. CEO reported the original engineer's estimate was between \$250,000-300,000, changes were made to the plans, costs pared down and the new estimate was made part of the bid papers. Contingent upon the engineer's bid analysis, CEO recommended the Board approve the bid from O&M Industries for \$99,964.

COMMISSIONER OLLIVIER MOVED FOR THE APPROVAL OF AGREEMENT WITH O&M INDUSTRIES FOR THE FIELDS LANDING BOAT BUILDING AND REPAIR FACILITY BUILDING RE-ROOF PROJECT NOT TO EXCEED \$99,964. COMMISSIONER CURLESS SECONDED.

Commissioner Fritzsche asked for an explanation for the large difference in the bids and if there was a potential occupant. CEO responded that the \$182,660 price was from a company in Hayward and reflects the higher out of town prices for supplies and labor.

MOTION CARRIED WITH COMMISSIONER FRITZSCHE DISSENTING.

F. CONSIDERATION OF APPOINTING BOARD MEMBERS TO PORT OF OAKLAND PARTNERSHIP FORMATION ADVISORY COMMITTEE.

President Hunter appointed Commissioners Ollivier and Pellegrini to the Port of Oakland Partnership Formation Advisory Committee.

ADMINISTRATIVE AND EMERGENCY PERMITS: None

The Regular Meeting of the Board of Commissioners adjourned at 8:17 p.m.

APPROVED BY:

RECORDED BY:

____Signature on File____
Ronnie Pellegrini, Secretary

____Signature on File____
Patricia L. Tyson, Admin. Assistant