

# Minutes for the March 09, 2017 Regular Meeting

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**NOYO HARBOR DISTRICT**  
19101 S. Harbor Drive  
Fort Bragg, CA 95437  
707-964-4719 Fax 707-964-4710

Joe Caito  
Chairman

Dusty Dillion  
Vice Chairman

Bill Forkner  
Commissioner

Steve Bradley  
Commissioner

Jim Hurst  
Commissioner

Janette Gallegos  
Secretary/Treasurer  
Asst. Manager

Justin Pyorre  
Harbormaster

The Noyo Harbor Commission met in regular session on Thursday March 09, 2017 at 2:00 p.m. at the Town Hall. Present were Commissioners Caito, Dillion, Hurst, Forkner and Bradley.

The minutes of the regular meeting on February 09, 2017 were approved.

## **TREASURER'S REPORT:**

Staff reported Receipts for February 2017 in the amount of \$57,230.05 and expenses paid in the amount of \$51,698.10.

**PUBLIC COMMENT ON NON-AGENDA ITEMS:** None

## **CORRESPONDENCE:**

### **CSDA Membership/Required Harassment Training**

*A motion was made by Commissioner Dillion and seconded by Commissioner Hurst* to join CSDA for the 90-day free trial.

**Ayes:** Bradley, Caito, Dillion, Forkner, Hurst

**Noes:** none

**Absent:** none

*A motion was made by Commissioner Caito and seconded by Commissioner Dillion* directing board/staff members to take the required Harassment training webinar on June 6<sup>th</sup>, 2017.

**Ayes:** Bradley, Caito, Dillion, Forkner, Hurst

**Noes:** none

**Absent:** none

### **Brown Act & Ethics Training**

There was a brief discussion about the merits of Commissioners and/or staff taking this training.

**No action was taken.**

## **CONDUCT OF BUSINESS:**

### **San Juan Boat – Paul Katzeff / USCG Ryan Sanford**

Paul Katzeff addressed the Commission regarding the San Juan. He gave a brief history of himself and his arrival to Noyo and his “symbiotic relationship” with the property for the past 15 years. He stated that Rex Gressett paid him rent to live on the vessel until he evicted him, but that he never enforced the eviction. He loves the ship very much and would like to make it into a museum, using grants to do so. He asked for “patience and consideration” when considering what should be done about the sunken ship. Local fisherman Scott Hockett asked whether he was going to pay for floating the boat, Paul Katzeff said no, that it will take the whole community.

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Commissioner Dillion mentioned he had been sued in the past by Rex Gressett and said Rex is a squatter and the boat belongs to Katzeff and it is not the Harbor District's responsibility, but Katzeff's. Commissioner Hurst said that there are two problems: 1. No one wants to take responsibility and 2. Any restoration is not the District's responsibility. Commissioner Hurst feels NHD should remove the boat. Community member Kirk Marshall, who is a local underwater diver spoke his thoughts about how to go about the process of removing the San Juan. He stated everyone should come together and determine the goal/outcome, and then raise the boat for removal. It won't be easy, and he estimated the cost to be at least \$100,000.00. He feels the Harbor District is responsible and that we should work together as a community. He suggested an ad hoc committee be formed. Commissioner Dillion reiterated that he feels it is not the NHD's responsibility and further recused himself entirely. Commissioner Forkner said he feels there is a lot of uncertainty about the whole thing and that we should not argue. USCG Commander Ryan Sanford spoke and gave a short report about the events leading up to the sinking of the San Juan. He said it is of "great concern" if it comes apart and would cease their ability to respond. He said he likes the leadership effort of the speakers and stated it will hurt everyone if the San Juan is not removed and will cause chaos if it gets in the channel.

Chairman Caito appointed an ad hoc committee to determine what needs to happen to remove the San Juan vessel. The San Juan Ad Hoc Committee of two NHD representatives and three public individuals were appointed as follows:

1. NHD Commissioner Jim Hurst, Chair
2. NHD Commissioner Bill Forkner
3. Kirk Marshall – local resident and commercial diver
4. Ryan Sanford – local resident (USCG Noyo Station)
5. Sarah Bradley – local resident (grant writer/with CA State Parks)

## **Salmon Restoration Association – July 1<sup>st</sup> Salmon BBQ Fee and Possible Action: Reconsideration and Possible Action on Grader Park User Fees**

The Finance Committee reported they had met and discussed the user fees for Grader Park. They came up with a base fee plus a percentage, set at various levels for different events. Michael Miller of the Salmon Restoration Association said they had done their own research and found most places did not charge non-profits for events. He stated they are a non-believer in being charged a percent of proceeds. State Parks employee Sarah Bradley shared that they do not charge non-profits (any 501C3) but they do charge 3-10 percent to others for events. Attorney Jackson when asked if it was legal to charge for events, stated that generally a Public Agency can charge however they want. Commissioner Forkner asked the SRA if next year they would be willing to help the District with funds for improvements. Paul Tichinin of the SRA offered that while they could not give financial help, they could become a grant partner with the Harbor District which may benefit everyone. SRA President Cynthia Scott said she would like the Harbor to thrive, and that they are willing to support us by writing letters or partnering with the District, as Paul suggested. It was suggested by one audience member that we try advertising Grader Park as an event location, and that when we have more events, and then we could charge less and still profit. There was a lengthy discussion between all parties and the Commissioners. A decision was made for this year's fees, with event fees to be reconsidered based on actual cost to the District in the future, per Commissioner Hurst.

***A motion was made by Commissioner Hurst and seconded by Commissioner Forkner*** to rescind the 10% fee motion made at the February meeting and to reconfigure a new fee based on cost.

**Ayes:** Bradley, Caito, Forkner, Hurst

**Noes:** Dillion

**Absent:** none

***A motion was made by Commissioner Forkner and seconded by Commissioner Dillion*** to accept the Salmon Restoration Association's offered check of \$840 for this year's BBQ event fee.

**Ayes:** Bradley, Caito, Dillion, Forkner, Hurst

**Noes:** none

**Absent:** none

## **PG&E Lease Renewal**

***A motion was made by Commissioner Forkner and seconded by Commissioner Dillion*** to renew the PG&E lease for a 5-year renewal at the rate of \$1500 per line with increases of 5% per year, including Noyo Harbor District

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named as additional insured, with other corrections and requiring they “shall monitor for stray electrical voltage” added to the contract.

**Ayes:** Bradley, Caito, Dillion, Forkner, Hurst

**Noes:** none

**Absent:** none

## **STAFF REPORTS AND RECOMMENDATIONS:**

### **Attorney**

#### **Update on Hernandez v. Bradley Case**

Attorney Jackson reports that he has heard nothing further about this, and believes the matter to be closed.

#### **Update on Stampfli Eviction**

Attorney Jackson inquired to the status of Kyle Stampfli leaving the marina. The Harbormaster informed him that Kyle has not left but instead has moved his boat to another slip and he is currently looking for a better trailer to haul it out. The trailer he had planned to use is inadequate for the job and is currently in the Harbor parking lot. He will need to remove it ASAP.

#### **Update on Sustainability Plan**

Attorney Jackson reported that Henry Pontarelli is on board with helping Staff with getting grant funding for the Plan. Jim stated that he will take the lead on grants and contacting the prospective grant writers that have recently submitted their credentials to the Commission. He will also meet with Sarah Bradley about grant writing as well.

### **District Office –**

#### **SHN Project Updates – Jason Island: Debris Wall and Boat Launch Facility**

Harbormaster Pyorre read an email from Jason Island of SHN, updating both projects. The Debris wall repair project has been recommended for project approval by the California Coastal Commission and is on the June hearing agenda. There is a possibility of preparing bid docs and looking for a contractor before final CCC approval in the interest of completing the project in 2017 construction window (7/15-10/15).

The Inner Boat Launch Facility and parking lot is pending permit approval of the California Coastal Commission at the end of this week. SHN will prepare an Eelgrass Mitigation Plan as a condition of approval, then once it is approved SHN will submit final plans, specs., and permit conditions to DBW for their approval. The estimate for DBW’s approval is sometime in June or July, awaiting budget approval by the Governor set for July 1<sup>st</sup>. With final DBW and Budget approval, SHN will begin work on the bidding process and construction phase mid-July. Anticipate actual construction to occur in 2018.

## **COMMITTEE REPORTS:**

Commissioner Bradley reported that the Storage Area Clean-up Committee has a dumpster scheduled to come next Tuesday to get a lot of the debris in there picked up. The next thing will be pampas grass removal and then gravel placed. Nick Marcus’ boat is supposed to be out of the parking lot this month, and Vince Doyle is coming to remove his gear also. The scrap guy will be coming again to remove scrap metal and other items.

## **MATTERS FROM COMMISSIONERS:**

Commissioner Dillion spoke of his recent attendance to the CMANC conference, and said he has a lot of information to share. He said he will contact everyone separately and let them know later what is happening with storm water, predatory lawsuits and many other topics.

Commissioner Hurst expressed his concern that the Commission is getting scattered with a lot of ideas going in every direction, which is becoming confusing and difficult for Staff. He said the Commission needs to get it together and start making some priorities/goals and work towards them together. He said that he is unclear of the direction and thoughts of the other Commissioners. Attorney Jackson suggested some ideas would be for each Commissioner to make a list of what is important to each of them and then create a priority list based on the combined lists. The Attorney said this is something he can help the District with. He suggested that each Commissioner get their

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list to him or the Secretary and they could have a workshop at the next meeting. Everyone agreed that would be a good plan and the first hour of the next meeting will be designated specifically for a workshop to narrow down the list. It will be added to the agenda for discussion and possible action at the next Harbor meeting.

Commissioner Forkner expressed that inquiries have been made of the Pt. Arena Cable Committee regarding funds and how they are being distributed. He stated that although they have been asked nicely, that they have had the door shut in their faces. He said it is not supposed to be a secret how the funds are distributed, and would like to see this be shared with everyone fairly. Attorney Jackson said if he can get some contact information, he would be happy to look into this for the Harbor District. Commissioner Forkner will get him the contact information requested.

Chairman Caito adjourned the regular meeting to the **CLOSED SESSION**.

## **CLOSED SESSION:**

**Conference with Real Property Negotiators (Govt. Code Section 54956.8)**

**Property: 32401 Basin Street, Fort Bragg, CA 95437**

**Agency negotiator: Commissioners Hurst and Dillion**

**Negotiating parties: Patricia Abernathy**

**Under negotiation: Abernathy Offer**

Discussion of Abernathy property. The majority of Commissioners feel they do not want to pursue the property acquisition at this time.

**ADJOURNMENT:** At 6:00 p.m. the meeting was adjourned to the next regular meeting of April 13, 2017.

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Chairman

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Secretary