

**MINUTES OF THE REGULAR SESSION
OF THE BOARD OF HARBOR COMMISSIONERS OF THE
CRESCENT CITY HARBOR DISTRICT
May 19, 2009**

COMMISSIONERS PRESENT:

Jack Reese, President
Scott Feller
Ray Martell, Secretary (for reconvened closed session only)
Ron Phillips
James Ramsey

COMMISSIONERS ABSENT:

OTHERS PRESENT:

Richard Young, C.E.O/Harbormaster	Karen Phillips, P.S. Secretarial
Kenneth & Rachel Towe, Harbor RV Anchorage	Kurt Madar, Triplicate
Bob Ginoccio	Wayne Gavin, Alber Seafood
Robert Black, Commission Counsel	John Vickers
Barbara Burke, SBDC	Bill Renfro
Chris Van Hook, Tenant	Gary Young
LaVonne Sparks	Mary Young
Debbie and Paul McAndrews	

5:00 P.M. Call to order for the regularly scheduled meeting.

President Reese called the meeting to order in regular session at 5:07 p.m. and asked for public comments regarding the closed session.

Counsel reported that a matter of threatened litigation arose subsequent to the posting of the agenda, required discussion prior to the next regular session and asked the commission to add the item to the agenda.

On a motion by Commissioner Phillips, seconded by Commissioner Feller, and unanimously carried, with Commissioner Martel absent, the Crescent City Harbor District Commissioners made the finding that a matter of threatened litigation arose subsequent to the posting of the agenda, was of significant importance that it required action prior to the next regular session and added the matter to the closed session.

There being no public comments the meeting was immediately convened in closed session at 5:09 p.m.

Announcement: the Board of Harbor Commissioners will now meet in closed session to discuss two items:

- (1) Pursuant to Government Code Section 54957(b). Public Employee Performance Evaluation. CEO/Harbormaster.**
- (2) Pursuant to Government Code Section 54956.8. Conference with Real Property Negotiators.**
 - a. Property: 170 Marine Way.**
 - b. Agency Negotiators: Commissioner Scott Feller, Commissioner James Ramsey, CEO/Harbormaster Richard Young.**
 - c. Negotiating Parties: Crescent City Harbor District with Rika Blue, dba Talking Crow Studios, and Barbara Burke, Small Business Development Center.**
 - d. Under Negotiation: Lease terms include rental rates and length of lease.**

6:30 P.M. The Board of Harbor Commissioners will meet in open session to discuss the following agenda items.

President Reese reconvened the meeting in regular session at 6:30 p.m. and President Reese reported that no action was taken during the closed session held from 5:09 p.m. to 6:28 p.m. and the closed session would be continued until later in the meeting.

Pledge of allegiance.

Commissioner Phillips led the pledge of allegiance.

Public comment.

The following public comments were made: Chris Van Hook indicated that he was very upset that he could not get on the agenda to speak. He indicated that he would not be able to get to the next two meetings and he had difficulty in getting to the meetings. He was hoping that the commission would be able to meet to discuss the dredging at 4:30 p.m. tomorrow. He dove the area twice and he brought rooted eel grass and samples of mud and silt to show the commission. He is concerned that the area within his lease is shallow and there is rooted eel grass; unfortunately not even tube worms are growing. Mr. Van Hook stated that he is continuing to incur large losses, he wants a copy of dredge plans as soon as they were done.

- 1. Consent agenda.**
Public comment: Requests to remove items from the Consent Agenda may be heard at this time.

- A) Approval of the warrants issued since May 5, 2009.**
- B) Approval of the minutes of the Regular Meeting of May 5, 2009.**

There were no comments with regard to the consent agenda, or requests to pull matters from the consent agenda for separate discussion.

ON A MOTION BY COMMISSIONER PHILLIPS, SECONDED BY COMMISSIONER RAMSEY, AND UNANIMOUSLY CARRIED WITH COMMISSIONER MARTELL ABSENT, THE CRESCENT CITY HARBOR DISTRICT BOARD OF COMMISSIONERS APPROVED AND ADOPTED THE CONSENT AGENDA, CONSISTING OF ITEMS 1.A-B, AS PRESENTED.

- 2. Consider a request from Mike Freels, Crescent City Operations Manager of Caito Fisheries, Inc. for a lower poundage rate on Pacific Whiting for the 2009 season.**

C.E.O. Young reported on the request from Mike Freels to lower the poundage rate on Pacific Whiting for the 2009 season. Mr. Freels indicated that they have a large operation up and down the coast. He indicated that they have asked the poundage fee go toward maintenance on the dock. He is concerned where the poundage fees are going in the Harbor District's budget. The fee is costing them a quarter of a cent per pound of .10 cents per pound fish. They have put several hundred members of the public to work in the area, and he respectfully asks that the poundage fee be reviewed for hake as it is unfair, Pacific and Caito Fisheries want to know the amount and where the poundage fees have gone since they have been collected. Commissioner Feller indicated that he went through the lease and letter to the Harbor and asked the C.E.O. to review the fees as they would apply to hake. The calculation should be .0025 cents per pound and not as much as Mr. Freels estimated that he would be paying. He surveyed from Westport all the way down the coast to see if any docks were charging a poundage fee for fish coming over the docks.

ON A MOTION BY COMMISSIONER FELLER, SECONDED BY COMMISSIONER PHILLIPS, AND UNANIMOUSLY CARRIED, WITH COMMISSIONER MARTELL ABSENT, THE CRESCENT CITY HARBOR DISTRICT BOARD OF COMMISSIONERS DENIED THE REQUEST TO RAISE THE RATES AS PROPOSED.

- 3. Discussion and consideration of the Memorandum of Understanding between Tri-Agency Economic Development Authority and Crescent City Harbor District for the purpose of defining the economic development assistance the Tri-Agency will provide to the Harbor. Possible Board action.**

C.E.O. Young and Executive Director of Tri-Agency William Renfroe reported on the Memorandum of Understanding between Tri-Agency and the Harbor District. Counsel reported that a number of items 1-10 on the first page and asked whether or not the Harbor chose to farm this number of projects out to another agency. Items 1, 2, 3 and 10 are individual policy questions and they need to be decided should they be delegated. Items 4-9 are a group of projects surrounding the master plan. Mr. Renfroe discussed the list of projects and discussions with the C.E.O. The idea is to use the Tri-Agency for the reason that it was created and take some of the projects off the C.E.O's plate, which he would do in addition to his normal workload. Commissioner Phillips

indicated that he was under the understanding that the only project would be the business/development plan and asked Mr. Renfroe to discuss the components of the business plan and scope for each project listed in items 1-10 as listed in the memorandum of understanding. An agreed upon scope needs to be figured out according to Mr. Renfroe. Some of the projects may be funded through the stimulus, government grants and foundations. The C.E.O. Young indicated that the treatment plant may not be ready for the project list and well as the seafood processing plan as they are just not ready. The C.E.O. indicated that he would be glad to have the assistance. Commissioner Feller expressed concern about having the project information come back to the Harbor for approval before being released to others. The Master Plan needs further work, and PlanWest has the RV Park Model plan, which has zoning issues that need to be addressed, neither of which would be worked on by Tri-Agency staff. Commissioner Phillips would like to allow Tri-Agency to work on items 4-10 and remove 1-3 from the list of projects that Tri-Agency staff would assist the Harbor with. The stimulus package is in its third version and three of the projects are on the Del Norte County "wish list". Counsel suggested that items 1-3 have been identified in a three-way funding process and that that funding would be welcomed, the Harbor might give informal approval to go ahead with items 1-3 and have 4-10 be part of a memorandum of understanding. He would like to add a few simple clauses. Commissioners expressed interest in having the Harbor's counsel review.

ON A MOTION BY COMMISSIONER FELLER, SECONDED BY COMMISSIONER RAMSEY, AND UNANIMOUSLY CARRIED, WITH COMMISSIONER MARTELL ABSENT, THE CRESCENT CITY HARBOR DISTRICT BOARD OF COMMISSIONERS TABLED THE MATTER UNTIL THE NEXT MEETING TO ALLOW COUNSEL TO REVIEW WITH THE UNDERSTANDING THAT MR. RENFROE GET INFORMAL APPROVAL TO GO AHEAD WITH ITEMS 1-3 (HARBOR TREATMENT PLANT, DREDGING AND SEAFOOD PROCESSING).

4. Discussion and consideration of the amended Memorandum of Understanding between Tri-Agency Economic Development Authority and Crescent City Harbor District. Possible Board action.

C.E.O. Young and Executive Director of Tri-Agency William Renfroe reported on the Memorandum of Understanding between Tri-Agency and the Harbor District requesting \$5,000 from the Harbor to support the Tri-Agency EDA budget. The City, County and Harbor have made contributions; however, last year the Harbor chose to only renew the commitment for one year

ON A MOTION BY COMMISSIONER PHILLIPS, SECONDED BY COMMISSIONER RAMSEY, AND UNANIMOUSLY CARRIED, WITH COMMISSIONER MARTELL ABSENT, THE CRESCENT CITY HARBOR DISTRICT BOARD OF COMMISSIONERS RENEWED THE FINANCIAL COMMITMENT TO TRI-AGENCY EDA FOR AN ADDITIONAL YEAR IN THE AMOUNT OF \$5,000.

This matter will return to the commission with adoption of the budget.

5. Committee reports from other standing and ad hoc committees.

The following commissioners and staff made committee reports: Commissioners Phillips and Reese reported that the Tri-Agency board met Monday and approved the final

budget for the 2009-2010 year. Commissioner Feller reported that the ad hoc lease committee met last week and will be meeting tomorrow regarding the Talking Crow Studios, and other leases.

6. C.E.O.'s report on current matters and issues planned or in progress.

The C.E.O.'s report consisted of the following topics: 1) CDBG Grant application is still going forward, they have questions about the RV Park Model; 2) RV Park Model Project is almost ready to go to Coastal Commission; 3) Treatment Plan - is at the permitting stage; 4) Coastal Conservancy – meetings are being held and funding is up in the air at this time; 5) Federal Channel Dredging – sampling is ongoing and we will try to piggyback on the sampling equipment here; and 6) Dredging Plan – contracted with Stover Engineering to get the work done, we did soundings and plan will be finished this week and available to the public then. Discussion was held regarding Boating and Waterways being transferred into the Parks Department and the dredging soundings.

7. Board comments.

The following commissioners made comments: None.

The closed session was reconvened at 7:21 p.m. and recessed at 8:01 p.m., with Commissioner Ray Martell in attendance. Counsel announced that the following action was taken during the continued closed session: no final actions were taken during closed session.

8. Adjournment

There being no further business to come before the Commission, President Reese adjourned the meeting at 8:02 p.m. until the next regular meeting scheduled on June 2, 2009 at 6:30 P.M. at the Flynn Center, 981 H Street, Crescent City, California.

Jack Reese, President

Ray Martell, Secretary

Approved this _____ day
of _____, 2009.