

**MINUTES OF THE REGULAR SESSION  
OF THE BOARD OF HARBOR COMMISSIONERS OF THE  
CRESCENT CITY HARBOR DISTRICT**

**August 18, 2009**

**COMMISSIONERS PRESENT:**

Jack Reese, President  
Scott Feller  
James Ramsey

**COMMISSIONERS ABSENT:**

Ray Martell, Secretary  
Ron Phillips

**OTHERS PRESENT:**

Richard Young, C.E.O./Harbormaster  
Kenneth Towe, Harbor RV Anchorage  
Wayne Gavin, Alber Seafood  
Bill Renfroe, Tri-Agency  
Joe Wallace, Commercial Fisherman

Wilma Madden, P.S. Secretarial  
Kurt Madar, Triplicate  
Don Alber, Alber Seafood  
Robert N. Black, Counsel  
Pat Rideout, Chart Room

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**President Reese opened the meeting at 6:30 p.m. in open session to discuss the following agenda items.**

**Counsel Robert Black led the Pledge of allegiance.**

**Public comment.**

The following persons addressed the Commission: No comments were received from the public.

Commissioner Feller moved to add an urgency item to the agenda: a request from Don Alber of Alber Seafood with regard to electrical repairs needed to the building occupied by Alber Seafood. Commissioner Ramsey seconded the motion, which passed unanimously to add the issue to the agenda.

**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 August 4, 2009.**

**B) Approval of the minutes of the Regular Meeting of August 4, 2009.**

No public comments were made with regard to the consent agenda.

ON A MOTION BY COMMISSIONER RAMSEY, SECONDED BY COMMISSIONER FELLER, AND UNANIMOUSLY CARRIED ON A POLLED VOTE, THE CRESCENT CITY BOARD OF HARBOR COMMISSIONERS APPROVED AND ADOPTED THE CONSENT AGENDA, CONSISTING OF ITEMS 1.A-B, AS PRESENTED.

**2. Consideration of a Resolution 2009-2, a RESOLUTION FIXING THE EMPLOYER'S CONTRIBUTION UNDER THE PUBLIC EMPLOYEES MEDICAL AND HOSPITAL CARE ACT.**

Discussion was held regarding the Resolution. Mr. Young explained that it was necessary for continuation of the CalPers medical coverage. He added that the rates have actually decreased. Commissioner Ramsey asked if the reduced rates were for the same level of coverage. Mr. Young responded that it was for the same program, PERSChoice, and did not believe there was any change in the level of coverage within that program it. He added that the Harbor used to have PERSCare plan, but they had switched to the PERSChoice program several years ago.

ON A MOTION BY COMMISSIONER RAMSEY, SECONDED BY COMMISSIONER FELLER, AND UNANIMOUSLY CARRIED BY A POLLED VOTE, THE CRESCENT CITY BOARD OF HARBOR COMMISSIONERS APPROVED AND ADOPTED RESOLUTION 2009-2, A RESOLUTION FIXING THE EMPLOYER'S CONTRIBUTION UNDER THE PUBLIC EMPLOYEES MEDICAL AND HOSPITAL CARE ACT.

**3. Consideration of adopting an ordinance relative to buying local.**

Mr. Black explained that he had included in the agenda the ordinances adopted by the City of Crescent City as an example of what the Commissioner could choose to adopt. One ordinance creates a local hiring program, which is essentially a promise on the part of contractors to use qualified local craftspeople. The other ordinance establishes a small business preference. He added they are not allowed under the law to create a preference for local contractors, but they can create one for a small business preference, which should benefit local Del Norte County businesses. Mr. Black indicated that the city ordinances were developed after much discussion, and after meetings with the school district and the county, who have also adopted similar items. President Reese asked about the reference to buying local in the agenda. Mr. Young responded that was his phrasing, and may not have been accurate. Mr. Black commented that "buying local" had been the theme at earlier discussions. President Reese asked why these were not being done by resolution rather than in an ordinance. Mr. Black responded that an ordinance has a penalty (such as a misdemeanor, etc; a resolution doesn't usually, but can. He added that a resolution is also a law. President Reese commented that a resolution would not usually bind as tightly as an ordinance. Mr. Black indicated that if the commission preferred a resolution over an ordinance that he would like to do some additional research to make sure that it would work properly. Commissioner Ramsey commented that he wanted the local use preference, but would hate to see the commission locked in to a higher cost as a result. He added that he would like to have it come back as a resolution, after Mr. Black completed his research. Commissioner Feller asked if the definition of a small business was 25 employees or less. Mr. Black responded that definition of a small business was what was developed locally, which the law allows them to do. Mr. Black then read a section of the city

ordinance that dealt with gross receipts as a criterion. President Reese tabled the item, with it to return on the next agenda.

#### **4. Standing Agenda Items. Discussion and consideration of status of inner basin rebuilding project.**

Discussion was held regarding the status of the inner boat basin rebuild. Ward Stover, Stover Engineering, reviewed the scope of work for the project. The geotechnical work will be completed in the next 6 weeks, hydrographic survey in the next month. The schematic design phase includes a townhall meeting tentatively scheduled for the end of this month or the beginning of next month. He added that a separate hearing will take place for NEPA/CEQA compliance. The townhall meeting can be part of a regular meeting or a separate meeting. Mr. Stover indicated that he would have the structural eng present for the townhall meeting. President Reese asked the Commission if they had a preference for the townhall meeting. Commissioner Ramsey indicated that he preferred an evening meeting. Commissioner Feller asked Joe Wallace if he thought the commercial fisherman would prefer an evening meeting. Mr. Wallace said that it would depend on when it was scheduled. The commission indicated it would probably be during the first two weeks of September. Mr. Wallace felt the first week would be better. The Commissioners then agreed to include the townhall meeting as part of the regular September 1st meeting. Mr. Stover indicated they could have both a daytime session and an evening session well, to accommodate as many people as possible. Mr. Wallace indicated he felt an afternoon meeting would be better for the fisherman and asked where it would it be held. If it were held at the harbor, it might get better attendance. President Reese suggested Wednesday, September 2 in the afternoon for the townhall meeting. Commissioner Feller suggested on having it on the September 1 agenda and then again on Wednesday, September 2. Mr. Stover indicated they would then proceed into the Tsunami modeling, which will take 2 months. He added that they will prepare set of 30% plans for review, followed by district review. The permitting phase will take the longest, till the middle of next year. Mr. Stover indicated he wanted to start getting the word out to contractors during the 60% design phase, and additional tenant outreach during the 90% design phase. He added they will finalize the design towards end of July 2010. Mr. Stover pointed out that they cannot complete the design before permits are in place as they will have conditions that will need to be incorporated into the plans and bid specifications. The start of construction should be in March 2011, which should be a slowing down time for the fisherman. He then reviewed the budget. They have been working on a time and materials basis and will continue to do so. He added that he has bids from the subcontractors and that the estimate for the design phase is \$1,300,000. Mr. Stover indicated that the permits may require additional biological work as issues arise during that process. He stated they will be working with county staff on the contracts for the CDBG grants. President Reese stated he wanted to see the project come in on time and on budget. Mr. Black suggested the budget include a subcontracted amount for legal services as those shouldn't be a burden on the harbor's general fund. Mr. Stover indicated he would revise the budget to include legal services. President Reese suggested forming an ad hoc committee for this project. Commissioner Feller suggested they wait to form the ad hoc committee until the next meeting when all commissioners were present.

#### **Alber Seafood**

Mr. Young then presented the Alber seafood emergency item. He indicated that Alber Seafood is requesting the harbor pay the \$25,000 estimate for the repair of the existing

800 amp service and that Alber pay the upgrade to a 1200 amp service cost of \$4,000. Mr. Young commented on whether or not the harbor will continue to use the building if the Alber lease does not renew. Don Alber indicated that if the building continues to be used, the electrical service needs to be upgraded and the equipment renovated. He added that he would like to see this done before crab season. Commissioner Feller commented that the current 800 amp panel does not meet current code and needs to be replaced. If they upgrade to a 1200 amp panel, it will provide for the future needs of Alber, which provides jobs as well. Mr. Alber commented that electrical service was an asset to the building, assuming it stays in use. Mr. Black stated he felt that there needed to be a Memorandum of Understanding (MOU) specific to these improvements, not just a handshake on who will pay what share, and that Mr. Alber should pay for the improvements and give them back to harbor. Otherwise, the district may need to go through the bid process. Mr. Alber indicated he understood. Mr. Black indicated that it should take a week to prepare an MOU, which could be discussed at a special meeting. There is only 24 hours notice required for a special meeting. Mr. Young indicated that it could be held during the day. Mr. Young suggested 1:00pm on Tuesday August 25. Commissioner Ramsey indicated there was a meeting scheduled for 12:00 on the 25<sup>th</sup> at district office with representatives of the visitor bureau. Mr. Alber indicated that the commercial flight comes in about 2:00pm. After further discussion the Commission decided on scheduling a special meeting at the harbor district office on August 25 at 1:30 for this item.

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

The following committee reports were given: Commissioner Ramsey reported there would be a visitor bureau meeting next Tuesday. Commissioner Feller reported on the lease committee and on the IRGC meeting, at which budget concerns were discussed.

#### **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) Dredging - the California Department of Fish & Game had expressed concern over the impact of dredging on the Longfin Smelt. Frank Galea has completed a biological assessment and determined there is very little likelihood of any impact to the Longfin Smelt and this finding is being forwarded to Fish & Game; 2) FEMA projects – Eight FEMA funded projects remain to be completed: Sea Lion Dock replacement, Erosion and Citizens Dock approach, Erosion at Whaler Island, Launch Ramp docks, Erosion at Admin Dock, Inner Basin Seawall, Inner Basin Dredging, and Potholes on Anchor Way. All are in process. 3) Computer Systems – There have been e-mail issues as well as issues related to software for the new computers. President Reese commented on trying to meet with the manager of Charter about internet service. Mr. Young indicated that their “hybrid” system (part County server/part harbor district server) being part of the problem. President Reese commented that he wants to see the website upgraded to have current commissioners instead of old names. Mr. Young replied they would need a consultants help to upgrade/redesign website. Commissioner Feller commented that it would cost about \$3,000 to run Charter Cable to the harbor, plus \$500 to \$700 to connect to the district computers. Mr. Young commented that productivity has been at a crawl during past week or more due to computer issues. Mr. Wallace asked why they weren't able to just use the existing WiFi. Commissioner Feller responded that it takes more to hook the entire system into WiFi instead of just a laptop. 4) Bathroom keys – They will have separate keys to bathroom, showers and laundry. Commissioner Ramsey asked about

after-hours use. Mr. Young responded that the security guard will have a key, as will Fashion blacksmith, etc. Commissioner Ramsey asked if there would be multiple keys at different places. Commissioner Feller explained that all bathrooms will be keyed alike. Mr. Young indicated that a cardlock system would have cost \$5,000. The keys will say "do not duplicate" and will be the large square head ones that not everyone can duplicate. There will be a deposit for each key. He added this as in progress now. 5) Marine Life Protection Act – Mr. Young indicated that he has been nominated by one of the Humboldt Bay Harbor District Commissioners for the Science Advisory Team for the North Coast Region. The actual appointment is made by the director of Fish & Game. It may be time consuming, but is an important issue. Mr. Young added that he doesn't think he'll be appointed in view of the appointment process. Commissioner Feller commented that he thought the representation was extremely important. Commissioner Ramsey felt Mr. Young would be a good choice to protect our interests. 6) Northern Nights Car Show – Mr. Young indicated he was unable to attend, but was told they had done well and they had cleaned up nicely afterwards. 7) Electric Vault – Changeover to new vault is scheduled for tomorrow and there will be no power at the office or inner basin, but will benefit the harbor in long run. 8) Mr. Young reviewed the normal/routine maintenance items that had taken place during the past two weeks. He added that it is illegal to throw fish carcasses in the ocean as well as the harbor so has made arrangements with EcoNutrients to haul them off. Commissioner Feller asked about the revision to the ordinances. Mr. Young indicated that he wants to get the dredging and FEMA projects and the inner basin rebuild moving along more before starting the ordinance revisions.

## 7. Board Comments.

The following commissioners made comments: None.

## 8. **CLOSED SESSION.** The Board of Harbor Commissioners will now meet in closed session to discuss two items:

**(1) Pursuant to Government Code Section 54956.8. Conference with real property negotiators. Property: 170 Marine Way. Agency negotiators: Commissioner Scott Feller, Commissioner James Ramsey, CEO Richard Young. Negotiating Parties: Crescent City Harbor District with Rika Blue, dba Talking Crow Studios. Under negotiation: Lease terms including monthly rent and term of lease.**

**(2) Pursuant to Government Code Section 54956.9(a). Existing litigations 11 cases: Mark Russo v. Crescent City Harbor District, CCHD vs. Vessel Intrepid, CCHD vs. Vessel Daphne and Geri M. Flanagan and Darryl Mr. Oberacker, CCHD vs. Vessel Victory at Sea (aka Christie R) and Jake Anderson, CCHD vs. Schnacker re Vessel Smokey II, CCHD vs. Haddad, CCHD vs. Flanagan, Oberacker, Stolt, re Vessel Helios, CCHD vs. Don Stanbrough re Vessel Alibi, CCHD vs. Charlie Brown re Vessel Amber Lynn, CCHD vs. Ben Sampels re Vessel Polaris, CCHD vs. James Kovacs and Janson Elliott re Vessel Sea Grit.**

**3) Conference with legal counsel pursuant to Government Code Sections 54956.9(b) Anticipated Litigation (one case).**

President Reese recessed the open session at 7:43 p.m. and immediately convened in closed session to discuss the closed session items listed above. The closed session was

adjourned at 8:40 p.m. and Counsel announced the following action was taken during closed session: No reportable action was taken.

## 9. **Adjournment**

There being no further business to come before the Commission, President Reese adjourned the meeting at 8:40 p.m., until the next regularly scheduled meeting on September 1, 2009 at 6:30 p.m.

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Jack Reese, President

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Ray Martell, Secretary

Approved this \_\_\_\_\_ day  
of \_\_\_\_\_, 2009.