

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

**October 6, 2009**

**COMMISSIONERS PRESENT:**

Jack Reese, President  
James Ramsey  
Scott Feller  
Ron Phillips

**COMMISSIONERS ABSENT:**

Ray Martell, Secretary

**OTHERS PRESENT:**

Richard Young, C.E.O./Harbormaster  
Robert N. Black, Counsel  
Gary Peterson, Northern Knights Car Club  
Roy Clark, Northern Knights Car Club

Wilma Madden, P.S. Secretarial  
Kenneth and Rachel Towe

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

**Commissioner Feller led the Pledge of allegiance.**

**Public comment.**

The following persons addressed the Commission: None

**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 September 15, 2009.**
- B) Approval of the minutes of the Regular Meeting of September 1, 2009.**
- C) Approval of the minutes of the two Special Meetings of September 10, 2009.**
- D) Approval of the minutes of the Regular Meeting of September 15, 2009.**

Commissioner Phillips noted that one set of minutes for September 10, for the afternoon workshop, was missing from the agenda packets. Mr. Young indicated that he would provide them to the Commissioners. Commissioner Phillips then pointed out that on the minutes for September 1 the time they exited closed session and adjourned the meeting was missing. Mr. Young stated it was his recollection that closed session ended and the meeting adjourned at 8:20 p.m.

ON A MOTION BY COMMISSIONER PHILLIPS, SECONDED BY COMMISSIONER RAMSEY, 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-D AS PRESENTED, WITH THE CORRECTION TO THE SEPTEMBER 1 MINUTES TO INCLUDE THE MEETING ADJOURNMENT TIME.

## **2. Consideration and approval of contract for Harbor Planner.**

Mr. Young reported on the need for a Harbor Planner in order to move a number of projects forward. He added that Mr. Perry would provide harbor planning services on a part-time basis and would be a great resource for the harbor. President Reese asked counsel if the contract was between the Harbor District or the Board and Mr. Perry, as the signature block was for Mr. Young rather than the Harbor District President. Mr. Black commented that it would be appropriate for the President to sign. Commissioner Philips indicated he felt it would be appropriate for both Mr. Young and President Reese to sign the contract. Mr. Perry commented that he was looking forward to working on their projects. He added that the number of hours he can work is limited due to CalPers requirements. Commissioner Feller asked about the hours of work listed in the contract Mr. Black responded that it was based on the 960 hours in a fiscal year that a CalPers retiree can work for a CalPers participating agency. Mr. Black added that a retiree can request a temporary waiver from CalPers to exceed that amount, but they are not suggesting that at this time. He indicated they had tried to build in as much flexibility as possible into the contract and that the need for Mr. Perry's time will fluctuate. Mr. Perry indicated that the County has not found a replacement for him yet, so he may need to complete some projects for them as well. But, that should not conflict with his work for the Harbor District. He added that interviews for his replacement are next Monday. President Reese asked Mr. Perry if the agreement was satisfactory from his standpoint. Mr. Perry responded that it was.

ON A MOTION BY COMMISSIONER FELLER SECONDED BY COMMISSIONER RAMSEY AND UNANIMOUSLY CARRIED ON A POLLED VOTE, THE CRESCENT CITY BOARD OF HARBOR COMMISSIONERS APPROVED THE CONTRACT FOR HARBOR PLANNER AS PRESENTED.

## **3. Consideration of Securitization of Funds lost under Proposition 1A.**

Mr. Young reported the State is going to take back 8% of their property tax revenue next year, which amounts to \$26,265, and reviewed the proposal for the securitization as detailed in his memo of October 6, 2009 included in the agenda. Mr. Young recommended the Commission take advantage of this opportunity. The Commission will need to pass a resolution at their next meeting authorizing the enrollment in the program. Commissioners Feller and Ramsey indicated they felt they should proceed. Commissioner Ramsey felt it was a good idea to let someone else take the risk in the repayment from the State.

ON A MOTION BY COMMISSIONER PHILLIPS, SECONDED BY COMMISSIONER RAMSEY AND UNANIMOUSLY CARRIED ON A VOICE VOTE, THE CRESCENT CITY BOARD OF HARBOR COMMISSIONERS DIRECTED STAFF TO PREPARE A RESOLUTION FOR ADOPTION AT THE NEXT MEETING.

#### **4. Consideration of policy regarding access to North Beach in the Crescent City Harbor District.**

President Reese indicated he asked for this to be on the agenda as he has been approached by a number of people that would like to be able to obtain beach sand for a variety of projects. Mr. Young commented that people also want vehicle access to the dredge pond spoils area as they use it for their gardens. Commissioner Feller asked if they could just make an amendment to Ordinance 34 to allow for the additional use of beach sand removal. Commissioner Phillips remarked that he would prefer that the access only be allowed during daylight hours and locking the gate access at night to prevent people from driving onto the beach and building bonfires or camping. President Reese concurred. Mr. Young indicated that removal of sand from the beach will require a permit from state lands and that if the sand removal is used for commercial purposes, it will require the collection of a fee to cover the royalty that will have to be paid to State Lands. President Reese asked if sand can be taken off the beach elsewhere. Mr. Young replied that yes, it can, with the proper permits. Commissioner Ramsey asked if locking the gate would prevent access at night. Mr. Black commented that the original intent of the ordinance was to prohibit vehicle access day or night except for specifically permitted uses. Commissioner Ramsey indicated he was in favor of just adding sand removal to the existing ordinance, which means they would have to come to the office to get a permit to gain access. Commissioner Feller stated that they should post signage that vehicle access is by permit only, whether or not the gate is unlocked to allow multiple dump truck and/or equipment access. Mr. Black indicated that the posting of signage allows for the enforcement, and that the actual enforcement action is where the issue has been. President Reese commented that the city limits extend into the parking lot on that side. Commissioner Phillips inquired whether equipment would be left on-site for extended periods. Commissioner Ramsey asked if the gate would be left unlocked day after day, or only for a day at a time. He suggested the individual issued the permit be issued a key that they have to return at the end of the day. President Reese didn't see a need to keep the gate locked during day since others are allowed down for driftwood, etc. Commissioner Feller restated his motion to added sand to the Ordinance, with any appropriate wording for signage. Commissioner Feller asked if local law enforce could issue cites for a violation of the ordinance. Mr. Black responded that they could. Mr. Black then suggested they consider setting up an Administrative citation program that would allow the harbormaster and his designees to issue citations for violations of the harbor's ordinances. President Reese asked Mr. Black to put together a package for the next meeting. Commissioner Ramsey agreed. Commissioner Feller asked how often sand removal used to take place. Mr. Young responded that it occurred maybe once a month for two or three days. Those that needed more than one load would stockpile it at their business site. Mr. Black confirmed the harbor would get mineral rights permit from State Lands and pass down the permit process to those doing the excavation. The Commission directed Mr. Young and Mr. Black to come back at next meeting with a draft.

#### **5. Consideration of scheduling a Chamber of Commerce mixer at the Harbor during the Hawaiian Chieftain visit.**

Commissioner Phillips commented that they did the mixer two years ago when the ship was here last and it was well received. He added that they have a good relationship and thought the crew would appreciate it again. Commissioner Phillips added that they might even be able to arrange a tour of the ship for those who are interested.

Commissioner Phillips asked what arrangements they would be able to make for food service, indicating that the last time they had used the Bar-O Boys Ranch, which was well received. Mr. Young commented that he could not recall what they had used for a budget last time. Commissioner Ramsey felt that using Bar-O again would be fine with him. Commissioner Phillips and Mr. Young stated they would work out further details and bring back cost estimate at the next meeting.

ON A MOTION BY COMMISSIONER RAMSEY SECONDED BY COMMISSIONER PHILLIPS AND UNANIMOUSLY CARRIED, THE CRESCENT CITY BOARD OF HARBOR COMMISSIONERS DIRECTED STAFF TO MAKE THE NECESSARY ARRANGEMENTS FOR THE CHAMBER OF COMMERCE MIXER TO COINCIDE WITH THE HAWAIIAN CHIEFTAIN VISIT.

**6. Consider and approve a letter in support of the new airport terminal building.**

Mr. Young on reported on the request for a letter of support for the new airport terminal, which will be on the next agenda of the Planning Commission.

ON A MOTION BY COMMISSIONER PHILLIPS, SECONDED BY COMMISSIONER FELLER AND UNANIMOUSLY CARRIED ON A POLLED VOTE, THE CRESCENT CITY BOARD OF HARBOR COMMISSIONERS APPROVED THE LETTER OF SUPPORT FOR THE NEW AIRPORT TERMINAL BUILDING.

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

Mr. Young reported the topographic work by Stover Engineering is complete. The hydrographic survey is underway. There should be data available this next week. The geotechnical work will start this next week. Mr. Young added that the design of the inner harbor was down to two alternatives that seem to be the most popular. President Reese asked when they would have to make a final decision on the layout. Mr. Young indicated they would probably need to make a decision by the end of December. Commissioner Ramsey asked about the status of the moving of the walkway that was discussed at the workshop. Mr. Young responded that was a variation of alternative 4.

**8. Committee Reports.** Reports from other standing and ad hoc committees.

The following committee reports were given: Commissioner Phillips reported that he and President Reese attended the Tri-Agency meeting on September 29 and they learned that Guy Towers has been negotiating with the City about locating the lighthouse museum to city property. It sounds as though he's no longer interested in having the museum in the harbor. He added that there some new businesses have come into town and Community Assistance Network has gotten a CDBG loan. Mr. Black asked how someone would apply for a CDBG loan. Commissioner Phillips explained that they would contact Bill Renfroe at Tri-Agency. Commissioner Phillips then reported on attending the Chamber of Commerce meeting and that Mr. Bernard had made a presentation to the Chamber on the terminal building replacement project, which will be on October 14 Planning Commission meeting. Also, this weekend is Sea Cruise Car show. He added that most of the commission was able to attend the Chamber Mixer at Alber Seafood. Commissioner Ramsey indicated that he missed the Chamber mixer at All Creatures Animal Hospital.

Gary Peterson and Roy Clark of the Northern Knights Car club thanked the Commission for the use of the harbor for their car show on August 16. It was very successful and they plan to submit a request after first of the year for their next show. Commissioner Feller asked how many cars were at the show. Mr. Peterson replied they had 109 cars at this show. Mr. Young then thanked them for how well they clean up after the show and that the harbor looked forward to their return in the future. Mr. Peterson then presented the Harbor Commission with a check for \$510.00 as a donation to Harbor for their event. Mr. Young indicated he would prepare a thank you letter for the car club.

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

The C.E.O.'s report consisted of the following topics: 1) Mr. Young reported on the tsunami on September 29<sup>th</sup>, they disconnected dredge and put it away for safekeeping. The harbor crew stayed late to be ready for any needed response. Also, there was a strong presence from the local emergency services staff were great, and provided plenty of support. Thankfully, there was no damage from the 1.7 foot tsunami that hit about four hours later than expected in the predictions. He added that the County's reverse 911 system worked very well. 2) Mr. Young reported that the dredging began again on Thursday after the tsunami and is progressing. The Federal dredging should begin later this month. President Reese asked when they would be moving the dredging over to Fashion Blacksmith. Mr. Young responded that area will need a diver and they are presently obtaining quotes for that service, and weather will be a factor also. 3) Mr. Young reported on the FEMA projects, indicating they have completed seal docks, approximately 95% complete with some small things still to be done. The launch ramp docks are almost complete, one 65% done, and one still to be started. They will be in place for the sport crab season. 4) Mr. Young reported they maintenance crew has completed temporary repairs to the Fashion Blacksmith building roof. He added they will have to put new roof on in probably 3-5 years. The crew is now beginning temporary repairs to Alber building roof in order to keep it operational while they continue negotiations for the lease with Alber Seafoods. The crew's other project is the I and J dock removal. 5) Mr. Young indicated he will be out of town in Ukiah at Dungeness crab task force meeting. He indicated he will also be attending the Harbor masters meeting next week. Commissioner Feller asked if there had been any news on scientific advisory team. Mr. Young responded he has not. He indicated the Marine Protection Act group has had several preliminary meetings here in town. Commissioner Ramsey commented on speaking with Martha McClure on the deadline for information falls in the middle of crab season and pointed this out to the marine group asking they consider revising their timeline to accommodate comments from those who will be affected, but will be out at sea.

**10. Board Comments.**

The following commissioners made comments: Commissioner Feller attended the Alber Seafoods chamber mixer at which there was quite a bit of discussion of the MLPA. He commented on the number of lawn chairs lined upon on anchor way to "watch the tsunami. Commissioner Feller also attended a party for Abel Maldonado and spoke to him about the MLPA and the Republican convention in Palm Springs and had discussion with 11 different legislators about the MLPA, none of whom had anything positive to say about it.

**11. CLOSED SESSION. The Board of Harbor Commissioners will now meet in closed session to discuss three items:**

**(1) Pursuant to Government Code Section 54957 Public Employee Performance Evaluation ---CEO/Harbormaster.**

**(2-3) Conference with legal counsel pursuant to Government Code Sections 54956.9(b) Anticipated litigation (two cases).**

President Reese recessed the open session at 7:26 p.m. and immediately convened in closed session to discuss the closed session items listed above. The closed session was adjourned at 8:51p.m. and Counsel announced the following action was taken during closed session: No action was taken.

**12. Adjournment**

There being no further business to come before the Commission, President Reese adjourned the meeting at 8:52 p.m., until the next regularly scheduled meeting on October 20, 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.