

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

October 20, 2009

COMMISSIONERS PRESENT:

Jack Reese, President
Ray Martell, Secretary
Ron Phillips
Scott Feller
James Ramsey

COMMISSIONERS ABSENT:

None

OTHERS PRESENT:

Richard Young, C.E.O/Harbormaster
Kenneth Towe, Harbor RV Anchorage
Wayne Gavin, Alber Seafood
Eric Taylor, City Assoc Planner
Charles Glassenger
Don Alber

Karen Phillips, P.S. Secretarial
Kurt Madar, Daily Triplicate
Bill Renfroe, Tri-Agency
Kenyon Hensell
Robert Black, Counsel

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

President Reese called the meeting to order in open session at 6:30 p.m.

Pledge of allegiance.

The pledge was led by Commissioner Martell.

Public comment.

The following persons addressed the commission: None.

1. 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 October 6, 2009.**
- B) Approval of the minutes of the Regular Meeting of October 6, 2009.**
- C) Approval of the minutes of the first of two Special Meetings of September 10, 2009.**

There were no public comments regarding the consent agenda. President Reese asked about the shop maintenance warrant.

ON A MOTION BY COMMISSIONER RAMSEY, SECONDED BY COMMISSIONER FELLER, AND UNANIMOUSLY CARRIED ON A POLLED VOTE, THE CRESCENT CITY HARBOR BOARD OF COMMISSIONERS APPROVED AND ADOPTED THE CONSENT AGENDA, CONSISTING OF ITEMS 1.a-b, AS PRESENTED. The minutes of the special meeting will be brought back for approval at a future meeting.

2. Consideration and approval of revision of Ordinance 34 to allow access to North Beach for sand mining.

Discussion was held regarding the revision of Ordinance 34 with regard to beach access and leaving the gate open during the daytime hours. Counsel was asked at the last meeting to bring back an ordinance revision regarding allowing specific staff members to enforce the ordinance and ticket persons on the beach. Discussion was held regarding permitting drivers on the beach and getting keys for the gate, etc. Eric Taylor, City Associate Planner spoke regarding access to the beach and the City's request to keep the beach closed. They are required to get law enforcement to come down to Shoreline RV Park to assist when folks drive across the beach onto city property, which is not delineated. Folks have been dumping trash, four-wheeling and tearing up the beach. There are no directions or speed limits or other regulations posted on the beach or regular enforcement. President Reese asked to have the ordinance changed because contractors have asked to get sand. Mr. Taylor asked why they could not get keys to access the area. Commissioner Phillips indicated that he understands both sides and would like to see some resolution. Charles Glassenger, manager of Shoreline RV Park, commented on the gate being opened, he has no problem with the gate opened, but he did have an issue with the overnight opening. The homelessness problem would still be an issue whether or not the gate is open. Bill Renfroe indicated that a combination lock be used to allow access for use by contractors and then just change the combination when the contractors no longer need access. This would save staff time and costs or the potential for other issues during the day. Commissioner Ramsey indicated that having the beach closed and if it is not it will be an invitation for those who might want ATV riding areas, he also thinks that a key can be given for day passage or for three or four days, when it would be returned. Staff offered to apply for a permit to allow the mining of sand off the beach. Commissioner Feller indicated that staff can monitor the keys and beach access to allow as many folks to use the area as necessary with proper signage on the beach to notify the public that they are entering harbor property.

ON A MOTION BY COMMISSIONER FELLER, SECONDED BY COMMISSIONER MARTELL, AND CARRIED ON A FOUR-FIFTHS POLLED VOTE, WITH COMMISSIONER RAMSEY VOTING "NO", THE CRESCENT CITY HARBOR BOARD OF COMMISSIONERS WAIVED THE READING, READ IN TITLE ONLY, INTRODUCED AND APPROVED ORDINANCE NO. 34, AS PRESENTED.

3. Consideration and approval of Resolution 2009-5, A RESOLUTION APPROVING THE FORM OF AND AUTHORIZING THE EXECUTION AND DELIVERY OF A PURCHASE AND SALE AGREEMENT AND RELATED DOCUMENTS WITH RESPECT TO THE SALE OF THE SELLER'S

PROPOSITION 1A RECEIVABLES FROM THE STATE AND DIRECTING AND AUTHORIZING CERTAIN OTHER ACTIONS IN CONNECTION THEREWITH.

Discussion was held regarding Resolution No., 2009-5 and sales tax revenues. There was no public comment.

ON A MOTION BY COMMISSIONER RAMESY, SECONDED BY COMMISSIONER REESE, AND UNANIMOUSLY CARRIED ON A POLLED VOTE, THE CRESCENT CITY HARBOR BOARD OF COMMISSIONERS APPROVED AND ADOPTED RESOLUTION NO. 2009-5, ENTITLED, A RESOLUTION APPROVING THE FORM OF AND AUTHORIZING THE EXECUTION AND DELIVERY OF A PURCHASE AND SALE AGREEMENT AND RELATED DOCUMENTS WITH RESPECT TO THE SALE OF THE SELLER'S PROPOSITION 1A RECEIVABLES FROM THE STATE AND DIRECTING AND AUTHORIZING CERTAIN OTHER ACTIONS IN CONNECTION THEREWITH

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

Discussion was held regarding the inner basin rebuilding project. Geotechnical folks have not arrived due to weather.

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

The following committee reports were made: Commissioner Feller reported on the IGRC meeting, where they discussed the hiring of Zack Larson to work on the MLPA process, he will be organizing the fishermen; Commissioner Ramsey reported that the Chamber of Commerce meeting was tomorrow and he would not be able to attend.

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

The report included the following topics: 1) Tsunami Warning – main energy arrived much later than anticipated, typical of the tsunami history; 2) Army Corps is still in the submittal stage, they expect documents to be ready soon and then will begin the dredging, they do not have a window, however, they believe that they will be able to work into December 31, 2009, they understand the crabbing season will be open at that time; 3) Inner Basin Dredging – the brakes failed, have been repaired and will be working tomorrow; 4) FEMA Projects – have time extensions on the uncompleted projects, launch ramps are being completed today; 5) Dungeness Crab Task Force – C.E.O. Young is participating on this task force and they are discussing regulations regarding limits that would directly effect of fisheries. C.E.O. Young will be attending a meeting in Ukiah tomorrow, he feels that this will be the last meeting due to crab season; 6) MLPS – meeting with Zack Larson to detail strategy and make a community impact, the C.E.O. attended the state Harbormasters meeting where this was a major topic of discussion, everyone is unhappy about the meeting – notes from the meeting were attached to the agenda materials, one highlight was the Harbormaster and other organizations hired an lobbyist to represent them at the state level. Rich Young indicated that he was elected the Vice-President of the association.

7. Board Comments.

The following comments were made: Commissioner Martell spoke to staff regarding the lift being double booked and staff will be sending a letter regarding the billings. Commissioner Feller asked if the Harbor is ready for crab season. Staff gave a rundown of the areas needing work and assurances that they will be ready. Sport crabbing begins November 13th and commercial season starts December 1, 2009 if the crabs meet specifications. The ordinance regarding the storage of crab equipment will be in place during the crab season. Commissioner Feller asked about the roof repairs, which are not completed on Albers yet. Fashion Blacksmith is done. President Reese asked about finding a diver.

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

Recessed in closed session at 7:11 p.m. The closed session adjourned at 7:50 and the meeting was immediately reconvened in open session. Counsel announced that no action was taken.

9. **Adjournment**
Adjournment to the Regular Meeting scheduled on November 3, 2009 at 6:30 P.M. at the Flynn Center, 981 H Street, Crescent City, California.

There being no further business to come before the Commission, President Reese adjourned the meeting at 7:50 p.m., until the next regularly scheduled meeting on November 3, 2009 at 6:30 p.m.

Jack Reese, President

Ray Martell, Secretary

Approved this _____ day
of _____, 2009.