

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

December 15, 2009

COMMISSIONERS PRESENT:

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

COMMISSIONERS ABSENT:

None

OTHERS PRESENT:

Richard Young, C.E.O/Harbormaster
Kenneth Towe, Harbor RV Anchorage
Kurt Madar, Daily Triplicate

Karen Phillips, P.S. Secretarial
Robert N. Black, Counsel
Bill Renfroe, Tri-Agency

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

Chairman Reese opened the meeting in regular session at 6:30 p.m.

Pledge of allegiance.

The pledge was led by Commissioner Martell.

Public comment.

The following persons addressed the Commission: Karen Phillips, dba as PS Secretarial Services, asked the Commission's permission to allow Wilma Madden to take the minutes at future meetings of the District. Although the contract does not specify who takes the minutes, she wanted to get approval from the Commission first to make sure that they are comfortable with the change. Commissioners expressed them

approval of the change. Kenneth Towe asked where the lease committee is with his request for a lease extension, indicating that the Harbor had approached him about the purchase of his lease some time ago. He wanted to know if the appraisal was received and where the process was. Discussion was held regarding the meetings, the appraisal and where things were in the process. The appraisal has been done; however, it was anticipate that the attorney would have information ready soon. The professional appraiser has the information and was engaged this last summer or fall. Bill Renfroe commented on the draft of the Crescent City Harbor District Harbor Treatment Plan Upgrade & Renovation document, which was included under the memorandum of understanding between Tri-Agency and the Harbor District. A scope of work, Alternatives I, II, and III, renovation and connection to seafood processing to sewer system, including estimated timeframe and costs were included in the draft document. Security and landscaping alternatives were also included in the draft. The City is willing to commit to a permit date and use of the pressure main, which will move Alternative II forward, according to Mr. Renfroe. The upgrade of the processing plant to FDA standards could come in the form of Over the Counter Grant funds. The residential and the museum pieces of the Harbor's Master Plan were discussed as they morph into a resource center with some grant funds. The value of the draft is that it confirms the cost of upgrading the plant. Comments may be sent to Mr. Renfroe so that they may be incorporated into the final document. The seafood processing draft will be on the next 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 November 17, 2009.**
 - B) **Approval of the minutes of the Regular Meeting of November 17, 2009.**

There were no requests to remove items from the consent agenda.

ON A MOTION BY COMMISSIONER RAMSEY, SECONDED BY COMMISSIONER PHILLIPS, 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. **Consider and approve a letter of opposition to the Marina Discharge Permit proposed by the State Water Quality Control Board.**

Discussion was held regarding the letter of opposition to the Marina Discharge Permit as proposed. This is not the first time this has been before the Commission. If adopted this permitting process would cost the Harbor a bundle of money.

ON A MOTION BY COMMISSIONER MARTELL, SECONDED BY COMMISSIONER RAMSEY, AND UNANIMOUSLY CARRIED, THE CRESCENT CITY BOARD OF HARBOR COMMISSIONERS APPROVED AND AUTHORIZED THE CHAIRMAN TO SIGN A LETTER OF OPPOSITION TO THE MARINA DISCHARGE PERMIT WITH A COPY BEING SENT TO OUR SENATOR AND ASSEMBLYMAN.

3. **Consider and approve a contract with Tech Wild for network and computer support services.**

Discussion was held regarding Tech Wild services and contracting with them for network and computer support services. Mr. George Wilder is a local computer support person with an excellent reputation and great local references. The County staff expressed confidence that they could hand off of the operations to Mr. Wilder and they will be handy and work well. One provision change will be the base amount to three hours a month at \$200. Commissioners noted that the sales tax is being charged at 12.5% and will need to be changed to the local sales tax rate. This contract does not include website maintenance.

ON A MOTION BY COMMISSIONER FELLER, SECONDED BY COMMISSIONER PHILLIPS, AND UNANIMOUSLY CARRIED, THE CRESCENT CITY BOARD OF HARBOR COMMISSIONERS APPROVED THE CONTRACT WITH TECH WILD FOR NETWORK AND COMPUTER SUPPORT SERVICES FOR THE CONTRACT AMOUNT, AND EQUIPMENT UPGRADES WITH THE CORRECTION OF THE 12% SALES TAX TO 8.25%.

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

Discussion was held regarding the status of the inner basin rebuilding project. A meeting was held with Mr. Stover, Rich Young and Commissioners Feller and Reese. Mr. Stover presented the nine options and the two alternatives. They have authorized the design of 185-240 slips based on the same design at gave us the 330. Under this new design the slips will be able to hold larger wider slips and still give an ample number for the Harbor's purposes. The permit constraints may also play on the summer and winter seasons. Three other designs are being identified and combined portions brought back in one design concept to the Commission. This type of design is working at Woodley Island in Eureka and will allow the Harbor to use as many slips as possible year round. Those who store their boats here year round would need to be informed of the changes.

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

The following committee reports were made: Commissioner Reese reported that the City and Harbor had a 2x2 meeting on the 14th. A memorandum was handed out by city employees Jim Barnts and Eric Wier regarding the wastewater treatment plant and pumping the water right into the sanitary sewer. Discussion was held regarding the water discharge and adding other processing plants. Commissioner Ramsey asked why we are waiting until August and why has this taken so long. There have been a number of issues in finding a solution to the problem. Essentially, the City wants to get the wastewater treatment plant up and running before they take on any more, which may not be until August of 2010. The Harbor may want to put off the band aid for the plant until August of next year also. This would allow the Harbor to get some hard facts about the work that the Harbor needs to do to the get the wastewater treatment plant up to speed. Discussion was held regarding removing the rotating screen and rerouting the water into the ocean, which would take a lot of the mechanical equipment out of the system that may break between now and August. There are solids being removed and there may not be a way to get a permit to allow the outfall of this material, according to Mr. Renfroe. The Commissioners are thrilled to have the City talking about solutions to this problem. Commissioner Feller reported on the IGRC meeting, where discussion

was held regarding the City having to possibly reverse wastewater treatment plant fees under the ballot measure that is being presented. This will cause the City untold problems and cause them to not make the payments of the loan. A staff meeting with Feller and Reese was held regarding the Coastal Commission rules and regulations. A lease committee regarding Albers met and sent off the issues to counsel. They also reviewed land use and planning issues and held a review of the master plan and it's issues. There are errors in the Master Plan that need to be debugged, which may take about a year. A dredging meeting was also held with federal dredging folks who have an over abundance of caution and they are concerned regarding turbidity and suspension of debris in the water. Commissioner Phillips attended the Traffic Calming and Gateway Study meeting last week, there is a lot of information in the report. A public meeting was also held regarding the same. High accident areas were identified also during this meeting as well as the fact that all traffic coming into town needs to slow down as the speeds of travel are above speed limit. There is a Chamber of Commerce meeting this week on Friday that Ron Phillips will attend.

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) LAFCO Municipal Services Review – was completed, electronic copies were sent to the Commissioners; 2) Dredging the Federal Channel – dredge contractor temporarily paused operations and will resume when the weather clears sufficiently to allow safe access to the dredge; 3) Dredging the Inner Basin – repairs to the dredge are done and Mr. Markytan is standing by to operate the underwater suction, this will start in the morning if the weather cooperates; 4) FEMA Projects – all 8 projects are at FEMA, CAL emergency management agency has asked for a determination to see if how the acts apply to these projects; 5) Marine Life Protected Act – meetings are being held every two weeks at the Harbor offices, meetings have been productive; 6) Preserving Working Waterfronts - staff met with "Oregon State and will produce a report and sent out; 7) Tsunami Disaster Drill – March 24, 2010 disaster drill will occur; and 8) LTC Traffic Calming Project – meeting was discussed above under reports.

7. Board Comments.

The following Commissioners made comments: Commissioner Reese commented on his last meeting a. He will not be at the January meetings. Commissioner Feller indicated that there was a 70 mph gust of wind on Citizens Dock according to the NOAA weather station. Commissioner Ramsey indicated that this wind was 20 mph less than his classroom today!

8. Closed Session. The Board of Harbor Commissioners will now meet in closed session to consider the following items:

a) Conference with legal counsel pursuant to Government Code Sections 54956.9(b) Anticipated litigation (two cases).

b) Pursuant to Government Code Section 54956.8. Conference with real property negotiators. Two Items.

Item 1) 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.

Item 2) Property: 161 Starfish Way. Agency negotiators: Commissioner Scott Feller, Commissioner James Ramsey, CEO Richard Young. Negotiating Parties: Crescent City Harbor District with Alber Seafoods.

c) Conference with legal counsel pursuant to Government Code Section 54956.9(a). Existing litigation, 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.

President Reese recessed the regular session at 7:41 p.m. and immediately convened in closed session to discuss the matter listed above in 8.A-C. The closed session was adjourned at 9:18 p.m. and the meeting was immediately reconvened in open session. Counsel announced that no action was taken in closed session.

9. Adjournment

There being no further business to come before the Crescent City Harbor District, President Reese adjourned the meeting at 9:19 p.m. until the next regularly scheduled meeting on January 5, 2010 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 _____, 2010.