

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

**February 16, 2010**

**COMMISSIONERS PRESENT:**

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

**COMMISSIONERS ABSENT:**

None

**OTHERS PRESENT:**

Richard Young, C.E.O./Harbormaster  
Kenneth Towe, Harbor RV Anchor.  
Wayne Gavin, Alber Seafood  
Lavonne Sparks  
Pat Rideout, Chart Room  
Sean Ewing, Stover Engineering

Wilma Madden, P.S. Business Services  
Ward Stover, Stover Engineering  
Robert Black, Legal Counsel  
Garry Young  
Pat Bailey, Fmr. Harbor Commissioner

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**President Feller 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 person addressed the Commission: No comments were received from the public.

**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 January 19, 2010.**

**B) Approval of the minutes of the Regular Meeting of January 19, 2010.**

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

Commissioner Phillips asked what the Accrued Dental Insurance item on page 7 covered. Mr. Young responded he was not sure what that was for and would look into the item. Commissioner Phillips then asked if the payment to the City of Crescent City on page 11 was the final payment to the City. Mr. Young replied that, yes, it was and the Harbor District now owns the Harbor's wastewater treatment plant. Commissioner Phillips asked what the item for postage to England Marine listed on page 11 was for. Mr. Young responded that he will check on it and suspected it is not accurate account number. Commissioner Phillips asked what was covered in the Mission linen item on page 13. Mr. Young responded that it is the ongoing costs associated with coveralls and shirts that the maintenance personnel wear every day, not just rain gear. Commissioner Phillips asked if the Toxscan, Inc. item was for testing of dredge spoils. Mr. Young replied that it was.

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

**2. Discussion and consideration of providing a letter of support for the City of Crescent City wastewater treatment plant.**

The Commissioners had no comments regarding this item.

ON A MOTION BY COMMISSIONER REESE, SECONDED BY COMMISSIONER PHILLIPS, AND UNANIMOUSLY CARRIED, THE CRESCENT CITY HARBOR DISTRICT BOARD OF COMMISSIONERS APPROVED SENDING A LETTER OF SUPPORT FOR THE CITY OF CRESCENT CITY WASTEWATER TREATMENT PLANT.

**3. Discussion and consideration of approving the Subrecipient Agreement Between the County of Del Norte and the Crescent City Harbor District for a Community Development Block Grant Economic Development Project – Inner Boat Basin Reconstruction.**

President Feller reviewed the Subrecipient Agreement for the Commission. The Agreement is needed in order to receive the CDBG funds. Commissioner Phillips asked if staff would have to administer the paperwork. Mr. Young replied that they would. Commissioner Martell asked if either Mr. Perry or Ms. Madden could do the administration paperwork, and if so, would it be in addition to the time they can devote to the Harbor now or in lieu of. Mr. Young indicated that either of them could, if they amenable, but it would be in lieu of other work for the Harbor due to the limitation on the hours they can work with a CalPers agency.

ON A MOTION BY COMMISSIONER MARTELL, SECONDED BY COMMISSIONER REESE, AND UNANIMOUSLY CARRIED BY POLLED VOTE, THE CRESCENT CITY HARBOR DISTRICT BOARD OF COMMISSIONERS APPROVED AND ADOPTED THE

SUBRECIPIENT AGREEMENT BETWEEN THE COUNTY OF DEL NORTE AND THE CRESCENT CITY HARBOR DISTRICT FOR A COMMUNITY DEVELOPMENT BLOCK GRANT ECONOMIC DEVELOPMENT PROJECT – INNER BOAT BASIN RECONSTRUCTION.

**4. Discussion and consideration of authorizing travel to the April 14, 2010 California Financing Coordinating Committee Funding Fair.**

Commissioner Phillips reported on the need to attend the Funding Fair to assist with future funding opportunities for the Harbor. Also, they hold classes on wastewater treatment and other items that would be beneficial. President Feller offered to drive, indicating that they could make it a one-day trip in order to conserve costs. The Commissioners agreed to authorize the travel, with Commissioners Feller and Phillips to attend.

**5. Standing Agenda Item. Discussion and consideration of status of inner basin rebuilding project. Ward Stover will report on status of the alternative designs of the inner boat basin, and a preferred alternative may be chosen by the Board.**

Mr. Stover presented his report, noting several corrections in the packet; the table on page 2 of his report should be labeled "Table 1"; in the Slips Column of Option 3 in Table 1, the correct number is 98, not 50 for 50 foot boat length; in the Slips Column of Option 8, the correct number for 50 foot boat length is 44, not 39, and for the 40 foot boat length the correct number is 68, not 54; and on page 8 of the report, containing Table 8, the correct date is February 12, 2010. Mr. Stover then reviewed the slip usage data and the pros and cons of the three preferred options. He added that everything in the Option 1 project is eligible for Office of Emergency Services (OES) reimbursement. Commissioner Phillips asked for a review of the number of slips and their length. Mr. Stover reviewed the distribution of slips shown in Table 8 for each of the options. Commissioner Ramsey asked if reimbursement would be a problem for option 3. Mr. Stover responded that 30 foot boats would have to be doubled up in slips in that option and that overall project cost is less than Option 1, but it would still require review and approval by OES before they could proceed. Commissioner Phillips asked if additional electrical pedestals would be needed for option 3. Mr. Stover responded that all the options maximize the number of pedestals. He added that Option 3 would require some 40 footers to be placed into 50 foot slips. It would also reduce the amount of side tie space on H dock. Commissioner Phillips commented it appeared that the only change between the three preferred options was on left side of harbor. Mr. Stover confirmed that was correct. Mr. Stover pointed out that with Option 8 they will only lose four true slips. The cost is slightly more as opposed to Option 1, approximately \$150,000 more, but he intends to make the argument that the layout doesn't change. He added that if OES objects to Option 8, the Harbor would have to cover that additional \$150,000 from another source of funds. President Feller pointed out that on Page 9 of Mr. Stover's report is a review of each option, and that the design committee did a complete review of each option. Pat Bailey commented that he no real issue with any of the preferred

options. Garry Young stated that he was opposed to Option 3, but likes either Option 1 or Option 8. Mr. Richard Young reviewed the financial impact review of the options that he had completed and provided as a handout to the Commission. He added that side tie space is valuable as it allows flexible space for the placement of boats. Commissioner Ramsey asked Garry Young if reducing the turnaround space by 10 feet would be a bad impact. Garry Young responded that it would not be much of an impact, depending on what might be tied up there. Commissioner Reese stated that he preferred Option 8. Commissioner Ramsey concurred, added that it meets current needs, addresses future issues and has more flexibility. He did not believe that Option 1 would meet future needs. Commissioner Martell asked if a choice of other than Option 1 would delay the permit or funding process. Mr. Stover responded that he did not see that it would cause a delay. Mr. Stover added that he needed an option chosen tonight in order to submit the request to OES staff and to give to the design crew. Mr. Stover pointed out that there is no guarantee OES will say "yes", or that the additional \$150,000 Option 8 will require won't be a problem. He added that one choice to consider, if OES does have an issue, would be to go with 30 ft fingers rather than 40 foot. President Feller commented on the vessel sales information provided in Appendix C. Commissioners Phillips expressed concern with what the trends might be 10 years from now. Mr. Stover pointed out that the information in Table 1 includes trends in boat length. Mr. Young commented that Option 8 provides some flexibility in that they could remove 30 foot slips and use the dock as side tie space. President Feller asked how much of the estimated cost is for materials. Mr. Stover replied that about half the cost estimate is for materials. President Feller commented that sales tax could be a positive factor for the district or the county. Commissioner Ramsey asked when they could start ordering materials. Mr. Stover responded they must wait for final approval from OES and approval of permits. Mr. Stover added that he would update the schedule with the following the determination of the preferred alternative. Mr. Young commented that Sean Ewing of Mr. Stover's staff had a family emergency at the end of last week, but had worked through it in order to get the information packet completed for the agenda and thanked him for his efforts.

ON A MOTION BY COMMISSIONER RAMSEY, SECONDED BY COMMISSIONER REESE, AND UNANIMOUSLY CARRIED BY POLLED VOTE, THE CRESCENT CITY BOARD OF HARBOR COMMISSIONERS APPROVED ALTERNATIVE 8 AS THE PREFERRED ALTERNATIVE AS IT ACCOMMODATES ALL OF THE HARBOR'S EXISTING USES, AND PROVIDES FOR MAXIMUM FLEXIBILITY IN THE FUTURE.

**6. Standing Agenda item. Discussion and consideration of status of Marine Life Protection Act initiative on the North Coast.**

Mr. Young reported that he was appointed to Regional Stakeholders Group that reports to the Blue Ribbon Task Force on the impacts of MLPA on the area. Their first meeting was held February 8 and 9 in Eureka. The Group approved ground rules for the group. The next meeting will be March 24 and 25 in Crescent City, however the site has not been determined yet, but Mr. Young indicated he will keep the Commission and the public posted as information becomes available. Mr. Young added that the Regional

Stakeholders Group contains members from Del Norte, Humboldt and Mendocino counties.

**7. Committee reports from other standing and ad hoc committees.**

Commissioner Ramsey reported he attended the chamber meeting greeting Dr Tynes and several other doctors. Commissioner Ramsey provided a report on the meeting of the large group to discuss the visitor/interpretive center. He indicated that State and Federal Parks have expressed a desire to staff it. The group is to starting to work in committees on a conceptual design as well as possible funding for the start up of project. They have indicated they would like to have it done by 2016. The estimate is that it could generate as many as 100,000 visitors to the harbor per year (which may produce concerns from Caltrans with regard to traffic at the intersection of Citizens Dock Road.) Commissioner Phillips added that there were 22 participants at that meeting on February 4. He added that he felt they will need to keep pushing the participants to move forward. Commissioner Phillips commented that it was unfortunate that Rick Nolan is retiring and they don't know yet who his successor will be. Commissioner Reese reported he participated in a 2x2 meeting with the County regarding the three options for the boat basin, and provided them an update on the timeline. He added the County seems pleased with the Harbor's progress and commented that it wasn't a long meeting. President Feller commented on the importance of the Subrecipient Agreement. President Feller reported on the design committee meetings with Commissioner Reese and Mr. Stover. He added that a lot of detail was provided by Mr. Young as well. President Feller reported that the lease committee met also. Commissioner Phillips reported on the IGRC meeting, at which, they discussed the city lawsuit, the upcoming joint city/county meeting, the panhandling ordinance (which seems to have positive impact so far), a town hall meeting set for March 20, and a tour of the wastewater treatment plant on February 22. He added that the Board of Supervisors is working on a coastal trail on Kellogg Beach with the Coastal Conservancy, that one boat ramp is done, but the other is having issues with environmental concerns. The latter applies to the airport terminal project as well. The Board is also moving forward on the dam removal pact. Commissioner Phillips also reported that Tri-Agency met twice and on February 4 approved two micro-enterprise loans at 1% interest. He added that the Wine, Crab & Cheese Festival is this weekend, as well as a Mural Society dance.

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

The C.E.O.'s report included the following topics: 1) Travelift repair is nearly complete; 2) Chamber of Commerce mixer. Commissioner Phillips asked Pat Rideout if they could hold the chamber mixer at the Chart Room. Mr. Rideout indicated he would check their schedule and get back to him tomorrow. President Feller commented that March 16 being a regularly schedule CCHD meeting. Mr. Young indicated he would talk to Gina Zottola of the Chamber about options for the mixer date (Friday, 3/12?). Commissioner Phillips commented that Hospitality 101 will provide the invitation cards; 3) Storm Damage – there has been quite a bit of minor damage from recent storms; 4) Dredging

of Federal channel – the dredging contractors believe they have completed dredging the inner portion of the federal channel; 5) Meetings – since the last Harbor Commission meeting, Mr. Young has attended the California Association of Harbormasters Board meeting, met with California Air Resources Board staff regarding the diesel engine in the Harbor’s dredge, met with Coastal Conservancy staff regarding possible grant funding for Harbor improvement projects, and attended an Early Evaluation meeting in San Francisco for the Mark Russo vs. CCHD case, and met with the Corps of Engineers regarding dredging outside the federal channel in anticipation of renewing the harbor’s permit; 6) FEMA projects – Cal EMA has approved the time extensions for all of the projects and are recommending FEMA approve the time extensions as well; 7) Reported a damaged boat, the Flamingo, was towed into the harbor and Mr. Young met with the insurance representative today, who indicated the owners should be here this week to deal with the boat; 8) Reported on the Tsunami evacuation drill upcoming on March 24. Mr. Young indicated they were discussing with County OES the possibility of having a meeting of harbor tenants before the drill takes place. Commissioner Phillips asked if he had received any comments back on letter Mr. Young sent out. Mr. Young replied they had not.

## **9. Board Comments.**

President Feller reported he attended a chamber dinner at which they received a report received which they printed out today. He also met with Jim Carnegie on the Community Development Block Grant funds. President Feller asked Mr. Young to follow-up on reports due from Mr. Renfroe at Tri-Agency. He congratulated Mr. Young on his election. President Feller stated he felt they needed to assemble a surplus equipment list. He added that he met with Coastal Conservancy on the coastal trail and attended the tsunami business workshop. Garry Young asked if they had applied yet for State Lands Commission permit. Mr. Young responded that it was in process.

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

**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. Under negotiation: Lease extension terms including monthly rent and term of lease.**

**(3) Conference with legal counsel pursuant to Government Code Section 54956.9 (a): Existing Litigation, Mark Russo vs. Crescent City Harbor District, USDC, Case No. C09-02910SI.**

**Item 4-5) Conference with legal counsel pursuant to Government Code Sections 54956.9(b) Anticipated litigation (two cases).**

President Feller recessed the open session at 8:10 p.m. and immediately convened in closed session to discuss the closed session items listed above. The closed session was adjourned at 9:08 p.m. and Counsel announced the following action was taken during closed session: No action was taken.

**11. Adjournment**

There being no further business to come before the commission, President Feller adjourned the meeting at 9:09 p.m. until the next regularly scheduled meeting on March 2, 2010 at 6:30 p.m. at the Flynn Administrative Center.

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Scott Feller, President

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Ray Martell, Secretary

Approved this \_\_\_\_\_ day  
of \_\_\_\_\_, 2010.