

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

**April 20, 2010**

**COMMISSIONERS PRESENT:**

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

**COMMISSIONERS ABSENT:**

**OTHERS PRESENT:**

Robert Black, Legal Counsel  
Wayne Gavin, Alber Seafood  
Kenneth Towe, Harbor RV Anchor.  
Harry Adams  
Patrick Rideout, The Chart Room

Wilma Madden, P.S. Business Services  
Garry Young & Lavonne Young  
Ernest Perry, Harbor Planner  
Nick Grube, The Triplicate

**STAFF ABSENT:**

Richard Young, C.E.O/Harbormaster

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**President Feller opened the meeting at 6:33 p.m. in open session to discuss the following agenda items.**

**Commissioner Martell led the Pledge of Allegiance.**

President Feller announced there was an urgency item that arose subsequent to the posting of the agenda that required action before their next meeting. The item was a bid from Fashion Blacksmith for repair of the harbor's dredge. The bid was just received today and their workload is such that they can begin tomorrow. If the item waits until the next regular meeting, Fashion Blacksmith will have two large boats in for work that will require 3,000 plus hours of work, which means the harbor dredge repairs will not be their first priority.

ON A MOTION BY COMMISSIONER PHILLIPS, SECONDED BY COMMISSIONER RAMSEY, AND UNANIMOUSLY CARRIED BY POLLED VOTE, THE CRESCENT CITY HARBOR DISTRICT BOARD OF COMMISSIONERS FOUND THAT THE MATTER OF AUTHORIZATION OF REPAIRS TO THE HARBOR DISTRICT'S DREDGE ON A BID FROM FASHION BLACKSMITH AROSE SUBSEQUENT TO THE

POSTING OF THE AGENDA, REQUIRED ACTION PRIOR TO THE NEXT REGULAR MEETING, AND APPROVED THE ADDITION OF THIS ITEM TO THE AGENDA AS ITEM 4.1.

**Public comment.**

The following persons addressed the Commission: Harry Adams, a commercial fisherman, inquired why Commissioner Feller was disposing of personal items in the dumpsters at the harbor, such as mail and kitty litter. He further inquired as to why Commissioner Feller was able to do this, since commercial fisherman are not allowed to dump personal trash in the dumpsters at the harbor, and asked Commissioner Feller if he felt it was appropriate. President Feller responded that the kitty litter was picked up in the harbor and the two envelopes he added when he placed it in the dumpster. Mr. Adams then commented that he had previously observed Mr. Feller depositing several large trash bags in one visit, all containing Commissioner Feller's personal trash. President Feller then apologized and stated that Richard Young, the harbormaster, had spoken to him about the issue and that the practice has stopped.

1. **CLOSED SESSION. The Board of Harbor Commissioners will now meet in closed session to discuss the following item: 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.**

President Feller recessed the open session at 6:39 p.m. and immediately convened in closed session to discuss the closed session items listed above. The closed session was recessed at 6:45 p.m., and the meeting was immediately reconvened in regular open session. Counsel announced that on a motion by Commissioner Martell, seconded by Commissioner Ramsey and unanimously carried, with all members present, the Crescent City Board of Harbor Commissioners directed Counsel to prepare the final lease with Rika Blue, dba Talking Crow Studio, and to bring the lease back on next agenda for action by the Commission.

2. **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 April 6, 2010.  
B) Approval of the minutes of the Regular Meeting of April 6, 2010.**

President Feller announced the following corrections to the minutes of April 6, 2010: add Paul McAndrews, Facilities Manager, to the list of those present at the meeting; correct the spelling of Commissioner Ramsey's name in the motion on Item B of the agenda; revise the action on Item 4 to reflect that Commissioner Phillips abstained from

the vote, which carried with 4 ayes; and to correct the motion in item 12 to read "Commissioner Phillips", rather than Commissioners Phillips.

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

ON A MOTION BY COMMISSIONER MARTELL, 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, WITH THE MODIFICATIONS TO THE MINUTES OF APRIL 6, 2010 AS REQUESTED BY PRESIDENT FELLER.

**3. Discuss and consider a request from Mr. Ken Towe of Harbor RV Anchorage for a ten year lease extension. Take action as necessary and appropriate.**

President Feller reported that this item was on the agenda at Mr. Towe's request. Mr. Towe asked if any action had been taken yet. President Feller responded that no action had been taken as yet. Commissioner Phillips asked how many years were left on the existing lease. President Feller responded there are seven years left on the existing lease. Commissioner Phillips stated it was the policy of the Commission not to vote on an extension this far in advance of the expiration unless there was a financial need to do so, such as Mr. Towe conducting extensive remodeling to the park that would require a loan, which Mr. Towe has not demonstrated. Commissioner Martell agreed with Commissioner Phillips that it was too early to act on a request for an extension.

ON A MOTION BY COMMISSIONER REESE, SECONDED BY COMMISSIONER PHILLIPS, AND UNANIMOUSLY CARRIED BY POLLED VOTE, THE CRESCENT CITY HARBOR DISTRICT BOARD OF COMMISSIONERS TOOK ACTION TO DENY THE REQUEST FOR A TEN YEAR EXTENSION OF THE LEASE FOR HARBOR R.V. ANCHORAGE AT THIS TIME.

**4. Discuss and approve a lease or lease terms with Rika Blue, dba Talking Crow Studio. Take action as necessary and appropriate.**

This Item was continued to the next meeting as a result of the action from closed session listed in Item 1 above.

**4.1 Discuss and approve the bid from Fashion Blacksmith to effect repairs to the Harbor District's dredge.**

President Feller recapped Facilities Manager Paul McAndrews' report of last meeting regarding the work needed on the dredge. Fashion Blacksmith provided a bid today for the necessary repairs. President Feller stated that Fashion Blacksmith has some open time right now to work on the dredge. Commissioner Martell asked how timely the work was for the harbor and is the work necessary at this time, or if it could be postponed.

Commissioner Reese and President Feller each responded that the Harbor's permits for dredging with the Army Corps are in process now. President Feller added that Fashion Blacksmith has an opening now, having just finished work on two boats, but they have indicated they will shortly have two 3,000 hour plus projects coming in, which would put the harbor's dredge in the position of being worked on only when they have small, short breaks on the two bigger projects. Commissioner Ramsey commented that the work was necessary. President Feller pointed out that Mr. Young had indicated the needed funds are in the budget. Commissioner Phillips asked how soon they would know what other items would need repair beyond the items stated in the bid, and if their action tonight should cap the expense at \$15,000. Commissioner Ramsey suggested capping the spending at \$20,000. Commissioner Reese stated that if they accepted the bid as presented, it is capped at \$15,000, and any additional work will have to come back to the Commission for approval. Garry Young indicated the Harbor did minor work, painting and such, back in 2004-05, and that this work was long overdue. He added that the \$15,000 bid seemed reasonable to him for the work proposed. Mr. Black reviewed the bid and indicated that it is a fixed bid of \$15,000 with any additional work needing further approval of the board. Commissioner Phillips asked if the cost of any of the dredging could be charged to the inner boat basin rehabilitation project. Mr. Perry responded that some of it will be billable to that project. Commissioner Martell asked how long the work by Fashion Blacksmith was anticipated to take. President Feller responded they estimated two to three weeks

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 THE REPAIR OF THE HARBOR DREDGE BY FASHION BLACKSMITH, AS PER THEIR BID, NOT TO EXCEED \$15,000 WITHOUT FURTHER APPROVAL OF THE BOARD.

**5. Standing Agenda Item. Discussion and consideration of status of inner basin rebuilding project.**

President Feller reported the design committee would be meeting Thursday at 1:30 p.m. Commissioner Reese inquired if the meeting could be rescheduled for after May 4. President Feller added that on May 20, the engineers and the design committee will be visiting Woodley Island Marina.

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

President Feller reported that Richard Young was not present tonight as he is attending a two-day meeting in Fort Bragg for the Marine Life Protection Act.

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

Commissioner Ramsey reported the lease committee met regarding the Talking Crow Studio lease. Neither Commissioner Martell nor Commissioner Reese had anything to report. Commissioner Phillips indicated he attended an IGRC meeting with Richard Young. The City is 90 days away from the Wastewater Treatment Plant going on line. The recent testing took place with no glitches, and on June 30 there will be a public ribbon cutting. He added that they (the City) are still negotiating with Alber Seafood. Commissioner Phillips indicated the City of Crescent City also reported their town hall meeting was well attended. In their talks with the County, they learned that Elk Valley Rancheria now has a smoke shop on Humboldt Road. The School District was also present and discussed their budget woes and indicated that notices of potential layoffs have been sent out to teachers. Commissioner Phillips also reported he attended a land use committee meeting with staff and President Feller. Commissioner Phillips reported that the Letter of Mutual Interest for the visitor center needs to be sent out, if it hasn't already been sent. President Feller reported on the land use committee meeting, indicating they have four draft chapters to review. President Feller commented on speaking to Patrick Talbot of Housing and Community Development Department at the funding fair and there is money available for a grant writer for remodeling the Alber Seafood building. Commissioner Phillips suggested it would be a nice idea to include a viewing window so people could watch the processing. President Feller commented that the idea includes a fish market as well. President Feller reported on attending the funding fair in Redding and there is a package of information that he has brought back and distributed to the City, County, and the Rancherias/Tribal offices on funding possibilities. Commissioner Phillips commented that he was glad President Feller could attend and was sorry that he had to miss it. President Feller commented that their CDBG funding requires they (CDBG) receive information on the status of the Harbor's loans. Mr. Young has sent a packet off to State Boating and Waterways on a payment schedule for the Harbor's loans. The plan will pay off two loans and bring three loans current.

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

President Feller reported there was no formal C.E.O.'s report in Mr. Young's absence, but he indicated that maintenance staff are putting the docks and fingers in for the outer basin. They are also rehabilitating the ladders at the docks and that the cleats should be in good shape also. There are some bad spots at Citizens Dock that are being repaired as well. Commissioner Phillips asked if the Facilities Manager, Paul McAndrews, could check the pumps at the wastewater treatment plant to see if they were all working properly before the whiting season begins. President Feller added that the two small boats that were out for repair are now back in the water.

#### **9. Board Comments.**

Commissioner Reese indicated he had no comments. Commissioner Phillips had no comments either, but indicated things are going well. Commissioner Ramsey had no comments. Commissioner Martell and President Feller also had no comments.

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

Pursuant to Government Code Section 54956.8. Conference with real property negotiators.

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.

Pursuant to Government Code Section 54956.9(b), CONFERENCE WITH LEGAL COUNSEL—ANTICIPATED LITIGATION. (two cases).

Pursuant to Government Code Section 54956.9 (a) CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION: Russo v. Crescent City Harbor District.

President Feller recessed the open session at 7:15 p.m. and immediately convened in closed session to discuss the closed session items listed above. The closed session was recessed at 8:17 p.m. and immediately reconvened in open session. Counsel announced no action was taken.

11. **Adjournment**

There being no further business to come before the commission, President Feller adjourned the meeting at 8:17 p.m. until the next regularly scheduled meeting on May 4, 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.