

PORT DISTRICT OF SOUTH WHIDBEY ISLAND

Minutes of the Regular Meeting
February 11, 2009
Freeland, Washington

Present at the meeting were:

Commissioner Lynae Slinden, Clinton
Commissioner Geoff Tapert, Freeland
Ed Field, Port Manager
Dane Anderson, Port Financial Coordinator
Molly MacLeod-Roberts, Port Clerk
Rick Brewer, Port Harbormaster

Don Carscadden, Island Crane
Jeff VanDerford, South Whidbey Record
Mynda Myres, Boatyard Inn
Ed Young, Whidbey Island Kayaking
Jim Norwood, Clinton Resident
Jan Smith, Coupeville Resident
Stacy Smith, Coupeville Resident

Absent: Commissioner Seitle (due to illness)

1. MEETING CALL TO ORDER:

The Regular Meeting of the Port District of South Whidbey Island's Board of Commissioners was convened on February 11, 2009, at the Freeland Library Conference Room in Freeland, WA. Commissioner Slinden, President, called the Regular Meeting to order at 7:30 p.m., followed by the Pledge of Allegiance.

2. BUSINESS MEETING – THE CONSENT AGENDA:

A. Consent Agenda:

1. Minutes: Minutes from the Special Meeting of December 3, 2008.
2. Vouchers: Vouchers audited and certified by the auditing officer as required by RCW 42.24.080, and those expense reimbursement claims certified as required by RCW 42.24.090, have been recorded on a listing which has been made available to the Board, and have been presented to the Board for review. The vouchers so listed and presented are summarized on the attached Voucher Listing **(EXHIBIT A)**.

ACTION: A Motion was made by Commissioner Tapert and seconded by Commissioner Slinden to accept the Consent Agenda, including authorization of Vouchers #3688 - #3728 in the amount of \$44,318.31. The Motion passed unanimously.

3. PUBLIC COMMENT – Including Items not on Agenda:

There was no public comment.

4. ACCOUNTANT REPORT:

A. Financial Statement: The Commissioners acknowledged the December 2008 Financial Statement, which had been mailed to them previously **(EXHIBIT B)**.

B. Accountability Audit for 2005–2007 – Final Report (EXHIBIT C): The report was issued on February 2, 2009, and the Commissioners were provided with copies prior to the meeting. Ed said it was a very clean audit – there were absolutely no findings. The Auditor mentioned that the Small Works Roster was not advertised in 2007 during the transition between Port Clerks, but noted that it was properly advertised in 2008 and 2009. He also had some questions related to Executive Sessions and reminded the Port that they need to be strictly about either property issues or personnel issues. Commissioner Slinden congratulated and thanked the Staff for their hard work.

5. PROJECT ACTION ISSUES:

A. Freeland Park:

1. Holmes Harbor Shellfish Protection District (HHSPD) – Update from Jan Smith: Jan Smith of the Island County Planning Department and Stacy Smith (no relation) of the Whidbey Island Conservation District were on hand to present the proposed Holmes Harbor Stormwater Improvements at Freeland Park **(EXHIBIT D)**. In relation to the HHSPD, Jan Smith reported they had a separate small financial assistance grant from the Department of Ecology (DOE) to address some stormwater issues. That is in addition to the DOE grant funding that is specific to the source identification of the fecal contamination and bacterial contamination in the harbor. She explained that no money is needed from the Port for the proposed stormwater improvements project.

Stacy Smith explained the proposed project would be low impact development and include rain garden retrofits and riparian plantings. She also explained the effectiveness of those measures. Commissioner Slinden suggested that some of the same measures used for the impervious surfaces at Freeland Park should be done at Maxwellton Park as well, since the County's landscaping project remains incomplete. Jan Smith said she would relay Commissioner Slinden's comments to the County.

In response to Commissioner Slinden's question regarding the newspaper article about the source of the contamination in Holmes Harbor, Jan Smith clarified the matter and provided the Commission with background information on the formation of the HHSPD. Jan noted that the HHSPD meets quarterly and the next public meeting is scheduled for 2/26/09. More scientific clarification will be provided at the meeting, and the Washington State Department of Health will have a representative there to talk about DNA testing and tissue sampling of shellfish and other matters. HHSPD has mailed out a newsletter to all postal patrons in the 98249 zip code area.

B. South Whidbey Harbor:

1. Transfer Process:

a. City Coordination – Final Signing Meeting: Ed said that the final title and escrow documents are finally done with no objections raised by either the Port's or the City of Langley's attorneys. The Commission agreed to tentatively schedule the final signing meeting for Friday, 2/20/09 at 8:30 a.m. in the Harbormaster's office at the marina.

b. Department of Natural Resources (DNR) Aquatics Land Leases Status: Dane reported the City has received the countersigned lease document and understands that it is a lease requirement to have it recorded. Dane asked the City Clerk/Treasurer to notify him when it has been recorded so the Port can record the original transfer document. He is also beginning work on a Port Management Agreement (PMA), which would be done instead of trying to change the lease terms. Dane noted that the default term for a PMA is 30 years with an automatic renewal. Commissioner Slinden asked if it would be a 2-step process, and Dane said hopes the Port can go right into the PMA for the major portion of the currently leased aquatic land.

Commissioner Tapert asked if it would be easier to expand the area under a PMA rather than the lease. Dane said it is “six of one, half a dozen of the other” and briefly explained some of the various issues with each. He added that DNR would rather do a PMA than modify the lease and then do a PMA. Commissioner Tapert noted that a PMA would save the Port money.

c. Washington State Recreation and Conservation Office (RCO) Transfer Process: Ed reported no progress was made with RCO regarding possible improvements to the legal constraints on the slips at the marina or any of the negotiations. At this point, Ed said Staff would simply fall back and Dane would push to get the transfer done as soon as possible. Dane would also push to get the Bush Pt. property transferred as well. Regarding Bush Pt., Dane explained that the Washington State Department of Fish and Wildlife (WDFW) has resubmitted the request for transfer to RCO.

2. Expansion Project:

a. Funding Status: Dane reported they’d been working hard to get appropriations requests in to both State and Federal legislators. The Port’s capital budget request is in and is sponsored by Representatives Bailey and Smith on the State House side, and by Senator Haugen on the State Senate side. Support letters were received from the Langley and Clinton Chambers of Commerce and the City of Langley’s Mayor and Council and submitted with the request to the State. The Port also obtained letters of support for the Port’s Federal appropriations request from Haugen, Smith and Bailey, along with letters from U.S. Senators Murray and Cantwell U.S. Representative Larsen. Dane said he is working with staff at Cantwell’s and Murray’s offices to determine which appropriations bill is most likely to be successful with the Port’s request.

b. Design & Engineering Proposals – Commissioner Review and Selection: Ed reported that proposals were received from Reid Middleton the previous afternoon **(EXHIBIT E)** and from Transpac Marinas/AJD that morning (both were immediately forwarded to the Commissioners). He noted that the two proposals are dramatically different in concept, scope and everything else. Reid Middleton’s was a conventional proposal, consisting of two pieces. The first piece was a final proposal for a pre-design study over the next 6 weeks, reviewing all the wind & wave studies, the various design concepts, and all other input provided to them by the Port. Their proposal for that first piece was estimated at \$29,000. The second piece was a recommended scope of services for the design, bid, and construction process for the subsequent expansion project. The proposal from Transpac Marinas/AJD was very different **(EXHIBIT F)**. They indicated that they reviewed the wind and wave studies and the bathymetry and evaluated the scope of work, and as a result they suggested a completely different approach. They felt the Bremerton breakwater is inadequate and wrote, “It would be economically fruitless to engage in further studies – the real enemy is bathymetry.” Ed

noted their recommendation of floating breakwaters located “no deeper than –20 or –30 ft.” is in substantial opposition to what Art Anderson Associates, Reid Middleton and others have identified as prime marina depths for piles and structures. Transpac’s proposal recommended using one of their own structures as an alternative, for a cost of \$5 - \$6 million (excluding demolition and disposal).

Since Commissioner Seitle was unable to attend the meeting due to illness, he emailed his opinion on the proposals and asked Ed to convey it to the Commissioners and incorporate it in the Minutes. Ed read aloud from Commissioner Seitle’s email: *I submit the following and would move accordingly if present. 1) The TransPac letter does not represent a response to the Statement of Work, and therefore cannot be considered at this time. Transpac may be an excellent candidate for a design/build contract to be competitively awarded in the future, and their input should be considered. 2) Reid Middleton has provided a detailed response to the Statement of Work, including a pre-design phase and a design phase at 30% completion and permit support. As proposed, the pre-design phase will be completed within a 6-week completion at an estimated cost of \$29,000. I recommend award of the work for the pre-design phase in accordance with the Reid Middleton proposal of February 11th.*

Ed reported he spoke with Commissioner Seitle via phone that afternoon, and Commissioner Seitle stated he would have no objection to awarding the work to and proceeding with Reid Middleton. Commissioner Tapert and Commissioner Slinden concurred with Commissioner Seitle’s comments.

ACTION: A Motion was made by Commissioner Tapert and seconded by Commissioner Slinden to execute the Agreement for Professional Services with Reid Middleton as the most responsive and most qualified consultant for the advertised Scope of Work. The Motion passed unanimously.

Commissioner Slinden signed the Agreement, and Ed said he would notify Reid Middleton in the morning.

c. Ramp & Park Project – Shovel Ready +/-: Ed reported they had obtained copies of the project plans and the permit files from the City of Langley. He has not gone through the permit files in detail, but he has gone through the contract documents in detail. Some components of the project are fine, but some things are not as clear – such as which side of the ramp the floats should be placed on and what type of construction should be used for the floats. Ed suggested that Reid Middleton could look into the matter as they do their studies and make a recommendation. Regarding the ramp and park project, he explained there are components that are good, but there is a set of plans that isn’t good. He noted that it’s not clear whether “shovel ready money” would be coming, and Dane added that shovel ready projects are much more likely to get funding than ones that have not yet proceeded to permits. They have broken out the uplands component to call it shovel ready. Although work needs to be done on the plans, from a regulatory perspective, the project has been permitted and it is shovel ready.

Commissioner Tapert asked Staff if they’d seen any plans from the City for Wharf St., and Ed said it is due any day now (mid-February). He will call the City and ask for an update.

Ed said the plans for the ramp & park project would require additional work and money to put them in “biddable shape.” He said it would be well worth spending if the funding is likely, but kind of a waste if it is unlikely. His suggestion was to keep investigating, look at Wharf St., and see how to package a good project without actually starting to spend money on it. Once Reid Middleton has completed their feasibility study and Dane has more information regarding the funding situation, if funding is likely then the Port can start spending money on redesign work. The fact that the project has been permitted is “huge” and Ed will make sure to track when they expire and extend them.

3. Harbor Operations:

a. **Harbormaster Report (EXHIBIT G):** Harbormaster Rick Brewer was on hand to answer any questions regarding the report previously submitted to the Commissioners. Rick explained that they are looking into potential areas for dive racks and over water kayak storage. There are several groups interested in coming to the marina during the shoulder seasons, including the Victoria Clipper on Mystery Weekend. Rick is working on coordinating activities with the City of Langley. Ed added that the Port is donating a gift certificate for 3 nights’ moorage at the marina for a Mystery Weekend prize.

Ed noted that the proposal from Sound Slope & Shoreline for the much-needed repair/reconstruction of the fire main system at the marina qualifies as “an emergency repair,” so no additional bids are required. Sound Slope is already on the Port’s Small Works Roster, and Ed recommended the Commission approve the proposal of \$6,156 (including tax and installation). The Commission agreed with his recommendation and authorized the work to begin immediately.

Ed reported that Challis Stringer, the City of Langley’s Director of Public Works, had advised the Port that the backflow preventer has been repaired so the fire line is ready to be connected once Sound Slope has completed the work on the fire main system.

b. **RCO Issues:** This item was not discussed.

C. Whidbey Airpark:

1. **Compliance Report:** Commissioner Slinden noted the discussion is scheduled for the Port’s next regular meeting on March 11, 2009.

D. Staff & Operations:

1. **Bush Point Manager/Caretaker Hiring Status:** Ed reported that approximately 20 applications of varying quality were received, and Staff is doing background checks on the top 4 or 5 candidates. He intends to complete reference checks and schedule interviews with those candidates on March 23rd. Commissioner Slinden will also participate in the interviews.

2. **Website Upgrade & Maintenance Solicitation:** Dane referred the Commission to the Website Requirements, Version 1.0 document (EXHIBIT H) he submitted previously, and asked if they had any questions or comments. Commissioner Slinden said it was a very complete list, and asked if it could be broken down for cost of set up, cost of site maintenance, etc. Dane explained that once the tasks have been identified, the next step is to prioritize the different requirements and put together a Request for Proposals (RFP) to go out to different bidders. He suggested part of the process could include the setting up of

someone on the Port staff to do the regular website updates as needed. Dane will report back to the Commission at the next regular meeting.

6. ACTIVITIES/INVOLVEMENT REPORTS:

- A. Economic Development Council (EDC):** Ed provided the Commission with EDC reports. Commissioner Slinden noted that Dane is now the Port's EDC representative.
- B. Council of Governments (COG):** Commissioner Seitle was absent, so there was no report.
- C. Skagit-Island Regional Transportation Planning Organization (RTPO):** Commissioner Tapert noted that everyone involved in moving the "Welcome to Whidbey" from the ferry landing to Campbell Rd. is doing the work "pro bono." The new "Scenic Isle" gateway sign will take its place, probably in May or June, when the exact locations for the other two gateway signs has been determined (at Keystone and at Deception Pass).
- D. Marine Resources Committee (MRC):** Nothing new to report.
- E. Washington Public Ports Association (WPPA):** Nothing new to report.
- F. Community Trade & Economic Development (CTED):** Nothing new to report.
- G. Holmes Harbor Shellfish Protection District (HHSPD):** As discussed earlier, the next meeting will be Thursday, February 26th, in Grigware Hall at Trinity Lutheran Church in Freeland from 5:00 p.m. – 6:30 p.m.
- H. Puget Sound Partnership (PSP):** Commissioner Slinden attended the Sound Waters University on February 7th. It was a great event with 570 people attending. She wrote a letter to PSP encouraging them to help sponsor the event.
- I. Center for Wooden Boats Cama Beach/Whidbey Summer Event (September 5, 2009):** Nothing new to report.

7. OLD BUSINESS:

- A. Schedule/Reschedule Meetings:** Due to attendance concerns resulting from the school's spring break period over April 6-10, the Commission agreed to move the regular April meeting from April 8th to April 15th. Ed strongly recommended that the Port hold a special meeting on March 25th to discuss the rates, regulations and policies for the Harbor, and the Commission agreed to "pencil it in."

8. NEW BUSINESS:

- A. Solar Energy Proposal from Commissioner Tapert:** Since Commissioner Seitle was absent, Commissioner Tapert wished to table the discussion until all three Commissioners are present.
- B. Port Statement regarding Ferry Plans (ref. 2/7/09 article in South Whidbey Record):** Ed noted that the article stated that the Legislature is not hearing from Whidbey Island on the

proposed ferry plans that include reservations, smaller boat sizes and reductions in service. As an economic development agency whose constituents are served by the ferry system, Ed felt it is important for the Port to “weigh in” on the issue. The South Whidbey Record’s Jeff VanDerford provided additional background information on the article. In accordance with Commission direction, Ed said he would draft a letter stating the Port is opposed to any reduction in boat size or level of service and against a reservation system on the Mukilteo/Clinton run.

Don Carscadden, Freeland resident, spoke briefly about his discontent and dissatisfaction with the State ferry system.

9. EXECUTIVE SESSION:

The Board of Commissioners went into Executive Session to discuss property acquisition issues at 9:12 p.m. The Executive Session concluded at 9:22 p.m.

10. ADJOURNMENT:

The meeting was adjourned at 9:22 p.m.

Approved:

Minutes prepared by:

Commissioner Lynae Slinden, Clinton

Edwin S. Field, Port Manager

Commissioner Geoff Tapert, Freeland

Commissioner Rolf Seitle, Langley

- Exhibit A: Voucher Listing
- Exhibit B: December 2008 Financial Statement
- Exhibit C: Final Accountability Audit Report #100569, Issued 2/2/09
- Exhibit D: Holmes Harbor Stormwater Improvements at Freeland Park
- Exhibit E: Proposal from Reid Middleton
- Exhibit F: Proposal from Transpac Marinas/AJD
- Exhibit G: Harbormaster Report for January 2009, dated 2/5/09
- Exhibit H: Port of South Whidbey Website Requirements Version 1.0