

PORT DISTRICT OF SOUTH WHIDBEY ISLAND

Minutes of the Special Meeting

October 4, 2007

Freeland, Washington

Present at the meeting were:

Commissioner Lynae Slinden, Clinton

Commissioner Rolf Seitle, Langley

Commissioner Geoff Tapert, Freeland

Ed Field, Port Manager

Molly MacLeod-Roberts, Port Clerk

Jeff VanDerford, South Whidbey Record

Greg York, Art Anderson Associates

Absent: None

1. MEETING CALL TO ORDER:

The Special Meeting of the Port District of South Whidbey Island's Board of Commissioners was convened on October 4, 2007, in the Port office in Freeland, WA. Commissioner Tapert, President, called the meeting to order at 9:30 a.m. As announced, there were two primary purposes of the Special Meeting: 1) the Commissioners' review of the latest technical, permit and cost data for temporary storage of the 400' breakwater and subsequent issuance of direction for its disposition, pending final permit and City coordination/approval considerations, and 2) the Commissioners' meeting with design project manager Greg York of Art Anderson Associates (AAA) to review concept and design issues for marina expansion and issuance of direction as needed for continued design and engineering.

2. PUBLIC COMMENT:

There was no public comment during this period.

3. PROJECT ACTION ISSUES:

A. Breakwater:

1. Temporary Moorage Status: Permit Issue Update: Port Manager Ed Field reported he had spoken with Jeff Tate, Director of Planning & Community Development for Island County regarding temporary moorage of the 400' breakwater in Holmes Harbor. Tate indicated he had spoken with his predecessor, Phil Bakke. Tate and his Shoreline Permit specialist, Matt Kukoc, disagree with Bakke's initial opinion that it is Shoreline-Permit exempt. Tate and Kukoc believe the site is covered by Shoreline because it is in Island County waters, and compared it to the mussel rafts in Penn Cove. Tate said that he knows what the Port has gone through and understands that it is just temporary moorage. He said if Langley

doesn't work out, the County would cooperate and help figure out permitting for Holmes Harbor. Tate emphasized that "the County understands the importance of the project" and will work with the Port to handle it. Regarding other Holmes Harbor permit issues, the Army Corps of Engineers is ready to issue a letter of permission for 12-18 months, but it hinges upon the County's agreement. Ed said the County will probably agree but will require it to go through Shoreline, which means a full permit process in Holmes Harbor. Regarding Langley, Ed said a meeting was scheduled for tomorrow, and Joe Callahan of Geo Engineers would be attending the meeting. Based on the email received from City Planner Larry Cort, Ed said it is apparent the City is now trying to work with the Port as best they can while protecting their interests. Ed concluded that at this point, the permitting issues in Langley seem less onerous than in Holmes Harbor. Commissioner Seitle said City of Langley has Shoreline Permit powers and that they have already indicated they would basically grant an exception. Ed said they are leaning in that direction. Commissioner Slinden asked if representatives from all involved parties would be at tomorrow's meeting. Ed said the Department of Ecology (DOE) has said they would be available, and he and Cort are attempting to contact the biologist from Washington State Department of Fish & Wildlife and also the Department of Natural Resources. Ed said even if the DOE is the only agency to have a representative at the meeting, that is fine since DOE is the major player. Commissioner Seitle said the Port has the data that shows no eel grass is there, and the DOE will probably not have any objections and the other agencies would follow. Commissioner Slinden said with the City of Langley stepping up to their responsibility of making a decision, the Port has the potential to move ahead. Ed said although Holmes Harbor is very close to being resolved, the latest comments from the County have definitely changed the level of difficulty much more than expected based on the initial input from Bakke.

2. Tow & Temporary Moorage Contractor Proposals: Ed said due to the weather and Boyer Logistics' eagerness to have the breakwater removed from its current temporary moorage, the Port needs to make a decision now. After noting that there were no other firms on the Port's Small Works Roster capable of performing on the uncertain but urgent Ed said ACC Hurlen's not to exceed \$54,000 proposal is a good figure. Hurlen's project manager Clyde Joseph said part of the figure depends on what crane and what crane is available, meaning if only a larger crane were available it would cost more. If the breakwater is moved next week, Hurlen would have a crew and a medium sized crane available. That could cost just \$43-\$44,000. Ed said Hurlen reported they did not have access to big logs to use as the camel, but they do have some bumpers available. The bumpers are steel pipes with foam filling. Greg York of AAA said some padding would be needed. He recommended the Port buy three 40-ft. logs instead. Commissioner Tapert asked if the Port's Small Works Roster was limited to "under \$43,000." Ed said it's actually \$100,000 for a full competitive bid, and added that there are very few if any other contractors that are on the roster that could handle this work on this uncertain timeline. Commissioner Slinden asked if this work wasn't a continuation of something the Port had already hired them to do. Ed said the Port had hired Boyer Logistics for this project, but not Hurlen. Ed said if the Port gave Hurlen approval today, they said they could have the work done within two weeks. Commissioner Seitle had some questions that York was able to answer regarding the camel logs and the cables. Ed said he had asked Boyer Logistics to estimate the cost of going straight to Holmes Harbor and set anchors, etc. Boyer said the cost to tow the breakwater to Holmes Harbor, remove the steel bumpers, and set and connect the anchors would be \$40,380, plus \$300 per month, per anchor (another \$1,200/month ongoing rental charge for the anchors). Ed said the numbers for going to Holmes Harbor are therefore comparable to going to Langley. Commissioner Slinden asked if Hurlen's not to exceed

\$54,000 amount included Boyer's work, and Ed said it did. York said a conversation was warranted with Hurlen as the amount of crane time should be very, very minimal. Ed suggested that he and York telephone Hurlen after the meeting, and York agreed. York said they should simply ask Hurlen for a work plan.

ACTION: A Motion was made by Commissioner Slinden and seconded by Commissioner Seitle to approve moving the breakwater to Langley and authorize ACC Hurlen and Boyer Logistics perform the work for the not to exceed amount of \$55,000.

Commissioner Seitle said the Motion is subject to the City of Langley making a determination to accept the Hold Harmless Agreement. Ed said that because of the timing, he recommends approving the contract work to start now. He said the City of Langley did not take any formal action at their meeting last night because they didn't have anything formal to act on. The permit issues were still hanging and the Port had not yet responded with a draft Hold Harmless Agreement. Ed said based on actions taken today, the sequence would be to get the Hold Harmless Agreement back to Langley, make the formal proposal of how the Port wants to proceed and continue to work on the permitting issues. Mayor Neil Colburn has the administrative authority to allow the rigging and everything to proceed. The next City Council meeting is not until October 17th, and Ed recommended authorizing the contractor now in order to be able to move very soon after the City Council gives its formal "blessing." Commissioner Slinden had no objection to amending the Motion to "be conditioned upon approval by the City." Commissioner Seitle said there was no need to amend and Commissioner Slinden agreed.

The Motion passed unanimously.

3. Commission Direction for Temporary Moorage:

- a. Langley City Council Proposal for Early Transfer: Ed reported that at the City Council meeting that he and Commissioner Seitle attended, Council members Paul Samuelson and Robert Gilman, and to some extent Rene Neff, asked the Port to consider taking the facility over early. They felt that would resolve all the liability problems, and suggested the Port take over as early as January 1, 2008. Ed responded that would be extremely difficult to put it all together that fast. The City Council did ask that the Port of South Whidbey Commission consider early transfer, prior to January 1, 2009. Ed suggested that when the Port responds to the City Council with the draft Facility Agreement, the cover letter should include a response to the request for early transfer. Commissioner Tapert said he would like the Port to tell the City of Langley that their help is needed during the transition period, the Port has too many other things going on, and that is why the Port is not interested in taking on the operations and maintenance earlier. Commissioner Slinden said changing the transfer date would require revisiting the Inter-Local Agreement and possibly incurring another Auditor's visit. She also said the \$20,000 of marina revenue would be an issue. Commissioner Slinden felt it would be detrimental to revisit that whole process, and all the City needs to do is sign off on the liability issue and if they are comfortable with the Port's proposal in that regard, the Port doesn't need to take ownership until the agreed to date of January 1, 2009. Commissioner Seitle said the Port could possibly consider a June 1, 2008, transfer date because the harbor is essentially unattended and empty from now until then. Commissioner Slinden disagreed. She said the Port should not do anything that requires revisiting or changing the Inter-Local Agreement. Commissioner Slinden said the \$20,000 in revenue would be a problematic issue. Commissioner Seitle said the City Clerk/Treasurer Debbie Mahler had basically relented on the revenue issue, and he

would like the Port to capture what revenue it can next summer. Commissioner Slinden said she felt strongly they should not change the transfer date as it would potentially cause a lot of problems, and the little bit that could be gained is not worth it. Commissioner Seitle said he is neutral on the issue, but he does feel it would be beneficial to have the Port in charge sooner and therefore have more authority. Commissioner Slinden's opinion was that they should stay with the original transfer date, Commissioner Tapert agreed, and the Commissioners told Ed to so notify Langley. Commissioner Slinden added that because the Port already has an interest in the ramp and some of the property, the Port could, for instance, facilitate paying for the placement of gravel in the parking lot without having to own the actual harbor. Commissioner Seitle said the issue could be revisited at any time.

- b. Draft Harbor Facility Use Agreement (**EXHIBIT A**): Ed asked for input on the draft Agreement he previously emailed to the Commissioners. Commissioner Slinden asked if everyone was clear that the Agreement was written in such a way that the breakwater will only be stored in Langley and not used for any purpose such as moorage. All present agreed, and Commissioner Seitle added that there would be no public access to the breakwater while it is being stored. Ed said he would talk to Rick Hill, Director of Public Works for the City of Langley, and determine which signs would be needed. Commissioner Seitle said that illumination is needed for the breakwater for navigational purposes, especially on the eastern end. He asked if they could hook up the existing lights, but York and Ed said they would be better off buying solar navigation lights instead. With the Commissioners approval, Ed said he would prepare a letter to the City and submit it with the draft Harbor Facility Use Agreement for the City's formal consideration, which the Commissioners concurred with. Ed hopes by getting the information to the City as soon as possible, the City Council will be prepared to make a decision at their meeting on October 17th. Commissioner Seitle asked if his understanding was correct: the Port has authorized ACC Hurlen to start rigging the existing Langley breakwater to prepare for Boyer Logistics to bring in the new breakwater, and on October 17th the Port will ask the City for formal permission and approval, but currently the Port has administrative approval to do it. Ed said that was correct, and that basically "we won't fire up the tugboat until the morning of the 18th at the earliest."

A brief break was taken in order to allow Port Manager Ed Field to contact ACC Hurlen and Boyer Logistics and notify them of the Port's authorization to go forward with moving the breakwater to Langley for temporary storage. When the meeting resumed, Ed reported that Clyde Joseph of ACC Hurlen is "ready to go." Ed said they discussed the camels and Joseph will get logs and look into tractor tires as well. Ed informed Joseph that the Port anticipates approval from the City on the 17th, so Hurlen can do the prep work in Langley but the tugboat cannot begin towing until formal approval is given so Hurlen and Boyer should simply be ready to go on October 18th. Ed said he would call City Administrator Walt Blackford and let him know the letter regarding the breakwater would be sent in the next couple of days so they have plenty of time to review and consider it, but the Port absolutely needs City action to be taken at their meeting on the 17th

Commissioner Seitle said Hill had read the Port's Comprehensive Scheme and given a copy of to Larry Cort. In his email to the DOE representative, Cort commented on the "excellent information the Port had already provided." Commissioner Seitle said if the DOE representative attends tomorrow's meeting, the Port "probably has enough ammunition" to show due diligence.

B. Langley Projects:

1. Design Workshop for Marina Expansion: Greg York of Art Anderson Associates (AAA) led a workshop to review progress on the Concept Design Phase of the work (AAA Task 2.3). A copy of the Meeting Minutes prepared by York is attached **(EXHIBIT B)**.
2. Additional Hydrographic Mapping: Ed requested Commission direction regarding the Wilson Engineering Proposal to the Port via AAA for additional hydrographic mapping, dated 9/18/07 **(EXHIBIT C)**. Ed asked York if the \$10,900 figure from Wilson included AAA's markup, and York said it did not and an additional 10% or \$1,090 should be added for a total of \$12,000. Commissioner Slinden asked what the additional bathymetry was for, and York explained it extends the recently-acquired detailed subsurface information further to the south to the section line. York added the Port at some point might want Geo Engineers do a couple of more "swims" to make sure there aren't any beds of eel grass present in the area. York said the additional bathymetry is quite critical. Commissioner Tapert agreed and added the Port would need it for its lease expansion anyway. The Commissioners approved the proposal.
3. Master Plan Update Process: Regarding the possible involvement of J.A. Brennan Associates in the Master Plan update process, Ed reported that Jim Brennan is interested in doing the update. Ed said that there is no question that Greg York and AAA are in the lead as far as overall design, but there is value in having Brennan do the "massaging" of the Plan since the City is familiar and comfortable with his firm as the consultant who prepared the original. Commissioner Seitle said he was more interested in the fact that Brennan has all the originals and a lot of very useful information. Ed agreed, adding they "wouldn't have to reinvent the wheel, and it would reinforce the fact that the Port is simply revisiting the Master Plan and updating it. Commissioner Seitle emphasized that he wanted York to be the one in control of the process, and Ed said he agreed 100%. Commissioner Slinden said another reason to utilize Brennan was the cost issue. York said the current Master Plan doesn't work since it doesn't have a credible technical basis, and the Commissioners agreed. York agreed Brennan should be brought on board for the purpose of peer or transition review, noting that Brennan has done some work and research and knows the climate. Commissioner Tapert said he thought the Port would use Brennan basically for support staff and publication, and the Commissioners agreed. Commissioner Tapert said Brennan would not get authorship of the revisions, and York agreed that Brennan would essentially publish the product. Ed reiterated that the Port is not replacing the Plan, it is revisiting, reviewing and revising it, but the Port "has a whole lot more guns technically this time." Commissioner Tapert added that the Port is revisiting the Master Plan as a condition of the Inter-Local Agreement with the City of Langley. Commissioner Slinden said they are all on the same page, and agreed that using Brennan would be cost effective and could provide a slight political advantage. The Commissioners directed that Ed request a proposal from Brennan to prepare the update to the Master Plan.
4. Park & Ramp Project: Ed noted that review of the status of the City's Park & Ramp Project is on the agenda for the Port's Regular Meeting on October 10th, and the Port would need to respond with any formal action so that the City of Langley could take any resultant action at their meeting on October 17th. After a brief discussion, the Commissioners instructed Ed to ask the City to formally specify what they want from the Port in light of the City's bid results for the project, and then the Commissioners can take action based on that formal request. Ed said he would prepare the letter and let the City know the Port is prepared to respond on October 10th, but the Port needs to know what the City is asking for.

4. ADJOURNMENT:

The meeting was adjourned at 1:14 p.m.

Approved:

Minutes prepared by:

Commissioner Geoff Tapert, Freeland

Edwin S. Field, Port Manager

Commissioner Rolf Seitle, Langley

Commissioner Lynae Slinden, Clinton

- Exhibit A: Draft Harbor Facility Use Agreement (dated 10/4/07)
- Exhibit B: Memo To File: 10/4/07 Meeting Minutes, Art Anderson Assoc.
- Exhibit C: Additional Hydrographic Mapping Proposal, Wilson Engineering, dated 9/18/07