

PORT DISTRICT OF SOUTH WHIDBEY ISLAND
Minutes of the Regular Meeting
May 10, 2011
Langley, Washington

Commissioners Present: Curt Gordon (Clinton) and Geoff Tapert (Freeland) **Absent:** Chris Jerome (Langley)

Others Present: Port Staff: Ed Field (Port Operations Manager), Dane Anderson (Port Finance Manager) and Molly MacLeod-Roberts (Port Clerk); **Clinton Residents:** Clyde Monma and Marcia Monma

WORKSHOP & MEETING CALL TO ORDER: Following a Workshop from 7:00 p.m. to 7:30 p.m. for informal Commission review of vouchers and recent correspondence, the Regular Meeting of the Port District of South Whidbey Island's Board of Commissioners was convened on Tuesday, May 10, 2011, at the South Whidbey Parks & Recreation District Meeting Room at 5475 Maxwellton Rd., Langley, WA. Commissioner Chris Jerome, President, was absent, so Commissioner Curt Gordon, Vice President, called the Regular Meeting to order at 7:30 p.m. followed by the Pledge of Allegiance.

BUSINESS MEETING

1. Consent Agenda

A. 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 Tapert and seconded by Gordon to approve the Vouchers as submitted, including the authorization and acceptance of Vouchers dated May 10 and May 11, 2011 (as signed today) and Voucher dated May 2, 2011 (as signed earlier) for a total amount of \$46,677.11. The Motion passed unanimously.

2. Approval of Minutes

A. Minutes: Minutes from the Regular Meeting of April 12, 2011.

ACTION: A Motion was made by Tapert and seconded by Gordon to approve the Minutes from the Regular Meeting of April 12, 2011 as submitted. The Motion passed unanimously.

FINANCIAL ACTION ISSUES

1. March 2011 Financial Report: The Commission acknowledged receipt of the March 2011 Financial Statement, which had been distributed to them previously (**EXHIBIT B**).

2. 2010 Annual Report (EXHIBIT C): Dane Anderson reported that the Annual Report was e-distributed to the Commission on April 15, 2011 and has been filed with the State Auditor.

PUBLIC COMMENT – Including Items not on Agenda: There was none.

PROJECT ACTION ISSUES

1. Possession Beach Waterfront Park

A. Uplands Property Surplus Sale – Review and Possible Action on New Offer(s) Received: Finance Manager Dane Anderson reported that he and the Port's real estate agent for the property (Tom White of Coldwell Banker) had walked the Dorothy Cleveland Trail the day before. White said the potential buyer

(Gilbert) was still interested in purchasing the property, but only as submitted in his original purchase offer, with no public access on the upper portion of the Trail. Tapert asked if Gilbert had indicated that he might allow passage through the property to Lupine Lane, and Anderson said “No, he doesn’t want that.”

Anderson noted that the listing agreement with Coldwell Banker had expired at midnight on May 9, 2011, but Coldwell Banker had provided an extension agreement that the Commission could sign if desired. The Commission agreed to postpone further discussion and action until the regular June meeting, when all three Commissioners would be available.

Marcia Monma discussed what she viewed as potential issues with building a home on the property and questioned the valuation of the property. The Commission noted that it would be up to the buyer and Island County and not the Port to resolve any such issues. **Clyde Monma** added his opinion as to where a home site and access could be located. The Monmas said they were not against access to the Trail from Lupine Lane, as long as people do not bring their cars to the area and park there.

2. South Whidbey Harbor

A. Expansion Project

1. Status of Concept Design 266’ + 133’: Design Review due 5/20; Special Meeting 5/24-26?: Port Operations Manager Ed Field said that Reid Middleton reported that the modeling by Texas A & M would be done in time to include with the report they are working on. The anticipated publication date is May 20th. The Public Hearing on the Comprehensive Scheme is tentatively scheduled for the evening of May 24th, and Port Staff recommended that the special design/review meeting for the Expansion Project be held separately, potentially on the morning of May 26th at the Port office. The Commission agreed to tentatively schedule the workshop meeting per Staff recommendation.

Field reported that he had a lengthy discussion with Callaghan of GeoEngineers about how to strategically schedule the submittal of information about the 266’ + 133’ concept (if it looks good based on the Reid Middleton report and the Port’s special workshop meeting to discuss it). Callaghan strongly recommended that, for the Federal permit, we allow the Endangered Species Act evaluation with the Marbled Murrelet and Marine Mammal Protection Plan, etc. to continue on and try to get that issued, because he doesn’t want to interrupt that review. The Commission tentatively agreed.

2. Phase 1 Permit Status

- Hydraulic Project Approval (HPA): Approved by Washington State Department of Fish & Wildlife (WDFW): Issued 2/13/10, revised 3/8/11. Follow up HPA for Temporary Breakwater Parking approved by WDFW: Issued 3/4/11, revision being coordinated by Joe Callaghan of GeoEngineers.
- United States Army Corps of Engineers (USACE) Permitting: Joint Aquatic Resource Permit Application (JARPA) submitted August 2009 under review, review pending Marbled Murrelet and Marine Mammal (MM&MM) Protection Plan from GeoEngineers, submitted on 4/21/11.

3. Boarding Floats & Uplands Permit Status

- Permit Extension Request to USACE: Revised JARPA submitted 2/22/11, now pending
- Master Permit Application to City of Langley; City approved prior permits (including Shoreline Conditional Use Permit, etc.) through 12/29/11 with further one-year extension pre-approved.
- Department of Ecology (DOE) Water Quality Certification and Coastal Zone Management (CZM) valid through 12/29/11 with one-year extension pre-approved.
- HPA: #122942-2 approved on 3/3/11, with 30% grating requirement

4. Property Issues: No update

5. Funding Issues

- Port Security Grant (Phase 1A): Unofficial approval of Project List; awaiting details.
- Boating Facilities Grant (Floats only): Good results – ranked 9th out of 19! If the program receives the allocation from the State budget, Anderson said the Port should be funded and would therefore spend the \$75,000 match this year, or whenever construction occurs..

6. Consortium Coordination

- InterLocal Agreement with Island County Fire District #3: Coordination in progress.
- InterLocal Agreement with Island County Sheriff's Office: Coordination in progress.

B. Harbor Operations

1. Fishing Equipment Wholesale Bidding: After discussing the issue with the Port Attorney, Field said, "It turns out ports aren't really supposed to be selling retail, so we're not going to have Port staff sell fishing equipment off the dock."

2. Electrical Refurbishment: Field said scoping of this work is underway, with hiring of part-time Staff Electrician under consideration. Field said, "We had a really good meeting today with Harbormaster Rick Brewer and Ed David with Harbor Power Engineering, the electrical engineer that we will be bringing in as a direct-hire consultant to do the electrical repair and inspection. Since we have fairly extensive repair needs now and we will have ongoing maintenance needs, if we have an individual that we can call as a staff electrician, we could get the work done without having to worry about bid numbers, etc. and just pay an hourly rate. Gordon said having an in-house electrician could be tough. Field suggested they could place a Help Wanted ad for Staff Electrician to work 80 hours for the 1st month and 0-20 hours per month going forward, and see if anyone applies. The Commission was opposed to hiring an electrician as an employee, and instead directed staff to define the scope of work, choose 3 qualified electrical contractors from the Small Works Roster and ask them to submit a proposal for the work.

3. Peak Season Operations: Part-time Dock Attendant to be hired for late-June through August.

3. Port Operations

A. Maintenance & Operational Wrap-up

1. Status: USACE Permit approved 3/22/11, HPA approved 4/25/11, and Island County Shoreline Exemption approved 4/26/11. Field said, "We are fully approved on all our maintenance and operations, but with the complication of no ramp cleaning for 3½ months in Langley." He discussed that complication with the Larry Kwarsick and Jeff Arango from Langley's Planning Department. The problem lies with the WDFW and the Pacific sand lance's spawning habits. Kwarsick feels the issue is part of the Shoreline Management Act's efforts for redevelopment and regrowth, but that ramp is not a high quality shoreline to try to re-habitate – it's a hunk of concrete, and it's been a hunk of concrete for years. Kwarsick will approach Doug Thomson of WDFW from that angle. Callaghan from GeoEngineers is also working on it.

B. Humphrey Road Parking Lot

1. Port Operational Plan: Two of the Port's employees have agreed to take on the additional work for the lot. Letters were sent to the quarterly permit holders today explaining the change in management from Patty's Parking to the Port effective July 1, 2011.

2. Stair Replacement: Field said they are just about ready to order the stairs, but still need another competent worker to supervise the job.

3. Light Pole Replacement: Anderson reported that Potelco has contracted to replace the light pole for about \$3,500.

C. Redistricting Process: Anderson said he is probably 6-8 weeks ahead of Island County in the redistricting process. He provided the Commission with copies of three redistricting versions (**EXHIBIT D**) that result in approximately the same population in each subdistrict (Freeland, Clinton and Langley), using the current voting precincts. Anderson doesn't know yet if the County is going to change the voting precincts. If they don't, then the Port Commission could simply choose the version they prefer and be done with the process. At this point, the versions are just for informational purposes. Tapert said he preferred Version #3 and Gordon agreed.

4. Comprehensive Scheme

A. Public Hearing for Comp Scheme Amendment

1. Possible Items to be Addressed: Mukilteo parking facility, commercial kitchen, surveillance cameras, cell tower leases, Island County Fairgrounds campground improvements, business park development, funicular in Langley. Just yesterday, Port Attorney Al Hendricks provided a lot of information that Anderson said he would incorporate as background information on the Comp Scheme amendment that he will draft. There are issues with most of the items being considered, and some of them are significant.

The Commission agreed to briefly discuss the list of items for consideration and potential issues.

- **Island County Fairgrounds' campground improvements:** In order to provide funds for the improvements, the Port would have to own or operate the facility. The Commission agreed to delete this from the list.
- **Commercial kitchen:** Anderson explained that a commercial kitchen has the same problem as the Port selling fishing gear on the dock – the Port can't be involved in competition with private industry.
- **Surveillance cameras:** No issues.
- **Cell tower leases:** No issues.
- **Mukilteo parking facility:** Only if it is related to tourism.
- **Business park development:** No issues.
- **Funicular in Langley:** By way of background, Field explained that the Port would need a temporary trailer office that could serve as a contractor's office during the upcoming construction project and then could potentially be used for the Harbormaster's office. He said the hillside behind the trailer parking area would be the best location for that, with the City's permission. The City of Langley indicated that Brian Stowell (potential buyer of the neighboring Drake property), has filed a pre-application to proceed with his project. There is no land swap, Wharf St. stays where it is, and the project will supposedly consist of 3 commercial spaces on the ground floor (one of which is a restaurant) and 7 residences on the upper floor with internal parking for the residents. The sketch Field viewed (but did not get a copy of) showed the funicular coming down to the corner of the Port property, with a wide pedestrian access leading from it to the water which appears to occupy Port parking space and would therefore be an issue. If the Stowell project includes a restaurant, the City will have issues with parking and a funicular would be the solution to that problem. Tapert had no problem with expressing vocal support for the funicular; he said he just doesn't want the Port to be financially involved with trying to build, fund, maintain or operate it. Gordon said he disagreed, because the Port is obligated to expand the marina per the InterLocal Agreement, and one of the requirements of the expansion is that the Port needs to provide parking. The funicular is a means that could provide more parking up the hill. The Commission agreed that consideration of the funicular should be added to the Comp Scheme Public Hearing Agenda.

2. Schedule: Public Hearing scheduled for 7:00 p.m. on Tuesday, May 24, 2011, at St. Peter's Lutheran Church in Clinton.

5. New Project Opportunities

A. Commercial Kitchen at Fairgrounds, including USDA Rural Business Enterprise Grant (RBEG)

1. Continuing Communication with USDA: Application to be reviewed per input.

B. Sustainable Economic Development and IPZ (Innovative Partnership Zone) Issues (Tapert & Gordon)

1. Potential Langley area “Green” Business Park and “Impact Washington” Possibilities: No report. Gordon said he hoped to get some additional information about IPZs at the WPPA conference.

C. Ferry/Commuter Issues: (Gordon) Gordon met with Mukilteo’s Mayor Joe Marine and City Administrator Joe Hannan, and spoke at the Clinton Chamber of Commerce meeting on the topic. The intention of the City of Mukilteo is to work directly with the Air Force to acquire an area (at a cost of \$50,000/year) where they can provide exactly the same amount of parking that already exists behind the Diamond parking lot so there won’t be a net loss for commuter parking when the use of that lot is changed for park use only.

When Gordon asked if there would be an avenue for the Port of South Whidbey to also grab some of that tank farm property, Hannan said there would be a lot of push back from the City of Mukilteo on that, because it is a very delicate negotiation and any change might have an adverse effect on what they are doing. It appears that Mukilteo prefers the tank farm site for a ferry terminal, and they would like to see the parking area at the tank farm become a parking garage. Gordon said the bottom line is: No net increase in commuter parking in Mukilteo for at least 5 years. He still plans to meet with the legislative liaison for Boeing, and he will continue to investigate the issue. Gordon would like to be able to provide Mukilteo with a waiting list for commuter parking. Anderson said he has tried to contact the Air Force’s Property Management department and also Senator Patty Murray’s office on the subject.

Gordon stated, “I’m going to go forward with this, because the Port is one of the only types of municipality that can actually do it. Island County can’t, Mukilteo doesn’t really need to do it, and Washington State Department of Transportation has completely dropped the ball.”

D. Mukilteo Parking Issues (Gordon)

1. Parking Garage Concept: Addressed under *C. Ferry/Commuter Issues*.

ACTIVITIES /INVOLVEMENT REPORTS:

1. Economic Development Council (EDC): (Tapert) Tapert had no report and asked Anderson to let him know when the next meeting was scheduled.

2. Council of Governments (COG): (Gordon) Gordon said at the next COG meeting, they would hear from the recipients of the RCEDF \$0.09 funds, including Freeland Sewer & Water District, the City of Oak Harbor and the Port of South Whidbey. Anderson will make the presentation on behalf of the Port. The COG is still moving forward with the Puget Sound Partnership, and Gordon is starting to make some connections with Native Americans through them.

3. Skagit-Island Regional Transportation Planning Organization (RTPO): (Gordon) Gordon said the 20-year Plan was signed. There won’t be as much money coming down this year.

A. Commission Action to Request RTPO Confirm Rotating Port “Seat” on Technical Advisory Committee (TAC) with Port of Coupeville to occupy through 2012: Port of Coupeville Executive Director Jim Patton will present the request to the Coupeville Port Commissioners at their regular meeting tomorrow. Donna Keeler said the proposal was a good idea and if both Ports agree and send the request letter, she will take it to the RTPO Policy Board. Field said, “Looking at the TAC Charter – I don’t see that it needs to be changed. There is a Port seat and we’re simply proposing that we alternate the voting

seat on the RTPO with the seat on the TAC.” The Commission agreed to submittal of the request letter, which Gordon pointed out is basically just asking them to enact the requirement of the Charter.

4. **Marine Resources Committee (MRC):** (Jerome) Jerome was absent; no report.

5. **Washington Public Ports Association (WPPA):** (Jerome) Absent; no report.

A. Spring Meeting at Semiahmoo, May 18-20: Gordon registered to attend.

6. **Holmes Harbor Shellfish Protection District (HHSPD):** (Tapert) No report.

OLD BUSINESS: None.

NEW BUSINESS: None.

ADJOURNMENT: The meeting was adjourned at 8:52 p.m.

Approved:

Minutes prepared by:

ABSENT

Commissioner Chris Jerome, Langley

Commissioner Curt Gordon, Clinton

Commissioner Geoff Tapert, Freeland

Edwin S. Field, Port Manager

- Exhibit A: Voucher Listing
- Exhibit B: March 2011 Financial Statement
- Exhibit C: 2010 Annual Report
- Exhibit D: Draft Redistricting Versions