

**THE PORT DISTRICT OF SOUTH WHIDBEY ISLAND  
REGULAR MEETING**

Meeting held at South Whidbey Parks & Rec District, 5475 Maxwelton Rd, Langley WA  
Tuesday, February 12, 2013 at 7:30 p.m.

**AGENDA\*\***

WORKSHOP (7:15 – 7:30 P.M.): Commission review of vouchers and recent correspondence

REGULAR MEETING CALL TO ORDER and PLEDGE OF ALLEGIANCE

BUSINESS MEETING

**Consent Agenda**

1. Approval of Current Vouchers (dated February 2013) in the amount of **\$89,856.45**
2. Approval of Minutes from the Regular Meeting of October 9 and Special Meeting of September 26, 2013

FINANCIAL ACTION ISSUES

**December 2012 Financial Report** (distributed Feb. 1, 2013)

PUBLIC COMMENT – Items not on Agenda: Please limit comments to 5 minutes

ACTION ISSUES

**South Whidbey Harbor Update**

1. Phase 1: Breakwater Relocation with Uplands & Utility Improvements
  - A. Construction Issues
    - Phase 1 advertised Feb. 6, *Bids to be opened at 2 pm Wednesday, February 27!*
    - Assistance from Nichols BBB: Appreciated!
    - Pre-Bid Site Tour for Prospective Contractors Feb 14 at 10am at site
  - B. Permit Issues
    - City of Langley: Update on Replacement Light Poles on Breakwater
  - C. Funding Issues
    - Port Security Grant (FEMA) status, including Consortium coordination
  - D. Property Issues
    - Boatyard Inn Project: Update on Air Rights Easement
2. Boat Ramp Boarding Floats
  - A. Construction Issues
    - Mike Carlson Enterprises (MCE) complete, contract close-out underway
3. Harbor Operations
  - A. Mystic Sea operations to start March 8, *incl. Friday 3/8 kick-off cruise*
  - ~~B. Annual Review of Harbor Regulations (moved to March meeting)~~

**Possession Beach Waterfront Park Update**

1. Property Lease to AT&T
2. Upper Trail Access

**Port Operations**

1. Port Comprehensive Scheme for 2013-2019: Initial proposal from Makers
2. Port Office Lease: Renewal for 2013-2016
3. Operations & Maintenance Permitting: Extension for 2013 submitted to Island Co.
4. Fencing at Bush Pt. Parking Lot

**New Project Opportunities**

1. Mukilteo Parking Issues

ACTIVITIES/INVOLVEMENT REPORTS

**Economic Development Council (EDC):** Gordon

**Council of Governments (COG):** Gordon

**Skagit-Island Regional Transportation Policy Organization (RTPO):** Gordon

**Marine Resources Committee (MRC):** Gregoire

**Washington Public Ports Association (WPPA):** Jerome

1. Ports Day in Olympia March 7

**Puget Sound Partnership:**

**Langley Shoreline Master Plan Committee:** Gregoire

**Island County Shoreline Master Plan:** Gregoire

OLD BUSINESS

NEW BUSINESS

**Public Works Board Public Academy Feb 20**

ADJOURNMENT

**PORT DISTRICT OF SOUTH WHIDBEY ISLAND**

Minutes of the Regular Meeting

February 12, 2013

Langley, Washington

**Commissioners Present:** Curt Gordon (Clinton), Chris Jerome (Langley) and Dennis Gregoire (Freeland)

**Others Present:**

**Port Staff:** Ed Field (Port Operations Manager), Angi Mozer (Port Finance Manager), Molly MacLeod-Roberts (Port Clerk), and Julie James (Harbormaster); **Others:** Rusty Palmer (South Whidbey Fire/EMS), Jim Sundberg (City of Langley Councilmember), Jim Larsen (South Whidbey Record), Clyde Monma (Clinton resident), Kathleen Waters (Langley resident) and Leanne Finlay (Freeland resident).

MEETING CALL TO ORDER: Following a Workshop from 7:15 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, February 12, 2013, at the South Whidbey Parks & Recreation District Meeting Room at 5475 Maxwellton Rd., Langley, Washington. Commissioner Curt Gordon (President) called the Regular Meeting to order at 7:30 p.m., followed by the Pledge of Allegiance.

CONSENT AGENDA

**Approval of Current 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**).

**Approval of Minutes:** Minutes from Regular Meeting of October 9 and Special Meeting of September 26, 2012.

**ACTION:** A Motion was made by Commissioner Dennis Gregoire and seconded by Commissioner Chris Jerome to approve the Consent Agenda as submitted, including the authorization and acceptance of Vouchers dated February 2013 as signed today in the amount of \$89,856.45. *The motion passed unanimously.*

FINANCIAL ACTION ISSUES

**December 2012 Financial Report:** The Commission acknowledged receipt of the December 2012 Financial Statement, which had been distributed to them previously (**EXHIBIT B**). Port Finance Manager Angi Mozer reported \$13,000 in tax and operating revenue and \$181,000 in operating and capital expenses during December 2012. Ending cash balance at 12/31/12 was \$1,021,000, consisting of \$880,000 in the Bond Fund and \$141,000 in General Operating Fund. The Port ended 2012 receiving \$678,239 in tax and operating revenue and spending \$635,013 in operating expenses (net excess of \$43,225). The Port received \$891,523 in capital funding and spent \$342,510 in capital expenses.

PUBLIC COMMENT – Items not on Agenda: There was no public comment.

ACTION ISSUES

**South Whidbey Harbor Update**

1. Phase 1: Breakwater Relocation with Uplands & Utility Improvements

A. Construction Issues

• **Phase 1 Bidding:** Advertised February 6; bids to be opened at 2:00 p.m. on February 27, 2013. The bids will be reviewed and Port Operations Manager Ed Field said he expects to request the Board to

award the contract at the regular Port meeting on March 12<sup>th</sup>, with Notice to Proceed issued sometime between April 1<sup>st</sup>- 10<sup>th</sup>.

- **Assistance from Nichols Brothers Boat Builders (NBBB):** Field reported that NBBB has offered a couple of 100' x 65' spaces for laydown during construction. The offer is very much appreciated.
- **Pre-Bid Site Tour for Prospective Contractors:** Scheduled for 10:00 a.m. on Feb. 14<sup>th</sup> at the site.

#### B. Permit Issues

- **City of Langley – Update on Replacement Light Poles on Breakwater:** Field said he'd had a good series of meetings with City staff. The Port's electrical engineer researched lighting and came up with a state-of-the-art LED system that would allow Harbor staff to control the lighting in 10% increments. There could be brighter lighting in some areas and at different times, and it could be changed by remote control using an iPad, etc. Gregoire said it was important that they get additional information from user groups, including recreational and commercial boaters, and Field said it would definitely be part of the process. Field's understanding is that on this basis, the City is proceeding to modify the draft Shoreline Master Plan to allow for taller lights depending on usage (commercial, safety, etc.). Gordon noted that the City Council was receptive to making sure this all worked out.

#### C. Funding Issues

- **Port Security Grant (FEMA), including Consortium coordination:** On February 6<sup>th</sup>, Mozer received signed documentation from FEMA for the FY2009 Port Security Grant extension. Prior to receiving that documentation, Staff received guidance from the Commission to move forward with the bid documents without federal requirements. Mozer said Staff would continue down that path unless they hear otherwise from the Commissioners. She added, *"But the good news is that we have funding for the Sheriff's office and Fire District's response vessels."* Gordon said that the Grant included \$615,000 for the two boats and an additional \$400,000-\$500,000 for the 166' section of the breakwater where those vessels would moor. He explained that because of the deadlines and the expense of meeting federal requirements, the funding for the dock would cost the Port an additional \$200,000 immediately and over time it would change the moorage, resulting in a financial "wash" in 10-15 years anyway. The fiduciary agent has suggested they might find a way to get the Port some funding for that dock without adding federal regulations to the project, but Gordon said, *"I'm not sure that anybody thinks that is likely, but we're holding out hope. The Port is not giving away the other half of the grant. It's just that it came in late, and it would cost us almost as much to get it as we would get. We're still open to it, and we're really excited that we'll be able to fund the Sheriff's boat and the Fire District's boat."*

Mozer spoke with both South Whidbey Fire/EMS (SWF) and the Island County Sheriff's Office. The Sheriff's office plans to attend the regular Port meeting in March to discuss the issue.

**Chief Rusty Palmer** (SWF) thanked the Port Commission for their perseverance in making this grant happen. He added that Mozer had been very helpful and responsive. Palmer said SWF has had the response vessel in the budget since 2010, and they have the money in the capital fund to fully fund it, knowing that it is a reimbursable grant. After the fiduciary agent told SWF that \$325,000 would not be enough, they contacted two designers and increased the vessel cost to \$475,000 and they are now ready to go out to bid. The bid will probably be advertised for one month starting this Friday, with a December 6, 2013 delivery date in the bid specs in order to meet the grant funding deadline of January 31, 2014. They are also looking at used boats that could be converted in the event that a new boat cannot be built in the required timeframe. The 28'-32' boat will have fire pump capability of 750 gallons per minute. He explained that there are hundreds of properties on the south end of Whidbey Island that SWF has to access by boat because the fire engines can't get down the roads to those places. The vessel will allow SWF to fight fires on the shoreline as well as perform rescues in shallow waters. Gordon commended Palmer for his hard work and patience on the issue which will benefit the community.

#### D. Property Issues

- **Boatyard Inn Project – Update on Air Rights Easement:** Field is trying to contact Washington State's Recreation & Conservation Office (RCO) to find out the minimum amount of documentation and valuation they would need, because when he last spoke with the Inn's attorney, he was concerned that the cost of an appraisal would exceed the value of the air space itself.

2. Boat Ramp Boarding Floats: The work is 100% complete and the last regular payment to Mike Carlson Enterprises is included in this month's vouchers. All that's left to do is the lien release and other final close-out documents, but Field said the dock is in operation and everything looks great.

#### 3. Harbor Operations

A. Mystic Sea: Operations to start March 8 with a kick-off cruise for locals, and the Port has been provided with 4 passes for that event. Gregoire asked Staff to check into the appropriateness of the gift for Port Commissioners. Mozer said she would contact MRSC (Municipal Research and Services Center).

B. Annual Review of Harbor Regulations: Field said Staff would like to postpone the discussion until the March meeting; the Commission agreed.

#### Possession Beach Waterfront Park Update

1. Property Lease to AT&T/Cingular: Mozer reported AT&T's countersignature on the lease was received electronically. The next step is receipt of the initial payment, and she then expects that AT&T will proceed with their permit process.

2. Upper Trail Access: Not discussed.

**Clyde Monma** (Clinton) read aloud his prepared letter to the Commissioners (**EXHIBIT C**). He stated that much of the content was directed specifically at Gordon and his previous comments regarding the proposed cell tower. He asked the following questions of Gordon: *"Are you willing to keep your promise and reconsider your position given this overwhelming response from Port constituents against the cell tower? Is this property a park or isn't it? If it is, will you keep your word and retract the lease from AT&T? If you were in my place, wouldn't you find this kind of behavior reprehensible? Wouldn't you be outraged? Wouldn't you vow to continue the fight? Wouldn't you work to make these publicly elected officials, like yourselves, pay the political price for displaying such cynicism and disrespect for the people they represent?"* Monma ended the letter with a request for a written response *"explaining your behavior."* He then left the meeting.

**Leanne Finlay** (Freeland) said, *"I'm all for the cell tower. You can't build it fast enough."*

#### Port Operations

1. Port Comprehensive Scheme for 2013-2019 – Initial proposal from Makers (**EXHIBIT D**): Mozer referred to Makers' "Strategic Plan and Comprehensive Scheme Draft Work Scope and Budget as of 02/08/13." The cost of the Total Project is \$30,685. The Strategic Plan cost of \$9,705 includes meeting prep, interviews with Commissioners and Port Staff, follow-up work session with Commissioners, and preparation of the Strategic Plan (draft and final incorporating Port comments). The Comprehensive Scheme cost of \$20,980 includes the costs to review existing plans & data, tour Port facilities and review existing plans with Staff, prepare draft investment strategy/project list, review draft project list with Staff and Commission (and community), prepare draft Comp Scheme, review with Staff, Commission and community, prepare final Comp Scheme (incorporating comments), and an allowance for BST Associates for economic review and existing data summary).

Jerome noted that the items not included but might be required could cost an additional \$10,000-\$20,000. Gregoire said he was concerned that the Commission has not had a really good discussion on what the

Strategic Plan could give the Port relative to the Comp Scheme. He would like to see a timeframe laid out by Makers for the work scope, and he believed the Commission also needed to take a hard look at the Assumptions they provided. After a brief discussion, the Commission agreed another meeting with Makers was needed in order to discuss the proposal and prioritize and redefine the scope as needed. Mozer was tasked with contacting Makers to tentatively schedule a meeting for Tuesday, February 26.

2. Port Office Lease Renewal 2013-2016: Mozer reported that the Port's counter proposal of a 5% increase (per 2013 budget) had been accepted by China City (additional \$65/month). The Commission authorized her to sign the 3-year lease effective June 1, 2013 through May 31, 2016 at the rate of \$1,365/month.

3. Operations & Maintenance Permitting: Extension for 2013 submitted to Island County. Field explained Island County has the shortest timeline on their permits. It was approved just two years ago, but an extension is required for this year to get into 2014, when a full re-application must be completed.

4. Fencing at Bush Pt. parking lot: According to the original permitting in August of 2002, the Certificate of Zoning compliance requires 6 ft. cedar fencing with 1-inch reveal installed along the north property line. Field said he would contact firms on the Port's Small Works Roster to get some proposals to re-establish the fencing (hopefully using the same foundations).

#### **New Project Opportunities**

1. Mukilteo Parking Issues: Gordon said, *"The latest hope for Mukilteo parking long term is as some part of the new multi-modal terminal. On Thursday, I will go to Olympia with some local elected (including Mukilteo Mayor Joe Marine and Island County Commissioner Helen Price Johnson) to meet with the Chair of the Senate Transportation Committee and our local representatives."* He explained they will be lobbying the State to expand the parking facility and provide some specifically for Island visitors and commuters. Additionally, Gordon would still like to meet with the Port of Everett to talk about potential parking at the tank farm for the short term. Gregoire said he would find out who the contact person is at the Port of Everett.

#### ACTIVITIES/INVOLVEMENT REPORTS

**Economic Development Council (EDC):** (Gordon) Gordon attended his first EDC meeting. They discussed different kinds of classes and some incubators, but things are "kind of gloomy" County-wide.

**Council of Governments (COG):** (Gordon) Gordon reported they are still working on the legislative priorities, trying to pare down the list.

**Skagit-Island Regional Transportation Planning Organization (RTPO):** (Gordon) Gordon noted that the State had sent out a Local Agency Task Force/Local Agency Federal OA Policy. He explained that every year about \$1 million comes into the RTPO and is split among the different municipalities and agencies. Many times, the agency or municipality gets a portion of their funding ("down payment money") and just holds onto it and waits until they get full funding for the whole project, yet that money is obligated and therefore unavailable for any other project. The issue is that the down payment might be paid in 2007, and then five years later no one has spent that money that was obligated. According to the email from Washington State Department of Transportation, the Region Local Programs Engineer will be contacting the RTPO *"...to ensure the schedule identified in the TIP and STIP is accurate. It is imperative that if projects are unexpectedly delayed that another project can be identified and programmed accordingly."* Gordon summarized the policy as: *"That means everyone is going to have to get on a schedule and report when their project is going to be done, or the money goes back in the pot."* Gordon said, *"So, I'm on it."*

**Marine Resources Committee (MRC):** (Gregoire) Gregoire said the MRC is struggling with funding issues, and they are redoing their Strategic Plan in the next few months. They are trying to operate with fewer dollars and more volunteers. He said the MRC is still a good resource – they provide data and good information that is helpful to the Port.

**Washington Public Ports Association (WPPA):** (Jerome) No update.

1. Ports Day in Olympia on March 7: Gordon indicated he might attend.

**Langley Shoreline Master Plan (SMP) Committee:** (Gregoire) Gregoire said, “*Langley is moving theirs right along.*” His plan is to take the information gleaned from Makers’ research and input that into the City’s SMP.

**Island County Shoreline Master Plan:** (Gregoire) Island County is packaging their plan to send off to the Department of Ecology (DOE). DOE will then hold public hearings sometime in the spring. Following the public hearings, DOE will send it back to the Island County Commissioners with questions and comments. Gregoire has been working with a group (including builders) that has several concerns. He explained, “*Essentially, we’re asking for more serious discernment with the ports and some folks from South Whidbey, because the process they ran at the County was not very open. The construction groups were left out of the cycle. That’s what we’ll be pitching to DOE and this will go on for the rest of this year and into 2014. It’s a long process. Essentially, the Strategic Plan and Comp Scheme that we’re doing is another tool that we’ll be able to pitch to Island County.*”

Gregoire noted that there is a huge element of public access in the SMP, and the current issue of public access is the donated Robinson property at Mutiny Bay, which the County has accepted and now owns. He wants to sit down with the County and go over the InterLocal Agreement (ILA) for Mutiny Bay. Field said he would provide the Board with copies of the ILA.

OLD BUSINESS:


**Sustainable Whidbey Coalition:** Per Commission direction, Mozer had researched membership fees. The annual membership cost is \$100. Gordon and Gregoire agreed that the Port should join the Coalition.

NEW BUSINESS

**Public Works Board Public Academy – February 20:** No one planned to attend.

ADJOURNMENT: The Meeting was adjourned at 8:50 p.m.

Approved:

  
\_\_\_\_\_  
Commissioner Curt Gordon, Clinton

Minutes reviewed by:

  
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Edwin S. Field, Port Operations Manager

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Commissioner Dennis Gregoire, Freeland

  
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Commissioner Chris Jerome, Langley

Exhibit A: Voucher Listing

Exhibit B: December 2012 Financial Statement

Exhibit C: Letter dated 2/12/13 from Clyde Monma

Exhibit D: Makers’ Strategic Plan and Comp Scheme Draft Work Scope and Budget as of 2/8/13