

**THE PORT DISTRICT OF SOUTH WHIDBEY ISLAND  
WORKSHOP and SPECIAL MEETING**  
Held at Port Office Conference Room, 1804 Scott Rd, Freeland, WA  
Thursday, August 30, 2012 at 6:30 p.m.

**AGENDA**

WORKSHOP (6:00 – 6:30 P.M.): Informal discussion of recent correspondence and project status

SPECIAL MEETING CALL TO ORDER and PLEDGE OF ALLEGIANCE

PROJECT ACTION ISSUES\*\* (6:30 – 8:00 P.M.)

**Possession Beach Waterfront Park**

1. Proposed AT&T Lease: Review of Draft Lease Provisions

**South Whidbey Harbor**

1. Port Ramp Float Project #2012-3 – Bid Results and Authorization to Award
2. Phase 1 Permitting Update
3. Port Security Grant Program: Scope Review

**New Project Opportunities**

1. Clinton Traffic Calming: Draft Letter to RTPO

ADJOURNMENT

**PORT DISTRICT OF SOUTH WHIDBEY ISLAND**

Minutes of the Special Meeting

August 30, 2012

Freeland, Washington

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

**Others Present:**

**Port Staff:** Ed Field (Port Operations Manager), Angi Mozer (Port Finance Manager) and Molly MacLeod-Roberts (Port Clerk) **Others:** Jim Sundberg (Langley City Councilmember), Justin Burnett (South Whidbey Record) and Kellen Field (Clinton)

**MEETING CALL TO ORDER:** The Special Meeting (in workshop format) of the Port District of South Whidbey Island's Board of Commissioners was convened on Thursday, August 30, 2012, in the Port office conference room at 1804 Scott Rd. in Freeland, WA. As announced, the primary purpose of the Special Meeting was for Commission and Staff review and action on the Langley Ramp Float construction project bids received on August 29<sup>th</sup>, permit and funding issues for the South Whidbey Harbor expansion project, the draft AT&T Lease for the Possession Beach facility, and proposed measures to address traffic calming in Clinton.

After informal discussion of recent events and correspondence, Commissioner Gordon, President, called the Special Meeting to order at 6:35 p.m., followed by the Pledge of Allegiance.

**PROJECT ACTION ISSUES**

**Possession Beach Waterfront Park**

1. Proposed AT&T Lease – Review of Draft Lease Provisions: Since Gregoire was absent and had previously indicated he would like to discuss the proposed lease, the Commission agreed to move the discussion to the next regular meeting on September 11<sup>th</sup>.

**South Whidbey Harbor**

1. Boat Ramp Float Project #2012-3 – Bid Results and Authorization to Award: Field reported that a total of 6 bids were opened the day before. He provided the Commission with the Bid Tabulation spreadsheet (**EXHIBIT A**). The engineer's estimate for the project was \$180,000-\$200,000, and generally, the actual bids came in considerably below that estimate. The high bid was \$182K, followed by \$178K, \$163K, and \$146K. The two at the bottom came in at \$129,082.34 and \$128,048.60. The lowest bid (\$128,048.60) was submitted by Mike Carlson Enterprises (MCE) in Friday Harbor. Field said he had checked out MCE's records with Washington State's Dept. of L&I and the Dept. of Revenue and everything came up clean. Reid Middleton has worked with MCE before and indicated they did not have any problems. Gordon pointed out that the probable reason for the difference between the engineer's estimate and the actual could be attributed to price changes for the aluminum transition span (\$20K less) and the concrete work (\$10K less). Field recommended awarding the bid to MCE, conditional upon passing final reference checks, etc.

**ACTION:** A Motion was made by Jerome and seconded by Gordon to award the Boat Ramp Float Project #2012-3 to Mike Carlson Enterprises for the amount of \$128,048.60, pending appropriate due diligence. The Motion passed unanimously.

2. Phase 1 Permitting Update: Field said there has been really good progress with the City of Langley on a number of process issues. Based on the general approval received at the Design Review Board (DRB) presentation, the Port is proceeding to finalize the building permit plans. Shannon Kinsella of Reid Middleton expects to have the plans in to the City or the Port by Wednesday of the following week.

Field said he emailed Langley's Director of Community Planning, Director of Public Works, City Engineer and Building Official and asked how many sets of plans they need, how much are the permit fees, etc., so everything is moving forward as far as process with the City.

The Port received a Staff Report from the City's Planning Department (**EXHIBIT B**) on August 29<sup>th</sup>. Staff recommended the DRB direct the Port to address the following outstanding issues: 1) Lighting for the new breakwater, 2) Landscaping and 3) Details on the proposed harbormaster structure. In response to the first item regarding lighting, Field said earlier today he submitted a Request to Retain Existing Light Pole Heights on the 400' breakwater along with Harbor Power Engineers' Report on the Floating Breakwater Lighting (**EXHIBIT C**). Apparently, the City's shoreline regulation is for 3' lighting yet the existing marina has lighting fixtures that vary from 12' to 16' above the deck. The existing lighting on the 400' breakwater also has 12'+ poles ( approx. height from deck to lens) and the current design scheme is to replace the HID luminaires with new luminaires that are "dark sky" compliant fixtures while retaining the same approximate 12' pole height, consistent with the existing marina. HPE's report cited concerns regarding safety, security, constructability, cost and marketability/functionality. Accordingly, the Port's request is to match existing heights for lighting on the 400' breakwater.

Regarding the 2<sup>nd</sup> item, Gordon said, *"It was my feeling at the DRB meeting that we solved the landscape issue and I'm surprised to see it back on here."* Jerome agreed. Gordon noted that the DRB had commented that the Phil Simon Park was beautiful and the Port had made it clear that the work on the Park was the landscaping for the project, and everyone was in accordance with that. Gordon said, *"When we left the DRB meeting, it was clear to me that the only conditions were the lighting and possibly addressing future circulation that we might propose."* Jerome suggested that Field should contact Jeff Arango, Langley's Director of Community Planning, and ask him to review the DRB minutes regarding the landscaping issue. Gordon agreed, adding that the DRB was very pleased with the landscaping that the Port had provided in advance.

Regarding the last item (details on the proposed harbormaster structure), Field said his understanding from the DRB meeting was that the Port could proceed with the waterproof modular core, with the understanding that artwork, etc. would be added to "Langley-ize" it later. Gordon said that was his understanding as well and suggested contacting Jay Davenny to get some sort of sketch(es) of ideas for the artwork.

Field said the other good news is that this week the Skagit River System Cooperative and the Swinomish Fisheries Committee responded to the Public Notice for Phase 1. The Environmental Services Manager had reviewed the project and said, *"The Tribe does not object to the proposed position of the attenuator. I will not have any additional comments on this project."*

Field said the Port had received an email from Don Olmsted from the Department of Natural Resources (DNR) late that afternoon, in response to proposed revisions to the Port Management Agreement (PMA) and Aquatics Land Lease modifications needed for Phase 1. Although Olmsted said DNR has a good expectation of having the PMA amendment and the Lease amendment with preliminary approval fairly soon, they will not have the amendments finalized in time for the Port to make bid documents available for the project in the first half of October. Olmsted listed a number of reasons why DNR is backed up and explained the process, and added, *"I would not think the port would put out bid documents until the amendments are at least offered by DNR and signed by the port. I would think the port commission would want to have the final executed document in hand and recorded prior to soliciting bids."*

After brief discussion, the Commission agreed that Port Finance Manager Angi Mozer should contact DNR and possibly arrange to meet with him in person when she goes to Olympia for the RCO presentation of the Possession ramp planning grant application.

Jerome asked what else the Port is waiting for, and Field said the comment period for the federal permit closes September 7th. He added, *“We’re waiting for the last bits from the Department of Ecology and the Washington State Department of Fish & Wildlife and the stuff from the City of Langley.”*

3. Port Security Grant Program – Scope Review: Mozer presented copies of the FEMA Security Benefit/Effort Assessment and Projected Harbor Revenue after Phase 1 (**EXHIBIT D**) that she had prepared. She explained, *“What I tried to do is capture financially what effort the Port needs to put forward in order to comply with the federal requirements of the Port Security Grant Program.”* The FEMA total potential contribution for Construction and Emergency Response Vessels would be \$1,086,717, with \$461,250 for the vessels and \$625,467 for construction & administrative support. The estimated effort cost for bid & reporting requirements would be \$105,000. For the vessels only, the FEMA contribution would be \$461,250 with effort procurement requirements estimated at \$500. Current Harbor Revenue is \$140,000 per year. After Phase 1, the projected Harbor Revenue with the response vessels is \$169,000 per year (increase of \$469,000 over 15 years at 1% inflation). With paid moorage of the response vessels, the projected revenue would be \$184,000 per year (increase of \$705,000 over 15 years at 1% inflation). Field believed the estimated effort cost of \$105,000 was low, saying, *“I’d say it’s at least a 5% factor on a \$2 million bid that any contractor will slap on top if it’s a federal job vs. a non-federal job. There’s also a whole lot of effort that goes into getting the specs right on the federal side, and a lot of work that we’ll have to do in the office to make sure that the federal recordkeeping requirements are maintained, including certified payroll.”*

Gordon noted that if the Port does get the grant, they could get halfway through the project and FEMA could say no to funding if it didn’t meet their requirements or they deemed the scope had changed, etc. and rake back any funds already paid out. Field added that it’s really not clear what procedures have to be in place before going out to bid to make sure the costs are reimbursable and meet the federal requirements. Field believed that the accounting procedures would have to be in place before going out to bid, but Mozer said she understood they would not have to be in place until first invoicing.

Gordon and Jerome agreed that the Port should continue to pursue the FEMA grant. After additional discussion, Mozer was tasked with researching the following prior to the regular September meeting:

- Review the files to determine if there is a document that describes the agreement between the Port and FEMA regarding the specifics of the Port’s commitment for moorage for the response vessels, etc. (How long would the Port be expected to provide free moorage for the vessels if FEMA funds are accepted for the dock?)
- Contact the fiduciary and find out when does financial monitoring need to be in place (at time of bid or at first invoice)?
- What are FEMA’s expectations prior to approval – 100% of permits done?

Jerome suggested Mozer check with Washington Public Ports Association to find out what other ports have experienced when receiving federal dollars.

### **New Project Opportunities**


1. Clinton Traffic Calming – Draft Letter to Skagit-Island Regional Transportation Planning Organization (RTPO): As discussed at the regular August meeting, the Clinton Chamber of Commerce has requested the Port’s assistance with a grant search and project to install a traffic calming strategy on Highway 525 in Clinton. Per Commission direction, Field drafted a letter to RTPO requesting assistance for implementation of traffic calming measures in Clinton and applying for a \$10,000-\$15,000 grant (**EXHIBIT E**). The Port and the Clinton Chamber of Commerce committed to providing the required 13.5% match for the funds. Gordon asked Field to change the line from “...to alert inbound motorists to the reduced speed zones...” to delete the word “inbound” since the signs are intended for motorists in both directions.

Gordon said the letter (if approved) should be printed on Port letterhead but signed jointly by the Port, the Clinton Chamber and the Clinton Community Club and sent to the RTPO Technical Advisory Committee, c/o Island County Transportation Planner Donna Keeler.

**ACTION:** A Motion was made by Jerome and seconded by Gordon to approve the letter (as amended) and send the letter requesting assistance and committing to a match requirement for funding for implementation of traffic calming measures in Clinton. The Motion passed unanimously.

**ADJOURNMENT:** The Special Meeting was adjourned at 7:48 p.m.

Approved:

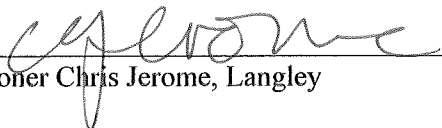
  
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Commissioner Curt Gordon, Clinton

Minutes prepared by:

  
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Edwin S. Field, Port Operations Manager

ABSENT

~~Commissioner Dennis Gregoire, Freeland~~

  
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Commissioner Chris Jerome, Langley

- Exhibit A: Boat Ramp Float Project Bid Tabulation Sheet
- Exhibit B: City of Langley Planning Department Staff Report
- Exhibit C: 8/30/12 Letter to City of Langley re: Request to Retain Existing Light Pole Heights
- Exhibit D: FEMA Security Benefit/Effort Assessment and Projected Harbor Revenue after Phase 1
- Exhibit E: Joint Letter to RTPO re: Traffic Calming in Clinton