

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

Meeting held at South Whidbey Parks & Rec District, 5475 Maxwellton Rd, Langley WA  
Tuesday, April 9, 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 April 2013) in the amount of **\$76,241.50**
2. Approval of Minutes from the Regular Meetings of December 11, 2012 and January 8, 2013 and the Special Meeting of December 4, 2012

FINANCIAL ACTION ISSUES

**February 2013 Financial Report**

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

ACTION ISSUES

**South Whidbey Harbor Update**

1. Phase 1 Project: Breakwater Relocation with Uplands & Utility Improvements
  - A. Construction Issues
    - Phase 1 Re-Bid Results from April 2, 2013 Bid Opening
    - Commission Action to Award
  - B. Funding Issues
    - Port Security Grant (FEMA) status, including Consortium coordination
2. Big Permit (submitted 2009): Mitigation Plan review completed, Revisions required
3. Boat Ramp Boarding Floats
  - A. Mike Carlson Enterprises (MCE) complete, Notice of Completion issued
4. Harbor Operations
  - A. Mystic Sea operations underway
  - B. Summer Operations
  - C. Offsite Parking at LMS (ref. Memo of Understanding w/City & School District)

**Possession Beach Waterfront Park Update**

1. Property Lease to AT&T

**Port Operations**

1. Port Comprehensive Scheme for 2013-2019
2. Fencing at Bush Pt. Parking Lot
3. Proposed Policies for Port Boat Ramp Operations in Urgent or Emergency Conditions
4. Float Installations (tentative): **Bush Pt on Friday April 26, Possession on Saturday April 27**

**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. Spring Meeting at Skamania Lodge, Stevenson

**Langley Shoreline Master Plan Committee:** Gregoire

**Island County Shoreline Master Plan:** Gregoire

OLD BUSINESS

NEW BUSINESS

ADJOURNMENT

**PORT DISTRICT OF SOUTH WHIDBEY ISLAND**

Minutes of the Regular Meeting

April 9, 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) and Molly MacLeod-Roberts (Port Clerk); **Others:** Jim Larsen (South Whidbey Record)

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, April 9, 2013, at the South Whidbey Parks & Recreation District Meeting Room at 5475 Maxwelton 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 Meetings of December 11, 2012 and January 8, 2013 and Special Meeting of December 4, 2012.

**ACTION:** A Motion was made by Commissioner Chris Jerome and seconded by Commissioner Dennis Gregoire to approve the Consent Agenda as submitted, including the authorization and acceptance of Vouchers dated April 2013 as signed today in the amount of \$76,241.50. *The Motion passed unanimously.*

FINANCIAL ACTION ISSUES

**February 2013 Financial Report:** The Commission acknowledged receipt of the February 2013 Financial Statement, which had been distributed to them previously (**EXHIBIT B**). Port Finance Manager Angi Mozer said the Port received \$10,000 in tax and operating revenue and incurred \$90,000 in operating and capital expenses during February 2013. Ending cash balance at 2/28/13 was \$925,000, consisting of \$500,000 in the Bond Fund and \$424,000 in the General Operating Fund. She noted that \$380,000 was transferred from the Bond Fund to the General Operating Fund in February.

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

ACTION ISSUES

**South Whidbey Harbor Update**

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

A. Construction Issues

• **Phase 1 Re-Bid Results from Bid Opening on April 2, 2013:** Port Operations Manager Ed Field referred the Board to their copies of the Bid Tabulation (**EXHIBIT C**) and reported that five bids were submitted, ranging from a high of \$1,969,530.95 to a low of \$1,590,584.27. The low bid was again submitted by Mike Carlson Enterprises (MCE), whose paperwork from the previous bidding was thrown out due to imperfections. The bid documents have been reviewed and Field said he has called the references and checked the size and scope of previous projects completed by MCE and they are smaller

but comparable. MCE will provide the shore-based work while Neptune Marine will do the water-based work. Jay Tomasko of Neptune will be the Project Manager, as he was for the boat ramp float project at the Harbor. Field said there was one small math error of \$800 in their bid, but the Port Attorney indicated that it is fine to proceed as long as the final contract reflects the accurate calculation.

- **Commission Action to Award:** With no protests lodged and with no adverse findings, Field recommended the Board take action to award the bid to MCE. He noted that MCE has indicated they could be ready for the Notice to Proceed as early as Monday, April 15<sup>th</sup>.

**ACTION:** A Motion was made by Jerome and seconded by Gregoire to award the Bid for Langley Harbor Expansion Phase 1/Port Project #2013-2 to Mike Carlson Enterprises in the corrected amount of \$1,589,714.67 (incl. WSST). The Motion passed unanimously.

Gordon noted that the Port had only two options after the first bid opening – throw out all the bids and re-bid the same package or go with the 2<sup>nd</sup> low bid which was approximately \$1,720,000. Therefore, by choosing the first option and rebidding the project, the Port saved the public about \$130,000.

#### B. Funding Issues

- **Port Security Grant (FEMA), including Consortium coordination:** Mozer said South Whidbey Fire/EMS is still out to bid to find a boat builder for their response vessel. Island County Sheriff Mark Brown spoke with the Fiduciary Agent at Marine Exchange and it sounds like they are amenable to their vessel being trailered rather than moored at the Harbor. Mozer said it does appear that the Port would have to front the 75% reimbursable funds for the Sheriff's vessel. The Sheriff's Office will be able to provide the 25% match once they sell the two boats they currently have. As long as the Port can get reimbursed the 75% during this calendar year, she believes the Port would be okay financially. Jerome asked if the Port has "signed, sealed and delivered paperwork" from FEMA saying they will pay for the boats, and Mozer said, "Yes."
- **Boating Infrastructure Grant (BIG) for next phase:** Mozer reported that at the end of March, they reopened an opportunity for funds with applications due May 10. There is a pool of \$6 million available. Based on the fact that it would be a rushed submission and the smaller pool of money than the next round, coupled with the Recreation and Conservation Office (RCO) representative's comment that projects related to Hurricane Sandy's aftermath will probably get priority, Mozer's recommendation was to pass on this round and wait until September to submit. The Commission agreed with her recommendation.

2. Overall Permit (submitted 2009): Mitigation Plan review completed; revisions required per 3/26/13 Letter and Memorandum for the Record (MFR) issued by the Army Corps of Engineers (the Corps) (**EXHIBIT D**). Field explained that the Port has submitted a series of mitigation plans going back to October 2007 when the breakwater was first tied up to the outside of the stockade, and most of the plans have been interwoven because of the breakwater still sitting there. When this particular Mitigation Plan was submitted in 2009, the first phase was expected to be much larger (the entire perimeter of the overall expansion) so mitigation for that phase was removal of the old Hein dock piles & decking (shading and creosote piles being different mitigation factors). Mitigation for the second phase (infill of the interior docks with finger piers) was removal of the sunken tire reef.

Field noted that the Corps is requesting is a new baseline of existing conditions (*four years after submittal!*), when it obviously has changed. Joe Callaghan of GeoEngineers said that although some of the Corps' comments/requested revisions seem really inflammatory, given the general regulatory climate it is not as bad as it seems. He recommends a response (within the required 30-day timeline to keep things moving ahead) that includes reference to documents previously submitted. Callaghan also informed Field that the Corps has taken a new position, so he can propose that the removal of the Hein dock can be done as Advance Mitigation. Field explained that by conducting the mitigation in advance, the mitigation would be in effect from the time it is removed until the project happens, which would in

effect increase its value (temporal gain). The Corps has just finished their Advanced Mitigation Guidance (issued in December 2012), and upon Commission direction, Callaghan proposes contacting the Port's Project Manager at the Corps to review the details of the response with her and discuss the advance mitigation possibility.

Gordon said he was in favor of looking into the possibility of advance mitigation because wants to be able to remove more than just the decking right now. Gregoire said, *"The problem I have is that this is not our document. This was done under the previous Commission with different assumptions. The project is not even ours! That is an urban harbor down there and all of the shoreline classifications and shoreline planning for that urban harbor are different today than they were 4 years ago. We want that to be an urban harbor and we convinced Langley to make that an urban harbor. In my opinion, putting advanced mitigation in an urban harbor that we want to develop is poor policy. We're shooting ourselves in the foot. Sure it's got more value - because it is in an urban harbor that will prevent any expansion of the urban activities that are preferred under shoreline and Corps permitting in that harbor."*

Gregoire said mitigation should be done offsite, and he said that is how it was done at the Port of Everett. He said the Commission needs to have a workshop to understand the mitigation plan, the commitments and the costs down the road, because they don't know what is in it because they didn't craft it. Jerome pointed out that the Port's current consultant did, and added that he didn't think the current Commission could disown the actions of the previous Commission. Gregoire responded, *"I think you can, but it's going to cost you huge amounts of dollars."* He added that the Commission has no idea what the mitigation plan will cost for monitoring, etc.

Field agreed that it was the previous Commission's plan, and explained that it was tailored to allow mitigation (removal of the old Hein dock and the sunken tire reef) entirely on site and completely under the Port's control. Gregoire interjected, *"In an urban harbor."* Field and Jerome pointed out that it is not currently designated as an urban harbor. Jerome said he was very concerned that if the Port "puts the brake on this" and goes back to the Corps to try to renegotiate the mitigation plan (especially since it does not have an urban harbor designation), the Port will lose whatever progress has been made and "umpteen thousand dollars spent on this permit." He thinks the Port should continue to move ahead with the permit and the mitigation plan. If it is designated as an urban harbor after the permit is issued, the Port could renegotiate with the Corps at that time.

Gordon pointed out that in 2012, the Port paid GeoEngineers about \$21,414. Jerome pointed out that the bulk of that cost was for the Phase 1 permit, which has been issued. Gordon said continuing to pursue the "big permit" while permitting each phase toward the full build-out was worth paying \$2,000 per month to GeoEngineers.

Gregoire stated, *"I'm wasting my time trying to get urban harbor designation if we're going to do onsite mitigation."*

Gordon asked Field if it was important that the Commission give direction to Callaghan tonight. Field noted that the Corps' letter and MFR require response within 30 days or the application will be cancelled.

**ACTION: A Motion was made by Jerome and seconded by Gordon to authorize Staff to direct GeoEngineers to provide a response to the Corps within the 30 day requirement.**

Gregoire said the Port needs an estimate of what that will cost. Field said once GeoEngineers has direction to proceed, Callaghan will contact the Port's project manager at the Corps and find out how much is required for the response (given that much of the information was previously submitted). He agreed they also needed the number for the long term cost of monitoring, etc. Gordon suggested that if

the responses were pertinent, the Commission could have a workshop to discuss it again, but he didn't want to stop the process.

**Gordon called for a vote on the Motion. The Motion passed 2-1, with Gregoire voting against.**

Field said he would be happy to walk through the mitigation plan, etc. at a workshop. The Commission agreed they should hold the workshop and Callaghan should also attend.

3. Boat Ramp Boarding Floats: Notice of Completion issued. Mozer said it looks like the total cost of the project will be under \$200,000 and the Recreation and Conservation Office (RCO) Boating Facilities Grant was set up with a budget of \$300,000. RCO has suggested the Port could use the remaining grant funds for a directly related activity even though the project is complete. The Port would still be required to provide a 25% match. Mozer had asked if the removal of the Hein dock would qualify, but the RCO representative said it would not since it was not directly related to the project. Other possibilities are signage, parking lot repair/upgrade and remote parking. Gordon wanted to pursue the possibility of using that grant funding to improve the parking lot at Langley Middle School in order to provide offsite parking for trailers. Jerome noted that the installation of the floats has made it more difficult for the kayakers, which includes a fairly significant commercial interest. He suggested some of the funds might be used to facilitate their launching. Mozer said she would ask RCO if any of the possibilities discussed would qualify.

4. Harbor Operations

A. Mystic Sea Operations: Underway; doing well.

B. Summer Operations: Field reported that a vendor has expressed interest in providing bait and ice concessions for the season. Discussions have begun regarding summer staffing at the Harbor.

C. Offsite Parking at Langley Middle School (LMS): Previously discussed.

**Possession Beach Waterfront Park Update**

1. Property Lease to AT&T/Cingular: No update.

**Port Operations**

1. Port Comprehensive Scheme for 2013-2019: Now that the Commission interviews are complete, the next step is to set up a work session for the Strategic Plan. Makers Architecture and Urban Design, LLP (Makers) proposed meeting on May 9<sup>th</sup> or May 10<sup>th</sup> and the Commission had no conflict with either date. Mozer reported that Makers highly recommended the Port conduct an online public survey. Because they feel it is so important, they will not charge any additional costs to work with the Port in creating the survey. There would be about six multiple choice questions that the Port can send out to interested parties and stakeholders. The Commission agreed that Makers should provide those draft questions to the Commission prior to the work session.

For the SEPA (State Environmental Protection Act) process, Mozer said the Port has two options: The Port can either pay approximately \$8,000 for Makers to do it, or Staff could potentially do it with guidance from a consultant who would be paid \$1,000-\$2,000. Gordon said he was leaning toward doing the SEPA process in-house with a consultant, and he agreed with Gregoire that it didn't need to be done right now and could be pushed off for a bit.

Regarding the Stakeholder's List, using the information gathered during the interviews, Makers will send the Port a suggested approach for Commission consideration within the next week or so.

2. Fencing at Bush Pt. Parking Lot: Field said Spyderman Excavating LLC is basically done with the work.

3. Proposed Policies for Port Boat Ramp Operations in Urgent or Emergency Conditions (**EXHIBIT E**): In response to the request by the Port's ramp managers Field had drafted policies to assist them in managing broken or unattended boat situations on the floats during busy periods, and also policies to better support them during adverse weather or tidal events.

Gordon suggested the words "...especially during busy periods" should be eliminated from the sentence "Vessels shall not be left unattended when tied to boarding floats, especially during busy periods." The Commission agreed and directed Field to make the change.

**ACTION:** A Motion was made by Jerome and seconded by Gregoire to approve and adopt the "Policies for Urgent or Emergency Conditions: Port of South Whidbey Boat Ramp Operations" as amended. The Motion passed unanimously.

4. Float Installations (Tentative): Bush Pt. on Friday, April 26 and Possession on Saturday, April 27.

### **New Project Opportunities**

1. Mukilteo Parking Issues: Gordon said that the Port of Everett is holding a meeting tonight about the Multimodal Facility, and on the agenda there was a special segment for comments from Island County and the Port of South Whidbey. He heard about it from Island County's Transportation Planner, Donna Keeler at the Council of Governments (COG) meeting. When he told them it was the same night as the Port's regular meeting, the COG attendees asked why the Port didn't just cancel this meeting and he had to explain that was not an option. However, he continues to work with Mukilteo Mayor Joe Marine in an effort to focus on temporary use of the tank farm facility until construction starts on the Multimodal Terminal. Gordon noted that there are huge issues (including exorbitant lease fees) that Mukilteo is working on. Since he couldn't be at the Port of Everett meeting, Gordon asked Keeler and Marine to voice the Port's support for that temporary use, including 50 spaces for the Port's use for visitor/commuter parking.

### **ACTIVITIES/INVOLVEMENT REPORTS**

**Economic Development Council (EDC):** (Gordon) No report.

**Council of Governments (COG):** (Gordon) At the recent meeting, the COG presented the Draft Countywide Development Goals (**EXHIBIT F**). Gordon asked Field and Mozer to submit written comments. Gregoire said Makers should also be provided with a copy of the draft Goals.

**Skagit-Island Regional Transportation Planning Organization (RTPO):** (Gordon) Gordon explained that the government is getting tired of providing grants only to have the money banked and not spent for years. As a result, the State of Washington is now basically saying, "There's \$33 million in 'LaLa Land' and you're going to have to spend it or lose it." All of the agencies will therefore have to work together to make sure projects get funded and completed. The next RTPO meeting will deal with the White Paper that the Technical Advisory Group was commissioned to draft. Gordon said the RTPO has to go to the Legislature and get them to change or remove the concurrency law.

**Marine Resources Committee (MRC):** (Gregoire) Gregoire said the MRC has updated their Strategic Plan and added Friends of Freeland (FOF) to their membership. He said the FOF presented a 3-page proposal to restore the salt marsh at the end of Holmes Harbor. Gregoire had voiced his objections to the MRC: What salt marsh? The Port and Island County own that, and the Port is going through the comprehensive planning process. He told them they were wasting their time because the Port and County have a boat ramp there and it is an urban designation. After that discussion, Gregoire said 4 or 5 members said they thought it was a good project.

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

1. Spring Meeting at Skamania Lodge in Stevenson: Gordon plans to attend all three days.

**Langley Shoreline Master Plan (SMP) Committee:** (Gregoire) Gregoire said they are moving along.

**Island County Shoreline Master Plan:** (Gregoire) Gregoire said a Department of Ecology (DOE) hearing will be held the first week in May, and he is trying to get a group together to request that all boat

ramps/parks be designated as a “special environment” rather than the current designation of “residential.” That would provide great opportunities to provide whatever support structure activities are needed to meet the demands of the people using the boat ramps/parks, including commercial opportunities such as concessions, kayak storage, etc. Current GMA and Shoreline Plans do not allow those in the “residential” area. Gregoire hopes to have written statements prepared as input to the shoreline planning process by August instead of just verbalizing it. Jerome was glad Gregoire brought that up, because the December meeting Minutes state: “*Gregoire said he will bring back draft language for the Port Commission to review and approve in January or February prior to submitting it to DOE.*” Gregoire said the language will come out of the strategic planning process and be submitted to the County rather than DOE.

OLD BUSINESS: There was none.


NEW BUSINESS:

**Port Sponsorship:** Leanne Finlay from the Freeland Chamber of Commerce had contacted the Port to ask if the Port logo should be on the Birding brochure and in their Visitors brochure. Since the Birding brochure is not directly related to the Port, Staff did not feel it necessary to include the Port logo, but agreed it should be on the Visitors brochure. Field asked if the Commission feels the need to have a policy (formal or informal) regarding publication of Port sponsorship on brochures/posters when awarded grant funding. The Commission agreed that successful applicants should be encouraged to include the Port in their advertising (not required).

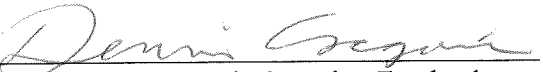
**Facebook Account:** Mozer said she is interested in setting up a Facebook account for the Port. She thinks it will allow the Port the opportunity to become active with the community on a level that we currently do not have the ability to do. The Commission agreed they were in favor of it.

ADJOURNMENT: The Meeting was adjourned at 9:25 p.m.

Approved:



Commissioner Curt Gordon, Clinton



Commissioner Dennis Gregoire, Freeland



Commissioner Chris Jerome, Langley

Minutes reviewed by:



Edwin S. Field, Port Operations Manager

- Exhibit A: Voucher Listing
- Exhibit B: February 2013 Financial Statement
- Exhibit C: Bid Tabulation
- Exhibit D: Corps' Letter & MFR dated 3/26/13
- Exhibit E: Proposed Policies for Port Boat Ramp Operations in Urgent or Emergency Conditions
- Exhibit F: Draft Countywide Development Goals