

# **THE PORT DISTRICT OF SOUTH WHIDBEY ISLAND**

## **REGULAR MEETING**

Meeting held at South Whidbey Parks & Rec District, 5475 Maxwelton Rd, Langley WA  
Tuesday, December 11, 2012 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

#### CONSENT AGENDA

**Approval of Current Vouchers (dated December 2012) in the amount of \$164,933.16**

#### FINANCIAL ACTION ISSUES

**October 2012 Financial Report** (distributed Dec. 7, 2012)

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

#### ACTION ISSUES

##### **Possession Beach Waterfront Park Update**

1. Purchase Offer
2. Property Lease to AT&T

##### **South Whidbey Harbor Update**

1. Boat Ramp Boarding Floats
  - A. Construction Issues
    - Mike Carlson Enterprises (MCE) progress update
2. Phase 1: Breakwater Relocation with Uplands & Utility Improvements
  - A. Permit Issues
    - City of Langley Update
    - Corps of Engineers Update
    - Bid and Construction Scheduling
  - B. Property Issues
    - Lots 20 & 21 - West side boundary location being investigated by escrow & title companies
    - Boatyard Inn Project: Draft Resolution No. \_\_-\_\_ for Air Rights Easement
  - C. Funding Issues
    - Port Security Grant (FEMA), including Consortium coordination
  - D. Construction Issues
    - Reid-Middleton proposals for Bid Services & Construction Admin (9/7/12)
    - GeoEngineers proposal for Ongoing Permitting Coordination Services
    - Commission authorization to proceed to Final Prep of Phase 1 Bid Docs and Solicitation in 2013
    - Commission direction to request Island Co. grant funding per RCEDF InterLocal Agreement
3. Harbor Operations
  - A. Emergency Stabilization and Cable Replacement Update

##### **Port Operations**

1. Port Comprehensive Scheme for 2013-2019 Process Discussion
2. ByLaw Revisions - Resolution No. 12-09

### **New Project Opportunities**

1. Mukilteo Parking Issues
  - A. Rural Mobility Grant Application with City of Langley - Ranked Order List
2. Mutiny Bay Property Donation

### **ACTIVITIES/INVOLVEMENT REPORTS**

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

**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. Annual Meeting (Nov. 28-30 in Seattle): Report from Gordon and Gregoire
2. Continuing Legal Education (Nov. 27 in Seattle): Report from Field

**Puget Sound Partnership:**

**Langley Shoreline Master Plan Committee:** Gregoire

**Island County Shoreline Master Plan:** Gregoire

**Enduris Risk Management Seminar with Gordon Graham** (Feb. 6 in Burien): Field & Mozer

### **OLD BUSINESS**

### **NEW BUSINESS**

### **ADJOURNMENT**

## PORT DISTRICT OF SOUTH WHIDBEY ISLAND

Minutes of the Regular Meeting

December 11, 2012

Langley, Washington

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

### **Others Present:**

**Port Staff:** Ed Field (Port Operations Manager), Angi Mozer (Port Finance Manager), Molly MacLeod-Roberts (Port Clerk), and Julie James (Harbormaster); **Others:** Jim Sundberg (City of Langley Councilmember), Jim Larsen (South Whidbey Record), Charlene Arnold (Coldwell Banker), Susan Bennett (Whidbey Audubon), Stephen Kahn (Langley) and **Clinton Residents:** Hal Schlomann, Larry Campbell, Diana Campbell, Tom Crites, Wilfred Collins, Bruce Buls, and Richard Engstrom

**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, December 11, 2012, 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 7:34 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**).

**ACTION:** A Motion was made by Commissioner Dennis Gregoire and seconded by Commissioner Chris Jerome to approve the Current Vouchers as submitted, including the authorization and acceptance of Vouchers dated December 2012 as signed today in the amount of \$164,933.16. *The Motion passed unanimously.*

### FINANCIAL ACTION ISSUES

**October 2012 Financial Report:** The Commission acknowledged receipt of the October 2012 Financial Statement, which had been distributed to them previously (**EXHIBIT B**).

**PUBLIC COMMENT** – Items not on Agenda: No one from the public wished to speak.

### ACTION ISSUES

#### **Possession Beach Waterfront Park Update**

1. Purchase Offer: Gordon noted that at the last regular meeting, Charlene Arnold of Coldwell Banker has presented Clyde and Marcia Monma's Purchase Offer of \$250,000 for 2 parcels (R32814-234-4350 & R32814-234-5000). Port Finance Manager Angi Mozer had conducted some legal research and Gordon asked her to present her findings. She presented a map (**EXHIBIT C**) that outlined the 2 parcels (A and B) in yellow, and explained that they had been divided into those 2 parcels in 2010. Subsequently, the Port surplussed **only** Parcel A (outlined in green), which allowed for it to potentially be sold. Parcel B (outlined in orange) was **not** surplussed, and includes a section (outlined on the map in pink) that is encumbered by the State's Recreation and Conservation Office which provided grant funding for the original purchase of the property. Parcel B therefore cannot be sold. Mozer had contacted the Port's attorney (Anderson Hunter Law Firm) who wrote: "*Under RCW 53.08.090, a port commission may sell its real property, but only after it has declared the property to be surplus to the needs of the port district and amended the Comprehensive Scheme of Harbor Improvements (i.e. the Port's Comp Plan) to delete*

*the property. Since the latest offer to purchase a parcel that has not been surplussed and is still part of the Port's Comp Plan, the Port Commission cannot entertain the offer."* Since the Purchase Offer includes Parcel B (a portion of which is RCO-encumbered), Mozer explained that as it stands the Port cannot entertain the Monma's offer.

Gregoire clarified that although Parcel A has been surplussed, the Port still owns it. As the Port updates the Comp Scheme next year, he believes that parcel has a potential role to play in the broader public access plan that Island County is trying to put together. He said the Port might need to consider "unsurplussing" the property.

Gordon asked Jerome and Gregoire if they had any additional comments regarding the Purchase Offer. Hearing none, Gordon summarized the discussion as: "We can't sell it."

**Susan Bennett** asked if the Port can lease it, and Gordon explained that the Port could lease Parcel A, and Jerome believed that the Port could also lease the unencumbered portion of Parcel B. Gordon added that according to the Port Attorney, the Port has the authority to lease its property.

**Bruce Buls** asked Gregoire to provide additional information regarding next year's Comp Plan and County access. Gregoire explained that the Port would be updating its Comprehensive Scheme in 2013 and determining what it's going to do for the next 6 years with its properties and facilities, and parallel with that Island County is adopting a Shoreline Master Program (SMP). As part of the SMP, in the next year or so the County wants to have a comprehensive public access and upland park plan put together that identifies all the parcels in Island County that have the potential for providing some sort of link to the waterfront. It could be a view link (such as the view from the top of Parcel A) or a direct link (such as the boat ramp and shoreline at Possession).

Regarding the role of ports in terms of recreational facilities (upland parks, etc.), Gordon noted that RCW 53.08.260 states that port expenditures for recreational facilities are permissible if they are necessary to create more full utilization of other port facilities. He said, *"In other words, in and of themselves, we don't go out and build parks. But if a park or park area is necessary to support an existing or future facility that we're working on, then we have the legal right to keep or maintain it. For this particular facility, I think Gregoire is right – that if it is deemed an economic benefit to bring people to this boat launch (whether for fishing or other uses), I think it can become easily justifiable for the Port to keep and maintain that property."*

**Bruce Buls** said, *"As has been offered in testimony early on in this discussion, the watershed on the side of that hill is part of the ecosystem of that beach property. And that you guys as stewards of this area need to recognize the integrity of that watershed all the way to the ridge top. As I've said before, that can be something that the Port can educate the public about with signage, etc. There's some real value to the trail as recreational property and as habitat to the beach."*

Gordon noted that the Port would need to address the fact that Parcel A was surplussed and put it back in the Comp Scheme in order to spend money to maintain it.

2. **Property Lease to AT&T/Cingular:** Mozer reported that AT&T had responded and accepted most of the terms and changes the Port had requested in the latest version of the lease, with the exception that the language stating that the Port is responsible for the Port's own negligence stays in the lease. AT&T's insurance will not cover that, but Mozer contacted the Port's insurer and our insurance does cover it. Mozer stated that in her opinion, the lease is amenable to the Port. The Commission agreed they had no problems with the negligence clause remaining in the lease.

**ACTION:** A Motion was made by Jerome and seconded by Gregoire to approve the Property Lease Agreement between AT&T/Cingular and the Port as amended and resubmitted. The Motion passed unanimously.

Bennett asked how many trees will be cut down to provide access to AT&T. That information will be part of AT&T's permit application for Island County. No work will be done without Port and Island County review and approval.

**Richard Engstrom** asked, *"Who is responsible for any damage to the road or adjacent properties should any occur?"* Gordon's understanding is that AT&T will have to get a clearing and grading permit from Island County, and follow all the requirements that Island County has set forth before they even turn a stone out there. AT&T must do sediment & erosion control plans, drainage plans, etc. and every step will be reviewed. Now that the lease is approved, it is all in AT&T's "lap" and it is up to Island County Planning to determine how they can allow AT&T to go about this otherwise allowable use. Engstrom asked if there is a timeline and Jerome said there is nothing in the lease that enforces a timeline. Engstrom said, *"It sounds like it's pretty vague as far as safety goes, too, and health aspects. I can't understand why you would sign a lease with that hazy of an idea of safety and health."*

Gordon noted that Island County is responsible for enforcing all the laws and codes (including those related to health and safety) and ensuring that AT&T meets all the requirements.

**Charlene Arnold** said, *"Regarding the Port's interest in economic development, there was no way that I could do research and show homes in this particular area that are up to a million dollars or more in value are going to be affected by a cell tower, but that affects taxes and all sorts of things, so I put that to you as well."*

**Will Collins** asked how many other Port properties are leased. Jerome said that the Humphrey Road parking lot was leased for a number of years to Patty's Parking, but the Port is now operating that facility instead. Gordon noted that it is very common for ports to lease property. Collins asked if the County would be looking at the lease and Gregoire explained that no, the County would be looking at the proposed development of the property (construction of a cell tower).

Buls said, *"For the record, I have to say that I am once again disappointed with this decision. It seems to me that the public opinion about this, which should be important, has been overwhelmingly against it. Especially since the Monmas made the offer – that's really galvanized a lot of public opinion, and the public opinion has all been against it. So you guys are really flying in our faces on this thing and you have consistently. And you know it's really...almost insulting. I don't feel you guys have ever acknowledged what it means to users of the Park and what the Park means to the neighborhood that you're allowing AT&T to do. You've never said: 'You gotta take one for the team so we can get our \$500 bucks a month.' It's big money – if the Park is going to suffer if you put it in; the neighborhood's gonna suffer in terms of property values. There may be benefits – you get some benefit, AT&T does, but it's the losers who have been imploring you not to do this. And now it's the community – the other day the South Whidbey Record went on record saying 'don't do this.' The legacy that Dorothy Cleveland represents is being violated. Don't do it. But it's obviously too late. The objections are not going to leave, and your legacy – your stubbornness about this – will not be forgotten."*

Gordon responded that you can never please everyone, and one of the ways that he felt a port district could maintain that property and the trail was if the Port enhanced what it is supposed to be doing: economic development. So by signing the lease and maintaining the property, he feels there is a better chance that the Trail will be there forever. He continued, *"Although the Monma's offer said they were going to donate the Trail to some unknown non-profit entity, my experience with Conservation Futures is that the best steward is some kind of a public agency because you know they will be there 5 years, 10*

years, 50 years from now. To me, the best way to lock up the Dorothy Cleveland Trail is to put it back in the Comp Scheme with this multi-use going on where it's going to benefit everybody. That's what made my decision."

**Stephen Kahn** said, "My concern is that I mainly carry my cell phone around in case I have to dial 9-1-1 for medical reasons, police, fire, etc. Anyone can have an emergency. And my cell phone does not work in many areas of South Whidbey. This is a serious problem."

Arnold said she was sure AT&T could find another site. **Diane Campbell** said it is difficult to find a site for a cell tower, and added that she would donate her property for a cell tower but it's not high enough. Even with a cell phone booster at her house, she said her coverage is still limited. She noted that when they were working on the cell tower on Crawford Road the last few weeks, there was hardly any coverage and she can't run her business like that. She continued, "*The cell tower is not just for Whidbey Islanders – it's for people on the mainland, on the peninsula and on the water, also. I think it's selfish to disallow that. Maybe that isn't the right place for it, but where is a good place for it then? I think the options are pretty limited.*"

### **South Whidbey Harbor Update**

1. Boat Ramp Boarding Floats: Port Operations Manager Ed Field reported that the contractor (Mike Carlson Enterprises) is doing the final work now. The project is about 95% complete.

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

#### **A. Permit Issues**

- **City of Langley:** Earlier in the day, Field received a letter from the Building Department (**EXHIBIT D**) saying they will issue a Building Permit tomorrow. He said there are 8 conditions, but none of them are "a deal breaker." A couple of them need to be addressed prior to start of construction and several need to be addressed prior to getting the Certificate of Occupancy. Field added, "*But as far as giving us guidance to proceed to bidding – this is what we needed from the City, so I'm very appreciative that they were able to get this out. This is half of what we needed. The other half is the Corps permit, which is still sitting on the project manager's desk, ready to write.*"

- **U.S. Army Corps of Engineers (Corps):** Field said Joe Callaghan of GeoEngineers is equally frustrated with the lack of progress on the permit. The aide to U.S. Representative Rick Larsen was on site at the Harbor on Monday, and Staff provided him with the project manager's contact information and requested that Rep. Larsen's office "give them a nudge." Once the project manager has written the letter, it will still be at least another two weeks before it is final and in our hands. Field said, "*Unless the Commission objects, my reaction is to contact U.S. Senator Patty Murray's office tomorrow and ask them to give the Corps a nudge because at this point we are imperiled on our bidding schedule.*" The Commission had no objection.

- **Bid and Construction Scheduling:** Field said, "*We still are at the point of needing to go to bid and start preparing the documents, but without that permit in hand, I'm hard-pressed to say we can go to full documents. We can certainly start, because the City's comments are significant, but I don't know what other course we have.*" Gordon asked what the Port would spend on those documents. Field said the bid prep for Reid Middleton would be a minimum of \$12,000. If the Commission authorized Reid Middleton to go to bid documents before Christmas, he would hope to have a final draft bid document to review January 10-15 and get it out on the street by January 20<sup>th</sup> or so. The Port will need at least a 3-week bid period so bid opening would be around February 15<sup>th</sup> with award on March 1st. There would then be a reasonable expectation to have the work done in the calendar year.

The other piece is the potential FEMA funding, which also figures into the complexity of the bidding and the bid documents. Field said that he and Mozer had a very detailed discussion last week with Maryann Chapman from the Marine Exchange, the Port's fiduciary agent for the Port Security (FEMA) grant. Up until now, Field explained he has been leery of putting the federal requirements in because it was so

uncertain and unpredictable as to whether the Port would be able to get the funding, the permitting, etc. Another reason was that the cost for including the FEMA funding is significant – the bids will be 10-25% higher because of the federal requirements. But during the conversation with Chapman, she said at this point they believe they will get a 1-year extension until November 2013 plus another 30 days so that work completed during the 2013 calendar year will still be reimbursable. For the environmental permitting, Chapman said the Port could let the bids and as long as the work covered by the permit is not done until the permit is issued, it would be reimbursable. When they asked Chapman if they could proceed with just the funding for the boats (not the dock), her response was: *“Why would you want to leave that money there? Why would you not want to take that money?”*

Chapman had also suggested that the Port could do a bid alternate: one with the federal requirements and one without. Field subsequently spoke with Shannon Kinsella at Reid Middleton about that possibility. Kinsella had never heard of that, but suggested a different possible approach that Field thought was valid: prepare two parallel bid documents – one that is full federal and one that is not. The Commission could direct Reid Middleton to prepare both right now for an additional \$15,000, and then in mid-January decide if both go out or if only one goes out based on what information is available by then.

Jerome expressed concern regarding the environmental permitting and the length of time it will take. Field agreed with the concern, noting that if the Port gets the Corps permit the work can be done, but if the Port then does the work but still doesn't get the environmental permit from FEMA, there will be no reimbursement.

Gordon said he would still like to pursue FEMA funding for the boats only, noting that the fire district could pay for moorage if there is no FEMA funding used for the dock. Jerome summarized the two available options as: 1) Forget FEMA funding for the dock and only pursue it for the boats or 2) Continue to parallel track it and see where we are one month from now at an additional cost of \$15,000. Field recommended that they only go out to bid with one rather than both.

**ACTION: A Motion was made by Jerome and seconded by Gregoire to authorize Reid Middleton to move forward on the parallel track of federal/non-federal bid documents.**

Jerome noted that if they waited for FEMA the project could be delayed for an additional year. Gordon agreed with Field that they could parallel track both but should only go out to bid with one and not the other when the time comes. Gordon said, *“I'm in favor of going ahead with the regular set. Because if we get Reid Middleton started today, you know they're doing work that they can just add the federal stuff to if we change our mind by December 20<sup>th</sup>. That would give us a head start on both.”* Field agreed with that approach; he could tell Kinsella to go ahead and begin working on the regular bid docs and just let her know that there is the possibility that the Port would add the federal bid docs (at additional cost of \$15,000).

After brief additional discussion, Jerome amended the Motion as follows to allow for that approach:

***“...to move forward on a nuanced parallel track of federal/non-federal bid documents to minimize the Reid Middleton expenditure as discussed.”***

**The amended Motion passed unanimously.**

#### B. Property Issues

- **Lots 20 & 21:** No update.
- **Boatyard Inn Project: Draft Resolution No. --\_-- for Air Rights Easement and Agreement for Air Space (EXHIBIT E):** Field said the Resolution and the Agreement had been drafted by the Schell's attorney, but he did a “major edit” of the Resolution so that it matches up with typical Port format. He

hasn't had a chance to do the same edit on the Easement and Agreement, but if the Commission has no objection to the content he will finish the edit and send it back to RCO.

**ACTION:** A Motion was made by Jerome and seconded by Gregoire to substantially approve the draft Resolution as written to go forward with the Easement and Agreement, subject to legal review. The Motion passed unanimously.

Field said he would send it to RCO first, and then to the Port Attorney.

C. Funding Issues

- **Port Security Grant (FEMA), including Consortium coordination:** No additional discussion.

D. Construction Issues

- **Reid Middleton proposal (EXHIBIT F) for Bid Services & Construction Admin (9/7/12):** Field confirmed that based on the action taken at this meeting, he had Commission authorization to approve Task 002-Bidding Services in the amount of \$12,030. The Commission agreed to wait on Task 003 Construction Admin until January.
- **GeoEngineers proposal for Ongoing Permitting Coordination Services (EXHIBIT G):** The Commission agreed they needed to keep GeoEngineers going. The change of scope for continued environmental permitting services (Task 1-Project Coordination and Meetings) has an estimated budget of \$5,000.

**ACTION:** A Motion was made by Jerome and seconded by Gregoire to approve Reid Middleton's 9/7/12 proposal for Task 002-Bidding Services (non-federal bid documents) in the amount of \$12,030 and GeoEngineers' 11/12/12 proposal for Task 1-Project Coordination and Meetings in the amount of \$5,000, and provide conditional authorization for an additional \$15,000 for Reid Middleton to prepare alternate bid documents if needed based on information received in the next week. The Motion passed unanimously.

- **Commission authorization to proceed to Final Prep of Phase 1 Bid Docs and Solicitation in 2013:** No additional discussion.
- **Commission direction to request Island County grant funding per Rural County Economic Development Fund (RCEDF) InterLocal Agreement:** Field said, *"At this point, I would suggest that we are finally ready to submit our first reimbursement request from the County."* After brief discussion, the Commission agreed to hold off on submitting the request until January because the Port can transfer money from the Bond Fund to reimburse the General Fund for the previous capital expenditures (including the purchase of the breakwater).

3. Harbor Operations

A. Emergency Stabilization and Cable Replacement: Field reported that a cable parted from the breakwater during the storm the week before Thanksgiving. Fortunately, the contractor that was working on the boat ramp project was able to bring a tug and shift it back into place (it had shifted 60-70 feet). A replacement cable had already been purchased but had not been installed, so they were able to do that. Three days later, another cable broke but fortunately it did not shift the breakwater and they were able to get a new cable and replace it on an emergency basis. He continued, *"After two cables went in four days, I got a better price from that contractor to do the other four cables in a more controlled, scheduled manner. We approved that and that work was being done today."*

Field also reported that Fred Lundahl from the Langley Main Street Association had called to let the Port know they are putting together an effort to purchase a 10-person electric golf cart to use as a shuttle in the City, including Wharf Street and the marina. They hope the City, the Port and LMSA can jointly fund the purchase. Field suggested newly hired Harbormaster Julie James could be the Port's representative staff



person for the effort. Jerome noted that ports cannot engage in transit operations, but they can provide facilities for transit. Gordon said LMSA would first need to make a formal presentation with the specifics, and then it would need to be run by the Port Attorney to make sure the Port would be legally allowed to contribute.

### **Port Operations**

1. Port Comprehensive Scheme for 2013-2019: Mozer had prepared a “very draft” Request for Proposals (RFP) from professional planning consultants to prepare the Comp Scheme and Strategic Plan (**EXHIBIT H**). Jerome noted the footer was incorrect and Mozer said she would delete it. Gregoire noted that the line that states the Port last adopted a comprehensive scheme in 2007 should have additional language stating the scheme covered the period 2007-2013. Under Scope of Services, where it states, “The Consultant will, to the maximum extent feasible, utilize existing information...” Gregoire suggested adding “...or indicate what new information is critical to updating the plan...” The Commission agreed to the changes.

**ACTION:** A Motion was made by Jerome and seconded by Gregoire to approve the text of the draft Request for Proposals for Comprehensive Scheme and Strategic Plan support as amended. The Motion passed unanimously.

Staff was directed to send out the RFP, including advertising in the South Whidbey Record, the Everett Herald, and on the Washington Public Ports Association website. Field suggested January 3<sup>rd</sup> for submittal, since that would give the Commission time to review them prior to the regular meeting on January 8<sup>th</sup>. Gregoire said he would be gone January 1<sup>st</sup>-14<sup>th</sup> and he would be unable to attend the meeting via telephone conference.

2. By-Law Revisions – Resolution No. 12-09 (**EXHIBIT I**): As discussed at the regular November meeting, Staff had prepared the Resolution to address consecutive terms for board officers and procedural issues. Gordon read it aloud for the record.

**ACTION:** A Motion was made by Jerome and seconded by Gregoire to approve and adopt Resolution No. 12-09, revising Articles IV, V and VIII of the Bylaws. The Motion passed unanimously.

### **New Project Opportunities**

#### **1. Mukilteo Parking Issues**

A. Rural Mobility Grant Application with the City of Langley – Ranked Order List: Gordon noted that the project did not rank well, so there is very little chance of getting funding. Gordon referred to the copy of the letter sent from Mukilteo Mayor Joe Marine to Langley Mayor Larry Kwarsick (**EXHIBIT J**) regarding expanding Park & Ride opportunities for the Mukilteo Multimodal Project. Gordon explained, “Essentially the idea was that Sound Transit was going to be build a parking facility anyway, and the City of Mukilteo would like to get involved and make it larger, and they thought it would be good to partner with Langley and the Port.”

2. Mutiny Bay Property Donation: Gregoire said it looks like Island County will take the donation.

### **ACTIVITIES/INVOLVEMENT REPORTS**

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

**Council of Governments (COG):** (Gordon) Gordon said the COG worked on paring down the list of suggested legislative priorities.

**Skagit-Island Regional Transportation Planning Organization (RTPO):** (Gordon) Gordon attended two meetings last month, including a presentation from a consulting firm that received a grant to look into historic roads in Island and Skagit Counties. He was concerned if roads were designated as historic that there would be limits placed on the use and possible improvements of the roads over time. However, he said it was actually a great meeting and they were open to a lot of good things.

**Marine Resources Committee (MRC):** (Gregoire) The MRC is working on the issues of supporting off-site mitigation and mitigation banking.

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

1. Annual Meeting in Seattle Nov. 28-30: Gordon and Gregoire attended different sessions. Gregoire said the small ports are trying to get some sort of teamwork going, because they all have issues with the shoreline program and need help (short-term, mid-term and long-term). He said, *"So that dialogue is continuing."* Gordon said he learned a lot about the State's budget at the meeting. He explained, *"The State went into this budget \$1 billion short, and then there's the Supreme Court's decision in the McCreary case. McCreary is one of several school districts that sued the State to increase funding for education and the State of Washington lost. That means another \$1.5 billion of funding has to come from somewhere. So they now have a \$2.5 million deficit."*

2. Continuing Legal Education in Seattle Nov. 27: Field said it was a good session.

**Langley Shoreline Master Plan Committee/Island County Shoreline Master Plan:** (Gregoire) Gregoire distributed a paper titled, *"Activities occurring in 2013 at Port of South Whidbey"* (**EXHIBIT K**). The paper listed 4 actions (Langley Marina Construction, Port Comp Scheme & Comprehensive Plan, Shoreline Master Plan Update, and Possession Point Boat Ramp), a Time Frame for each and Products for the third and fourth identified actions.

**Enduris Risk Management Seminar with Gordon Graham:** Feb. 6 in Burien; Mozer and Field will attend.

OLD BUSINESS: There was no Old Business.


#### NEW BUSINESS

**Chambers of Commerce Meeting:** Gordon said he would like to consider inviting the Freeland, Langley, Clinton and Mukilteo Chambers of Commerce to a "round table meeting." Joe Hanna (Mukilteo's City Administrator) is on board with the idea. Gordon explained it would give everyone the opportunity to brainstorm and find ways to pool resources.


**Dorothy Cleveland Trail:** Gordon would like the Port to consider reinstating the improved access language into the Comp Scheme, adding that he would like to see additional access from the top of the ridge to the trail. He said, *"It is a beautiful place, and if we're going to keep it as a park and it's going to have anything to do with water access, I don't think the only access should be from the other piece of property at the bottom of the hill."*

ADJOURNMENT: The Meeting was adjourned at 9:57 p.m.

Approved:

  
Commissioner Curt Gordon, Clinton

  
Commissioner Dennis Gregoire, Freeland

  
Commissioner Chris Jerome, Langley

Minutes prepared by:

  
Edwin S. Field, Port Operations Manager

- Exhibit A: Voucher Listing
- Exhibit B: October 2012 Financial Statement
- Exhibit C: Updated Parcel Map for Possession
- Exhibit D: Plan Review Comments from Langley Building Dept for Phase 1A dated 12/10/12
- Exhibit E: Draft Resolution for an Air Space Easement along the North Boundary of the South Whidbey Harbor
- Exhibit F: Construction Administration Proposal from Reid Middleton dated 9/7/12
- Exhibit G: Environmental Permitting Services Proposal from GeoEngineers dated 11/12/12
- Exhibit H: Draft Request for Proposals from Comp Scheme Consultants
- Exhibit I: Draft Resolution No. 12-09 to Address Consecutive Terms for Board Officers
- Exhibit J: "Expanding Park & Ride Opportunities..." letter from City of Mukilteo dated 11/21/12
- Exhibit K: Activity List dated 12/13/12 (Gregoire)