

## Port of Anacortes

### Regular Commission Meeting Work/Study Session April 15, 2010

The Port Commission of the Port of Anacortes held its regular meeting and work/study session at 7:00 P.M. on the evening of April 15, 2010. This was a regularly scheduled Commission Meeting held at the Commission Meeting Room of the Main Port Warehouse Building, 1<sup>st</sup> & Commercial Avenue, Anacortes, Washington.

In Attendance: Commission President Rubin, Commission Vice-President Mooney, Commission Secretary Niver, Commissioner Hopley and Commissioner Short.

Also in attendance: Executive Director Bob Hyde, Director of Finance & Administration Johnson, Director of Engineering Elsner, Marina Manager Fowler, and Office Assistant Timmerman.

#### CALL TO ORDER

At 7:00 P.M. Commission President Rubin called the regular meeting of April 15, 2010, to order and welcomed all in attendance. He announced that following the second public comment period the Commission would move into Executive Session for the purpose of considering the lease, sale or purchase of real property. The Executive Session was anticipated to last for one hour, and action might or might not be taken.

#### PUBLIC COMMENT

Commissioner Rubin opened the floor for public comment pertaining to items on the regular agenda.

1. *Mr. Vince Sullen, 1802 Cedar Springs Lane, Anacortes, addressed the Commission. Speaking on behalf of the Anacortes Small Boat community and the Anacortes Yacht Club, Mr. Sullen thanked the Port for installing the new small craft hoist at P/Q Dock in the north end of the Cap Sante Boat Haven. He noted he'd had the opportunity to watch the final testing of the hoist. Although he did not own the kind of boat that would use the new hoist, Mr. Sullen voiced his appreciation for its installation and the improved access it will provide to help people of all ages, and especially young people become involved as they are the next generation of boaters. He expressed excitement over the energy in Anacortes related to the water and thanked the Port for every aspect of its support.*

2. *Mr. Lyndon Greene, 1915 10<sup>th</sup> Street, Anacortes, addressed the Commission, speaking on behalf of the Small Boat Center. Mr. Greene explained that a large number of people have been involved in the process of developing a small boat center and he appreciated the Commission's consideration in that development..*

Commissioner Rubin thanked the speakers for their comments. Hearing no others, the floor was closed.

#### CONSENT AGENDA

Commissioner Rubin read the consent agenda items: Construction Contract Acceptance for Warehouse 10 Fire Suppression System Repair and Project Acceptance of Construction Contract for P/Q Small Craft Launch In-Water Project, Project #CSBH-17B. Commissioner Rubin called for any objections to the consent agenda. Hearing none, Commissioner Rubin called for a motion for approval. Commissioner Mooney moved to

approve the consent agenda. Commissioner Short seconded the motion. Commissioner Rubin called for a vote on the motion, which carried unanimously.

## REGULAR AGENDA

### UPDATE

#### Small Boat Center –

Executive Director Hyde introduced Mr. John Pope, President of the Anacortes Small Boats Center (ASBC), who in turn introduced ASBC Vice-President, Mr. Pat Barrett.

Mr. Barrett thanked the Commission for looking at the Small Boat Center proposal, which he believed presented the Commission with an opportunity to extend the vision of the Port. Mr. Barrett read from the Port's Mission Statement, noting several tenets of that statement fit the Small Boat Center proposal, namely tenets 6, 7, 8, and 9. He explained that a coalition of boaters and government agencies encompassing hundreds of community members were coming together in this effort and he invited the Port to continue to partner with the ASBC. Mr. Barrett noted the recent ribbon cutting for the Port's new P/Q dock hoist, which involved a commitment of a great deal of time and resources by the Port, and was located in the north basin, earmarked in the Port's Comprehensive Plan for small boat development. Mr. Barrett also noted the celebration held April 10<sup>th</sup> in the Port's Transit Shed by Core Builders, builders of the BMW Oracle racing vessel which won the America's Cup. He noted that Core Builders came to town several years ago and made an extensive investment in the community. Mr. Barrett explained that many of those involved in the making and racing of that vessel started as small boat sailors. Likewise, many were local people who grew up in the small boat sailing program and have jobs in boating industries. He stated the vision of the ASBC was not to just provide recreation, but also promote economic and social growth in community.

Mr. Pope then walked the Commission through the proposal from the ASBC, an umbrella organization, which he described as a small boat consortium comprised of the many small boat groups using the Anacortes waterfront, as well as members from several government agencies, all volunteers. Mr. Pope voiced appreciation for both the Port and City and expressed ASBC's desire to partner with the port to provide improved public access to the water and to leverage the P/Q lift to be part of a fully functioning facility and include a dry storage facility.

Mr. Pope reviewed an aerial view of the north basin and indicated the area the ASBC would like to use as an incubation project in partnership with the Port for fencing an area for dry storage for 32-40 boats as well as an ASBC office. ASBC would collect rents and also provide education for the use of the hoist. ASBC would hope to obtain a five-year lease from the Port, which would involve minimal risk for both parties.

Mr. Pope and Mr. Barrett responded to questions from the Commission regarding the proposed siting of the ASBC, the type of boats represented, parking requirements, lease rates following the initial five-year requested period, and partnership with the City for a portion of their property as well. All facilities are and will remain public facilities.

Executive Director Hyde noted that the Port has done three charettes with the ASBC over the past eight months during which ideas for siting of the facility were refined. Executive Director Hyde also responded to questions from the Commission regarding parking and future uses in the north end of the Boat Haven. He noted that Port staff would discuss some of the financial

considerations of the ASBC proposal lease with the Commission during Executive Session. Commissioner Hopley questioned the need for Executive Session to discuss the lease.

Director of Finance & Administration Johnson explained how the discussion of a potential lease was allowed for by Executive Session, generally to protect negotiations. He and Executive Director Hyde noted that whether to continue discussion at that time or in Executive Session was the Commissions' prerogative. Commission Niver pointed out that the ASBC proposal was on the agenda as an update only and that no action was scheduled. He voiced concern that the ASBC proposal could be a change to the Comprehensive Plan and if so, should be handled accordingly.

At the request of the Commission, Executive Director Hyde reviewed assumptions and options for leasing a portion of the Boat Haven's north end property to the ASBC as outlined in their proposal. These options included a flat rate lease, a stair-stepped lease, and a percentage lease, similar to the agreement the Port has with the City for its Parks and Recreation programs that use the Boat Haven facilities, and a stair-stepped lease which included the incubator period being paid fully after year ten. The Commission discussed aspects of the ASBC proposal.

*3. Mr. Steve Orsini a member of the ASBC addressed the Commission regarding questions about the P/Q Hoist. He noted that the new hoist, although new to Anacortes, was not new to most marina facilities and that many who would use the hoist were already familiar with and set up for a single point hoist.*

### ACTION ITEMS

#### Resolution No. 1217 – Authorizing the application for ALEA grant funding and Resolution No. 1218 – Authorizing the application for BIG grant funding.

Executive Director Hyde introduced Director of Engineering Elsner who presented two action items, both of which require a Commission resolution for grant application. Both grants would be used in the replacement of Docks E & F at the Boat Haven. The first, an Aquatic Lands Enhancement Account (ALEA) grant from the Recreation and Conservation office of the state of Washington from revenue generated by the Washington State Department of Natural Resources, is for upland esplanade improvements. This is the same grant the Port successfully obtained when undergoing the C & D Docks replacement. Director Elsner explained the Port will apply for the grant as a continuing grant for the Boat Haven, and as such, may have a competitive edge in obtaining it.

The second grant is a Boating Infrastructure Grant (BIG), also administered by the Recreation and Conservation Office, and would apply to the replacement of the docks themselves in support of moorage and related facilities. A requirement of the grant is for sufficient transient moorage to be available within the Boat Haven.

Following a brief discussion, Commissioner Rubin called for a motion on Resolution No. 1217. Commissioner Mooney moved to approve Resolution No. 1217 which authorizes application for funding assistance for an Aquatic Lands Enhancement Account (ALEA) project to the Recreation and Conservation Office (RCO) for west basin esplanade improvements at Cap Sante Boat Haven. Commissioner Short seconded the motion. Hearing no further discussion, Commissioner Rubin called for a vote on the motion, which carried unanimously.

Commissioner Rubin called for a motion on Resolution No. 1218. Commissioner Short moved to approve Resolution No. 1218 which authorizes application for funding assistance for a Boating Infrastructure Grant (BIG) project to the Recreation and Conservation Office (RCO) for Docks E

and F replacement at Cap Sante Boat Haven. Commissioner Mooney seconded the motion. Hearing no further discussion, Commissioner Rubin called for a vote on the motion, which carried unanimously.

### DISCUSSION ITEM

#### Updates to Executive Director Authority Resolution -

Executive Director Hyde presented updates to the proposed revisions to the Executive Director spending authority resolution, Resolution No. 725, adopted in 1985, and studied by the Commission at their April 1, 2010 meeting. After input from the Commission on April 1<sup>st</sup>, additional changes were made to the proposed revisions and Executive Director Hyde reviewed these changes for the Commission

The Commission discussed the changes and provided additional input. Commissioners Mooney and Hopley voiced concerns regarding the approval of \$30,000 or 5% of the contract amount, whichever is greater, for capital expenditures/change orders. Commissioner Hopley felt the Commission should retain oversight over changes and expenditures of this nature and for professional, architectural/engineering, and personal service contracts. The Commission discussed their recommendations. Executive Director Hyde will incorporate these into a new draft for Commission review at the May 6, 2010 regular meeting.

### UPDATE

#### Marina Rules Update -

Executive Director Hyde provided the Commission an update regarding the Rules and Regulations for the Cap Sante Boat Haven. The current rules and regulations were last adopted in 2000. Port staff and the Marina Advisory Committee have been reviewing these and have made recommendations which staff will bring to the Commission at a future meeting.

### COMMISSION DISCUSSION

Commissioner Rubin called for any items for discussion from members of the Commission.

Commissioner Mooney wished to clarify whether Anacortes Sea Scouts had space for their sailing vessels at the Boat Haven. Commissioner Rubin clarified that was indeed the case. Commissioner Mooney also suggested the purchase of non-directional microphones for the Executive Director's desk, as it is difficult to sometimes hear speakers at that desk on the television playback. Commissioner Niver noted that the air-conditioning can also create interference.

Commissioner Short noted that the Port has received a response from the Commander of the U.S. Coast Guard Chief Management branch regarding navigation buoys at the entrance to the Boat Haven. Commissioner Short read aloud from the letter, which determined the Channel was already sufficiently marked. Commissioner Short disagreed and would like to respond to see whether this could be corrected.

Commissioner Rubin asked whether the Commission would like to take formal action at a later date. Commissioner Niver suggested that staff address the issue and perhaps involve other boating groups in writing a letter or letters as well.

Commissioner Hopley suggested that staff research what the set procedures for making a request are and what the actual requirements for navigation aids are, to assure whether the rules are being met. Executive Director Hyde and staff will research the matter and bring back a report to the Commission. Executive Director Hyde noted that the Coast Guard is replacing all navigation aids this summer as a part of its usual forty year replacement schedule.

Commissioner Hopley asked whether an update was available regarding the Port's plans for the shipment of prilled sulfur at Pier 2. Executive Director Hyde noted that the staff has applied for and is waiting to receive the Air Permit from the Clean Air Agency which will include any conditions required by that Agency. The Fire Protection Engineer has completed his study and will present the Port with a report. The Clean Air Study is available for public viewing on the Port's website.

### COMMUNICATIONS

Upcoming Events - Executive Director Hyde reported that on upcoming events. The Island Hospital Foundation will hold their annual Gala of Hope in the Transit Shed on April 23<sup>rd</sup>. The Port will celebrate the Opening Day of boating season at Cap Sante Boat Haven on May 1<sup>st</sup>, the Waterfront Festival Kick-off Dinner is May 14<sup>th</sup> and the Festival continues on May 15 & 16<sup>th</sup> at the Boat Haven. Trawlerfest will be at the Boat Haven May 17-22<sup>nd</sup>, and the Snohomish Artists Guild (SAG) will hold a concert in the Transit Shed on May 27<sup>th</sup> featuring the Cherry Poppin' Daddies. SAG is the sponsor of the free summer concert series at the Boat Haven.

Community Tours- Executive Director Hyde noted that the next community tour would be May 10<sup>th</sup>. All are invited to attend. Tours meet outside the Dakota Creek office at 4<sup>th</sup> & Q Avenue and move from there to a variety of locations to view Port projects.

### UPCOMING MEETINGS

Executive Director Hyde reviewed the Commission's upcoming meeting schedule. The next Regular Port Commission Meeting is scheduled for May 6, 2010 at 7:00 P.M. Members of the Commission will attend the Washington Public Ports Association Meeting on May 12-13, 2010. The next Commission Regular Meeting and Work/Study Session will be held on May 20, 2010 at 7:00 P.M. Regular meetings are usually held in the Commission Meeting Room of the Main Port Warehouse.

### PUBLIC COMMENT PERIOD

Commissioner Rubin opened the public comment period for items not on the regular agenda.

*4. Mr. Tom Glade, 210 Mansfield Court, Anacortes, addressed the Commission. Mr. Glade wished to support Commissioner Hopley's concern over financial oversight, citing the example of the Port of Seattle which was the subject of scrutiny by the State Auditor's Office in recent years for lack of oversight. Mr. Glade believed the Commission should take a close look at spending the public's money and that especially any use of contingency funds should be monitored.*

Hearing no others wishing to address the Commission, the floor was closed.

### EXECUTIVE SESSION

Commissioner Rubin announced that the Commission would take a brief recess before moving into Executive Session to consider lease, sale or purchase of real property. The Executive Session was expected to last for one hour and action might or might not be taken following its conclusion. The Commission recessed at 9:03 P.M. and moved into Executive Session at 9:08 P.M. At 10:11 P.M. the Commission came out of Executive Session. Commissioner Rubin announced that no action would be taken regarding the matters considered and discussed.

ADJOURNMENT

With no further business to come before the Commission, Commissioner Mooney moved to adjourn, which was seconded by Commissioner Niver. Commissioner Rubin called for the vote on the motion, which carried unanimously and at 10:12 P.M. the meeting was adjourned.

**Attest:**

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Keith Rubin, Commission President

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Pat D. Mooney, Commission Vice-President

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Ray Niver, Commission Secretary

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Steve Hopley, Commissioner

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William L. Short, Commissioner

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Julie Johnson Lindsey, Executive Assistant  
April 15, 2010