

PORT COMMISSION REGULAR BUSINESS MEETING – Wednesday, May 13, 2020

The Port of Port Townsend Commission met for a regular business session via Zoom online.

Present via Zoom online video: Commissioners Hanke, Petranek and Putney
Executive Director Berg
Deputy Director Toews
Former Executive Director Pivarnik
Finance Director & Port Auditor Berg
Port Recorder Erickson
Port Attorney Chmelik

- I. CALL TO ORDER (00:00:00)
Commissioner Hanke called the meeting to order at 1:02 PM.
- II. APPROVAL OF AGENDA (00:00:14)
Executive Director Berg asked for item VII. D. JCIA Runway Project Update with request for authorization of two Change Orders.
Commissioner Putney moved to accept the amended Agenda.
Commissioner Petranek seconded the motion.
Motion carried by unanimous vote.
- III. PUBLIC COMMENTS (00:01:08) *sent in via email and read aloud:*
Eric Taylor, President, A Hangar Condo Assn. & Treasurer, Jefferson County Pilots Assn., commented on the discovery of issues with the substrata under the runway; he encouraged the Port to minimize any increase to the existing closure schedule, even if it costs a little more.
- IV. CONSENT AGENDA (00:04:22)
 - A. Approval of Regular Business Meeting Minutes – April 22, 2020⁽¹⁾
 - B. Approval of Warrants⁽¹⁾⁽²⁾
 - Warrant #062107 through #062117 in the amount of \$41,016.19 and Electronic Payment in the amount of \$152,783.70 for Payroll & Benefits.
 - Warrant #062118 through #062293 in the amount of \$97,814.60 for Accounts Payable.
 - Void of Warrants 059678 (\$146.06) and 059980 (\$270).**Commissioner Putney moved to accept the Consent Agenda.**
Commissioner Petranek seconded the motion. Motion carried by unanimous vote.
- V. SECOND READING -- none
- VI. FIRST READING (00:04:44)
 - A. Approval of rate for newly acquired covered yard space
Former Executive Director Pivarnik described the newly acquired covered space attached to the Goldstar Marine building, a type of space the Port has not had before, and therefore requiring a new rate. After some research, staff suggested a charge of \$1.15/ft/day for the 70' space, or \$80.50/day, plus daily kWh for electrical usage, and a non-refundable deposit of \$100 reservation fee, to ensure this space was filled. It would require the usual leasehold tax for 30 days or more. Mr. Pivarnik asked for discussion & direction on these rates.

Discussion ideas included a fee of \$100/day reserved, with a 5-day cap; 30-day reservation prepaid for a reduced, non-refundable amount; and no deposit fee, but cancellations filled with those on a wait list. Commission asked Port Staff to check with Yard staff about these ideas and bring another proposition to them at the next meeting.
- VII. REGULAR BUSINESS (00:21:52)
 - A. Covid-19 Update - Request for Ratification of Emergency Order 2020-07⁽²⁾
Executive Director Berg gave 3 highlights to Order 2020-07:
 - (1) No guest nightly RV or Moorage customers -- extended through May 31;
 - (2) Haulouts only for commercial vessels, private vessels using marine trades to do the work, or for emergencies extended through May 31, and including new Covid-19 rules as part of best management practices, giving the Port authority to enforce; and
 - (3) a modified rate for a small group of people who hauled their boats right before the Governor's stay home order -- the trades they were using have closed and they can no longer do their own work, so they're essentially stuck -- the rate would be similar to the long-term storage rate in the non-working yard.

As next steps, Port staff could allow local owners of boats moored at Port marinas to haul out, and more outdoor dining space for the restaurants located on Port property could be considered.

There was a discussion about people living on their boats while working on them; boat owners sign agreements that allow them to live aboard for up to 3 months while working on their boat, and this can be renewed month-to-month up to 6 months. However, there have been some incidents of folks making the Work Yard their home over winter.

Commissioner Hanke moved to ratify and confirm Emergency Order 2020-07. Commissioner Petranek seconded, and motion carried unanimously.

B. New Lease for Hanson of Port Townsend, Inc.⁽¹⁾ (00:33:33)

Deputy Director Toews spoke about this new lease for Chris Hanson, a tenant in good standing since 2007, operating the Dive Shop. The proposed term is for two (2) years with three one (1)-year options on a 500 ft² retail shop with associated storage of diving equipment at \$0.68/ft², consistent with the Port's current lease policy.

Commissioner Petranek moved to approve the proposed lease. Commissioner Hanke seconded, and motion carried unanimously.

C. Discussion and recommendation to Jefferson County Public Health Board about possible variance and reopening plan (late materials)⁽²⁾ (00:36:00)

Executive Director Berg brought this agenda item to the Commission so that they could hear from their constituents on this topic and have a discussion about a possible variance plan, so that they could be well prepared for the joint meeting planned for May 19 with County Commission, City Council, Jeffco PUD Council, and the County Board of Health. He stated that he would like to allow public comment limited to the Port's perspective – specific concerns like ramps, safety, RV park, etc. He stressed that the Ports objective is to balance safety with economic stability for the community.

Chris Brignoli of Port Townsend Shipwrights sent in his public comment, which was read aloud. He stated that the decision to open our county to certain phase 2 operations must balance our economic well being, mental health, and caring for our vulnerable population. He described PT Shipwrights safety guidelines, and stated that it is too soon to open the Port to haul-outs of recreational vessels from outside of county but supported a controlled allowance of haul outs for boats that are locally owned, with the expectation that they will follow Covid-19 safety guidelines.

Ernie Baird commented that it was a great idea to include safety measures as part of the best management practices, and wondered if there were any plans for the Port to get contact information from boaters in order to enable contact tracing later. He suggested tolerance for tenants who are responsible for providing PPE to their crews to avoid getting the virus, and warned about liability exposure if a tenant or Port employee contracts the virus and is negligent in following the rules.

Commissioner Hanke noted that he attend the joint board meeting last week and felt that the decision boils down to either waiting for until we have a vaccine to re-open, or taking a risk; that the key to understanding the level of risk we are taking depends on healthcare capacity, and that Jefferson Healthcare appears to have enough space and PPE to allow the county to open a little and see how it goes.

Commissioner Putney expressed concern for our vulnerable population, and felt that opening earlier than the counties around us would attract people from those areas that are still in phase 1, and put our county at risk with no legitimate way of policing that. He felt that perhaps we could open it to locals first, and see how it goes.

Commissioner Petranek felt it important for the Port to be a part of the City and County discussion, and had listened to all of Dr. Locke's recommendations and mentioned a few important things to consider: Washington senators are saying we have a long way to go before we're ready to open; the 10 counties who were allowed to request to move to phase 2 have met online and discussed what is needed for reopening (being respectful, following social distancing rules, providing extra restrooms, extra hygiene and PPE, enforcement of rules); special consideration for the 37% of Jefferson County's population that is over age 65; our proximity to Seattle metropolitan area of 4 million people; and Covid-19 levels were down and they're rising again with travel. She stated that many marine trades in Boat Haven were able to work and were focusing on personal and community safety first, and then on how and when to reopen. She noted that with the

delay for deliberation time, the county may move to Phase 2 at the same time as the rest of the state.

Commissioner Putney stated that although we can't wait for a vaccine to reopen, we should have treatments available so that people can recover. He pointed out that moving to Phase 2 does not mean opening everything. The Port operates within a City and a County and this meeting is an opportunity to let them know what we and our constituents would like to see happen.

There was a discussion about different aspects of a reopening plan, including:

- It is not possible to close the roads or police who comes in, so it is important to remember that although the Seattle Metro area has a large population, their number of cases, percentage wise, is rather small.
- It would be more comfortable for Jefferson County to open simultaneously with other counties around us.
- Recreational boating: people may go out on pleasure boats, but shouldn't stray so far that they can't go home at night, because they're not technically allowed to come ashore away from home. Travelling more broadly will probably be a part of phase 3. We are currently not allowing overnight stays on vessels on the hard.
- The decision to move to allowing recreational boaters to haul and work on their own boats should be decided with Executive Order, as is current practice.
- RVs: the Port will base its rules on State campgrounds, where camping will be okay in Phase 3. Currently the Port's RV park is at 50% capacity with the winter-overs, one healthcare worker, and 2 JCIA runway project workers.
- Some businesses, like restaurants, are informed more by state rules than county or Port rules.
- With outdoor recreation opening, it was suggested that more portable toilets be installed at all three marinas for the increase of day-use visitors.

There was a discussion about the joint meeting with County Commission, City Council, Jeffco PUD Council, and the County Board of Health, including:

- Commission wants to be sure it is a valuable and active contributor to the discussion with the City and County boards.
- A possible public workshop regarding the Port's reopening, so that the Commission could be well informed for the joint meeting; however, a discussion held at the May 27 meeting would be informed by and have the benefit of other joint meetings scheduled between now and then.
- Puget Sound ports have all interpreted the Governor's order differently and are varied as to what is open and what is closed.
- We need to be mindful that there are a small number of businesses that are not open at all, and these business owners are not speaking up at public forums, but instead are slowly leaving our community.
- Executive Director Berg noted that the 4 CEOs of these county entities are actively working and meeting together about a broader effort for a more collaborative environment between these entities, and they are planning a meeting in June.

D. Update on JCIA Runway (change to agenda)⁽²⁾ (01:33:00)

Deputy Director Toews gave a brief update on the JCIA runway, which is going well and is ahead of schedule, with the pavement already removed. However, there is a need for two (2) Change Orders.

1. Contractor Scarcella Brothers have found soft subgrade material on eastern ¼ of the runway 9/27 which will require additional excavation and extra sub-base to meet FAA design criteria for compaction. The Port is communicating and coordinating with FAA for source of funding for this change order which could cost \$80,000 - \$85,000. The Port requests the Commission to authorize the Executive Director to execute a change order to address this soft-grade issue.

Executive Director Berg reminded the commission that the early completion incentive was not executed; the Port is negotiating scope, costs and working days on

this change order. Commissioner Hanke suggested that Warren Hendricksen could help with this process.

Commissioner Hanke moved to authorize the Executive Director to execute this change order for up to \$100,000 in spending. Commissioner Putney seconded, and motion carried unanimously. (01:41:45)

- 2. With the runway removed, and the original water main from 1928 exposed, the City of Port Townsend would like to check the old main, and install a new 30" water carrier (conduit) under the end of the runway, to enable a future water main replacement. If this change order is within the City's budget of \$75-80,000, this would be a reimbursement agreement with the City.

Commissioner Putney noted that the line was likely to break during an earthquake, which is a critical time for emergency use of the runway.

Commissioner Putney moved to authorize the Executive Director to execute a change order of up to \$75,000 for installation of a 30" watermain carrier beneath the 9 end of the runway, to be funded on a reimbursement basis by the City. Commissioner Hanke seconded, and motion carried unanimously.

VIII. STAFF COMMENTS (01:48:00)

Executive Director Berg commented that he'd been attending lots of Zoom meetings with entities like the Maritime Center, the Marine Science Center, and Moorage Tenants Assoc. There was follow-up proposal from Artifacts Consulting concerning Point Hudson and how the Port may qualify for funds for historical preservation. Port staff is busy putting together a document that lays out the cost, permits, timeframe, and funding options for Point Hudson, including potential needs like a breakwater, infrastructure, and buildings; he is conferring with all groups and perspectives involved to be sure that everyone is on board. He also noted that this was a strange time for transitioning, but former Executive Director Pivarnik's time is running short; May 27 will be his last official meeting as a Port employee.

Port Attorney Chmelik commented that classes relevant to the Port are currently available through WPPA online Tuesdays at 11:00.

IX. COMMISSIONER COMMENTS (01: 53:00)

Commissioner Petranek encouraged everyone to communicate with the Commission.

Commissioner Hanke commented that having recently travelled through SeaTac, he noticed very few other travelers in the terminal, but no social distancing on the plane. He thanked former Executive Director Pivarnik for coming on as interim director and complimented him on how well the Port is doing now because of his work.

- X. Next Public Regular Business Meeting (01:57:44):
Wednesday, May 27, 2020, Meeting at 5:30 PM, Via Zoom

XI. EXECUTIVE SESSION - none


XII. ADJOURNMENT (01:59:18)

The meeting adjourned at 3:00 p.m., there being no further business to come before the Commission.

ATTEST:



Pamela A. Petranek, Secretary


Peter W. Hanke, President
William W. Putney III, Vice President

Please note: Governor's Proclamation 20-28 re Open Public Meetings Act states, "Subject to the conditions for conducting any meeting as required above, agencies are further prohibited from taking 'action,' as defined in RCW 42.30.020, unless those matters are necessary and routine matters⁽¹⁾ or are matters necessary to respond to the COVID-19 outbreak and the current public health emergency⁽²⁾, until such time as regular public participation under the Open Public Meetings Act is possible." Agenda items are marked with numbers to show which of these criteria they meet.