

PORT COMMISSION REGULAR MEETING– May 25, 2016

The Port of Port Townsend Commission met in regular session at the Commission Building, 333 Benedict Street, Port Townsend, WA

Present: Commissioners – Tucker, Clinefelter and Hanke
Executive Director – Crockett
Incoming Executive Director - Gibboney
Auditor – Berg
Director Planning, Properties & Environmental – Toews
Attorney – Goodstein
Minutes – Nelson

I. CALL TO ORDER/PLEDGE OF ALLEGIANCE:

Commissioner Hanke called the meeting to order at 5:30 PM.

II. APPROVAL OF AGENDA:

Proposed additions to agenda: XIII - Executive Session, A - Litigation, duration fifteen minutes, no action; and, VII – Potential Immediate Action, C – Legal Defense & Indemnification.

Commissioner Hanke moved to approve the Agenda as amended.

Commissioner Clinefelter seconded the motion.

Motion carried by unanimous vote.

III. CONSENT AGENDA (1:40):

- A. Approval of Special Meeting Minutes – May 6, 2016
Approval of Special Public Workshop Minutes – May 9, 2016
Approval of Special Meeting Minutes – May 9, 2016
- B. Resolution No. 646-16 – Commission Code of Conduct
- C. Approval of Warrants

Warrant #056159 through #056168 in the amount of \$13,984.30 for Payroll & Benefits

Electronic Payment in the amount of \$61,061.51 for Payroll & Benefits

Warrant #056169 through #056213 in the amount of \$57,425.89 for Accounts Payable

Commissioner Tucker moved to approve the Consent Agenda as presented.

Commissioner Clinefelter seconded the motion.

Motion carried by unanimous vote.

IV. PUBLIC COMMENTS (Not related to agenda):

None

V. SECOND READING (Action Items):

A. Professional Services Contract – Boat Haven Boatyard Stormwater System Planning & Conceptual Design (1:56):

Mr. Crockett reminded of the RFQ for the Stormwater Feasibility Study and that four finalists were interviewed. Interview team, consisting of Mr. Toews, Mr. Cairns, Mr. Aase and him, selected Parametrix. The Scope of Work and Contract for \$115,574 are included in the packet. Mr. Toews stated the completed report is due in March of 2017.

(Commissioner Hanke noted that the Port's incoming Executive Director, Sam Gibboney is in attendance and this is Mr. Crockett's last commission meeting. Mr. Crockett then noted that he, Ms. Gibboney, Mr. Toews and Ms. Berg have been in work sessions today, and will continue to do so on Thursday and Friday.)

Commissioner Hanke moved to approve the Scope of Work and Contract with Parametrix as presented.

Commissioner Tucker seconded the motion.

Motion carried by unanimous vote.

B. Gatheringplace Letter of Intent (6:11):

Mr. Crockett reminded that at a previous commission meeting, with unanimous approval, the commissioners authorized the Executive Director to draft a Letter of Intent (LOI) to the Gatheringplace. This letter allows them to move forward with plans to build a structure behind the duplex that would house a kitchen for their dog biscuit baking operations. Mr. Toews explained the LOI conforms to similar LOIs written in the past. He outlined the process required, which would then lead to the execution of a long-term lease. Mr. Toews explained the Port maintenance staff would assist with labor, stubbing in the water and wastewater hookups at the building site. He stated that this work is allowed, per Article 8, Section 8 of the State Constitution, authorizing governments to

help provide assistance to the indigent and infirmed, so it is not a Credit of the State. Mr. Toews added the cost should not exceed \$4,000 in Port labor. Mr. Crockett added that this facility becomes a capital improvement to the Port. Commissioner Hanke stated he would like to see the plans again, as he saw some issues with the first set.

Commissioner Clinefelter moved to authorize the Executive Director to execute the Gatheringplace Letter of Intent as presented.

Commissioner Hanke seconded the motion.

Motion carried by unanimous vote.

VI. FIRST READING (Discussion Only):

VII. POTENTIAL IMMEDIATE ACTION ITEMS):

A. Kimmel's Crab Shack Lease (14:57):

Commissioner Tucker announced he is not comfortable with approving a fifty-year lease, so would not vote to approve immediate action on this item. Mr. Crockett explained the long-term lease justifies Mr. Kimmel's financing. He explained fifty-year leases have been done at the airport. Commissioner Tucker said he also is apprehensive to approve the lease with spaces left blank in the Haz Mat Rider. Commissioner Hanke said he too, is not comfortable with approving a fifty-year lease on the waterfront. Commissioner Clinefelter said he found the lease to be quite thorough. Commissioner Tucker said he is comfortable moving ahead with Immediate Action for the other two items, but not this one. Mr. Toews stated he would bring back another draft of the lease at the next meeting as a second reading. Commissioner Clinefelter asked for clarification on certain sections of the LOI.

Commissioner Tucker moved for Immediate Action on Item B – Executive Director Contract, and Item C – Legal Defense & Indemnification.

Commissioner Hanke seconded the motion.

Motion carried by unanimous vote.

B. Executive Director Contract:

Commissioner Clinefelter moved to approve the contract for the new Executive Director.

Commissioner Tucker seconded the motion.

Motion carried by unanimous vote.

C. Legal Defense & Indemnification Authorization Request Pursuant to Resolution No. 644-16:

Mr. Toews explained the resolution came about from the lawsuit filed by Mr. Marc Landry back in April. Resolution No. 644-16 authorizes the commission to approve the defense and indemnification of Port employees as individuals acting as employees of the Port. He explained Jim Pivarnik is named as an individual in the April lawsuit and Mr. Crockett is named on another filed in the past week.

Commissioner Clinefelter moved to approve the Legal Defense and Indemnification Authorization Request.

Commissioner Hanke seconded the motion.

Motion carried by unanimous vote.

VIII. OTHER BUSINESS:

A. Changes to the Liveboard Rules and Regulations (30:19):

Mr. Crockett explained that at the WA Public Ports winter meeting, the Port of Anacortes presented their marinas updated liveboard rules. He explained the reason for the change to our Port's policy is that a recently evicted liveboard sold his vessel to an individual who is requesting to be a liveboard. He noted that this person happens to be well known to our local police. Mr. Crockett stated the new liveboard application would require a background and credit check, the same as when a person applies to rent a home. He added current liveboards would be grandfathered in. Mr. Crockett stated this comes under his Delegation of Authority. He informed that the marina cannot exceed 10% in liveboard slips. In response to questions posed by Commissioner Hanke, Attorney Goodstein said criteria would be required to determine the acceptance/denial of a liveboard. He added this is a workable policy. Mr. Crockett stated staff would develop a form and have the legal team review it. Both Commissioners Hanke and Clinefelter felt this policy is a good idea.

B. Personnel Policy Manual (37:17):

Ms. Berg explained she has been updating and revising the manual for the past six months. She added she is updating the 2013 version, as the 2014 policy was never memorialized at a commission meeting. She stated staff and Enduris have both reviewed the manual. She discussed some of the changes and explained she is presenting the manual to the commission to provide them an opportunity to review.

VIII. STAFF COMMENTS (40:27):

Ms. Berg thanked Mr. Crockett for the past year she has worked with him and welcomed Ms. Gibboney.

Ms. Nelson thanked Mr. Crockett for keeping her employed as his assistant the past fifteen years.

Mr. Toews gave his thanks to Mr. Crockett.

Mr. Crockett welcomed Sam Gibboney and thanked Port staff and the commission. He added he has attended 1,111 meetings directly related to Port business.

IX. PUBLIC COMMENTS (43:36):

Bill Putney welcomed Ms. Gibboney.

X. COMMISSIONER COMMENTS (43:54):

Commissioner Tucker thanked Mr. Crockett for his service and accomplishments.

Commissioner Clinefelter asked for an update on the meeting with Coast & Harbor (now Mott McDonald). Mr. Crockett explained they have six options for a band aid fix to the Point Hudson breakwater, which they would present at the June 8 Commission Workshop. (Some of the options were discussed briefly by commission and staff.)

Commissioner Clinefelter asked for an update on the “Cobb” boat abandoned in the marina. Mr. Crockett answered the owner has responded to our letter to remove the vessel. Mr. Crockett said that if the owner removes the vessel from our marina, the Port would forego his charges. He explained the boat is too large, too heavy and rotten for the Port’s 300-ton Travelift.

Mr. Toews announced that if the owner fails to remove the vessel by June 13, the Port gets custody of the vessel. He has already spoken with one potential buyer.

Attorney Goodstein added there are two backup plans if all else fails. Mr. Goodstein then thanked Mr. Crockett for his service.

Commissioner Hanke stated that Mr. Crockett has done an excellent job in guiding the Port for seventeen years. He went on to discuss his successes.

XI. NEXT PUBLIC WORKSHOP/REGULAR MEETING: Wednesday, June 8, 2016: Workshop at 9:30 AM, meeting at 1:00 PM in the Port Commission Building, 333 Benedict St, Port Townsend.

XII. EXECUTIVE SESSION:

The regular session recessed into Executive Session at 6:28 PM to discuss Litigation, pursuant to RCW 42.30.110 (i), duration of fifteen minutes with no action.

At 6:43 PM, Ms. Nelson announced to the public outside the session is being extended another fifteen minutes.

XIII. RECONVENING AND ADJOURNMENT OF REGULAR MEETING:

The meeting reconvened and adjourned at 6:48 PM there being no further business to come before the Commission.

ATTEST:

Brad A. Clinefelter, Secretary

Peter W. Hanke, President

Stephen R. Tucker, Vice President