

## PORT COMMISSION MEETING – November 23, 2009

The Port of Port Townsend Commission met in regular session in the Commission Chambers, 375 Hudson St, Port Townsend, WA

Present: Commissioners – Beck, Collins, Thompson  
Executive Director – Crockett  
Deputy Director – Pivarnik  
Auditor – Taylor  
Attorney – Goodstein  
Senior Accountant/Recorder – Hawley

### I. CALL TO ORDER/PLEDGE OF ALLEGIANCE:

The meeting was called to order at 6:30 PM.

### II. APPROVAL OF AGENDA:

Mr. Crockett introduced Rich Stapf, East Jefferson Fire and Rescue Commissioner, and advised that Mr. Stapf was present to update the Commission on recent decisions made by the Fire Commission regarding the proposed new fire station building at Jefferson County International Airport.

Also added to the Agenda was the addition to New Business of Item C – Request from Jefferson County Administrator for Security Services – on a temporary basis.

**Commissioner Beck moved to approve the Agenda as amended.**

**Motion carried by unanimous vote.**

### III. CONSENT AGENDA:

A. Approval of Minutes – November 10, 2009

**Commissioner Thompson moved to approve the Consent Agenda, as presented.**

**Motion carried by unanimous vote.**

### IV. PUBLIC COMMENTS (Not related to agenda):

None.

### V. FIRE DISTRICT BUILDING UPDATE:

Commissioner Stapf provided an update on the topic reminding that the Port and the East Jefferson Fire and Rescue had agreed to partner and had signed a mutual agreement (in 2007) for development of a construction design for a new 24/7 Fire Station situated at the Jefferson County International Airport. In signing the agreement, the Port Commission had authorized an expenditure of \$10K and the Fire District had appropriated \$10K, with an additional \$15K for supplementary work, to Frank Lawhead Architects authorizing them to perform some preliminary design work. The Fire District was tasked to move forward and seek out possible grant funding sources for the proposed project. Indeed, the Fire District had applied for a \$6.3 million dollar grant in July 2009 but had not yet learned how the application was progressing. However, stated Commissioner Stapf the Fire Commission during its November 17 meeting moved to put the brakes on staff spending any more money with Lawhead or any other contractor in regards to the Fire Station. He related that there had been changes in Fire Department administration and personnel recently, with changes still on going with the Assistant Chief planning to retire in March 2010. Within those administrative changes, he advised, were some changes to the project design made by the Fire Station staff prior to going out to grant application. Those expenditures did not get Board approval. Those costs, he said, were in the process of being taken care of now, but that a series of events had lead to the action taken by the Board last Tuesday night. He advised that the Fire District was still very interested in seeing the Fire Station built at the airport as that location was considered ideal because of its proximity to Kala Point, the airport and other Tri-Area residential areas. However, given both the general overall economic climate and the climate within the Fire District, along with other things that needed their primary focus and attention in both dollars and efforts, it had been decided to stall the project, for now. Responding to Commissioner Thompson's inquiry of whether the Fire District had retracted the request for the grant, Commissioner Stapf responded that they had not and hoped to hear something back by the December 31. If the grant of \$6.3 million was awarded, it would cover \$5 million towards the actual structure with the Fire District portion amounting to approximately \$1.3 million.

A discussion followed about the project and that the rezone application with Jefferson County was not dependent on the Fire Station construction project.

Final consensus was to keep the lines of communication open and see what developed.

### VI. OLD BUSINESS:

A. Airport Rezone Draft Resolution:

Mr. Crockett provided an update on the topic as well as providing recent historical background. He reminded that he had attended two meetings held between the Port, the City of Port Townsend Manager and the Jefferson County Administrator in an

attempt to address some of the concerns voiced primarily by the City of Port Townsend regarding the availability of water to support the proposed Airport Light Industrial Park and the Port's request for a rezone. The PUD had advised water would be available for the proposed project and the City seemed to be in disagreement with the PUD assessment. The Jefferson County Planning Commission (as well as County staff) had voted in favor of the proposed project and recommended approval of the project to the Jefferson County Board of County Commissioners (BOCC); however, the BOCC had decided to hold a formal Public Hearing on the topic scheduled for December 7.

In an effort to allay some of the concerns expressed regarding the project and the timeline developed for possible construction, Eric Toews of Cascadia Planning had helped draft a resolution that essentially restated what the Port's intent and purpose was for the proposed project. It stated that the Port fully wanted to cooperate and partner with other government entities on the long-range economic strategy of Jefferson County. Mr. Crockett reminded that the Port Strategic Planning Committee had listed the proposed Airport project as one of the top priorities. The proposed Resolution language sited that once the rezone was approved, other than planning, the Port, during a 24-month period, would not apply for a Binding Site Plan; which had to be in place before any construction could move forward. During that 24-month period, advised Mr. Crockett, the Resolution essentially pledged that the Port would sit down with Jefferson County or with the City of Port Townsend and, wherever possible, help bring the governmental entities together to resolve the underlying water issue.

Commissioner Collins noted that the reference to "East Jefferson County" should be removed from the first "Whereas" on page one advising that the Port was actually a countywide Port District.

**Commissioner Beck moved to adopt Resolution No. 528-09, a Resolution of the Commission of the Port of Port Townsend clarifying the time frame for potential future permitting and development of the expanded Jefferson County International Airport Essential Public Facility, with changes to the first Whereas to remove reference to East Jefferson County.**

There were no comments.

**Motion carried by unanimous vote.**

**B. Rescheduling of December 23, 2009 Commission Meeting:**

Mr. Crockett noted that the second meeting in December would fall this year on December 23, 2009 at 6:30 PM and he reminded that for a number of previous years, the second meeting had been rescheduled to a daytime meeting and spaced closer to the end of the month to allow approval of warrants and other Port business. Staff recommended rescheduling the meeting to Monday, December 28, 2009 at 1:00 PM with the concurrence of the Commission.

Again with Commission concurrence, he suggested the Port host an Open House (in the Port Conference room) immediately following the Commission meeting to honor Commissioner Beck's years of service.

**Commissioner Collins moved to reschedule the second monthly Port Commission meeting to Monday, December 28, 2009 at 1:00 PM.**

**Motion carried by unanimous vote.**

**VII. NEW BUSINESS:**

**A. Washington Boating Alliance Meeting Update:**

Mr. Crockett provided an update on the recent meeting he had attended on November 12. He reminded that the Port was one of the founding members of the organization. He reminded that the Boating Alliance was a consortium of boating interests from kayakers to mega-yachts and that there were ongoing efforts to bring the boating industry together on common issues, especially legislative in nature, with the Puget Sound Partnership and some of the environmental issues that affect all boaters.

He briefed on a few of the major topics discussed. Of note, he said, one of the most interesting and intriguing issues was that the Governor had tasked all the Natural Resource Agencies (Dept. of Natural Resources, Fish and Wildlife, Dept. of Ecology) to come together and look at their organizations in terms of streamlining the organizations to find ways in which to eliminate duplication of efforts and waste. The other major topic discussed was the ongoing dialogue regarding the recent Department of Ecology's Economic Impact Study regarding revised benchmark standard requirements for boat yard storm water.

B. Security of Jefferson County Courthouse:

Mr. Crockett informed that he had been contacted by the Jefferson County Administrator, Philip Morley, asking if it would be possible for the Port to provide a quick perimeter security “walk about” the County Courthouse property. The County would compensate the Port for the Security services. He advised that the patrols would be only for a three to four month period until the County’s intruder alarm system was installed and operational.

Mr. Goodstein offered that, in his opinion, there would be a legality issue, one dealing with the Dylan Rule. The rule stated that Ports were only authorized to do what was listed in Statue and the RCW 53.08 did authorize Ports to maintain a security force (commissioned or un-commissioned) to manage its own property. He provided a few examples of how the rule had been used by other Ports, in particular the Port of Seattle. In essence, the Port was allowed to have security for its own facilities but the Port was not in the business of franchising out security services.

A discussion followed with the consensus of opinion that Mr. Crockett would advise Mr. Morley that the Port could not provide the security services even for a short period of time.

B. Approval of Warrants:

Warrant #043193 through #043218 in the amount of \$35,290.70 for Payroll

Warrant #043219 through #043223 in the amount of \$16,472.22 for Payroll Benefits

Warrant #043224 through #043268 in the amount of \$50,308.88 for Accounts Payable

Electronic Debit – Frontier Bank for \$4,239.79 for October, 2009 Washington State Combined Excise Tax Return

**Commissioner Thompson moved to approve the warrants as presented.**

**Motion carried by unanimous vote.**

VIII. STAFF COMMENTS:

Mr. Pivarnik informed that the Airport Beacon relocation project was in full swing with the new 70-foot high, rotating beacon supposedly being relocated this coming week to the south side of the airport from its current location on the north side where the light was presently shielded by tall evergreen trees. The project had taken a full year to bring to completion and had required a full SEPA and other standards being fulfilled (all neighbors had been notified of the proposed project). A short discussion followed about the project.

Mr. Crockett stated that staff planned to reconvene the Strategic Planning Advisory Committee sometime before the Christmas holiday and have them review the changes so far made to the Draft Strategic Plan.

He informed that before he had left for the WPPA Conference, he had received a phone call from Barry Savage in Quilcene. He reminded that Mr. Savage was the Port’s neighbor down at the Quilcene facility and that his property was located up the hillside. Access to the property was gained by crossing over Port property on a road that made a quasi dam to a stream that flowed down the hillside next to the Quilcene Marina. He stated that a culvert was located by the road and that water backed up as it was metered through the culvert. Due to the amount of rain recently, Mr. Savage expressed concern about the road and culvert even though the culvert was currently working properly, but could only handle so much water per minute. At the time of the phone call, the water was building up close to the top of the road. Mr. Savage acknowledged, per Mr. Crockett, that the problem was his and that it was his responsibility to fix the problem by replacing the current culvert with a larger one if he chose to do so. Mr. Crockett’s concern was that by leaving the problem alone, the Marina and the Speer residence might be threatened by flooding. He advised that he planned to draft a letter to Mr. Salvage informing him of the process, addressing his concerns and clarifying that the project would be at Mr. Savage’s expense.

In addition, just for informational purposes, Mr. Crockett had provided a copy of the Quilcene water analysis data taken from the State of Washington Department of Health’s website regarding the Quilcene Class A water system, which provides water to the Marina, Coast Seafood and a few residents. It listed the amount of copper in the water as 76 parts per billion, which he quickly added, was perfectly healthy and normal amounts. He referenced that to the new stormwater benchmark requirements for the Boat Yard by the Department of Ecology and those requirements were for 14 parts per billion. He found it to be interesting data that a natural water system in Quilcene, Washington had more copper per parts per billion than the stormwater in a busy boat yard.

IX. PUBLIC COMMENTS:

None

X. COMMISSIONER COMMENTS:

Commissioner Collins asked for an update on the progress made to date on the Sea J's restroom saga.

Mr. Pivarnik responded that the restroom project had been completed and turned out beautifully and was receiving rave reviews. He advised that the Maintenance team had done a wonderful job of updating the fixtures and cleaning up the facility (including new flooring, sinks and vacuum toilets) while maintaining the fundamental character of the restroom, keeping the wall murals, etc.

Mr. Taylor informed the total cost for the project was \$20K.

Mr. Pivarnik provided an update regarding the next scheduled Landfall Restaurant stakeholders group meeting. He informed that the meeting concept had been changed from one of having just the Stakeholders to holding a full Community Open House on December 8, 2009 (coordinated by Eric Toews) in which both the Stakeholders and the Community could articulate ideas, concepts and have an open discussion.

Commissioner Thompson informed that at the recent WPPA meeting he had attended there had been extensive discussion regarding the type of presentation (and funding) for the 2011 100<sup>th</sup> Anniversary of Washington Public Ports. He stated that one idea that had received much interest was a presentation regarding the Washington State Department of Transportation. He informed that he had found the presentation to be too long and detailed. He suggested a much shorter, more concise document, which would act in such a way as to educate freshman State legislators; a document that would be interesting to read and actually instruct on the part public ports play in implementing the Legislators plans and objectives. He advised that he would like to see the presentation as more of a lobbying tool for the Port's efforts in Olympia.

A short discussion followed regarding Commissioner Thompson's idea and the fact that volunteers were needed to help bring the 100<sup>th</sup> Anniversary presentation together.

Mr. Crockett advised that one proposal discussed was for each of the 75 public port districts to write a 1500 word essay on each specific Port's history. He also informed that a member vote had approved that proposal for a total cost of approximately \$67K. The cost would be spread out to the different public ports based on size, with Port Townsend in the \$1,500 range. Mr. Crockett advised that the Ports of Tacoma and Seattle would pay far larger amounts.

Commissioner Collins inquired as to the outcome of the meeting with Port staff and the Clean Marina Committee who had recently visited Boat Haven.

Mr. Crockett informed that the Committee had visited and had advised that they wanted to review one marina at a time so they had decided to begin with Boat Haven. They toured the facility with Harbormaster, Tami Ruby, and recommended some additional signage to the environmental centers, etc. Of most concern, however, (and one that staff would need to address and develop a policy) was some way to assure that liveaboards (and others using the marina facilities) were using the sanitary pump outs and not just releasing sewage into the marina. Mr. Crockett advised that staff would discuss ways in which to resolve that potential problem.

Discussion followed about ways in which to assure the pump outs were being used by liveaboards, nightly guests and other marina visitors who used the facilities.

Mr. Pivarnik, in response to Commissioner Collins inquiry, informed that the Quilcene dredging project was still awaiting a permit from the Army Corp of Engineers as the Agency deliberated on whether or not the proposed project would affect the Sand Lance fish located in the tidelands.

XI. NEXT MEETING: Next regular meeting will be held Wednesday December 9, 2009 at 1:00 PM, Workshop at 9:30 AM, in the Port Commission Chambers, 375 Hudson St, Port Townsend.

XII: ADJOURNMENT:

The regular meeting adjourned at 7:28 PM there being no further business to come before the Commission.

ATTEST:

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Herbert F. Beck, President

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David H. Thompson, Secretary

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John N. Collins, Vice President