

**CITY OF PORT TOWNSEND CITY COUNCIL
and
PORT OF PORT TOWNSEND COMMISSION**

MINUTES OF THE JOINT MEETING OF MAY 21, 2012

The City of Port Townsend City Council and the Port of Port Townsend Commission met in joint session on May 21, 2012, in the Cotton Building, 607 Water Street, Port Townsend, Washington. The meeting was called to order at 7:30 p.m. by Mayor David King.

City Council members present were Robert Gray, David King, Catharine Robinson, Michelle Sandoval, Deborah Stinson, and Mark Welch with Kris Nelson excused.

Port Commissioners present were Chair Leif Erickson, David Thompson and Stephen Tucker.

Staff members present were City Manager David Timmons, City Public Services Director Rick Sepler, City Clerk Pam Kolacy, Port Executive Director Larry Crockett, Port Planning Analyst Eric Toews, and Deputy Port Director Jim Pivarnik.

Mr. King reviewed the process and participants who have worked to bring this joint resolution forward and noted that once discussions began there were many commonalities between the entities on what the desired outcome would be.

He said that this is the first phase of a three phase process. The second phase will include several actions to be taken prior to an exchange of property and a third set of actions will lead to the final conclusion of the agreement.

Mr. Erickson spoke on behalf of the Port Commission. He stated that the Commission is in full support of the agreement, that it bodes well for the future and will be a good outcome for the citizens of both the City of Port Townsend and Jefferson County.

Mr. Sepler reviewed the draft resolution with Exhibits: Exhibit A, Summary Outline of Port/City Staff Recommended Settlement Agreement to Address Issues of Mutual Concern, Exhibit B, Description of Port Property in Vicinity of Kah Tai Lagoon, and Exhibit C, map of the rights of way in Boat Haven. He stated the exhibits have been altered slightly from the original packets; for example Exhibit C has been changed to remove certain rights of way that are not in the Boat Haven. There is also clarification that the Larry Scott Trail will remain entirely in place and will be maintained by the County, not the City. He also provided a press release and background rationale.

Mr. Toews reviewed the summary outline regarding the recommended settlement agreement in detail.

Mr. King asked whether there were informational questions from elected to staff at this point. Seeing none, he opened the floor to public comment.

Public comment

David Beatty, Vice President of Admiralty Audubon Society, spoke in support of the joint agreement. He stated that in their view, this contributes in an important way to preservation of the Kah Tai Nature Park for citizens of the City and County. He stated that many volunteer hours have been contributed to Kah Tai Park by the members of the AAS. He said it is time to put aside divisions between the City and Port and remove threats to the integrity of parks. He supports resolving the decades old boundary dispute and putting an end to the lawsuit, and thus encourages this action and is wholeheartedly in support.

Rick Jahnke, Friends of Kah Tai, read a statement from Nora Regan (President of Friends of Kah Tai) who applauds the agreement in its entirety and encourages the process to continue, in compliance with all grants. Mr. Jahnke added that he believes this is a very good agreement and that the big winner will be the community. He applauded cooperation between the entities and encouraged bringing the agreement to fruition.

George Yount stated that this issue has been in process since 1981 and that he appreciates the work of the City and Port elected officials and staffs for finally making this happen.

Nik Worden, stated he has been associated with the Larry Scott Trail and was worried about impacts to the trail until he read the documents. He is now satisfied and impressed with the agreement and fully supports it.

Mr. Crockett also noted that an e-mail had been received by the elected officials from Ron Sikes stating his position in favor of the agreement.

Ms. Sandoval noted several typos in the joint resolution and provided corrections to the Clerk.

She asked about the reference under B. 1. In the resolution. City Attorney John Watts clarified the phrase "matters of record title" is a term of art meaning a title that appears on record with the County Auditor.

She requested another clarification on the last line of paragraph 1 and 2 (regarding maintenance of the properties). She asked if the party responsible for maintenance should be spelled out – specifically as to the "before" and "after" transfer. Mr. Crockett noted that the City will be responsible for maintaining Kah Tai as the lessee and since lease will continue until the property purchase is finalized, the City will continue to maintain that property.

Ms. Sandoval asked about Recital 7 of the Resolution which says the Port will "explore" permitting for a mooring buoy field. She suggested adding language indicating the Port would explore and also apply for a permit. Mr. Crockett stated that would pre-determine an outcome. Mr. Toews suggested that in Resolution (#7) and in Exhibit A (Future Terms 4 (b) Mooring Buoy Fields, language read "The Port would agree to explore, as practicable, permitting for a mooring buoy field adjacent to the Quincy Street Dock."

Further discussion ensued regarding the "maintenance" references in the resolution. Mr. King proposed that references to specific sections of Exhibit A be added to the resolution since the exhibit is more detailed than the resolution. There was no objection. The resolution will be modified so that (B) (2) ends with "according to the applicable provisions in Exhibit A, (1)(a)(i)" and Resolution (B)(3) ends with "according to the applicable provisions in Attachment A (1)(a)(ii)".

Ms. Stinson noted that in #6, "Port" Hudson should be "Point" Hudson.

There was agreement that the public process surrounding this agreement is critical. Staff will create a timeline and each jurisdiction will encourage public engagement during the process.

Mr. Gray raised concerns about continued public access to Union Wharf and City Dock. He asked for further explanation of the indication that commercial use is not precluded on those sites.

Mr. Sepler explained that all docks are subject to the Shoreline Master Access Plan and briefly reviewed uses that are acceptable under the Plan. He added that given the possibilities, staff cannot imagine a circumstance where public access would be excluded from either dock.

Mr. Crocket stated that the docks will need more maintenance so the Port will need to explore some minimum revenue stream in connection with the docks that will also encourage vitality in the downtown area.

Ms. Sandoval raised concerns about noise and light issues at the Port property affecting neighboring residential areas. Mr. Crockett believes the new agreements will allow the Port to create a better buffer between the Port and the neighbors.

In response to another questions, Mr. Watts noted that although this is a cooperative undertaking by the City and Port, all necessary third party approvals will be obtained.

Motion: Ms. Robinson moved to approve City Resolution 12-022 and Port Resolution 575-12, A Joint Resolution of the City Council of the City of Port Townsend, Washington and the Commission of the Port of Port Townsend, Washington, Delegating Authority to the Executive Managers of Each Jurisdiction (the City Manager and Port Executive Director respectively) to Execute and Implement an Agreement that Addresses a Number of Issues of Mutual Concern, Including Port Owned property at Kah Tai Lagoon, Resolution of Litigation Concerning Port Property at Kah Tai, City Dock and Union Wharf, and Other Matters, as amended per discussion this evening. Mr. Welch seconded. Motion carried unanimously, 6-0, by voice vote.

Motion: Mr. Tucker moved to approve Port Resolution 575-12 and City Resolution 12-022, A Joint Resolution of the City Council of the City of Port Townsend, Washington and the Commission of the Port of Port Townsend, Washington, Delegating Authority to the Executive Managers of Each Jurisdiction (the City Manager and Port Executive Director respectively) to Execute and Implement an Agreement that Addresses a Number of Issues of Mutual Concern, Including Port Owned property at Kah Tai Lagoon, Resolution of Litigation Concerning Port Property at Kah Tai, City Dock and Union Wharf, and Other Matters, as amended per discussion this evening. Motion carried unanimously, 3-0, by voice vote.

There being no further business, the meeting was adjourned at 8:19 p.m.

Attest:

Pamela Kolacy, MMC

City Clerk

Leif W. Erickson, President, Port of PT

David H. Thompson, Secretary, Port of PT

Stephen R. Tucker, Vice Pres, Port of PT