

WES WHITE
President

SCOTT R. J. FELLER
Secretary

PATRICK A. BAILEY
Commissioner

RONALD A. PHILLIPS
Commissioner

JAMES RAMSEY
Commissioner

Board of Harbor Commissioners

of the

Crescent City Harbor District

Phone (707) 464-6174 Fax (707) 465-3535

101 Citizens Dock Road

Crescent City, California 95531

www.ccharbor.com



CHARLIE HELMS
CEO/Harbormaster

ERNEST PERRY
Harbor Planner

MINUTES

Board of Harbor Commissioners of the Crescent City Harbor District Regular Meeting, Tuesday, December 16, 2014, 6:00 P.M.

COMMISSIONERS PRESENT:

Scott Feller, Secretary
Patrick Bailey
Ron Phillips
James Ramsey
Wes White, President

COMMISSIONERS ABSENT:

None

OTHERS PRESENT:

Charlie Helms, CEO/Harbormaster
Martha Rice, Counsel
Ted Long, Fashion Blacksmith
Emily Cureton, Triplicate

Karen Philips, PS Business Services
Ward Stover, Stover Engineering
Debra Lewis, Crab Shack
Dedee Lenheart, new resident

6:00 P.M. The Board of Harbor Commissioners will meet in open session to discuss the following agenda items.

President White called the meeting to order in open session at 6:00 p.m.

Public Comment prior to closed session.

There were no public comments prior to the closed session.

CLOSED SESSION. The Board of Harbor Commissioners will now meet in closed session to discuss the following items:

(1) PURSUANT TO GOVERNMENT CODE SECTION 54957 (B):

Public Employee Performance Evaluation:

Title: CEO/Harbormaster

**(2) CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION:
Initiation of litigation pursuant to Government Code Section 54956.9(d)(4): 1
case.
REPORT OUT OF CLOSED SESSION.**

President White recessed the open session at 6:00 p.m. and immediately convened in closed session to discuss the items 1-2, listed above. The closed session was recessed at 6:32 p.m.

6:30 P.M. The Board of Harbor Commissioners will meet in open session to discuss the following agenda items.

President White reconvened the meeting to order in open session at 6:32 p.m. Counsel announced that the following action was taken during closed session: no actions were taken in closed session.

At the end of the agenda President White recessed the open session in closed session at 7:38 p.m. to continue discussion of closed session matters listed above. The closed session was adjourned at 8:15 p.m.

The open session was reconvened at 8:15 p.m. and President White announced that no action was taken in closed session.

Pledge of allegiance.

Commissioner Feller led the pledge.

Public Comment.

The following person(s) addressed the Commission: none.

1. Consent agenda.

Requests to remove items from the Consent Agenda may be heard at this time.

A) Approval of the warrant list since December 2, 2014.

B) Approval of the minutes of the regular meetings of November 18, 2014 and December 2, 2014.

Commissioners requested that the following items be pulled from the agenda: items 6 and 12 were removed from the regular agenda. Discussion was held regarding the warrants list: page one of warrants included a check from Porcini to Crockett's. Commissioner Phillips asked why. Staff noted that this represented was a percentage of the rents collected. Commissioner Phillips also asked about the Renner warrant and what it was for. Staff noted that the Renner warrant was for gasoline and diesel. The bills are checked to employee orders to make sure all the fuel is accounted for and necessary. Commissioner Phillips also asked if there is a cap on the insurance. Currently there is a cap of approximately \$641, according to staff. The warrant for Crescent Ace included tin for the maintenance shop roof, according to Mr. Helms.

ON A MOTION BY COMMISSIONER PHILLIPS, SECONDED BY COMMISSIONER RAMSEY, AND UNANIMOUSLY CARRIED ON A POLLED VOTE, THE CRESCENT CITY

HARBOR DISTRICT BOARD OF COMMISSIONERS, APPROVED AND ADOPTED THE CONSENT AGENDA, CONSISTING OF ITEMS 1.A-B, AS PRESENTED,

2. **Discussion and consideration of Public Works Small Project Contract in the amount of \$69,580 with Hemmingsen Contracting Company for Harbor Entrance Trail and Promenade Extension. Take action as necessary and appropriate, including authorizing the CEO/Harbormaster to sign on behalf of the Harbor District.**

Discussion was held regarding the contract. Mr. Long asked what qualifies for Coastal Conservancy funding. This grant is limited to the funding that has been approved in the grant, which is several years old, and this work was included in the grant funding. It was pointed out, that if Hemmingsen does not get the job finished on time, there are liquidated damages that will be charged. Hemmingsen has indicated that they will have the work done on time. The Harbor does not have to do the work, they could decline to contract.

ON A MOTION BY COMMISSIONER FELLER, SECONDED BY COMMISSIONER BAILEY, AND UNANIMOUSLY CARRIED ON A POLLED VOTE, THE CRESCENT CITY HARBOR DISTRICT BOARD OF COMMISSIONERS, APPROVED AND AWARDED THE CONTRACT FOR \$69,580 TO HEMMINGSEN CONTRACTING COMPANY FOR THE HARBOR ENTRANCE TRAIL AND PROMENADE EXTENSION, CHANGING ITEM #5 TO THE END OF FEBRUARY, NOT JANUARY AS LISTED, AND AUTHORIZED THE CEO TO SIGN THE CONTRACT ON BEHALF OF THE DISTRICT.

3. **Discussion and Consideration of a Change Order in the amount of \$1,800 to the Purchase Agreement dated 11/11/2014 with Paramount Sign Contractors Inc. to include Prevailing Wages. Take action as necessary and appropriate.**

Discussion was held regarding the Change Order in the amount of \$1,800 with Paramount Sign Contractors, Inc. This was previously approved, but found later that contractor did not use prevailing wage rates, therefore the need for the change order. This funding comes in under the Coastal Conservancy grant funding.

ON A MOTION BY COMMISSIONER PHILLIPS , SECONDED BY COMMISSIONER BAILEY, AND UNANIMOUSLY CARRIED ON A POLLED VOTE, THE CRESCENT CITY HARBOR DISTRICT BOARD OF COMMISSIONERS, APPROVED THE CHANGE ORDER IN THE AMOUNT OF \$1,800 AS REQUESTED AND AUTHORIZED THE PRESIDENT TO SIGN THE SAME.

4. **Discussion and consideration of a Limited License Agreement for the World Edventures Booster Club to use Harbor District Property for a Polar Bear Swim on January 1, 2015. Take action as necessary and appropriate.**

Discussion was held regarding the agreement for the Polar Bear Swim. The 12/2 meeting approved the event and asked counsel to write an event agreement, which is presented here. This contract can be used in the future for like events.

ON A MOTION BY COMMISSIONER RAMSEY, SECONDED BY COMMISSIONER BAILEY, AND UNANIMOUSLY CARRIED ON A POLLED VOTE, THE CRESCENT CITY

HARBOR DISTRICT BOARD OF COMMISSIONERS, APPROVED THE LIMITED LICENSE AGREEMENT WITH THE WORLD EDVENTURES BOOSTER CLUB FOR THE POLAR BEAR SWIM ON JANUARY 1, 2015 AS PRESENTED.

5. Discussion and consideration of a lease extension for 160 Anchor Way (Crescent City Crab Shack). Take action as necessary and appropriate.

Discussion was held regarding the lease extension for the Crescent City Crab Shack at 160 Anchor Way. Debra Lewis was present to answer questions, but did not speak. The original lease expired on November 6, 2014. The extension would extend the lease until November 6, 2018 and amend the amounts of rent (incremental increases) due at certain intervals during the lease. In addition, the clause that allowed for the calculation of percentage rent that allowed tenants to deduct third-party fees for accepting credit/debit cards was removed.

ON A MOTION BY COMMISSIONER FELLER, SECONDED BY COMMISSIONER RAMSEY, AND UNANIMOUSLY CARRIED ON A POLLED VOTE, THE CRESCENT CITY HARBOR DISTRICT BOARD OF COMMISSIONERS, APPROVED AND AUTHORIZED THE PRESIDENT AND SECRETARY TO SIGN THE LEASE EXTENSION AS REQUESTED.

6. Presentation of the Draft Audited Financial Reports for Fiscal Year 2013-2014 by Donald R. Reynolds, CPA. Take action as necessary and appropriate.

This item was pulled from the agenda as it is not ready for approval

7. Discussion and consideration of goals for the CEO/Harbormaster. Take action as necessary and appropriate.

Per President White this matter will be held over until the CEO review is completed.

8. Discussion and midyear review of Budget for FY 2014-2015. Take action as necessary and appropriate.

President White also noted that this item is not complete at this time and will be discussed at a later date.

9. Discussion and consideration of Change Order No. 5 for the Crescent City Harbor District Waterfront Amenities Improvements California Coastal Trail and Promenade contract with Hemmingsen Contracting Company, Inc., in the amount of \$16,515. Take action as necessary and appropriate.

Discussion was held regarding Change Order No. 5. The change order adds additional trail striping, removable bollards, junction boxes, stainless steel bolt covers and centerline striping to the contract with Hemmingsen Contracting Company.

ON A MOTION BY COMMISSIONER FELLER, SECONDED BY COMMISSIONER PHILLIPS, AND UNANIMOUSLY CARRIED ON A POLLED VOTE, THE CRESCENT CITY

HARBOR DISTRICT BOARD OF COMMISSIONERS, APPROVED CHANGE ORDER NO. 5 IN THE AMOUNT OF \$16,515.00, AND AUTHORIZED THE CEO TO SIGN THE CHANGE ORDER ON BEHALF OF THE HARBOR.

Commissioner Phillips noted that the trail is very nice and especially the lights. He asked if there had been any issues with the use of the trail area transients. Staff is holding discussions regarding using police reserve officers to help increase the security of the Harbor.

10. Discussion and consideration of Proposal by Maples Plumbing for Repairs to the Inner Boat Basin waterlines. Take action as necessary and appropriate.

Discussion was held regarding the Maples Plumbing proposal that would repair the waterlines in the Inner Boat Basin. Mr. Stover negotiated with Maples to provide the service and secure the best price. Mr. Stover made recommendations listed below.

ON A MOTION BY COMMISSIONER RAMSEY, SECONDED BY COMMISSIONER BAILEY, AND UNANIMOUSLY CARRIED ON A POLLED VOTE, THE CRESCENT CITY HARBOR DISTRICT BOARD OF COMMISSIONERS, APPROVED THE PROPOSAL BY MAPLES PLUMBING FOR: A) ACCEPT THE MAPLES PROPOSAL TO REPLACE THE PEDESTAL FLEXLINES ON A T&M BASIS NOT TO EXCEED \$76,785.00; B) REPLACE THE FAILING ¾-INCH VALVES AT THE SAME TIME WITH PVC VALVES AT NO ADDED COST TO THE DISTRICT; C) REPLACE THE 29 INLINE BALL VALVES WITH HDPE VALVES. DISTRICT TO PAY MAPLES FOR MATERIALS ONLY; D) REPLACE 155 HDPE SADDLES W/EXISTING BRASS/STAINLESS INSERTS WITH NEW ALL-HDPE TEES. DISTRICT TO PAY MAPLES FOR MATERIALS ONLY; AND E) AND AUTHORIZED THE PRESIDENT TO SIGN THE NECESSARY DOCUMENTS FOR THE WORK.

11. Discussion and consideration of the stipend for members of the Board of Harbor Commissioners. Take action as necessary and appropriate.

President White asked that this matter be held over to another date.

12. Discussion and consideration of designating wind storm repairs to the roof at 121 Starfish Way as an emergency under Public Contract Code 22050. Take action as necessary and appropriate.

This matter was pulled from the agenda as it was not ready for approval; however, discussion was held at the request of Mr. Ted Long. Mr. Helms noted that the roof was repaired in the last few days, as an emergency, by McMurray and Sons Roofing. Mr. Ted Long stated he would like to have the roof matter on the agenda for future discussion as it is in conflict with his lease. He noted that the roof is in bad need of repair and the worst part is right over the electrical service panels. Permanent tarps have been installed inside the building so that nobody gets shocked. He is frustrated that the maintenance is not being performed. He feels that his business has lived up to their part of the lease agreement in maintaining the facility and grounds, pointing out the amount of money they have paid over several years on improvements. Part of the roof was repaired last year, but not all of it. He would like to have the maintenance issues addressed in the leases and have them scheduled and reviewed with the tenants. He also feels that the dredging is a

major concern for the Harbor. Dutra sloughed off the materials when they were working and now the depth of the channel is about 24' according to Ted's estimation. The dredging was done right after the tsunami and then Dutra did their dredging work they filled in the holes that were designed to keep Fashion Blacksmith at a correct depth. Commissioners would like to have Mr. Long meet with the CEO to come up with a plan for completion of the work and bring it back to the Commission for approval. Commissioners and staff agreed that having the Maintenance Committee begin meeting again to address maintenance issues for tenants and in the Harbor in general was a good idea. The insurance coverage has a \$25,000 deductible. Staff will have a maintenance plan and costs at the next regular meeting. The Harbor dredge could take care of the problem at Fashion Blacksmith's launch site. A diver will need to make an appraisal of the dredging that needs to be done in that area.

13. Committee reports from other standing and ad hoc committees.

The following reports were given:

Financial – no report.

Budget Committee – none.

Design Oversight – none.

Dredge – nothing to report.

Events – no report.

Crab Pot Ordinance – no report.

Lease Committee – no report.

Landlord Tenant Committee – no report.

Park Model Construction – no report.

Real Estate Policy/Lease Committee – no report.

Visitor's Center Committee – none.

Dutra Dispute Resolution Committee – no report.

Employee Negotiations – no report.

Insurance Committee – no report.

Zoning and Land Use – no report was made.

Marketing – no report.

Maintenance and Repair – no meeting was held.

Tri-Agency – met today, have a bill to settle the lawsuit with the former Executive Director.

The Harbor District's portion is 5.8% of a \$9,000 bill. 400 Front Street has a lien against and two options are being discussed; 1) foreclosure; or 2) engaging with City to get receivership, which is lengthy. Both alternatives have costs.

IGRC – nothing to report.

Chamber – mixer was held at RHS on Friday evening, a live radio broadcast was done at the mixer. There is another mixer Thursday night at Elk Valley Casino. Commissioners and staff were encouraged to attend. January 10th is the annual dinner at the Smith River Rancheria, last year tickets sold out to get them quickly.

Port Safety – meeting was held Tuesday. Marine flare disposal was discussed and another meeting will be held this next week. This issue will continue to be discussed until a resolution is found.

Land Use Plan – no report.

Personnel –no report.

14. C.E.O.'s report on current matters and issues planned or in progress.

The CEO's report consisted of the following topics, including those listed in the written report in the agenda packet: staff made a presentation to the Local Transportation Commission last week regarding the Harbor Trail; the draft final report for the treatment plant mitigation went to the Water Quality Control board and they are happy with it; staff attended a meeting with staff from California Clean Boating regarding the flare disposal issue; staff met with the Coastal Conservancy, it was a positive meeting; staff met with Army Corps of Engineers regarding dredge spoils and the ponds, they would like to hold a meeting here to get contractors up to speed and discuss possible remedies; progress is being made with Admin dock, rails will be installed, poly tub will be placed under the small dock to raise it up; Hemmingsen Contracting Company will start working on the grouting around the edge of the docks, and they will get the paving done also, if Tidewater does not show up; new hand dryers have come in for restrooms and staff will begin installation today and will finish tomorrow; Facebook views are up; public bidding processes will become more difficult and expensive in the future. President White asked staff about the Miss Joanne. Work is still at counsel's office for completion. Travel lift and Admin dock are getting complete. Staff is working of close out of projects. The new Bellingham Marine calendar is out; staff noted that the Crescent City Harbor is featured on one of the months; however, it is not as dramatic as staff had hoped given all the flyover pictures they took.

15. Board Comments.

The following Board members discussed items of general interest, provided a reference or other resource to staff, asked for clarification or requested staff to report to the Board on a certain matter: Commissioner Phillips enjoyed opening up the daily emails from the CEO. He noted last Saturday Walmart and Noontime Rotary held (at Walmart) a Shop with a Hero event, the Coast Guard participated in the event. Mr. Phillips would like to have the Triplicate go out and interview the Coast Guard about their work as they perform a great public service. Commissioner Ramsey commented that item 11 has been postponed several times and he would like to get it discussed soon. President White stated he would like to get the financial reports squared away and encourage staff to get things out timely for review. He would like to thank the audience for hanging around.

Dedee Lenheart, new resident, asked to provide public comment. When given approval, she then reported that she had been unable to get in touch with the Harbormaster. She feels that people walking on the jetty near the Chartroom by the sea lions are causing a real issue and she noted how dangerous it is. She would like to have a gate across the sidewalk to keep people, kids and dogs away from the wildlife. Mr. Helms noted that he has called Ms. Lenheart back, but her mailbox was full. The maintenance staff are driving the sea lion offs to train them to stay off the groin area. Discussion was held regarding the issues with sea lions.

16. Adjournment to the next Regular Meeting scheduled on Tuesday, January 6, 2015 at 6:30 P.M. at the Harbor District Office, 101 Citizens' Dock Road, Crescent City, California.

There being no further business to come before the Commission, President White, adjourned the meeting at 8:15 p.m. until the special session scheduled on December 18, 2014.

Wes White, President

Scott Feller, Secretary

Approved this _____ day
of _____, 2015.