

**Port of Hood River Commission
Meeting Minutes of July 10, 2012 Regular Session
Marina Center Boardroom
5:00 P.M.**

THESE MINUTES ARE NOT OFFICIAL until approved by the Port Commission at the next regular meeting.

Present: Commissioners Jon Davies, Fred Duckwall, Rich McBride, Hoby Streich; Attorney Jerry Jaques; from staff, Michael McElwee, Stephen Burdick, Mellissa Halseth and Liz Whitmore

Absent: Brian Shortt

Media: Ben McCarthy, Hood River News

1. CALL TO ORDER: President Jon Davies called the meeting to order at 5:01 p.m.

- a. Modifications, Additions to Agenda:** Remove reappointment of legal counsel and insurance agent of record to Action Items; remove Urban Renewal Commissioner report as meeting was cancelled; add Bike/Pedestrian Study to Discussion Items; pull Action Item b) Colton Construction Change Order.

2. Election of Officers for 2012-2013:

President – Jon Davies

Vice President – Hoby Streich

Secretary – Rich McBride

Treasurer – Fred Duckwall

Vote: Aye: Davies, Duckwall, McBride and Streich

Absent: Shortt

MOTION CARRIED

- a.** Committee Assignments-After brief discussion there was consensus to leave all assignments the same. Commissioner Davies will speak with Commissioner Shortt about the assignments and will be on the July 24 agenda for approval. Commissioner McBride offered to sit on the Gorge OEN board as an ex-officio member with Commissioner Streich as an alternate.

3. PUBLIC COMMENT: Arthur Babitz spoke in an official capacity requesting the Commission try to make a decision as to whether the Naito Cable Park will be allowed on Port property. Babitz stated that the City is there to regulate based on statute. He believed the Port should decide whether a lease should be allowed on the property. Bob Wendler suggested that more signage be placed at the Event Site to explain the do's and don'ts. He also suggested alleviating strain at the Event Site by having school concessions at multiple sites. Wendler also suggested hiring a volunteer to inform the public of where the proper kiting and swim areas are. Forrest Rae, ReCreate Hood River, spoke in support of the proposed Cable Park. Rae stated that ReCreate Hood River would be respectfully declining to participate in a roundtable if scheduled. Katie Rae also supported the Naito Cable Park. Josh Sampiere commented on the proposed Cable Park and urged the Commission to recognize the benefits to the community. Leighton Hazlehurst spoke about being opposed to the proposed Cable Park and referenced the Public Use Doctrine. He stated the Cable Park would limit usage to the area. Nic Richards spoke in favor of the proposed Cable Park and supports the project for the community. He is concerned that the lawsuit the Friends of the Waterfront have filed against the City may have an outcome that is undesirable to everyone and could potentially close the basin.

4. CONSENT AGENDA:

- Approve Minutes of June 19, 2012 Regular Session Meeting
- Approve Governance Policy

- Approve Lease Addendum No. 3 with Veolia Water North America-West, LLC in the Marina Office Building
- Approve Lease Addendum No. 1 with Dick Parson and Jaques Rajotte at the Ken Jernstedt Airfield
- Approve Amendment No. 1 to Contract with SLCA Consulting Civil Engineers for Construction Inspection Services for Portway Avenue Improvement Project for a Total Contract Amount of \$13,750
- Approve Reappointments of Cori Bison, Pepi Gerald, Forrest Rae, Lori Stirn, and Bill Lake to the Waterfront Recreation Committee with Three-Year Terms Ending June 30, 2015
- Approve Reappointment of Jaques, Sharp, Sherrerd, FitzSimons & Ostrye as Port Legal Counsel; and Columbia River Insurance as Port Insurance Agent-of-Record
- Approve Accounts Payable to SDAO in the Amount of \$11,512.65; Steven M. Siegel in the Amount of \$1,199.25 for a Total of \$12,711.90

Motion: Move to approve Consent Agenda as amended (move Reappointment of Legal Counsel and Insurance Agent of Record to Action Items for discussion)

Move: Duckwall

Second: Streich

Vote: **Aye:** Davies, Duckwall, McBride and Streich

Absent: Shortt

MOTION CARRIED

5. Commissioner, Committee Reports:

- Urban Renewal – July 9 meeting was cancelled.
- Waterfront Recreation – McBride reported on the June 21 meeting. The focus was on looking ahead and parking issues. Staff will begin the RFP process for school concessions and food vendors. Next meeting will be early September.
- Pacific NW Waterways Association Summer Meeting – McBride and Executive Director, Michael McElwee attended the conference in Seattle June 27-28. Market conditions were discussed. There will be a dike pile replacement study on the lower Columbia River, which may be funded by the Harbor Maintenance Trust. McBride suggested rotating the Commissioners each year so everyone can attend and possible hosting a conference at the Best Western Hood River Inn.

6. DIRECTOR'S REPORT: McElwee highlighted the following areas:

- Schedule – McElwee was contacted to host a visit with Governor Kitzhaber October 10 regarding economic development. McElwee said that the Port was mentioned in articles in the Oregonian and Daily Journal of Commerce about doing business in the Gorge.
- Waterfront Recreation – The 4th of July went well without any major incidents. A moorage tenants boat sank in the Marina July 6th. Maintenance staff responded within 30 minutes to set oil booms. A professional salvage was called in to bring the boat up.
- Waterfront Development – McElwee received notice today that a The Friends of the Hood River Waterfront has launched a lawsuit against the City of Hood River and Naito Development. Key Development has received the building permit for Lot 3, which is scheduled to close at the end of the month. Group Mackenzie will be providing an updated plan for Lot #1 at the July 24 meeting. The contractor is ready to pave 2ND Street-8TH Street on Portway, but the City wants the Port to wait so the City can pave the park parking at the same time. Waiting to pave could jeopardize EDA grant funding of approximately \$45,000. Commission consensus was to work with the City if possible but not to jeopardize the funding.

7. REPORTS, PRESENTATIONS AND DISCUSSION ITEMS:

- Marina Ad-Hoc Committee – After previous discussion of creating a committee, staff prepared an outline of the committee to include 1 Commissioner, 3 moorage tenants, 1 Yacht Club member

and staffed by Marina Manager, Mellissa Halseth. The consensus was that Commissioner Davies would serve on the committee with Commissioner Shortt as an alternate.

Motion: Move to approve Marina Ad-Hoc Committee
Move: Duckwall
Second: McBride
Vote: **Aye:** Davies, Duckwall, McBride and Streich
Absent: Shortt

MOTION CARRIED

- Proposed Cable Park Public Outreach Process – Naito Development has requested Port input on the proposed cable park and has requested as to if the Port is interested in a lease of property. Staff has prepared an outline for the public process to include a roundtable of interested groups and 1 public meeting. There was a request to hold two public testimony sessions and establish guidelines for testimony, which legal counsel will assist with. Staff will provide an invite list at the July 24 meeting as well as an updated list of meeting dates.
- Pedestrian/Bicycle Bridge Study – McElwee explained that there isn't a clear assessment of the structural feasibility of installing a ped/bike path on the bridge. Bridge Engineers, HNTB have prepared a scope of service to prepare this study in the amount of \$3,910. Commission consensus was to complete the study and have an assessment on file.

8. ACTION ITEMS:

a) Ratify Reinstatement of High-Water Temporary Access for Launching and Landing at the Event Site: On June 29 staff re-instated the High Water Plan with Commission consensus and will be left at staff discretion for the remainder of the 2012 season.

Motion: Move to Ratify Reinstatement of High-Water Temporary Access for Launching and Landing at the Event Site
Move: McBride
Second: Streich
Vote: **Aye:** Davies, Duckwall, McBride and Streich
Absent: Shortt

MOTION CARRIED

b) Approve Change Order No. 2 with Colton Construction: This item was pulled from the agenda.

c) Approve the Award of Contract to Griffin Construction, LLC in the Amount of \$89,400 for the Marina Center Office Building Tenant Improvements for Gorge Innoventure: Staff received 3 quotes for the tenant improvements. This project was estimated in the budget for \$100,000. McElwee stated that he was content with the work that was completed by Griffin Construction at the Marina Office Building. Commissioners Streich and McBride will tour the Marina Office Building.

Motion: Move to Approve the Award of Contract to Griffin Construction, LLC in the Amount of \$89,400 for the Marina Center Office Building Tenant Improvements for Gorge Innoventure
Move: Streich
Second: Duckwall
Vote: **Aye:** Davies, Duckwall, McBride and Streich
Absent: Shortt

MOTION CARRIED

*Discussion: McElwee gave a brief overview of Action Items d thru h which are all related to the Airport Runway Shift Project. Two bids were received for the project. K & E Excavation was the low bid which correlated with the engineer's estimate. FAA has additional funds for the project. If the Port borrows entitlement funds, Taxiway "A" could be completed and they would be repaid to these airports for the next 3-years. ODA will be preparing the repayment agreements. The engineering services are being reimbursed from the FAA. Intergovernmental Agreements need to be executed with Oregon Department of Aviation as well as federal grant forms to implement the 2012 Pavement Maintenance Program. The Port will need an additional \$60,000-\$70,000 match.

d) Authorize Execution of Amendment to Personal Services Contract with Century West Engineering Corporation for Construction Engineering Services Associated with the Runway Shift Project Not to Exceed \$195,977 Plus Reasonable Reimbursable Expenses: No discussion.

Motion: Move to Authorize Execution of Amendment to Personal Services Contract with Century West Engineering Corporation for Construction Engineering Services Associated with the Runway Shift Project Not to Exceed \$195,977 Plus Reasonable Reimbursable Expenses

Move: Streich

Second: McBride

Vote: **Aye:** Davies, Duckwall, McBride and Streich

Absent: Shortt

MOTION CARRIED

e) Authorize Execution of Grant Agreement with the Federal Aviation Administration in the Amount of \$228,371 for Engineering and Bid Period Services Associated with the Airport Runway Shift Project and Authorize Counsel to Execute a "Certificate of Sponsor's Attorney": No discussion.

Motion: Move to Authorize Execution of Grant Agreement with the Federal Aviation Administration in the Amount of \$228,371 for Engineering and Bid Period Services Associated with the Airport Runway Shift Project and Authorize Counsel to Execute a "Certificate of Sponsor's Attorney"

Move: Duckwall

Second: McBride

Vote: **Aye:** Davies, Duckwall, McBride and Streich

Absent: Shortt

MOTION CARRIED

f) Authorize Execution of Intergovernmental Agreement with the Oregon Department of Aviation and Federal Grant Forms to Implement the 2012 Pavement Maintenance Program at the Airport: No discussion

Motion: Move to Authorize Execution of Intergovernmental Agreement with the Oregon Department of Aviation and Federal Grant Forms to Implement the 2012 Pavement Maintenance Program at the Airport

Move: McBride

Second: Duckwall

Vote: **Aye:** Davies, Duckwall, McBride and Streich

Absent: Shortt

MOTION CARRIED

g) Authorize Executive Director and Port Legal Counsel to Execute a Memorandum of Understanding with the City of Hermiston for Transfer of Entitlements with the Federal Aviation Administration and Other Agreements as Necessary to Accept Funds for the 10% Match Associated with the 2012 Pavement Maintenance Program at the Airport Not to Exceed \$5,000: No discussion.

Motion: Move to Authorize Executive Director and Port Legal Counsel to Execute a Memorandum of Understanding with the City of Hermiston for Transfer of Entitlements with the Federal Aviation Administration and Other Agreements as Necessary to Accept Funds for the 10% Match Associated with the 2012 Pavement Maintenance Program at the Airport Not to Exceed \$5,000

Move: Duckwall

Second: Streich

Vote: **Aye:** Davies, Duckwall, McBride and Streich

Absent: Shortt

MOTION CARRIED

h) Approve Execution of Joint Utility Easements at the Airport with Farmers Irrigation District, United Telephone Company, Falcon Cablevision, Ice Fountain Water District, PacifiCorp and NW Natural Gas Company Subject to Any Changes That Are Acceptable to Legal Counsel; Authorize Other Agreements That May Be Necessary to Relocate Utilities; and Authorize Payments to Utility Providers for Relocation of Utilities Not to Exceed \$50,000: These easements are required to relocate utilities in the common utility corridor. Legal counsel has approved the easements.

Motion: Move to Approve Execution of Joint Utility Easements at the Airport with Farmers Irrigation District, United Telephone Company, Falcon Cablevision, Ice Fountain Water District, PacifiCorp and NW Natural Gas Company Subject to Any Changes That Are Acceptable to Legal Counsel; Authorize Other Agreements That May Be Necessary to Relocate Utilities; and Authorize Payments to Utility Providers for Relocation of Utilities Not to Exceed \$50,000

Move: McBride

Second: Duckwall

Vote: **Aye:** Davies, Duckwall, McBride and Streich

Absent: Shortt

MOTION CARRIED

i) Authorize Notice of Intent to Award for the Airport Runway Shift Project at the Ken Jernstedt Airfield to the Low Bid Contractor K & E Excavating, Inc. Subject to No Bid Protests and Legal Counsel's Approval: This is not a contract approval.

Motion: Move to Authorize Notice of Intent to Award for the Airport Runway Shift Project at the Ken Jernstedt Airfield to the Low Bid Contractor K & E Excavating, Inc. Subject to No Bid Protests and Legal Counsel's Approval

Move: Streich

Second: Duckwall

Vote: **Aye:** Davies, Duckwall, McBride and Streich

Absent: Shortt

MOTION CARRIED

j) Approve Reappointment of Jaques, Sharp, Sherrerd, FitzSimons & Ostrye as Port Legal Counsel; and Columbia River Insurance as Port Insurance Agent-of-Record:

Davies moved this item from the Consent Agenda and abstained the vote because he is employed by Columbia River Insurance.

Motion: Move to Approve Reappointment of Jaques, Sharp, Sherrerd, FitzSimons & Ostrye as Port Legal Counsel; and Columbia River Insurance as Port Insurance Agent-of-Record

Move: Streich

Second: McBride

Vote: **Aye:** Duckwall, McBride and Streich

Abstained: Davies

Absent: Shortt

MOTION CARRIED

9. COMMISSION CALL: Commissioner Streich inquired as to how long Linda Shames, Finance Manager, would be working part-time before her departure. McElwee explained that she has been working 2 days a week and he has requested of her that she do the same through August. Streich requested that she prepare final project totals for the Chamber renovations to include all rent/utility abatements. McBride commented that the parking receipts for the Event Site are up 30% from last year and feels the Event Site is operating well. McElwee reminded the Commission that he will be giving a Rotary presentation July 19 on the "State of the Port". Davies asked all Commissioners to attend and said he would reserve a table. Davies commented on the great July 4th firework show.

10. EXECUTIVE SESSION: Regular Session was recessed at 6:46 p.m. and the Commission was called into Executive Session under ORS 192.660(2)(e) Real Property and ORS 192.660(2)(h) Legal Counsel. The Commission was called back into Regular Session at 8:07 p.m. The following action was taken as a result of Executive Session.

Motion: Move to Authorize Executive Director to Execute a Severance Agreement with Port Employee Ernie Enos

Move: Duckwall

Second: McBride

Vote: **Aye:** Davies, Duckwall, McBride and Streich

Absent: Shortt

MOTION CARRIED

11. ADJOURN: President Davies adjourned the meeting at 8:07 p.m.

Respectfully submitted,

Mellissa Halseth

ATTEST:

Jon Davies, President, Port Commission

Rich McBride, Secretary, Port Commission