

**Minutes of October 30, 2012 Port of Hood River Commission  
Special Meeting Regarding Proposed Naito Cable Park  
Marina Center Boardroom 5:00 PM**

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***THESE MINUTES ARE NOT OFFICIAL, as they have not been approved by the Port Commission.***

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- Present:** Commissioners Jon Davies, Fred Duckwall, Rich McBride, Brian Shortt and Hoby Streich; Attorney Jerry Jaques; from staff, Michael McElwee, Steve Burdick, Mellissa Halseth and Liz Whitmore
- Absent:** None
- Guests:** Will Naito, Bob Naito, and Steve Naito, Naito Development; Brent Foster, Friends of the Waterfront and Cindy Walbridge, City Planning
- Media:** Ben McCarty, Hood River News

President Jon Davies called the special meeting to order at 5:03 p.m.

1. Call to Order:
  - Welcome/Purpose of Meeting: Davies explained that the purpose of meeting was to obtain an update from key parties, to discuss the timeline for a vote and to direct staff.
2. Request to Hear Status:

Brent Foster, Friends of the Waterfront

- Foster explained that he previously proposed a settlement to Naito Development, but it has not been successful. There has not been any negotiating to date. Friends are supportive of the alternate plan.
  - Q: Does Friends take same approach with other waterfront property owners?
  - A: Generally yes. They are concerned with keeping water clean and maintaining public access to water with setbacks being important.
  - Q: Was Foster involved in previous planning meetings where setbacks were discussed?
  - A: Foster was very involved and doesn't believe that the City's decision has to be the final decision.
  - Q: Could a mediator assist in settlements?
  - A: Foster won't rule out mediation, but does not think it will be successful. Does not think both parties are interested in settling. Foster believes there should be a 4 party settlement: Friends, Naito, City of Hood River and the Port.

Steve Naito, Naito Development

- Currently there are no setbacks required by City code. There has not been any analysis provided to warrant a setback and there is not any riparian land upland of the basin. Naito's believe that biological tests will show there will be no harm to fish. Naito's are willing to make the Friend's demands public then go into confidential mediation.
  - Q: Will the Friend's provide a list of asks publically?
  - A: No and the Friend's cannot go into negotiations at this point.

Bob Naito, Naito Development

- Over the past few weeks Naito Development has tried to find a way to accommodate public concerns for a cable park. The park will no longer require exclusive use of the basin as per the insurance carrier. A lease would not be necessary; they would need a seasonal concession permit instead. Naito's propose a concession fee of 5% of the gross sales for the park or \$20,000, whichever is greater. The prospective tenants for the commercial building are based on the existence of the cable park.

- Q: Can you shorten the park?
- A: Cannot determine that until the Rixon engineers assess the area.

Cindy Walbridge, City of Hood River Planning Dept.

- The City is compelled by statute to provide a Planning Commission hearing on the cable park. This is scheduled for November 19, 2012, with a possible appeal scheduled for December 10, 2012 before the City Council. City staff must provide a report by November 12, 7 days before the hearing. The City is requesting the Port make a decision about the cable park sooner than later.

3. Presentation of Nichols Basin Cable Park Memo:

- Executive Director Michael McElwee recommended Commissioners decide in November whether to enter into lease negotiations with NBW, LLC (Naito) for the cable park. Discussion regarding schedule and staff analysis was deferred until after public testimony.

4. Public Testimony on Process:

- Helen James, Hood River: Need to look at big picture and what the Port wants along the entire waterfront. Not comfortable with the impact of removing buoy line and allowing other users to share the area with cable park riders.
- Heather Staten, Hood River: If Commissioners are seriously entertaining Naito's new proposal, the Port should have another public testimony meeting. Will the Port's insurance cover the liability involved with removing the buoy line?
- Brent Foster, Mosier: Idea of taking down buoy line is not safe and doesn't provide multiple uses of basin. Need to allow for public comment on the new proposal. Don't think Commissioners need full staff analysis.
- Susan Crowley, Hood River: Surprised that public had no notice of new proposal from Naito. Thinks it is a crazy proposal. Public needs an opportunity to comment on it.
- Bob Naito, Portland: Read letter from his insurance carrier stating they would insure the cable park without a buoy line.
- Leighton Hazlehurst, Hood River: Unworkable and dangerous proposal. There will be accidents. Concerned about liability for Port and City. Will have to be monitored for safety.
- Linda Maddox, Hood River: Proposal is crazy. As a concession, Naito should be required to go through RFP process. Walkways cut off access along west shore. It won't be a multi-use area.
- Arthur Babitz, Hood River: Need to figure out a way to negotiate. Meeting tonight was not a move in that direction. If the Babitz/Davies proposal is turned down, it will be difficult to explain to community.

5. Commission Discussion/Direction re: Nichols Basin Cable Park Memo:

- Consensus from Commissioners is to make decision regarding whether it is in the public's best interest to allow a cable park in the Nichols Basin at next Commission meeting.
- Written public testimony will be taken by the Port until Friday, November 9, 2012 at 5pm.
- Due to scheduling conflict, Commissioners decided to reschedule Commission meeting.

**Motion:** Move to Reschedule Commission Meeting from Tuesday, November 13 to Wednesday, November 14, 2012 at 5pm

**Move:** Davies

**Second:** Streich

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

**MOTION CARRIED**

- Direction was given to Michael McElwee to create a cable park staff analysis that is modest but focuses on key issues. Major issues will be summarized with reference to data sources. Staff will not be providing a recommendation.
- Staff analysis will be posted on Port website by Friday, November 9, 2012 at 5pm.

6. Other Business: None

7. Executive Session:

- The Special Meeting was recessed at 6:25 p.m. and the Commission was called into Executive Session under ORS 192.660(2)(e) Real Property. The Commission was called back into Regular Session at 6:50 p.m. The following action was taken as a result of Executive Session.

**Motion:** Move to Authorize the Lease between the Port and Pistil Design for Suite 103 in the Halyard Building Subject to Final Modification and Approval of Language by Port Legal Counsel

**Move:** McBride

**Second:** Streich

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

**MOTION CARRIED**

8. Adjourn

President Davies adjourned the special meeting at 6:52 p.m.

Respectfully Submitted:

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Melissa Halseth

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Liz Whitmore

ATTEST:

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Jon Davies, President, Port Commission

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Rich McBride, Secretary, Port Commission