

PORT OF HOOD RIVER COMMISSION
Tuesday, March 29, 2016
Marina Center Boardroom
Upon Conclusion of Spring Planning Work Session

Regular Session Agenda

1. Call to Order
 - a. Modifications, Additions to Agenda
2. Public Comment (5 minutes per person per subject; 30 minute limit)
3. Acknowledgment of Retiring Lead Toll Collector, Glenn Brittenham
 - a. Proclamation of Commendation and Appreciation (*McElwee – Page 3*)
4. Consent Agenda
 - a. Approve Minutes of March 10, 2016 Regular Session (*Genevieve – Page 5*)
 - b. Approve 2016-20 Food Vendor Concession Permits for Sandbar Café and Local Grind at the Event Site (*Liz – Page 11*)
 - c. Approve 2016 Concession Permit for Bob Stawicki Photography at the Event Site (*Liz – Page 17*)
 - d. Approve 2016-18 Concession Permit for Gorge Paddling Center at the Nichols Basin (*Liz – Page 21*)
 - e. Approve 2016 Food Vendor Concession Permit for Dhaba Dhaba at the Nichols Basin (*Liz – Page 29*)
5. Director’s Report (*Michael – Page 35*)
6. Commissioner, Committee Reports
 - a. Mission to Washington, D.C. – Shortt, Scholl (March 13-17)
 - b. Urban Renewal – Davies, Streich (March 14)
 - c. Marina Ad-hoc Committee (March 24)
7. Action Items
 - a. Ratify Contract with Tim Clackum Diving for Marina Basin Commercial Dock Work Not to Exceed \$8,000 (*Michael – Page 41*)
 - b. Approve Payment to Naito Development, LCC for concrete pedestrian path Not to Exceed \$7,627.96 (*Liz – Page 47*)
8. Commission Call

9. Executive Session under ORS 192.660(2)(e) Real Estate Negotiations and ORS 192.660(2)(h) Legal Counsel Regarding Current Litigation or Litigation Likely to be Filed
10. Possible Action
11. Adjourn

If you have a disability that requires any special materials, services, or assistance, please contact us at 541-386-1645 so we may arrange for appropriate accommodations.

*The chair reserves the opportunity to change the order of the items if unforeseen circumstances arise. The Commission welcomes public comment on issues not on the agenda during the public comment period. With the exception of factual questions, the Commission does not immediately discuss issues raised during public comment. The Commission will either refer concerns raised during public comment to the Executive Director for a response or will request that the issue be placed on a future meeting agenda. People distributing copies of materials as part of their testimony should bring **10 copies**. Written comment on issues of concern may be submitted to the Port Office at any time.*

Port of Hood River Commission
Meeting Minutes of March 10, 2016 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 Rich McBride, Jon Davies, Fred Duckwall, Brian Shortt, and Hoby Streich; Legal Counsel Jerry Jaques; from staff, Michael McElwee, Fred Kowell, Anne Medenbach, Genevieve Scholl

Absent: None.

Media: Patrick Mulvihill, Hood River News

1. CALL TO ORDER: President Brian Shortt called the meeting to order at 5:00 p.m.

a) Modifications, Additions to Agenda: Per staff, a hard copy of the contract attachment for Action Item A was provided.

2. PUBLIC COMMENT: None

3. CONSENT AGENDA:

- a. Approve minutes of February 16, 2016 Regular Session and February 24, 2016 Special Session
- b. Approve License for Anchor Way Utility Placement for Hood River Electric Cooperative Approve
- c. Accounts Payable to Jaques Sharp in the Amount of \$7,435

Commissioner Streich requested that Consent Item B be moved to Action Item D for further discussion.

Motion: Move to approve Consent Agenda items A and C.

Move: Duckwall

Second: Streich

Discussion: Commissioner Davies noted potential conflict of interest in that Jaques Sharp law office is a customer of Columbia River Insurance.

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

MOTION CARRIED

4. Reports, Presentations and Discussion Items:

a. Airport Master Plan Update – Dave Miller, Century West Engineering: Fred Kowell introduced Mr. Miller, noting that the Airport Master Plan (AMP) has been submitted to the FAA and is now pending final approval. Mr. Miller reviewed the AMP, providing details on the preliminary preferred alternative; a forecast of future demand; how the lack of available hangar space has affected the growth of based aircraft at the airport and the available land for new hangars; FAA facility requirements, including the overrun being published as a stopway. Mr. Miller provided an illustration of the Airport Layout Plan (ALP) along with details on the current zoning of adjacent land parcels, proposed airside improvements, preferred north ramp landside improvements, a terminal plan view of preferred alternative elements of the ALP, and south ramp landside area options. Mr. Miller reported that the 100% complete draft AMP has been submitted to the FAA for their formal review. There will be a 90 day period for their approval of the ALP, and 30-60 days for acceptance of the AMP. Then the AMP must be posted for public comment, and the Port would need to coordinate with Hood River County for local adoption. Mr. Miller fielded questions from the Commission about the Through The Fence agreements, potential traffic increase from publishing the stopway, model airport projects for public-private partnerships on development, and liability questions in regard to drone or unmanned aerial vehicles.

b. Connect VI Grant Application Update: McElwee presented the Connect VI Airport Modal Review Committee presentation that was given as part of the Connect VI grant application review process on March 1. McElwee and Scholl gave an update on the review process, noting that the next step is Regional Solutions review and then Area Commission on Transportation review, scheduled for April 4. The Hood River Airport Aviation Technology & Emergency Response Center project is currently the only aviation project in Region 1, and is currently sitting at seventh position in the aviation project rankings. Staff will continue to update on the proposal review as it proceeds.

c. FAST Act Next Steps: McElwee reported that ODOT and WSDOT sponsored an application to FHWA for National Highway System designation for the Hood River Bridge, which was approved. McElwee noted that the Port faces serious challenges in applying for the first round of funding, with applications due April 14, requirements for inclusion on local plans, clear preference for large projects that are ready for construction within 18 months of the obligation of funds. McElwee further explained the program's requirement for a 40% local match to the federal award. McElwee expressed his opinion that, given all of these significant challenges, it would be very unlikely that the Port would be ready to submit a defensible application by the April 14 deadline. Commission President Shortt asked legal counsel to clarify the requirements for engineering contracts likely to result from the project. Commissioner Davies asked McElwee to further clarify the local match and what would be needed to be able to meet that requirement. Shortt described his desire to bring in collaborative partners from the local freight-dependent industries. Shortt proposed a dedicated bridge toll increase to meet the match. Kowell explained upcoming debt retirement and new debt issuance possible in 2018, as well as the Port's potential ability to fund 40% of the match via toll increases over time. McElwee noted that staff will have alternate scenarios prepared for discussion during Spring Planning. Commissioner Davies recommended the creation of a new bridge authority that is separate from the Port for the operation and management of a new bridge. Scholl explained the difference between the Large Projects (over \$100M) and Small Projects (less than \$100M) programs of the FASTLane Program in terms of deadlines to construction. Scholl also clarified that pre-construction activities were eligible for funding. Davies expressed his discomfort with the Port contributing the 40% match with no assurance that the Port would have any future role or ownership of the newly constructed bridge. McBride expressed his gratitude for the positive support from our delegation on the state and federal level and that he supported submitting an application in the first round.

d. Waterfront Parking Plan: McElwee presented key factors for Commission consideration and discussion including a review of the schedule, seasonality, hard and soft costs for installation, possible sales of passes and cost structure for those passes. The Commission discussed the new burden on local residents in this new fee for access to the waterfront; recommendations for carpool spaces, bus stops, or trolley stops; configuration changes to the ingress and egress points of the Event Site parking lot and the creation of a "festival street" for use by local organizations like the Saturday Market and Farmers Market. There was also discussion about the Event Site season pass sales and how this new paid parking would affect that program. Legal Counsel noted that an IGA with the City will be needed. The Commission discussed hours and seasons of enforcement, management for different parking areas (Marina Beach, Marina Boat Launch, Jensen Building, Hook, etc.)

e. Naito Hotel Trail Connection to Pedestrian Bridge Proposed Final Design: McElwee reviewed the requirements of the Emergency Access Easement (EAE) agreement with Naito Development regarding the concrete (or asphalt) path connection from the hotel property to the pedestrian bridge and encouraged the Commissioners to visit the project site. Naito Development designers are proposing the creation of a large berm on the east side of the building to shield the lower level rooms from road traffic and to increase

privacy, which would require a new agreement. The Commission had general consensus that a concrete path was preferred, at a minimum of 10 feet wide. McBride asked for clarification on fire truck access requirements at the site to Spit Road.

f. Lower Mill Development, Crystal Springs Water District (CSWD) Off-Site Requirements: Medenbach provided an update to CSWD’s informal requirement that the Port perform 3,500 off-site, adjacent water system improvements. Medenbach reported that a joint meeting with CSWD and state and local fire officials resulted in the determination that the current system meets fire requirements. Medenbach reported that legal counsel is preparing a memo to CSWD regarding their statute and requirements, roles and responsibilities for the off-site system requirements. McBride asked for an update on the dirt work. Medenbach replied that the work should take about a week to finish once the weather conditions allow, expected in April.

5. DIRECTOR’S REPORT: McElwee provided the following highlights: President Shortt and Genevieve Scholl will attend the PNWA Mission to Washington in the following week. Hook Trail construction is proceeding well. The Esperanza was craned into the Marina and subsequently towed away. The Pastime has also departed for Alaska, but would like to return in the fall. Lift span repair work is now underway. McElwee commended Celestino Negrete, Jay Bravo Cruz, and Rob Arnold for their 9PM-5AM shifts flagging on the bridge in bad weather and also John Mann for being on call for inspections throughout the night all nights the work is being performed. Shortt inquired about LED light inspections on the bridge and a potential vendor for an assessment. Shortt commented on the current work load at the staff level.

8. COMMISSIONER, COMMITTEE REPORTS:

a. Marina Ad-hoc: McElwee reported that the February 18 meeting focused primarily on the south basin dock and the proposal submitted by Lars Bergstrom included in the packet. McElwee noted that detailed discussion of the committee’s proposal for the purchase of modular docks and needed repairs to the rub rails, connection points, gates would take place during Spring Planning. Davies asked whether the proposed improvements could potentially take place this year, and McElwee replied that he is inclined to recommend that.

9. ACTION ITEMS:

a. Authorize contract with Berger Abam for Planning Services for Lot #1 Preliminary Subdivision not to exceed \$21,999 plus reasonable reimbursable expenses:

Motion: Move to authorize contract with Berger Abam for Planning Services for Lot #1 Preliminary Subdivision not to exceed \$21,999 plus reasonable reimbursable expenses.

Move: Duckwall

Second: McBride

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

MOTION CARRIED

b. Approve contract with Terra Surveying for Surveying Services for Lot #1 Preliminary Subdivision not to exceed \$5,500 plus reasonable reimbursable expenses:

Motion: Move to approve contract with Terra Surveying for Surveying Services for Lot #1 Preliminary Subdivision not to exceed \$5,500 plus reasonable reimbursable expenses, subject to legal counsel review.

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

MOTION CARRIED

- c. **Approve contract with Martin Schott & Associates for Wetland Delineation Services not to exceed \$5,860:** Medenbach described needed wetland delineation services for the upcoming FAA improvement projects and the Connect VI project, if approved.

Motion: Move to approve contract with Martin Schott & Associates for Wetland Delineation Services not to exceed \$5,860.

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

MOTION CARRIED

- d. **Approve License for Anchor Way Utility Placement for Hood River Electric Cooperative (HREC):** Commissioner Streich asked for clarification on the vault in regards to whether there was any way the Port could utilize their core drill in preparation for the utility relocation for Lot 1 development. Medenbach will inquire with HREC on that request. McElwee asked for clarification on the south side of Lot 5 utilities location and why HREC would rather not use that existing easement.

Motion: Move to approve license for Anchor Way utility placement for Hood River Electric Cooperative.

Move: Streich
Second: Duckwall

Discussion: McElwee asked for clarification on the south side of Lot 5 utilities location and why HREC would rather not use that existing easement. Shortt asked whether this is a perpetual license. Legal counsel recommended a rewording on the license. Streich withdrew his motion to allow further consideration of the location of the utilities.

MOTION WITHDRAWN

8. COMMISSION CALL: McBride reported that his only opposition in the County Commission election has withdrawn from the race. Legal Counsel noted that he has been asked to review whether McBride could hold a position on both the County and Port Commissions concurrently for a short period. Davies reminded all that the SDAO board training would be hosted by Columbia River Insurance at the Hood River Fire Station on April 4.

9. EXECUTIVE SESSION: The Commission was again called into Executive Session at 8:00 p.m. under ORS 192.660(2)(e) Real Estate and ORS 192.660(2)(h) Legal Counsel. The Commission was called back into Regular Session at 9:05 p.m.

10. POSSIBLE ACTION: As a result of Executive Session, the following actions were taken:

- a. **Authorize Amendment No. 4 to the Amended and Restated Disposition and Development Agreement with Key Development Corporation for Parcels 1 and 2 of the Waterfront Business Park, including a reduction in purchase by \$42,000.**

Motion: Authorize Amendment No. 4 to the Amended and Restated Disposition and Development Agreement with Key Development Corporation for Parcels 1 and 2 of the Waterfront Business Park, including a reduction in purchase by \$42,000.

Move: McBride

Second: Duckwall

Vote: Aye: Duckwall, Shortt, McBride and Streich

Absent: Davies

MOTION CARRIED

b. Authorize staff to proceed with closing the sale of the Expo Center Property, pursuant the DDA Agreement as amended in Amendment No 4.

Motion: Authorize staff to proceed with closing on the Expo Center Property, per the DDA Agreement as amended in Amendment No 4.

Move: McBride

Second: Duckwall

Vote: Aye: Duckwall, Shortt, McBride and Streich

Absent: Davies

MOTION CARRIED

c. Authorize the Executive Director to file a proof of loss with CHUB Insurance for damages to the bridge.

Motion: Authorize the Executive Director to file a proof of loss with CHUB Insurance for damages to the bridge.

Move: Duckwall

Second: McBride

Vote: Aye: Duckwall, Shortt, McBride and Streich

Absent: Davies

MOTION CARRIED

d. Authorize payment to attorneys Haglund & Associates for an amount not to exceed \$35,000.

Motion: Authorize payment to attorneys Haglund & Associates for an amount not to exceed \$35,000.

Move: Duckwall

Second: Streich

Vote: Aye: Duckwall, Shortt, McBride and Streich

Absent: Davies

MOTION CARRIED

11. ADJOURN: At 9:05 p.m. President Shortt entertained a motion to adjourn the meeting.

Motion: Move to adjourn

Move: Duckwall

Second: McBride

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

Absent: Davies

MOTION CARRIED

Respectfully submitted,

Genevieve Scholl

ATTEST:

Brian Shortt, President, Port Commission

Jon Davies, Secretary, Port Commission