

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

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CHARLIE HELMS  
CEO/Harbormaster

## MINUTES

### Board of Harbor Commissioners of the Crescent City Harbor District Regular Meeting, Tuesday, APRIL 07, 2015, 6:30 P.M.

#### COMMISSIONERS PRESENT:

Patrick Bailey  
Scott Feller, Secretary  
Ron Phillips  
James Ramsey

#### COMMISSIONERS ABSENT:

Wes White, President

#### OTHERS PRESENT:

Charlie Helms, CEO/Harbormaster  
Robert N. Black Commission Counsel  
Emily Joe Welter, Triplicate  
Ernest Perry, Harbor Planner

Karen Phillips, PS Business Services  
Ward Stover, Stover Engineering  
Bev Noll, Noll Stand Up Paddle Board  
Aaron Hawkins, New Tenant

Lane Tavasci, Deputy Harbormaster

Wayne Gavin, Alber Seafood

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

Secretary Feller called the meeting to order in regular open session at 6:30 p.m.

#### **Pledge of Allegiance.**

The pledge was led by Lane Tavasci, Deputy Harbormaster.

#### **Public Comment.**

The following person(s) addressed the Commission: Beverly Noll commented on the upcoming Noll Stand Up Paddle Board event to be held on Saturday, May 16, 2015.

Staff asked that the event organizers have the participants sign a hold harmless agreement on behalf of the Harbor. Ms. Noll noted that they would move the exit to further down the beach to avoid issues. Rhynn Noll had told staff that the participants would be signing a hold harmless waiver, which they have always done with events they have held in the past. Counsel asked if the waiver could name the

Harbor also. If wording could be added to the hold harmless waiver to add the Harbor it would work according to counsel. The funds raised at this event will be used to pay for swimming lessons for kids. This event is modeled after the former surf contest that the Noll Family has held. No parking control or port-a-potties, vendors or other amenities will be used this year. Staff will work with the event organizers to get the waiver wording amended.

**1. Consent agenda.**

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

**A) Approval of the warrant list since March 3, 2015.**

**B) Approval of the minutes of the regular meeting of March 3, 2015.**

**C) Approval of the minutes of the regular meeting of March 17, 2015.**

There were no requests to pull matters from the consent agenda. Commissioners discussed the following: the report on the charges on the credit card being provided to the Commission. Commissioners were concerned regarding the items being charged on the Harbor credit card.

ON A MOTION BY COMMISSIONER BAILEY, SECONDED BY COMMISSIONER RAMSEY, AND UNANIMOUSLY CARRIED POLLED VOTE, WITH COMMISSIONER WHITE ABSENT, THE CRESCENT CITY HARBOR DISTRICT BOARD OF COMMISSIONERS, APPROVED AND ADOPTED THE CONSENT AGENDA, CONSISTING OF ITEMS 1.A-C, AS PRESENTED.

**2. Discussion and consideration of A RESOLUTION OF THE CRESCENT CITY HARBOR COMMISSION DECLARING AN EMERGENCY UNDER PUBLIC CONTRACT CODE SECTION 1102 AND AUTHORIZING NEGOTIATION OF A CONTRACT TO RE-ROOF THE FASHION BLACKSMITH BUILDING.** Take action as necessary and appropriate

Discussion was held regarding the resolution and emergency re-roofing of the Fashion Blacksmith Building. The roof is leaking and running onto the electrical panel and this constitutes an emergency. The tenant is not able to use part of their leased facility due to the leaking roof. Adoption of the emergency resolution will allow staff to get the roof repairs without the formal bid letting, but using a formal negotiation process with licensed contractors and execute the contract with qualified contractors. Multiple repairs have failed on this roof. The roof will be torn off and rebuilt entirely. This process will accelerate the fixing of the roof. Fashion Blacksmith has threatened to shut the business down if not repaired.

ON A MOTION BY COMMISSIONER BAILEY, SECONDED BY COMMISSIONER RAMSEY, AND UNANIMOUSLY CARRIED POLLED VOTE, WITH COMMISSIONER WHITE ABSENT, THE CRESCENT CITY HARBOR DISTRICT BOARD OF COMMISSIONERS, APPROVED AND ADOPTED RESOLUTION NO. 2015- 01, ENTITLED, A RESOLUTION OF THE CRESCENT CITY HARBOR COMMISSION DECLARING AN EMERGENCY UNDER PUBLIC CONTRACT CODE SECTION 1102 AND AUTHORIZING NEGOTIATION OF A CONTRACT TO RE-ROOF THE FASHION BLACKSMITH BUILDING, AS PRESENTED.

3. **Discussion and consideration of approval to declare the following two (2) vessels “Cheryl Ann” and “Sioux” as surplus and make them available for sale.** Take action as necessary and appropriate.

Discussion was held regarding declaring the “Cheryl Ann” and the “Sioux” as surplus and selling them. Both vessels were seized for non-payment of debts and are now property of the Harbor. The sale would require the demolition and disposal of the vessels. If the vessels are not sold, the District would demolish them as finances permit.

ON A MOTION BY COMMISSIONER PHILLIPS, SECONDED BY COMMISSIONER RAMSEY, AND UNANIMOUSLY CARRIED ON A POLLED VOTE, WITH COMMISSIONER WHITE ABSENT, THE CRESCENT CITY HARBOR DISTRICT BOARD OF COMMISSIONERS, DECLARED THE VESSELS “CHERYL ANN” AND “SIOUX” AS SURPLUS AND APPROVED STAFF SELLING THEM AT PUBLIC SALE.

4. **Discussion and consideration of approving “Proclamations of Appreciation” for Nancy Suksi and Ernie Perry and naming the section of the new trail around the Inner Boat Basin the “Ernest Perry Interpretive Trail” to recognize the work Mr. Perry performed to make the trail a reality.** Take action as necessary and appropriate.

Discussion was held regarding the proclamations and trail naming. Commissioner Phillips would like to have the trail named “The Ernest Perry Interpretive Walkway. Signage will be placed with the assistance of Mr. Perry, if approved. Mr. Perry thanked the Harbor and the Commissioners thanked Mr. Perry for his work.

ON A MOTION BY COMMISSIONER PHILLIPS, SECONDED BY COMMISSIONER BAILEY, AND UNANIMOUSLY CARRIED ON A POLLED VOTE, WITH COMMISSIONER WHITE ABSENT, THE CRESCENT CITY HARBOR DISTRICT BOARD OF COMMISSIONERS, APPROVED THE PROCLAMATIONS OF APPRECIATION FOR NANCY SUKSI AND ERNEST PERRY, AND APPROVED NAMING THE NEW TRAIL AROUND THE INNER BOAT BASIN “*THE ERNEST PERRY INTERPRETIVE WALKWAY*”.

5. **Discussion and consideration of changing the twice monthly Commissioners Meetings to one meeting on the third Tuesday of each month.** Take action as necessary and appropriate.

This item was pulled from the agenda until all five commissioners are in attendance.

6. **Discussion and consideration of loaning the Harbor District Whale to the Northcoast Marine Mammal Center to be used for educational purposes at the Marine Mammal Center.** Take action as necessary and appropriate

Discussion was held regarding the loan of the District’s wood/fiberglass whale to the Northcoast Marine Mammal Center to be used for educational purposes at the Center. The Center would like a long term loan of the whale and will transport, mount and repair the whale as needed and indemnify the Harbor of any damage or risks. A Mr. Wilson carved the whale, according to Ms. Noll, but it was many years ago (30+ years). A long-term loan is easier than giving the whale to the Marine Mammal Center. Mr. Strickland, volunteer of the Mammal Center, noted that they were excited to have the whale at the

Center. The Center staff will place signage giving credit to the Harbor for the whale and they feel that it would bring visitors to the Center. They would like a month to get a plan together for the maintenance, placement, etc. before they come back to the Commission.

ON A MOTION BY COMMISSIONER BAILEY , SECONDED BY COMMISSIONER PHILLIPS, AND UNANIMOUSLY CARRIED ON A POLLED VOTE WITH COMMISSIONER WHITE ABSENT, THE CRESCENT CITY HARBOR DISTRICT BOARD OF COMMISSIONERS, APPROVED LOANING THE DISTRICT'S WHALE TO THE MARINE MAMMAL CENTER FOR EDUCATIONAL PURPOSES.

7. **Discussion and consideration of approving the lease for Spotty's Car Wash, U.S. Hwy 101 South for Aaron Hawkins.** Take action as necessary and appropriate

Discussion was held regarding the proposed lease of Spotty's Car Wash to Aaron Hawkins. After the Lease Committee meeting staff was directed to draft lease for the site. The lease was briefly discussed by Mr. Hawkins, who will be doing general automotive/marine repairs and detailing/car-washing. This is his first business and he has presented a business plan and had the assistance of the Northcoast Small Business Development Center. The lease is for a two year term beginning May 1, 2015 at the rate of \$500 per month with a percentage rent of 6% when revenue exceeds the minimum rent.

ON A MOTION BY COMMISSIONER BAILEY, SECONDED BY COMMISSIONER RAMSEY, AND UNANIMOUSLY CARRIED ON A POLLED VOTE, WITH COMMISSIONER WHITE ABSENT, THE CRESCENT CITY HARBOR DISTRICT BOARD OF COMMISSIONERS, APPROVED THE LEASE AGREEMENT WITH AARON HAWKINS FOR SPOTTY'S CAR WASH.

8. **Discussion and consideration of approving the lease for North Coast Ocean Sports at the corner of Anchor and Starfish Way.** Take action as necessary and appropriate.

This matter was pulled from the agenda waiting for more documentation.

9. **Discussion and consideration of approving the lease for 141 Starfish Way for Alber Seafood.** Take action as necessary and appropriate.

Discussion was held regarding approving the lease at 141 Starfish Way with Alber Seafood. The lease will be for \$345.00 per month for 1,725 square feet of space. Mr. Wayne Gavin was present at the meeting, but did not speak to the issue. Commissioner Bailey stated that he is a driver for the business and recused himself.

ON A MOTION BY COMMISSIONER PHILLIPS, SECONDED BY COMMISSIONER RAMSEY, AND UNANIMOUSLY CARRIED ON A POLLED VOTE WITH COMMISSIONER BAILEY RECUSED, AND COMMISSIONER WHITE ABSENT, THE CRESCENT CITY HARBOR DISTRICT BOARD OF COMMISSIONERS, APPROVED THE LEASE OF 141 STARFISH WAY TO ALBER SEAFOOD, INC. AS PRESENTED.

10. **Discussion and consideration of the AMENDED AND RESTATED EMPLOYMENT AGREEMENT WITH CHARLES HELMS.** Take action as necessary and appropriate

Discussion was held regarding the agreement with Charles Helms. The performance review was held after the first year of service. The amended agreement provides for a 1% salary increase, 1 additional week of paid vacation, and an incentive for bringing in business within one year of 1% of the gross revenues from the business for one year.

ON A MOTION BY COMMISSIONER RAMSEY, SECONDED BY COMMISSIONER BAILEY, AND UNANIMOUSLY CARRIED ON A POLLED VOTE, WITH COMMISSIONER WHITE ABSENT, THE CRESCENT CITY HARBOR DISTRICT BOARD OF COMMISSIONERS, APPROVED THE AMENDED AND RESTATED EMPLOYMENT AGREEMENT WITH CHARLES HELMS AS PRESENTED.

11. **Discussion and consideration of the Crescent City Harbor District “VOLUNTEER RELEASE AND WAIVER OF LIABILITY Form”** Take action as necessary and appropriate

Discussion was held regarding the volunteer release and waiver of liability form. Legal Counsel prepared the form for use and staff supports the use and approval of the form. Adding the “age of eighteen” to the legal age was discussed. A version that allows for parental consent when volunteering could be produced. Legal Counsel will add the age and parental consent changes.

ON A MOTION BY COMMISSIONER RAMSEY, SECONDED BY COMMISSIONER BAILEY, AND UNANIMOUSLY CARRIED ON A POLLED VOTE, WITH COMMISSIONER WHITE ABSENT, THE CRESCENT CITY HARBOR DISTRICT BOARD OF COMMISSIONERS, APPROVED THE VOLUNTEER RELEASE AND WAIVER OF LIABILITY FORM AS CHANGED TO ADD THE LEGAL AGE OF 18 AND PARENTAL CONSENT OF UNDER AGE VOLUNTEERS.

12. **Committee Reports.** Reports from other standing and ad hoc committees.

The following committee reports were made:

Financial – no report.

Budget Committee – none.

Design Oversight – none.

Dredge – nothing to report.

Events – no report.

Ordinance and Policy – no report.

Lease Committee – action was taken above on leases discussed at the last meeting.

Landlord Tenant Committee – no report.

Park Model Construction – no report.

Real Estate Policy/Lease Committee – no report.

North Coast Tsunami Center Committee – the new idea for the center was presented the City Council. Discussion was held regarding the Visitors’ Bureau moving to the Harbor.

Dutra Dispute Resolution Committee – no report.

Employee Negotiations – no report.

Insurance Committee – no report.

Zoning and Land Use – none.

Marketing – no report.

Maintenance and Repair – needs to have a meeting.

Tri-Agency – there will be a meeting on the 15<sup>th</sup> of this month.

IGRC – nothing to report.

Chamber – Friday is the Economic Summit with Senator McGuire, and Pen-Air will hold an open house tomorrow at the airport.

Port Safety – no report.

Land Use Plan – no report.

Personnel –no report

13. **C.E.O.'s Report.** Report on current matters and issues planned or in progress.

The CEO's report consisted of the written report included in the agenda and the following: revenue generation focus; cost reduction focus; close out status of federal and State projects; Cal OES grants management auditors; regulator update; what is California Environmental Reporting System (CERS); upcoming public events involving the Harbor District; social media marketing; Northcoast tsunami center; funding - staff is doing a lot of work research funding at this time; the West Coast Surf Riders are concerned about banning jet skis. It was noted by the audience that two stroke engines are illegal in California, this is a touchy subject. The Harbor is concerned about safety and protecting the eel grass, marine mammals and boaters, swimmers, etc.

14. **Board Comments.**

The following Commissioners 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 Baily noted that this was a productive meeting.

15. **Adjournment to the next Regular Meeting scheduled on Tuesday, April 21, 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, Secretary Feller adjourned the meeting at 7:50 p.m., until the next regularly scheduled meeting on April 21, 2015.

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Wes White, President

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Scott Feller, Secretary

Approved this \_\_\_\_\_ day  
of \_\_\_\_\_, 2015.

