

PORT OF HOOD RIVER COMMISSION
Tuesday, August 5, 2014
Marina Center Boardroom
5:00 p.m.

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. Consent Agenda
 - Approve Minutes of July 15, 2014 Regular Session
 4. Reports, Presentations and Discussion Items
 - Nichols Basin West Edge Trail Project Update – Christopher Miller, Walker/Macy
 - Executive Director Work Plan FY 2014-15
 - Downtown/Waterfront Commercial Issues
 5. Director’s Report/Informational Items
 6. Commissioner, Committee Reports
 - Urban Renewal Agency - Streich
 - NBWE Trail PAC - Streich
 7. Action Items
 - a. Approve Committee Assignments for FY 2014-15 and reauthorize Marina Ad-hoc Committee through June 30, 2016
 - b. Authorize contract with Ball Janik, LLC for FY 14-15 not to exceed \$83,000 plus reasonable reimbursable expenses
 - c. Authorize Intergovernmental Agreement with Hood River County for reimbursement of services performed by Ball Janik, LLC under FY 14-15 contract
 - d. Approve Contract with Electrical Contractor for Resolution of Marina Power Issue
 8. Commission Call
-
9. Executive Session under ORS 192.660(2)(e) Real Estate Negotiations
 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.*

Commission Memo

To: Commissioners
From: Michael McElwee
Date: August 5, 2014
Re: Nichols Basin West Edge (NBWE)

On July 30 the NBWE Project Advisory Committee met to review the 25% plans prepared by Walker Macy (W/M). We expect Christopher Miller, project manager from W/M to attend the Commission meeting and summarize current plans, project schedule and next steps. If he is unable, staff will review the same information using presentation slides from the PAC meeting. The slides will be posted on the Port's web site. We are seeking any changes to the plans that the Commission may want and consensus to move forward.

RECOMMENDATION: For information.

Commission Memo

To: Commissioners

From: Michael McElwee

Date: August 5, 2014

Re: FY 14/15 Executive Director Work Plan

Attached is my proposed Work Plan for the current fiscal year. I have prepared this draft based on priorities identified in our Strategic Business Plan and expected project and policy needs in the next 12 months. As always, the Plan will guide priorities for all Port staff, not just myself. Please review this list to consider additions or modifications. Based on Commission direction at the August 5 meeting, I will finalize the Work Plan.

RECOMMENDATIONS: For Discussion.

**EXECUTIVE DIRECTOR
WORK PLAN
FY 14/15**

Commission Review Draft: August 5, 2014

I. FINANCIAL MANAGEMENT

Goal: Ensure that financial resources continue to be deployed effectively, with a high degree of foresight and in anticipation of future Port needs.

Action:	Expected Completion	Complete
1. Install new tolling software and hardware	09/15/13	
2. Recommend new financial software	02/01/15	

II. REAL ESTATE DEVELOPMENT & PLANNING

Goal: Create significant, positive momentum toward development of the Port's Waterfront properties consistent with community objectives.

1. Evaluate impact of waterfront commercial development on downtown and make recommendations	09/15/14	
2. Implement & monitor DDA with Key Development	06/30/15	
3. Complete key Lot #1 planning tasks:		
• Prepare options for funding infrastructure	10/01/13	
• Draft Policies	04/15/15	
• Prepare subdivision Plan Application assuming current concept plan	03/15/15	
4. Update assessment of Port facilities & buildings	04/01/14	
5. Prepare final MOU & DDA for Riverside Lot	02/21/14	
6. Hanel Mill property:		
• Complete site characterization	09/15/14	
• Purchase recommendation	10/01/14	
• Leasing & disposition strategy	11/01/14	
• Infrastructure financing alternatives	12/20/14	
• Subdivision Application	03/01/15	

III. WATERFRONT RECREATION

Goal: Maintain and enhance the waterfront as a prime recreation area to support economic development objectives and Strategic Plan goals.

1. Complete Nichols Basin West Edge Project	10/01/13	
2. Complete Pedestrian Bridge Path Project	02/18/14	

- | | |
|---|-----------------|
| 3. Resolve Marina Electrical GFCI—complete project | 08/15/14 |
| 4. Prepare Marina Master Plan for Commission review | 04/01/15 |
| 5. Prepare Plans and permit application for new
Transient Boat Dock | 06/15/15 |
| 6. Prepare fee-based parking & enforcement plan for
Port waterfront properties | 03/15/15 |

IV. TRANSPORTATION/AIRPORT

Goal: Complete significant transportation improvements to enhance development objectives.

- | | |
|--|-----------------|
| 1. Complete paving of OR & WA approach ramps | 08/30/14 |
| 2. Complete Repairs to Lift Span | 05/01/15 |
| 3. Complete paving of Marina Way and Marina Drive | 05/15/15 |
| 4. Complete Airport Master Plan | 02/10/15 |
| 5. Develop a Business Plan for the Airport including
maintenance standards and lease rates. | 04/01/15 |

V. ECONOMIC DEVELOPMENT

Goal: Ensure that the Port's role in regional economic development activities is clearly defined. Confirm that the objectives are identified and adequate resources are in place be successful.

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|--|-----------------|
| 1. Determine viability of Columbia Gorge Economic
Development Coalition | 10/31/14 |
| 2. Assess the Port's regional economic development
efforts and prepare a the work plan and budget | 11/15/14 |

VI. COMMUNICATIONS & COMMUNITY RELATIONS

Goal: Increase the understanding and awareness of the Port's activities; identify opportunities for successful partnerships with key public agencies and private business; and participate in the life of the Hood River area community.

- | | |
|--|-----------------|
| 1. Upgrade the Port's web site | 06/15/15 |
| 2. Prepare a summary of recent waterfront
development for marketing Port properties | 01/30/15 |

VII. GOVERNANCE & BOARD COMMUNICATIONS

Goal: Evaluate the Board's governance and communications policies and provide recommendations for improvements.

<u>Action Description:</u>	Expected Completion	Date Complete
1. Update board & staff training policy	04/15/15	
2. Update LCRB rules & Port contracting practices.	03/01/15	

VII. PERSONNEL MANAGEMENT

Goal: Ensure that appropriate personnel policies are in place.

1. Update staff job descriptions.	09/30/14	
2. Complete hiring process for Marina Manager	11/15/14	
3. Recommend updated Exec. Dir. Evaluation Process	04/30/15	

VII. MAJOR NEW OR UNPLANNED INITIATIVES

The following section allows for projects that are not planned but may be added to the Work Plan based on Commission direction.

<u>Action Description:</u>	Expected Completion	Date Complete
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Commission Memo

To: Commissioners
From: Michael McElwee
Date: August 5, 2014
Re: Waterfront Commercial Impact

On July 15 the Commission heard testimony from four downtown business owners who expressed concerns about the potential of proposed waterfront development to create a negative impact on Hood River's downtown core. Staff has taken steps to better understand these important concerns and suggests other steps that may be taken to address these important concerns.

The following are actions that are underway or are recommended to occur:

- Discuss issues and concerns with individual downtown business owners.
- Seek outside expert opinion (see attached).
- Fully characterize and summarize all existing businesses on the waterfront— leased area, jobs, type of use, origin, etc.— to provide an accurate baseline for understanding issues and for public discussion.
- Prepare a graphic sketch that portrays the underlying development concept for the waterfront—what has been completed so far and what would be expected from the development of the Expo DDA, Lot #1 and the NBWE.
- Discuss amendments to the existing DDA with Key Development that might further address downtown concerns, e.g.
 - Restricting initial tenants to "out of area" and/or inability to be accommodated downtown and subject to Commission approval.
 - Limiting total retail in each of the proposed commercial buildings.
- Seek inclusion of the Expo commercial lots in the Waterfront Refinement Plan so public discussion can be carried out through a legislative process.

RECOMMENDATION: For discussion and direction.

E. D. Hovee & Company, LLC

Economic and Development Services



MEMORANDUM

To: Michael McElwee – Executive Director
Port of Hood River

From: Eric Hovee

Subject: Approach to Hood River Waterfront Commercial Use Evaluation

Date: July 31, 2014

I appreciated the opportunity to meet and discuss the Port of Hood River's interest in having an independent evaluation conducted of commercial retail and office uses locating at the Port's waterfront property and current or potential impact to downtown business activity. This memorandum is intended to briefly describe a proposed approach to conducting this review.

On the following page is provided a preliminary list of questions that we understand have been raised with respect to the relationship between waterfront and downtown business vitality. Our goal will be to structure the evaluation to respond to these questions based on pertinent data as available to our firm and from the Port and City together with our experience in working both in Hood River previously and with other communities facing similar questions. *Please note that the list of questions is preliminary and intended for refinement based on input from the Port Commission and interested stakeholders.*

We will prepare draft report documentation for review with the Port and stakeholders as determined in consultation by the Port. Services may also include meetings for presentation and discussion of concerns and findings from our evaluation.

As discussed, E. D. Hovee & Company, LLC will conduct this assessment on a time and materials basis. We typically invoice on a monthly basis with invoices including a description of services rendered and direct project expenses incurred during the prior month. Services may be terminated by written notice either from the Port or our firm, subject only to payment to be made for services rendered and costs incurred through the date of project termination.

Let me know as questions and suggestions arise related to any aspect of our planned approach to this evaluation assignment. The opportunity to be of assistance in addressing the challenging questions regarding appropriate commercial development is greatly appreciated.

HOOD RIVER WATERFRONT COMMERCIAL USE EVALUATION: QUESTIONS TO ADDRESS

Based on initial discussion, our understanding of key questions to be addressed by this Hood River waterfront commercial use evaluation is outlined as follows:

- Does commercial development on the waterfront negatively affect downtown businesses?
- In what ways is retail and/or office development supportive of or counter to the primary industrial and recreational uses of the waterfront?
- To what extent are commercial retail and office tenants relocating to the Port's waterfront property from downtown versus coming from other locations or as new business startups?
- Would further commercial waterfront constitute a new commercial district or node for Hood River? If so, is there adequate market demand to support another commercial node without negatively affecting existing business districts?
- How much and what types of commercial development can be absorbed at one time without negatively impacting existing downtown activity?
- Will further commercial waterfront development draw tenants from downtown and put downward pressure on existing rents and property values?

This list of questions is *preliminary and intended for refinement* based on input from the Port Commission and interested stakeholders.

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**Port of Hood River Commission
Meeting Minutes of July 15, 2014
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, and Brian Shortt; Port Counsel Jerry Jaques; from staff, Michael McElwee, Fred Kowell, Anne Medenbach, and Laurie Borton

Absent: Commissioner Hoby Streich

Media: Kirby Neumann-Rea, Hood River News

1. Call to Order: President Rich McBride called the meeting to order at 5:08 p.m.

a. Modification, Additions to Agenda: Staff requested moving the Hood River Yacht Club Lease from Consent to Action, moving the Key Development Action Item to Executive Session, and rearranging the order of guest presentations.

2. Election of Officers:

Motion: Move to reappoint same slate of officers for FY 2014-15

President-Rich McBride
Vice President-Brian Shortt
Secretary-Hoby Streich
Treasurer-Jon Davies
Commissioner-Fred Duckwall

Move: Duckwall

Second: Davies

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

Absent: Streich

MOTION CARRIED

3. Public Comment: Brett VandenHeuvel and Miles Johnson spoke to the Commission regarding their concerns with Oregon Public Port Association's letter supporting projects related to coal exports and Executive Director McElwee's expected testimony before the ConnectOregon V grant committee on behalf of OPPA. Gary Bushman, Mike Kitts, Steve Gates, and Andrew McElderry spoke about their concerns regarding the migration of commercial/retail space on the waterfront and the negative impacts that could have on businesses in the downtown area, on the heights, and West Cascade. President McBride thanked all the guests for their comments.

4. Consent Agenda: (Hood River Yacht Club moved to Action Items)

- o Approve minutes of June 17, 2014 regular session
- o Ratify Change Order No. 1 with Wildish Standard Paving Co. to modify schedule for Bridge Approach Overlay project
- o Ratify Change Order No. 2 with Even Construction in the amount of \$7,693 for a revised contract amount of \$194,581
- o Approve lease with CRG Freight in the Maritime Building
- o Authorize lease with Columbia River Acupuncture in the Marina Park Office Building
- o Authorize lease with Peterson Brothers Construction in Timber Incubator Building Suite 300 subject to legal counsel review
- o Approve reappointment of Pauly Rogers & Company, P.C. as Port auditor
- o Authorize Broker/Dealer Agreement with Vining Sparks and Piper Jaffrey

- Authorize Accounts Payable to Jaques Sharp Attorneys at Law in the amount of \$5646

Motion: Move to approve Consent Agenda

Move: Duckwall

Second: Davies (due to client relationships, Davies cited a conflict of interest for the Peterson Brothers Construction lease and Accounts Payable items)

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

Absent: Streich

MOTION CARRIED

5. Reports, Presentations and Discussion Items:

- Mt. Adams Transit Fixed-Route Van Route: Scott Turnoy, MCEDD Project and Mobility Manager and Paige Rouse, Pageworks Design, provided an update on efforts to facilitate pedestrian/bicycle crossings on the Hood River Interstate Bridge. Turnoy also works with Gorge Translink, a 5-county alliance of rural providers offering public transportation services. Ridership with the system currently in place with the Mt. Adams Transportation Service (MATS) has not been used to any great extent; and Port funds earmarked in 2011 for the purchase of bicycle racks for two MATS vans was not expended. There was Commission consensus that Rouse and Turnoy continue working on an outreach program that would publicize the alternative crossings and determine if an enhanced schedule is warranted.

- Commissioners' Cup Sailing Regatta: The Gorge Sailing Team and the Gorge Junior Sailing Program are co-sponsoring a Commissioners' Cup regatta on August 16th or 17th. This regatta will involve a fun race with one Commissioner and one high school sailor in a 420 sailboat. The sponsors have requested the Port waive permit fees as well as donate \$500 toward expenses. Kass Bergstrom was available to answer questions and invited Commissioners and their families to attend open sailing sessions the next four Monday evenings to practice. There was Commission consensus to support the regatta, help with outreach, and purchase a trophy. [Scott Reynier, the Port's insurance agent of record, offered to contact local sailors who have been involved with America's Cup races, to see if anyone would be interested in donated a trophy.]

- Event Site E.coli Water Sampling: Waterfront Coordinator Liz Whitmore provided an update on the results of parallel water samples taken at the Event Site by Coles Environmental Consulting. The results were comparative of those taken by Columbia Riverkeeper, who takes a single sample only. At the next report from Columbia Riverkeeper of elevated levels, staff was directed to have Coles Environmental take a full set of parallel samples to get a better idea of how widespread the problem is.

6. Director's Report/Informational Items:

Executive Director Michael McElwee thanked the Facilities staff who worked long hours prior to and on the July 4th holiday. McElwee noted that he would be appearing before the *ConnectOregon V* grant review committee representing OPPA, and not the Port of Hood River, regarding multi-modal projects that enhance economic development. There are projects that have become highly political and he stated his focus would be on the process rather than the projects. This Commission supported this position. Violation of the 90-minute parking regulations on N. 1st Street and Portway will begin to be enforced. Warnings will be placed on vehicles by Port staff; towing will occur following the two-week 'grace period.' Staff will work with Jensen Building tenants to identify if additional parking is available on the west side of the building in response to the Columbia Gorge Windsurfing Association (CGWA) request for additional parking. Staff continues to address an ongoing problem in the Marina with GFCI

tripping. The project electrical engineer and contractor are working to resolve the issue. A schedule is being prepared by Century West Engineering for the upcoming Master Plan process; an advisory committee will be selected to guide the process. The bridge approach overlay and joint rehabilitation project will begin on July 22. Overnight full closures are allowed during the project; however, those dates have not yet been identified.

7. Commissioner, Committee Reports:

- PNWA Summer Conference-- McElwee and Commissioner Streich attended the Pacific Northwest Waterways Association conference June 23-25. McElwee commented there was a lot of interest in his presentation "The Hood River Interstate Bridge: A Case Study in Infrastructure" and noted that our modeling is ahead of any done by the U.S. Army Corps of Engineers.
- Urban Renewal Agency-- Commissioner Shortt said the July 14 meeting focused on the status of the State Street project. The City has provided a link on their website for more information.
- Marina Ad-hoc Committee (new addition to the agenda) -- Commissioner Davies reported on the July 15. The committee continues to look at financial costs and will bring recommendations to the Commission this fall regarding profit/loss rates.

8. Action Items:

a. Approve Reappointment of Jaques Sharp Attorneys at Law as Port Legal Counsel: Reappointment of legal counsel is a matter of official record the first meeting of the new fiscal year.

- Motion:** Move to Approve Reappointment of Jaques Sharp Attorneys at Law as Port Legal Counsel for FY 2014-15
Move: Duckwall
Second: Davies
Vote: **Aye:** Duckwall, McBride, and Shortt
Abstain: Davies (client relationship conflict of interest cited)
Absent: Streich

MOTION CARRIED

b. Approve Reappointment of Columbia River Insurance as Port Insurance Agent of Record: Reappointment of the Port's insurance agent is a matter of official record the first meeting of the new fiscal year.

- Motion:** Move to Approve Reappointment of Columbia River Insurance as Port Insurance Agent of Record for FY 2014-15
Move: Shortt
Second: Duckwall
Vote: **Aye:** Duckwall, McBride, and Shortt
Abstain: Davies (partnership in firm cited as conflict of interest)
Absent: Streich

MOTION CARRIED

c. Approve Change in Personnel Policy to Compensate Non-Exempt Staff for Hours Works on Federal Holidays: Fred Kowell, Finance Manager, noted the approval should be identified as "Port recognized holidays" as there are a few Federal holidays that are not observed by the Port. The change in policy will compensate non-exempt staff to double their regular rate of pay when a holiday is worked.

Motion: Move to Approve Change in Personnel Policy to Compensate Non-Exempt Staff for Hours Works on Port-recognized Holidays

Move: Duckwall

Second: Shortt

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

Absent: Streich

MOTION CARRIED

d. Approve Contract with Surround Architecture for a Jensen Building Feasibility Study Not to Exceed \$4,400: The existing breezeway structure at the Jensen Building has been found to be in need of substantial upgrading according to the City Building Inspector. Surround Architecture provided a proposal for feasibility design services for a small light industrial building that would replace the existing breezeway building. Results of this feasibility study will be brought back to the Commission for further discussion of all options.

Motion: Move to Approve Contract with Surround Architecture for a Jensen Building Feasibility Study Not to Exceed \$4,400

Move: Duckwall

Second: Davies

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

Absent: Streich

MOTION CARRIED

e. Approve IGA with City of Hood River for Sewer Outfall Project: Whitmore reported the City will consider approval of the IGA, as is, at the July 28 council meeting. The timeline of the sewer outfall project is uncertain and Whitmore reported on the possibility of the Port going ahead with the Hood river launch and pedestrian pathway improvements separately from the City's outfall project. If work is done separately, the Port's improvements could be phased, but nothing would have to be replaced once the City proceeds with their project.

Motion: Move to Approve IGA with City of Hood River for Sewer Outfall Project

Move: Davies

Second: Duckwall

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

Absent: Streich

MOTION CARRIED

f. Approve Amended and Restated DDA with Key Development for the Expo Property: This item was deferred to Executive Session.

g. Authorize Lease with Hood River Yacht Club in the Marina Park: Anne Medenbach, Development Manager, pulled this item from the Consent Agenda because of an error in the lease term. The correct term extends the lease for one year followed with a month-to-month holdover clause.

Motion: **Move to Authorize Lease with Hood River Yacht Club in the Marina Park**

Move: Shortt

Second: Davies

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

MOTION CARRIED

9. Commission Call: Davies reported the first race of the outrigger canoe club will be held this weekend in Stevenson. He also reported that he had been hearing good comments on the boathouse dock float replacements. Shortt commented that he was having the same conversations in his store as presented during the Public Comment period regarding commercial zoning on the waterfront and he advocated having a dialog with City Planning. McElwee commented that it would be appropriate for staff to respond to those who spoke tonight. McBride asked that Commissioners contact he or staff regarding preferences on committee assignments for FY 2014-15 as action would need to be taken at the August 5 meeting.

10. Executive Session: Regular Session was recessed at 7:02 p.m. and the Commission was called into Executive Session under ORS 192.660(2)(e) Real Estate Negotiations.

11. Possible Action: The Commission was called back into Regular Session at 8:54 p.m. The following action was taken as a result of Executive Session.

Motion: Move to approve contract with Coles Environmental Consulting for Phase 2 Assessment Oversight in an amount not to exceed \$5,000

Move: Duckwall

Second: Davies

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

Absent: Streich

MOTION CARRIED

Motion: Move to approve Amended and Restated DDA with Key Development for the Expo Property with residential stipulations and subject to legal counsel review

Move: Duckwall

Second: McBride

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

Nay: Davies

Absent: Streich

MOTION CARRIED

12. Adjourn: McBride entertained a motion to adjourn at 9:04 p.m.

Motion: Move to adjourn

Move: Duckwall

Second: Davies

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

Absent: Streich

MOTION CARRIED

Respectfully submitted,

Laurie Borton

ATTEST:

Rich McBride, President, Port Commission

Hoby Streich, Secretary, Port Commission

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Executive Director's Report

July 15, 2014

Staff & Administrative

- August is a big month for vacations. We will ensure that there is adequate staff coverage for Port activities.
- The "State of the Port" presentation to Hood River Rotary will now occur on September 11.
- Lesley Apple Haskell has joined the practice Jaques Sharp Attorneys at Law. Ms. Haskell will likely be assisting with some Port matters in the future.

Recreation

- Staff is carrying out enforcement of parking regulations on N. 1st Street and Portway Avenue adjacent to the Event Site as well as the east side of the Jenson parking lot. A Facilities staff member has been posting warning stickers on vehicles parked more than 90 minutes for two weeks. Starting Friday August 7, Guzman Towing will begin towing violators.
- Further information about the Commissioner's Cup scheduled for August 17 is attached.
- A PAC public meeting occurred on July 30 to discuss the 25% construction drawings for the NBWE project. There was a good public turnout and a variety of excellent suggestions received.
- Our electrical engineer has proposed a solution to isolate each Marina electrical circuit with separate GFCI protection. This is an item for Commission action. However, to fully restore power to all the boathouses, it appears many of them will require internal electrical modifications. We will need to keep power off to these boathouses until each owner resolves their individual electrical situation.

Development

- DEQ has been actively engaged in the Level II Environmental Assessment at the Hanel Mill site. The geotechnical investigation occurred on July 30. An update will be provided in Executive Session.
- Two proposals were received in response to the City's RFP for the Waterfront Refinement Plan. The Evaluation Committee will meet on August 5.
- I have "tolled" (delayed) by 150-days the Expo property zone change application related to removing the C2 condition. We will recommend that the City include this property in the Waterfront Refinement Plan so that it can be part of the emerging discussion about the amount of commercial land on the Waterfront. The other zone change application (C2 to LI) is proceeding.

- The following is a summary of available space in Port buildings:

(Big 7):

- 4th floor office space- 3,000 sf with 1,000 sf of mezzanine. \$0.75/sf Modified Gross. This is vacant now and is being marketed aggressively by Anne Medenbach. It has been shown 3 times.
- 1st & 2nd floors- 16,475 sf of industrial flex space. \$0.60-0.65/sf Modified Gross. This is vacant as of January 1, 2015. It is being marketed and has been shown 7 times.

(Airport):

- Hangar 1 (vacated by Insitu) is available.
- Corporate hangar 3 – 3,900 sf at \$0.65/sf.

Airport

- Century West Engineering has prepared a potential list of Advisory Committee members, a list of needed background items and a schedule for the upcoming Master Plan process. It appears the Master Plan will take about 12 months to prepare followed by at least 90 days of FAA review.

Bridge/Transportation

- We have corrected the problems associated with the bridge navigation lights that were not operational.
- Wildish Construction has nearly completed the Bridge Overlay Project (see schedule below). The work has gone well with Wildish adjusting schedules to meet traffic demands and working at night with no additional cost. They only used 2 of the 4 allowed full night closures, working with one lane closed after the evening rush hour and before the morning rush. HNTB has been out to inspect the progress twice. John Mann was on site for the night work and assisted greatly with the flow and changing parameters of the job. The Toll Booth and front desk both were excellent at fielding questions, complaints and compliments throughout the project. Thanks to everyone.
- Work will continue on the bridge through most of this week. Flagging for single lane closures will occur between 6:00 a.m. and 3:00 p.m. Monday through Friday.
- Work continues with the recommended maintenance items called out in the recent Electrical and Mechanical report. Port staff has begun to chip away at these items. There will be more welding by Port staff in the Fall as a result of the overlay project.

From: kassenb@gmail.com [mailto:kassenb@gmail.com] **On Behalf Of** Kassen Bergstrom
Sent: Wednesday, July 30, 2014 12:11 PM
To: GORGE Junior Sailing
Cc: Michael McElwee; Andy Mack
Subject: Re: Port Commission Cup

Hello,

Thank you Jaime, I think things are coming together pretty well. A little more leg work, but hoping to get the on the land side buttoned up soon.

As far as what we are hoping from the Port Commissioners and Director, in the NOR there is a schedule on the second page. Scheduled is a lunch break from 1:00-2:30pm. This is when we are planning to run the race with a commissioner. I did not list this in the NOR because we want the competitors to realize that this is a serious regatta. The mid-day fun race, will be an organized surprise. The Commissioners will be at the helm (driving) and the High School sailor will be crew and be coaching the Commissioner in their boat. The race will be out in the river off of the Hotel lawn, below the bridge for great viewing. I am not going to guarantee them getting wet, but since we haven't seen anyone show up to learn how to steer the boats, I'd say there is a possibility. (That was a little plug in hopes of getting some visits 6:00-7:30pm on the next two Mondays!)

There is going to be a dinner and awards party at 5:30pm at the Hood River Yacht Club. We would love to see some Commissioners come to this event to hand out awards and pass out some supportive words to our young sailors and volunteers. It would be good to know in the next week or so if this is something Commissioners would like to attend, so that we can get a good number for the caterer.

Finalized flier is attached. I am sending over the Notice of Race again, it has a slight modification.

Please let me know if there is any more information you need.

Hope you have a great day!

Kass



Plier made by Soren Rajani

sorenstram@gmail.com

541 399 2804



Port of Hood River Commissioner's Cup Regatta

August 17th 2014

*One fun day of racing 420s, Bics,
and Optis on the Columbia River.*

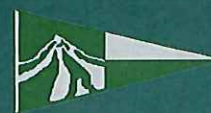
*You can save your place in the regatta by contacting
Kassen Bergstrom at kassenb@gmail.com or
541-490-2703.*

*There are a limited number of competitor t shirts, to
make sure you get one, save your spot early. Full
registration will be at 8:30 am on August 17th at the
Hood River Yacht Club.*

A Hood River Yacht Club Event



ZEPHER



Commissioners' Cup Regatta

Hood River Yacht Club



August 17th, 2014

NOTICE OF RACE

1. RULES

The regatta will be governed by the current Racing Rules of Sailing (RRS), the prescriptions of US Sailing, the rules of the 420, Bic and Optimist (except as any of these are altered by the Sailing Instructions).

2. ALTERATIONS OF CLASS RULES

The class rules will be used, except the RRS 78 is changed to prohibit a boat from protesting another boat for an alleged breach of a class rule requiring class membership.

3. CLASSES

Boats of the 420, Bic, and Optimist. At least five entries will be sailed. There will be a modified race course for Bics and Optimists, on the same course as the 420s.

4. ELIGIBILITY & ENTRY

Applicants for all classes must not yet turn 19 years of age in 2014 to be eligible for the Youth Division of the NWYRC. Optimist class age rules of the NWYRC will apply.

5. REGISTRATION

You can save your place in the regatta by contacting Kassen Bergstrom at kassenb@gmail.com or (541) 490-2703. There are a limited number of competitor T-shirts. To make sure you get one, save your spot early. Full registration will be done at the Hood River Yacht Club on the morning of the event.

6. FEES - \$25 includes dinner and T-shirt while supplies last

TIP: Notify us early!!

NOTIFY KASSEN BERGSTROM AT KASSENB@GMAIL.COM OR (541)490-2703 SOON, TO MAKE SURE YOU GET YOUR T-SHIRT.

7. SCHEDULE OF EVENTS (TENTATIVE)

Sunday

August 17 th , 2014:	8:30-9:30 am	Registration at HRYC
	10:00 am	Competitor's meeting
	11:00 am	Warning for First Race
	11:00 am-1:00 pm	Morning racing
	1:00-2:30 pm	No Host Lunch Break
	2:30-4:00 pm	Afternoon racing
	No races will begin after 4:00 pm	
	5:30 pm	Dinner and Awards at Hood River Yacht Club

8. SCORING

The Low-Point Scoring System, Appendix A of the RRS, will apply for all classes. A minimum of 1 race shall be completed to constitute a series. If 5 or more races are sailed, a boat's worst score shall be discarded.

9. SAFETY

A Coast Guard-approved PFD must be worn and fully secured at all times while afloat, except for brief periods while adding or removing clothing. Whistles permanently attached to the PFDs are recommended. This amends RRS 40.

10. DINNER

Dinner on Sunday evening will be provided for competitors on-site at Hood River Yacht Club. Additional dinner tickets for parents and guests may be purchased for \$15 per person.

11. REGATTA LOCATION

The races will be on the Columbia River at the location chosen by the Race Director. Possible modification for Bics and Opti's to move to Marina at Race Directors discretion.

12. QUESTIONS

Please contact Kassen Bergstrom at kassenb@gmail.com or (541 490-2703)

You can save your place in the regatta by contacting Kassen Bergstrom at kassenb@gmail.com or (541) 490-2703. There are a limited number of competitor t-shirts. To make sure you get one, save your spot early.

13. NOR

Find the Notice of Race posted on Gorge Sailing Team Facebook page.

2014 Commissioners' Cup Regatta August 17th, 2014

Hosted by Gorge Sailing Team, Gorge Junior Sailing and Hood River Yacht Club

ENTRY FORM

CLASS (check one): _____420 _____Opti _____Bic

SAIL NUMBER: _____

Skipper's Name: _____

Address: _____

Phone #: _____ Email: _____

Age and Date of Birth: _____

Yacht Club/Association/Team: _____

ADULT RESPONSIBLE AT EVENT: _____

Relationship: _____ CONTACT NUMBER: _____

Crew's Name: _____

Address: _____

Phone #: _____ Email: _____

Age and Date of Birth: _____

Yacht Club/Association/Team: _____

ADULT RESPONSIBLE AT EVENT: _____

Relationship: _____ CONTACT NUMBER: _____

Fees:

\$25 per sailor or \$50 for the double handed 420.

Fee includes: Racing, T-Shirt (if we have enough) and 1 dinner Sunday evening.

Payment Method: Cash or Check made out to Gorge Sailing Team

Cash: _____ Check #: _____

Gorge Sailing Team, Gorge Junior Sailing and Hood River Yacht Club

Complete one form for each participating sailor. If sailor is under 18 years of age, form must be signed by parent or designated legal guardian.

THIS AGREEMENT CONTAINS A RELEASE AND WAIVER - READ FIRST
RELEASE, WAIVER AND COVENANT NOT TO SUE

The undersigned acknowledges that in consideration of the efforts of the host organization(s), for being allowed to participate in this regatta/races and the acceptance of this application to race, HE/SHE DOES HEREBY WAIVE AND RELEASE ANY AND ALL CLAIMS THE UNDERSIGNED MAY HAVE AGAINST THE HOSTS, THEIR OFFICERS, TRUSTEES AND COMMITTEE MEMBERS, MEASURERS, JUDGES, AGENTS AND REPRESENTATIVES ARISING OUT OF THE ACTIVITIES REQUIRED FOR THE RACES ON THE WATER OR ASHORE, AND DOES FURTHER COVENANT AND AGREE NOT TO SUE OR TO BRING ANY CLAIM OR CLAIMS OF ANY NATURE WHATSOEVER AGAINST THE HOST ORGANIZATION(S) OR ANY OF THE PERSONS AND OFFICERS NAMED, OR UNNAMED, ABOVE WHO MAY BE ACTING ON THE HOSTS' BEHALF.

Sailor Name: _____

Parent Signature: _____

Parent Name (please print): _____

Date: _____

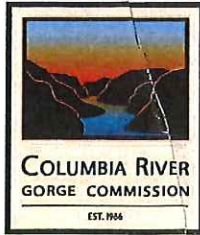
Boat Usage Agreement

In consideration of the agreement by the Gorge Junior Sailing/ Gorge Sailing Team to make a boat available to me, I agree that I am solely responsible for any expenses incurred due to damage, loss of property, or personal injury suffered by GJS/GST, members of my crew, or any third party, resulting from my use of this boat. I am aware of and familiar with the risks and dangers inherent in sailing and sailboat racing, I am familiar with the class of boat GJS/GST has made available to me, its use and operation.

I will wear a life jacket at any time of operation. I have read and understand the above agreement and sign this document by my own desire, demonstrating my agreement.

SIGNATURE _____ DATE _____

PRINTED NAME _____



COPIES TO
COMMISSION

RECEIVED
JUL 21 2014

cc: Anne

July 17, 2014

Gorge Stakeholders:

The Columbia River Gorge Commission has formed plenary and technical work groups comprised of representatives of communities, agencies, tribes and organizations to help the Commission develop guidelines for surveyors to use when interpreting the intended location of certain portions of congressionally established urban area boundaries (UAB) in the Columbia River Gorge National Scenic Area.

The Commission has engaged the Oregon Consensus and the William D. Ruckelshaus Center to design the process to engage stakeholders in providing input and advice to the Commission, Debra Nudelman of Kearns & West to facilitate a series of working meetings, and Ben Beseda, president of Tenneson Engineering, to provide professional surveying consultation to the working group.

The Commission has identified you as a party that may be particularly interested in the outcome of this process and would like to invite you to attend the plenary and technical meetings to observe the progress of the working group.

For more information, please visit our Urban Areas Legal Description Project section on our website www.gorgecommission.org under *Current Topics*.

The initial plenary kickoff meeting of the Urban Area Boundary – Legal Descriptions Work Group will be held from 9:00 AM to 1:00 PM August 6th at the Fort Dalles Readiness Center – 402 E. Scenic Drive, The Dalles, Oregon. At the meeting Deb Nudelman and Ben Beseda will provide important background on the UAB legal description process, outline the issues encountered, and propose an approach for addressing them.

In the afternoon following the kickoff meeting, a smaller subset of participants will stay and participate in a technical subgroup that will be asked to develop an in-depth understanding of the issues and prepare recommended options for resolving those issues. **The technical subgroup will meet again on September 16th and October 23rd.**

The full Work Group will reconvene on November 13th to review the work of the subgroup and decide on a final recommendation(s) or other input for the Commission to consider.

We look forward to your participation.

Thank you in advance,

Darren J. Nichols
Executive Director

Commission Calendar

August 2014

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday																																																		
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3 CGWA Swap Meet Jensen parking lot	4	5 Commission Mtg, 5pm	6 CGC Urban Boundaries Workshop, TD (MM)	7	8 Picnic Shelter Resv.	9 Picnic Shelter Resv. Lot 1 Rsvd Pkg																																																		
10	11 Urban Renewal Agency 6pm, City Hall Streich/Shortt	12 Lead Toll Collector Mtg FK	13	14 OR Business Forum (MM), The Dalles	15	16 King of the Hook Hook																																																		
17	18 KJHR Radio, 8am	19 Commission Mtg, 5pm (Sep mtg schedule to shift re holiday ??)	20 Or Coast Econ Summit Florence (MM)	21 Or Coast Econ Summit Florence (MM) Picnic Shelter Resv.	22	23																																																		
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PORT OF HOOD RIVER COMMISSION
Tuesday, August 5, 2014
Marina Center Boardroom
5:00 p.m.

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. Consent Agenda
 - Approve Minutes of July 15, 2014 Regular Session
 4. Reports, Presentations and Discussion Items
 - Nichols Basin West Edge Trail Project Update – Christopher Miller, Walker/Macy
 - Executive Director Work Plan FY 2014-15
 - Downtown/Waterfront Commercial Issues
 5. Director’s Report/Informational Items
 6. Commissioner, Committee Reports
 - Urban Renewal Agency - Streich
 - NBWE Trail PAC - Streich
 7. Action Items
 - a. Approve Committee Assignments for FY 2014-15 and reauthorize Marina Ad-hoc Committee through June 30, 2016
 - b. Authorize contract with Ball Janik, LLC for FY 14-15 not to exceed \$83,000 plus reasonable reimbursable expenses
 - c. Authorize Intergovernmental Agreement with Hood River County for reimbursement of services performed by Ball Janik, LLC under FY 14-15 contract
 - d. Approve Contract with Electrical Contractor for Resolution of Marina Power Issue
 8. Commission Call
-
9. Executive Session under ORS 192.660(2)(e) Real Estate Negotiations
 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 July 15, 2014
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, and Brian Shortt; Port Counsel Jerry Jaques; from staff, Michael McElwee, Fred Kowell, Anne Medenbach, and Laurie Borton

Absent: Commissioner Hoby Streich

Media: Kirby Neumann-Rea, Hood River News

1. Call to Order: President Rich McBride called the meeting to order at 5:08 p.m.

a. Modification, Additions to Agenda: Staff requested moving the Hood River Yacht Club Lease from Consent to Action, moving the Key Development Action Item to Executive Session, and rearranging the order of guest presentations.

2. Election of Officers:

Motion: Move to reappoint same slate of officers for FY 2014-15

President-Rich McBride
Vice President-Brian Shortt
Secretary-Hoby Streich
Treasurer-Jon Davies
Commissioner-Fred Duckwall

Move: Duckwall

Second: Davies

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

Absent: Streich

MOTION CARRIED

3. Public Comment: Brett VandenHeuvel and Miles Johnson spoke to the Commission regarding their concerns with Oregon Public Port Association's letter supporting projects related to coal exports and Executive Director McElwee's expected testimony before the ConnectOregon V grant committee on behalf of OPPA. Gary Bushman, Mike Kitts, Steve Gates, and Andrew McElderry spoke about their concerns regarding the migration of commercial/retail space on the waterfront and the negative impacts that could have on businesses in the downtown area, on the heights, and West Cascade. President McBride thanked all the guests for their comments.

4. Consent Agenda: (Hood River Yacht Club moved to Action Items)

- o Approve minutes of June 17, 2014 regular session
- o Ratify Change Order No. 1 with Wildish Standard Paving Co. to modify schedule for Bridge Approach Overlay project
- o Ratify Change Order No. 2 with Even Construction in the amount of \$7,693 for a revised contract amount of \$194,581
- o Approve lease with CRG Freight in the Maritime Building
- o Authorize lease with Columbia River Acupuncture in the Marina Park Office Building
- o Authorize lease with Peterson Brothers Construction in Timber Incubator Building Suite 300 subject to legal counsel review
- o Approve reappointment of Pauly Rogers & Company, P.C. as Port auditor
- o Authorize Broker/Dealer Agreement with Vining Sparks and Piper Jaffrey

- o Authorize Accounts Payable to Jaques Sharp Attorneys at Law in the amount of \$5646

Motion: Move to approve Consent Agenda

Move: Duckwall

Second: Davies (due to client relationships, Davies cited a conflict of interest for the Peterson Brothers Construction lease and Accounts Payable items)

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

Absent: Streich

MOTION CARRIED

5. Reports, Presentations and Discussion Items:

- Mt. Adams Transit Fixed-Route Van Route: Scott Turnoy, MCEDD Project and Mobility Manager and Paige Rouse, Pageworks Design, provided an update on efforts to facilitate pedestrian/bicycle crossings on the Hood River Interstate Bridge. Turnoy also works with Gorge Translink, a 5-county alliance of rural providers offering public transportation services. Ridership with the system currently in place with the Mt. Adams Transportation Service (MATS) has not been used to any great extent; and Port funds earmarked in 2011 for the purchase of bicycle racks for two MATS vans was not expended. There was Commission consensus that Rouse and Turnoy continue working on an outreach program that would publicize the alternative crossings and determine if an enhanced schedule is warranted.

- Commissioners' Cup Sailing Regatta: The Gorge Sailing Team and the Gorge Junior Sailing Program are co-sponsoring a Commissioners' Cup regatta on August 16th or 17th. This regatta will involve a fun race with one Commissioner and one high school sailor in a 420 sailboat. The sponsors have requested the Port waive permit fees as well as donate \$500 toward expenses. Kass Bergstrom was available to answer questions and invited Commissioners and their families to attend open sailing sessions the next four Monday evenings to practice. There was Commission consensus to support the regatta, help with outreach, and purchase a trophy. [Scott Reynier, the Port's insurance agent of record, offered to contact local sailors who have been involved with America's Cup races, to see if anyone would be interested in donated a trophy.]

- Event Site E.coli Water Sampling: Waterfront Coordinator Liz Whitmore provided an update on the results of parallel water samples taken at the Event Site by Coles Environmental Consulting. The results were comparative of those taken by Columbia Riverkeeper, who takes a single sample only. At the next report from Columbia Riverkeeper of elevated levels, staff was directed to have Coles Environmental take a full set of parallel samples to get a better idea of how widespread the problem is.

6. Director's Report/Informational Items:

Executive Director Michael McElwee thanked the Facilities staff who worked long hours prior to and on the July 4th holiday. McElwee noted that he would be appearing before the *ConnectOregon V* grant review committee representing OPPA, and not the Port of Hood River, regarding multi-modal projects that enhance economic development. There are projects that have become highly political and he stated his focus would be on the process rather than the projects. This Commission supported this position. Violation of the 90-minute parking regulations on N. 1st Street and Portway will begin to be enforced. Warnings will be placed on vehicles by Port staff; towing will occur following the two-week 'grace period.' Staff will work with Jensen Building tenants to identify if additional parking is available on the west side of the building in response to the Columbia Gorge Windsurfing Association (CGWA) request for additional parking. Staff continues to address an ongoing problem in the Marina with GFCI

tripping. The project electrical engineer and contractor are working to resolve the issue. A schedule is being prepared by Century West Engineering for the upcoming Master Plan process; an advisory committee will be selected to guide the process. The bridge approach overlay and joint rehabilitation project will begin on July 22. Overnight full closures are allowed during the project; however, those dates have not yet been identified.

7. Commissioner, Committee Reports:

- PNWA Summer Conference-- McElwee and Commissioner Streich attended the Pacific Northwest Waterways Association conference June 23-25. McElwee commented there was a lot of interest in his presentation "The Hood River Interstate Bridge: A Case Study in Infrastructure" and noted that our modeling is ahead of any done by the U.S. Army Corps of Engineers.
- Urban Renewal Agency-- Commissioner Shortt said the July 14 meeting focused on the status of the State Street project. The City has provided a link on their website for more information.
- Marina Ad-hoc Committee (new addition to the agenda) -- Commissioner Davies reported on the July 15. The committee continues to look at financial costs and will bring recommendations to the Commission this fall regarding profit/loss rates.

8. Action Items:

a. Approve Reappointment of Jaques Sharp Attorneys at Law as Port Legal Counsel: Reappointment of legal counsel is a matter of official record the first meeting of the new fiscal year.

- Motion:** Move to Approve Reappointment of Jaques Sharp Attorneys at Law as Port Legal Counsel for FY 2014-15
Move: Duckwall
Second: Davies
Vote: **Aye:** Duckwall, McBride, and Shortt
Abstain: Davies (client relationship conflict of interest cited)
Absent: Streich

MOTION CARRIED

b. Approve Reappointment of Columbia River Insurance as Port Insurance Agent of Record: Reappointment of the Port's insurance agent is a matter of official record the first meeting of the new fiscal year.

- Motion:** Move to Approve Reappointment of Columbia River Insurance as Port Insurance Agent of Record for FY 2014-15
Move: Shortt
Second: Duckwall
Vote: **Aye:** Duckwall, McBride, and Shortt
Abstain: Davies (partnership in firm cited as conflict of interest)
Absent: Streich

MOTION CARRIED

c. Approve Change in Personnel Policy to Compensate Non-Exempt Staff for Hours Works on Federal Holidays: Fred Kowell, Finance Manager, noted the approval should be identified as "Port recognized holidays" as there are a few Federal holidays that are not observed by the Port. The change in policy will compensate non-exempt staff to double their regular rate of pay when a holiday is worked.

Motion: Move to Approve Change in Personnel Policy to Compensate Non-Exempt Staff for Hours Works on Port-recognized Holidays

Move: Duckwall

Second: Shortt

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

Absent: Streich

MOTION CARRIED

d. Approve Contract with Surround Architecture for a Jensen Building Feasibility Study Not to Exceed \$4,400: The existing breezeway structure at the Jensen Building has been found to be in need of substantial upgrading according to the City Building Inspector. Surround Architecture provided a proposal for feasibility design services for a small light industrial building that would replace the existing breezeway building. Results of this feasibility study will be brought back to the Commission for further discussion of all options.

Motion: Move to Approve Contract with Surround Architecture for a Jensen Building Feasibility Study Not to Exceed \$4,400

Move: Duckwall

Second: Davies

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

Absent: Streich

MOTION CARRIED

e. Approve IGA with City of Hood River for Sewer Outfall Project: Whitmore reported the City will consider approval of the IGA, as is, at the July 28 council meeting. The timeline of the sewer outfall project is uncertain and Whitmore reported on the possibility of the Port going ahead with the Hood river launch and pedestrian pathway improvements separately from the City's outfall project. If work is done separately, the Port's improvements could be phased, but nothing would have to be replaced once the City proceeds with their project.

Motion: Move to Approve IGA with City of Hood River for Sewer Outfall Project

Move: Davies

Second: Duckwall

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

Absent: Streich

MOTION CARRIED

f. Approve Amended and Restated DDA with Key Development for the Expo Property: This item was deferred to Executive Session.

g. Authorize Lease with Hood River Yacht Club in the Marina Park: Anne Medenbach, Development Manager, pulled this item from the Consent Agenda because of an error in the lease term. The correct term extends the lease for one year followed with a month-to-month holdover clause.

Motion: **Move to Authorize Lease with Hood River Yacht Club in the Marina Park**

Move: Shortt

Second: Davies

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

MOTION CARRIED

9. Commission Call: Davies reported the first race of the outrigger canoe club will be held this weekend in Stevenson. He also reported that he had been hearing good comments on the boathouse dock float replacements. Shortt commented that he was having the same conversations in his store as presented during the Public Comment period regarding commercial zoning on the waterfront and he advocated having a dialog with City Planning. McElwee commented that it would be appropriate for staff to respond to those who spoke tonight. McBride asked that Commissioners contact he or staff regarding preferences on committee assignments for FY 2014-15 as action would need to be taken at the August 5 meeting.

10. Executive Session: Regular Session was recessed at 7:02 p.m. and the Commission was called into Executive Session under ORS 192.660(2)(e) Real Estate Negotiations.

11. Possible Action: The Commission was called back into Regular Session at 8:54 p.m. The following action was taken as a result of Executive Session.

Motion: Move to approve contract with Coles Environmental Consulting for Phase 2 Assessment Oversight in an amount not to exceed \$5,000

Move: Duckwall

Second: Davies

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

Absent: Streich

MOTION CARRIED

Motion: Move to approve Amended and Restated DDA with Key Development for the Expo Property with residential stipulations and subject to legal counsel review

Move: Duckwall

Second: McBride

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

Nay: Davies

Absent: Streich

MOTION CARRIED

12. Adjourn: McBride entertained a motion to adjourn at 9:04 p.m.

Motion: Move to adjourn

Move: Duckwall

Second: Davies

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

Absent: Streich

MOTION CARRIED

Respectfully submitted,

Laurie Borton

ATTEST:

Rich McBride, President, Port Commission

Hoby Streich, Secretary, Port Commission

PORT OF HOOD RIVER COMMISSION
Tuesday, August 5, 2014
Marina Center Boardroom
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 - Downtown/Waterfront Commercial Issues
 5. Director's Report/Informational Items
 6. Commissioner, Committee Reports
 - Urban Renewal Agency - Streich
 - NBWE Trail PAC - Streich
 7. Action Items
 - a. Approve Committee Assignments for FY 2014-15 and reauthorize Marina Ad-hoc Committee through June 30, 2016
 - b. Authorize contract with Ball Janik, LLC for FY 14-15 not to exceed \$83,000 plus reasonable reimbursable expenses
 - c. Authorize Intergovernmental Agreement with Hood River County for reimbursement of services performed by Ball Janik, LLC under FY 14-15 contract
 - d. Approve Contract with Electrical Contractor for Resolution of Marina Power Issue
 8. Commission Call
-
9. Executive Session under ORS 192.660(2)(e) Real Estate Negotiations
 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.*

Commission Memo

To: Commissioners
From: Laurie Borton
Date: August 5, 2014
Re: Committee Assignments for FY 2014-15

The following represents the committee assignments for the 2013-14 fiscal year. The same assignments will be made for the 2014-15 fiscal year unless changes are made by the Board at the August 5 meeting.

Internal Committees:

Airport (two Commissioners, by Governance)	Fred Duckwall, Hoby Streich
Budget (by Statute)	All Commissioners
Finance (by Governance)	Secretary and Treasurer
Personnel (by Governance)	President and Vice President
Waterfront Recreation (one Commissioner, by Governance)	Rich McBride
Marina Ad-Hoc <i>NOTE: By Governance, Ad Hoc Committees have limited assignments not to exceed two years. This committee was formed in July, 2012.</i>	Jon Davies

Organizational Appointments:

Pacific Northwest Waterways Association	Board President or designee and Executive Director or designee.
HR Urban Renewal Agency	Brian Shortt, Hoby Streich
Gorge Innoventure Advisory Committee (ex officio)	Jon Davies
Mid-Columbia Economic Development District <i>NOTE: Oregon Port representative (Cascade Locks, Hood River, The Dalles) rotates every two years.</i>	Anne Medenbach

RECOMMENDATIONS:

Approve Committee Assignments for FY 2014-15.

Reauthorize Marina Ad-Hoc Committee through June 30, 2016.

Commission Memo

To: Commissioners
From: Michael McElwee
Date: August 5, 2014
Re: FY 14/15 Contract with Ball Janik

For the past several years the Port has executed an annual contract with Ball Janik ("Janik") to provide federal lobbying and advocacy services. Janik tracks legislation in Congress that may impact Port activities and helps identify and respond to federal funding opportunities. Janik also provides limited advocacy services related to actions of the state legislature and state agencies.

Janik provides similar work for Hood River County under a contract that is administered by the Port. The Port pays for services and the portion associated with County matters is reimbursed under the terms of a Port/County Intergovernmental Agreement. Thus, the Port annually enters into both a contract with Janik and an IGA with Hood River County. Both agreements coincide with our fiscal year.

The following key Port of Hood River priorities are reflected in the proposed FY 15 contract (attached):

- **Map-21 Reauthorization:** Seek an amendment that requires allocation of the 15% funding for off-system bridges to address transportation issues in the Gorge. This might increase the availability of FHWA funding for capital projects, completion of the EIS or a Gorge-wide transportation plan.
- **Flowage Easement:** Finalize implementation of the Nichols Basin flowage easement as defined in the recent WRDDA legislation.
- **Federal Monitoring:** Track opportunities for federal grants that may benefit Port projects.
- **State Transportation Bill:** Evaluate a specific funding request if a state transportation funding bill is advanced in the 2015 legislature.
- **Columbia Gorge Economic Development Coalition:** Advice and counsel on formation of a Columbia Gorge Economic Development Coalition. This would be capped at \$5,000. Any substantial involvement would require additional funds from other parties or the Port.

The overall contract would be \$83,000. Of this amount, \$18,000 would be reimbursed by Hood River County. This contract is anticipated in the Port's approved FY 14/15 budget.

RECOMMENDATIONS:

Authorize contract with Ball Janik, LLC for FY 14-15 not to exceed \$83,000 plus reasonable reimbursable expenses.

Authorize Intergovernmental Agreement with Hood River County for reimbursement of services performed by Ball Janik, LLC under FY 14-15 contract.

PORT OF HOOD RIVER PERSONAL SERVICES CONTRACT

This agreement is between the **Port of Hood River**, an Oregon Municipal Corporation ("Port") and, **Ball Janik, LLP**, ("Contractor").

For mutual consideration, Port and Contractor AGREE AS FOLLOWS:

1. SCOPE OF WORK. Contractor shall furnish at its own expense, all labor, services, material and work for the completion of the work described in this contract, and as set out in Exhibit A attached to this contract. Exhibit A reflects the Scope of Services for **providing general Government Affairs Representation on behalf of the Port of Hood River and Hood River County**.

2. TIME OF PERFORMANCE. Contractor shall commence performance of this contract upon execution of the contract by both parties and Contractor's compliance with the insurance requirements set forth in paragraph 4 below. This contract shall be for the period July 1, 2014 through June 30, 2015.

3. PAYMENT. Port agrees to pay Contractor the amount not to exceed \$6,500* monthly for professional services and satisfactory completion of the work. The Port will reimburse Contractor for reasonable expenses for travel, lodging, meals, communication, postage, and printing as identified in Exhibit B. Up to \$5,000 in additional payment may be made for Contractor services related to Matter 7 if such services are requested by the Port.

4. INSURANCE. Contractor shall provide and maintain at its expense professional liability insurance with a combined single limit of not less than \$1,000,000 each claim, incident or occurrence. This is to cover damages caused by error, omission or negligent acts related to the professional services to be provided under this contract. Any deductible shall not exceed \$25,000 each claim, incident or occurrence.

Notice of cancellation or change. There shall be no cancellation, material change, reduction of limits or intent not to renew the insurance coverage(s) without 30 days written notice from the Contractor or its insurer(s) to the Port.

5. COMPLIANCE WITH APPLICABLE LAWS. Contractor shall comply with all federal, state, and local laws and ordinances applicable to the work under this contract, including those on Exhibit B which is attached hereto and by this reference made a part hereof.

6. INDEMNITY. Contractor shall defend, save and hold harmless the Port, their officers, agents, and employees, from all claims, suits, or actions of whatsoever nature resulting from or arising out of the activities of Contractor or its subcontractors, agents or employees under this agreement.

7. OWNERSHIP OF WORK PRODUCT. All work products of the Contractor which result from this contract are the exclusive property of the Port.

8. NONDISCRIMINATION. Contractor agrees to comply with all applicable requirements of federal and state civil rights and rehabilitation statutes, rules and regulations.

9. SUCCESSORS IN INTEREST. The provisions of this agreement shall be binding upon and shall inure to the benefit of the parties hereto, and their respective successors and assigns.

10. FORCE MAJEURE. Contractor shall not be held responsible for delay or default caused by fire, riot, acts of God and war which is beyond Contractor's reasonable control. Contractor shall, however, make all reasonable efforts to remove or eliminate such a cause of delay or default and shall, upon the cessation of the cause, diligently pursue performance of its obligations under the contract.

11. SEVERABILITY. The parties agree that if any term or provision of this contract is declared by a court of competent jurisdiction to be illegal or in conflict with any law, the validity of the remaining terms and provisions shall not be affected, and the rights and obligations of the parties shall be construed and enforced as if the contract did not contain the particular term or provision held to be invalid.

12. ACCESS TO RECORDS. The Port and its duly authorized representative shall have access to the books, documents, papers and records of the Contractor which are directly pertinent to the specific contract for the purpose of making audit, examination, excerpts and transcript.

13. TERMINATION. This contract may be terminated by mutual consent of both parties, or by either party upon 30 days' notice, in writing and delivered by certified mail or in person. The Port may terminate this contract effective upon delivery of written notice to the Contractor or at such later date as may be established by the Port under any of the following conditions:

- (i) If the Port funding from federal, state, or other sources is not obtained and continued at levels sufficient to allow for the purchase of the indicated quantity of services. The contract may be modified to accommodate a reduction in funds.

(ii) If federal or state regulations or guidelines are modified, changed or interpreted in such a way that the services are no longer allowable or appropriate for purchase under this contract or are no longer eligible for the funding proposed for payments authorized by this contract.

(iii) If any license or certificate required by law or regulation to be held by the Contractor to provide the services required by this contract is for any reason denied, revoked, or not renewed.

Any such termination of this contract shall be without prejudice to any obligations or liabilities of either party already accrued prior to such termination.

14. EXTRA WORK AND MATERIALS. Contractor shall do any work and furnish any materials not specifically provided for and which may be found necessary or advisable for the proper completion of the work or the purposes thereof. In no case shall any such work or materials in excess of the amount stated in this contract be paid for by Port unless ordered by Port in writing as a change order. Then payment will only be made when an itemized claim therefore is presented to Port for allowance at the close of the phase of work in which the same has been done or furnished. Otherwise, all claims for such work or materials shall be absolutely waived by Contractor, and Port shall not be required to allow payment for the same or any part thereof.

15. ACCEPTANCE OF WORK. No act of Port or any representative of Port directing the work, or any extension of time for the completion of the work, shall be regarded as an acceptance of such work or any part thereof, or of materials used therein, either wholly or in part. Acceptance shall be evidenced only by a written acceptance there, issued by Port. Contractor's acceptance of any such payment shall be deemed full payment and settlement of all claims of account of work done for the work under this contract. Prior to final payment, Contractor agrees to certify that all claims for materials provided or labor performed have been paid by Contractor in full. No waiver of any breach of this contract by Port or anyone acting on its behalf shall be held as a waiver of any other subsequent breach. Any remedy provided herein shall be taken as cumulative.

16. SUBCONTRACTORS. Contractor shall not enter into any subcontracts for any of the work scheduled under this contract or assign or transfer any of its interest in this contract, without the prior written consent of the Port.

17. WRITTEN PROVISIONS. The written provisions of this contract shall supersede all prior verbal statements of any officer or other representative of Port, and such statements shall not be effective or by construed as entering into or forming a part of, or altering in any manner this

contract or the contract documents. Contractor's oral explanations and representation to Port prior to entering into this contract have been a material inducement to Port to enter into this contract. Contractor shall be bound to perform the contract work in accordance with oral representations, to the extent not included in this written contract, in addition to all of the written provisions of this contract.

18. NON-WAIVER. Failure by Port at any time to require strict performance by Contractor of any provision of this contract shall in no way affect the Port's rights hereunder to enforce the provision, nor shall any waiver by Port of any breach of any provision hereof be held to be a waiver of any succeeding breach or as a waiver of the provision itself.

19. LEGAL ACTION. In the event of any suit, action or proceeding relating to any rights, duties or liabilities arising hereunder, the prevailing party shall be entitled to recover such sums as an arbitrator (if arbitration is agreed to by both parties), or a court, including any appellate court, may judge reasonable attorney fees in addition to any costs of arbitration, or costs and disbursements provided by statutes in any legal action.

This agreement is entered into between the parties, by a person who has been duly authorized to sign for each party, on this _____ day of _____, 2014.

PORT OF HOOD RIVER

BALL JANIK, LLP

BY _____
Michael S. McElwee

BY _____
Hal Hiemstra

Executive Director

Director, Government Affairs

*Payment Allocations:

Port of Hood River Government Affairs Services	= \$5,000 (monthly)**
County of Hood River (Federal Lobbying) (Matter 5)	= \$1,500 (monthly)
Total	= <u>\$6,500</u> (monthly)

Exhibit A
GENERAL SCOPE OF WORK
Ball Janik, LLP Federal Representation
For
Port of Hood River and Hood River County

The following is a list of issues Ball Janik, LLP (Contractor) will pursue on behalf of the Port of Hood River and Hood River County – the two jurisdictions that are party to this Intergovernmental Agreement. The Participants acknowledge that the priorities in this Exhibit will be determined collectively by the parties to this Agreement. Participants acknowledge that additions and/or deletions of priorities, either recommended by parties to this Agreement or dictated by pending legislation or federal funding opportunities, may be made from time-to-time, and that Participants agree to meet at least semi-annually to review any proposed modifications to this Scope of Work.

In addition to the priorities outlined below, Ball Janik will periodically prepare position papers and Congressional updates on issues of importance to the Port and the County, and include within those papers or updates, recommendations about ways the Commission or Commissioners can best share their perspectives with Members of Congress or the State Legislature (e.g. letters to Congress or personal visits with Members of Congress or the State Legislature or their staff). Ball Janik professionals will also be available to periodically meet with Port and County Commissioners for in-person briefings and to answer questions about progress on advancing the priorities outlined below.

Federal Government Affairs Priorities

Scope of Work Action Items:

1) Federal Transportation Policy (PORT): During 2015, Congress is expected to reauthorize the federal transportation authorization known as “MAP 21” – Moving Ahead for Progress in the 21st Century. Throughout this Congressional effort, Contractor will advise the Port and the County about reauthorization proposals that could positively or adversely affect transportation priorities of the Port or the County. Contractor will also work with the Port to develop a legislative proposal that would recognize the unique characteristics and challenges of maintaining transportation facilities -- such as the Hood River Interstate Toll Bridge -- in the National Scenic Area, and seek to make those facilities eligible for expanded federal maintenance, preservation, rehabilitation, development, and safety funding. Upon development of the specific legislative proposal, contractor will work with the Oregon’s Congressional delegation and appropriate Committee staff and Members to advance the proposal and seek its inclusion in the reauthorization of MAP 21.

2) Federal Water Resources Reform and Development Act (PORT): Contractor will work with the U.S. Army Corps of Engineers to ensure timely implementation of Nichols Basin Flowage Easement language included in the 2014WRRDA bill.

3) Federal Water Policy (COUNTY): Contractor will continue to analyze federal rulemakings by U.S. EPA on “Waters of the U.S.,” inform the County about rulemakings that could adversely affect or complicate the County’s current water resources planning efforts, monitor Congressional responses to same, and be available to draft county comments on federal rulemaking proposals and advocate for changes based on direction from the County.

Other federal matters of interest (monitoring):

Federal Timber policy and Secure Rural School Payments (COUNTY): The Oregon Congressional delegation continues to pursue new federal timber legislation that would affect O&C Timber lands and could affect other federal timber holdings, and/or the permanent extension of the Secure Rural Schools legislation. Contractor will continue to monitor all of these efforts and keep the County informed of legislative proposals that could affect the county’s own timber holdings and/or federal funds that currently flow to the county under the PILT and Secure Rural Schools Programs.

Federal Discretionary Funding (PORT & COUNTY): Contractor will continue to regularly monitor the federal appropriations process and identify possible opportunities for earmarked funding should Congress consider specific project funding in either the FY15 or FY16 federal appropriation funding cycles. Should such opportunities emerge, Contractor will advise the Port and County of this development.

Contractor will also continue to monitor on a regular basis, federal Notices of Funds Availability (NOFA) announcements and bring discretionary grant funding opportunities to the attention of the Port and the County when opportunities reflect Port and County priorities. Contractor will, in particular, monitor grant opportunities that can advance job training, and economic development in the community.

As part of our regular representation of the Port on federal issues, Ball Janik will continue to be available to meet with the State executive agencies and staff to ensure appropriate implementation of federal policy, adequate distribution of federal funding passed through the state to the local level, or to generally help resolve issues that might arise between the Port/County and the State.

State Government Affairs Priorities (Matter 6)

During the 2014 Oregon State Legislative Session, Ball Janik initiated and helped to conduct a successful legislative campaign that resulted in passage of statutory language that restored the Port’s exemption from state excise taxes levied by the Washington State Department of Revenue.

For the 2015 legislative session, Contractor will work with the Port when it has identified a project or proposal that it would like the Legislature to consider. Contractor will provide advice and assistance on finalizing a specific proposal that could be advanced as part of a state transportation package. This proposal could recognize the Port for investments it has made in maintaining the Hood River Interstate Bridge as a critical regional transportation

facility and/or pursue the inclusion of funding to complete the environmental impact statement on a replacement bridge for the Hood River Interstate Bridge, or other appropriate measures. Should the Port choose to move ahead with a proposal, the Port will identify additional funding to support contractor work on Matter 6.

Gorge Coalition Development (Matter 7)

Over the past year, exploratory efforts have been underway to determine whether a new federal advocacy effort -- coordinated on a regional bi-state basis -- could be organized by both public and private entities in the Gorge. This effort would complement existing regional initiatives but focus on a more direct advocacy role at the federal and state levels to secure new commitments of federal and state support for economic development and comprehensive transportation planning within the Columbia River Gorge. Contractor will continue to provide strategic advice on the development of this new initiative and be available to coordinate advocacy efforts upon the launching of the Coalition.

**INTERGOVERNMENTAL AGREEMENT BETWEEN
THE COUNTY OF HOOD RIVER AND
PORT OF HOOD RIVER**

1. WHEREAS, the County of Hood River and Port of Hood River hereinafter called "Participants" find it in their mutual interest to jointly maintain an effort to seek federal funding and other federal legislative actions to develop infrastructure and impact federal activity in Hood River County.

2. WHEREAS, the Participants to this Agreement desire to retain the professional services of Ball Janik, LLP to coordinate local government requests for federal assistance and action on behalf of their interests. The Participants agree that the Scope of Work in Exhibit A, attached hereto, shall be the basis for Ball Janik, LLP's work scope for professional services.

Nothing in this Agreement shall prevent the Participants from modifying the Scope of Work from time to time as may be mutually agreed upon.

3. Participants agree to contribute the following monthly retainers for the period July 1, 2014 through June 30, 2015.

Port of Hood River	\$5,000 monthly (plus expenses)
County of Hood River	\$1,500 monthly (inclusive of expenses)

4. During this contract period, the Port will also commit up to \$5,000 for a new matter which will be identified as Matter 7 - "Gorge Coalition." Expenses against this \$5,000 will be tracked on an hourly basis at \$250 an hour plus expenses and work conducted only after specific authorization by Port. Contractor and Port recognize that this funding amount will only provide a very limited amount of work and that additional funding will be needed for any substantial work on this matter.

5. Ball Janik will track all of its work by separate "matters" for each participant to this agreement and provide a monthly statement by matter reflecting the amount of time Ball Janik works on each matter. In cases where Ball Janik's work applies equally to both participants, Ball Janik will evenly allocate its work across both matters. Matters 1 and 6 will reflect work specifically performed for the Port of Hood River, Matter 5 will reflect work specifically performed for Hood River County, and Matter 7 will reflect work specifically performed in advising on the Port on formation and coordination of the Gorge Coalition.

6. For administrative purposes the Participants agree that the Port of Hood River will administer the contract with Ball Janik, LLP. Administration will include collecting monthly payments from Participants, remittance to Ball Janik, LLP, distribute communication and reports, and schedule any necessary meetings.

7. Nothing in this Agreement shall prevent any Participant from contracting directly with Ball Janik, LLP for any additional services.

8. This Agreement shall be for the period July 1, 2014 through June 30, 2015. Any Participant may withdraw from this Agreement with ninety (90) days' written notice to the other Participants.

SIGNED this ____ day of _____, 2014.

BY: _____
For Port of Hood River

BY: _____
For County of Hood River

Commission Memo

To: Commissioners
From: Anne Medenbach
Date: August 5, 2014
Re: Marina Electrical Contract

There will be a potential walk-on action item regarding the marina electrical.

RECOMMENDATION: For Discussion.