

Board of Harbor Commissioners

Crescent City Harbor District

17 October 2023

Regular Harbor Commission Meeting



Regular Meeting

Board of Harbor Commissioners of the Crescent City Harbor District

Wes White, President Harry Adams, Secretary
Rick Shepherd, Commissioner; Brian Stone, Commissioner; Gerhard Weber, Commissioner

AGENDA

- Date:** Tuesday, October 17, 2023
- Time:** Open Session 2:00 p.m., Closed Session follows
- Place:** 101 Citizens Dock, Crescent City, CA, and via Zoom Webinar,

VIRTUAL MEETING OPTIONS

TO WATCH (via online)

<https://us02web.zoom.us/j/6127377734>

TO LISTEN (via telephone)

Dial (669) 900-6833, please enter 612 737 7734# (meeting ID)
or, one tap mobile: +16699006833,,6127377734#

Call to Order

Roll Call

Pledge of Allegiance

Public Comment

This portion of the Agenda allows the public to comment to the Board on any issue not itemized on this Agenda, however, the Board may not take action or engage in discussion on any item that does not appear on the Agenda. Periods when public comments are allowed, Harbor Commissioners will allow attendees to submit questions and/or comments using the Zoom in-meeting chat function. The Harbor Commission asks that members of the public keep questions and comments succinct and relevant.

Regular Session

1. Consent Calendar

- a. Approval of the Meeting Minutes of the August 17th, 2023 CCHD Special Meeting.**
- b. Approval of the Meeting Minutes of the July 25th, 2023 Tri-Agency Regular Meeting.**

2. Comptroller's Report, Review Balances

3. New Business

- a. Review and Vote to Approve Resolution 2023-13 Regarding the Award of a Design Build Contract to Marshall Jones Construction for South Beach Restroom**
- b. Review and Vote to Approve Resolution 2023-14 Regarding the Award of a Contract to Moffat and Nichol for Environmental Permitting and 30% Design of Citizens Dock.**
- c. Review and Vote to Approve Advocacy Letter Regarding Congressionally Directed Spending Requests that Could Offset CCHD Revenue Losses.**

4. Unfinished Business

- a. Grants Update**
- b. Dredge Update**

5. Communications and Reports

- a. CEO/Harbormaster Report**
- b. Ad Hoc Committee Reports**
- c. Harbor Commissioner Reports**

6. Adjourn to Closed Session

a. CONFERENCE WITH LEGAL COUNSEL – ONGOING LITIGATION

(Government Code section 54956.9(d)(2))

Ongoing Litigation: One case based on correspondence with Linda Sutter regarding Tri-Agency

7. Report out of Closed Session

8. MEETING ADJOURNMENT

Adjournment of the Board of Harbor Commissioners will be until the next meeting scheduled for Tuesday, November 21, 2023, at 2 p.m. PST. The Crescent City Harbor District complies with the Americans with Disabilities Act. Upon request, this agenda will be made available in appropriate alternative formats to person with disabilities, as required by Section 12132 of the Americans with Disabilities Act of 1990 (42 U.S.C. §12132). Any person with a disability who requires modification in order to participate in a meeting should direct such request to (707) 464-6174 at least 48 hours before the meeting, if possible.



1. Consent Calendar

- a. Approval of the Meeting Minutes of the August 17th, 2023 CCHD Special Meeting.**

Public Comment?

**Regular Meeting Minutes of the
Board of Harbor Commissioners of the Crescent City Harbor District**

Harbor District Office, 101 Citizens Dock Road
Crescent City, CA 95531

August 17, 2023
9:30 a.m.



Board of Harbor Commissioners of the Crescent City Harbor District

MINUTES

Special Session, Thursday August 17, 2023, at 9:30 A.M.

CALL TO ORDER: **9:30 AM**

ROLL CALL:

<i>PRESENT:</i>	<i>President</i>	WES WHITE
	<i>Secretary</i>	HARRY ADAMS
	<i>Commissioner</i>	RICK SHEPHERD
	<i>Commissioner</i>	GERHARD WEBER
	<i>Commissioner</i>	BRIAN STONE

ABSENT: NONE

QUORUM: YES

PLEDGE OF ALLEGIANCE:

PUBLIC COMMENT:

No members of the public commented.

1) UNFINISHED BUSINESS

1A) Consider and Vote to Approve Amended Letter to Public Officials Advocating for Immediate Changes to the CDFW Fishery Closure Affecting Nearshore Groundfish

Commissioner Adams temporarily stepped down from his position as Commissioner to address the Board as a member of the public. He explained his fishing encounters with Quillback Rockfish, and he noted how they tend to be a more resilient species

physiologically, compared to most other fish. For example, Quillback had very high survival ratios from catch and release encounters. Commissioner Adams then explained the devastating financial consequences that would result from the proposed fishery closure, estimating at least 2 to 3 million dollars of losses for the local community as a whole. The California Department of Fish and Game appeared to have mismanaged the fishery, leading to an unexpected sudden closure that now threatened vacation reservations and a host of other spillover consequences. At the conclusion of his comments, Commissioner Adams recused himself from deliberations of the Board.

Commissioner Shepherd encouraged a large turnout of stakeholders to attend an upcoming meeting of the Pacific Fishery Management Council to voice concerns that could be considered before decisions were made about the next season, recognizing that it would be extremely difficult to forestall the closure announced in the present season.

Commissioner Stone expressed his support for fishermen who would potentially be negatively impacted by the proposed fishery closure, but he urged the Board to delay consideration of a letter until further information could be received from CDFW.

Commissioner Shepherd **motioned** to move forward with drafting a letter without further delay. Commissioner Weber **seconded** the motion.

POLLED VOTE was called, **MOTION CARRIED**

AYES: SHEPHERD, WHITE, WEBER // **NAYS:** STONE

ABSENT: NONE // **ABSTAIN:** ADAMS

Discussions then continued on modifications to the letter, with particular focus on the CDFW conservation area boundaries, and whether it could be adjusted to allow for nearshore fishing. Staff was directed to make changes consistent with Board instructions.

2) ADJOURN SPECIAL SESSION

ADJOURNMENT TO THE BOARD OF HARBOR COMMISSIONERS NEXT REGULAR MEETING SCHEDULED FOR TUESDAY, SEPTEMBER 5, 2023, AT 2 P.M., VIA ZOOM WEB CONFERENCE AND IN-PERSON AT THE MAIN HARBOR OFFICE, LOCATED AT 101 CITIZENS DOCK ROAD.

Approved this ____ day of _____, 2023.

Wes White, President

Harry Adams, Secretary



1. Consent Calendar

b. Approval of the Meeting Minutes of the July 25th, 2023 Tri-Agency Regular Meeting.

Public Comment?



2. Comptroller's Report, Review Balances

Public Comment?



3. New Business

- a. Review and Vote to Approve Resolution 2023-13 Regarding the Award of a Design Build Contract to Marshall Jones Construction for South Beach Restroom.**

Public Comment?

RESOLUTION NO. 2023-13

AWARD OF DESIGN-BUILD CONSTRUCTION CONTRACT

RECITALS

WHEREAS, Crescent City Harbor District (“District”) is ordinarily required to secure the services of a design-professional through a “fair, competitive selection process” under Gov. Code, § 4529.12.

WHEREAS, the District is ordinarily required to secure construction services through competitive bidding under section 20723 of the Public Contract Code.

WHEREAS, the as stated in *Mike Moore's 24-Hour Towing v. City of San Diego* (1996) 45 Cal.App.4th 1294, 1303, “[a] public entity's award of a contract, and all of the acts leading up to the award, are legislative in character. [T]he letting of contracts by a governmental entity necessarily requires an exercise of discretion guided by consideration of the public welfare[]”.

WHEREAS, the District is empowered to award a contract that would otherwise require competitive bidding without competitive bidding “where competitive proposals work an incongruity and are unavailing as affecting the final result, or where competitive proposals do not produce any advantage, or where it is practically impossible to obtain what is required and to observe such form, competitive bidding is not applicable.” (*Graydon v. Pasadena Redevelopment Agency* (1980) 104 Cal.App.3d 631, 636).

WHEREAS, the District has a need for design and construction services in connection with the South Beach Bathroom Project (the “Project”), the solicitation and selection documents for which are on file with the District, available upon request, and incorporated by reference as if fully set forth herein (the “Solicitation Package”).

WHEREAS, District staff analysis indicates that if the Project was procured under a design-bid-build model with a separate construction contractor and design professional, that the project cost would exceed procuring the same under a design-build model because both respective professions are likely to impose a premium on their pricing of a project where their scope of work is reduced, especially when the Project is work as nominal as a restroom.

WHEREAS, District staff analysis indicates that if the Project is procured under a design-build model, the District is likely to enjoy significant cost savings attributable to reduced coordination expenses and increased economy of scale.

WHEREAS, the District nonetheless engaged in a thorough request for proposal process where it evaluated proposals submitted, including one submitted by William Marshall Jones dba Marshall Jones Construction (“Contractor”), and determined that the proposal of Contractor (the “Proposal”), a copy of which is attached as Exhibit A and incorporated herein by reference, is in the best interest with price and all other relevant factors considered (collectively, the “Alternative Procedure”).

NOW THEREFORE, BE IT RESOLVED, by the Board of Commissioners of the Crescent City Harbor District that:

1. In light of the Alternative Procedure, competitive bidding is not required because it would work an incongruity, would be unavailing as affecting the final result, and would not produce any advantage; and
2. The contract for the Project is conditionally awarded to Contractor.
3. The Harbormaster or designee is authorized to execute a design build construction contract with Contractor consistent with the Contractor's Proposal, the Solicitation Documents, and the Template – Design Build Agreement on file with the District and incorporated herein by reference ("collectively, the "Proposed Contract"), subject to minor revisions, if any, approved by the Harbormaster and District legal counsel to comply with applicable law or otherwise ensure that the District contracts for the Project on clear, unambiguous terms that are in the best interest of the District.

ADOPTED by the Board of Harbor Commissioners of the Crescent City Harbor District at a regular meeting held on the ___ day of October, 2023, by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

WES WHITE
COMMISSIONER & PRESIDENT

ATTEST:

HARRY ADAMS
COMMISSIONER & SECRETARY

W. MARSHALL JONES CONSTRUCTION

GENERAL ENGINEERING & CONSTRUCTION CONTRACTOR

Lic. CA781031 Bonded & insured
190 Church Tree Road, Crescent City, CA 95531
707-951-3455

July 24, 2023

Crescent City Harbor District
101 Citizens Dock Road
Crescent City, CA 95531

Response to Request for Proposal, South Beach Bathroom and Shower Facility.
Owner: Crescent City Harbor District.

Introduction: Jones Construction (W. Marshall Jones Construction) is a licensed General Engineering and General Construction contractor located locally in Crescent City. We specialize in designing and building organically designed homes and small commercial buildings. Examples of our work are located throughout our lovely rural County, including the Comet House and Prince Island Home, numerous nautical themed custom beach homes, the neighborhood of Smuggler's Cove, as well as many commercial projects for California Department of Fish and Game, Del Norte County Unified School District and others.

We enjoy completing ground-up design and construction, and have teamed up with Lee Tromble Civil Engineering to complete a fully engineered design, as well as regular inspection of construction progress. As a local resident, Mr. Tromble has provided professional civil engineering services to our community for decades.

Marshall Jones will provide project lead. In addition to the design and construction of the proposed restroom, as a licensed General Engineering Contractor he will be responsible for the installation of new water and sewer mains, as well as new secondary power utilities.

Jones Construction is a local business serving our community for nearly 30 years. We shall comply with required insurance coverage, payment and performance bonds, wage reports for prevailing wage standards and CalOsha job site safety requirements.

Suggested design: The proposed location of the restroom is dramatic; the breaking waves of South Beach are only feet away. The inner boat basin with associated tourist-oriented businesses sits immediately to the West and North. Highway 101 traffic will catch glimpses of the facility as they visit our community. This structure will immediately greet all visitors. With these considerations in mind, I propose to design and furnish a commercial restroom utilizing hybrid construction that will be engineered for the tsunami-risk designated location, but include some fun organic design. The exterior walls would look fantastic cast in place using local distressed Douglas Fir forms for a driftwood feel, with cast in place base-relief breaking waves; all exposed framed surfaces interior and exterior would be Sierra wood grain reinforced cement board With a scrubbable scuff-resistant painted surface. All trims would be 316 stainless steel and Azek weather proof products anchored with stainless steel fasteners. Vent screening would be expanded stainless steel.

As part of the fascia design, we would like to incorporate some refractive aqua blue art glass; it is maintenance free, and would reflect the beauty of the surroundings.

All fixtures within the structure would be commercial stainless steel. Commercial fiberglass doors are recommended vs steel due to corrosive location. 316 Stainless steel doors could be substituted for fiberglass for the difference in materials cost. The facility would be entirely CalDAG compliant.

Our proposal includes the complete design and plans, engineered for the unique location, by a licensed Civil Engineer. Permit fees shall be included, issued by the Del Norte County Community Development Department. Inspections shall be carried out by this agency plus the Civil Engineer of record.

****CRITICAL NOTE****

The Del Norte County Planning Department was consulted and researched the proposed area. A 60' road easement exists that cannot be encroached upon by the facility. The easement strip could obviously include walking surfaces, but no part of the structure. A variance would have to be attained allowing construction adjacent to the easement with no set-back, so this is an unknown variable. If a variance can be granted, I propose a 12' deep restroom facility that would utilize the narrow space between the road easement and edge of the exposed rip-rap sea wall. The length of useable space is approximately 48'. This would still require the removal of approximately 3' of ice plant along the edge of the rip-rap, but not compromise the embankment with construction activity. Parking would have to remain to the West of the existing seating area, with ADA compliant walking surfaces to the facility.

The City of Crescent City was also consulted regarding sewer and water services. A new sewer lateral must be installed from the facility into the existing manhole in the center of the intersection. A new 2" water main must be installed from the facility and tapped into the existing main located in the center of the intersection. Regarding the sewer lateral, we must budget a small basin/ grinder pump as the water mains in the street appear to conflict with a gravity-drop lateral from the facility. The City has provided a quote of approximately \$13,000 for sewer and water connection fees and meter installation, these charges are included in our proposal. Pacific Power has recommended an equipment budget of \$9,000 for providing secondary power, and the contractor is responsible for all installation. These costs are also included in our proposal.

The small available footprint at this location makes this project very challenging. The permitting agencies, along with the Harbor District and builder will need to be flexible in order for the construction of this facility to be a success.

Summary of included items in proposal:

***Design and engineering.**

***Required bonding and insurance.**

***Complete commercial restroom facility, within an approximate 12' x 48' foot print, in compliance with the description in the proposal.**

***IN THE EVENT THE NARROW FOOTPRINT DOES NOT ALLOW THE SHOWERS TO BE POSITIONED ON THE WALLS OF THE FACILITY, we propose: (2) commercial stainless steel shower towers with multiple stations. (1) commercial stainless steel shower tower fully CalDAG compliant.**

***48' concrete entrance sidewalk with cast-in-place sea art.**

***100 sq. ft. of concrete walking surface serving showers with cast-in-place sea art.**

***New 4" sewer main from road manhole to facility.**

***New 2" water main from existing main in the roadway to the facility.**

***Del Norte County permit fees.**

***New sewer and water connections/ meter installation fees.**

***Improvement of (4) parking spaces to West of monument seating, unless a better immediate location can be identified. This would include a pave-over and striping plus transition panel to existing seating area.**

Our price cost structure is based upon 18% profit and overhead, plus 5% bonding/ insurance premium requirements. **PLEASE NOTE Under item 15:b, Automobile Liability, ii Code 1 (any auto) is no longer available, although we do carry appropriate auto insurance. Also, under item 15:d:i, Pollution/ Asbestos Legal Liability, this line will not apply.**

Stainless steel art work in-lays for pathways and base relief concrete impression art shall be donated.

Proposed price, design and engineering: \$31,168.00

(Includes engineering for sewer and water main installation, parking and access improvements to facility, design and development of working plans, permit application process)

Proposed price, construction: \$554,545

(Includes construction permit fees, sewer and water main construction, sewer and water connection and meter fees, secondary power installation, facility construction)

Thank you,



**Marshall Jones
Design/ build contractor**



Turlock

License #0649647
600 E. Main St. Ste. 200
P.O. Box 1845
Turlock, CA 95381
(209) 634-9031
(800) 660-1024
FAX (209) 667-5234

07/24/2023

Crescent City Harbor District
101 Citizens Dock Road
Crescent City, CA 95531

RE: South Beach Bathroom and Shower Facility

To Whom it May Concern:

William Marshall Jones has the ability to meet all of the required insurance and bonding requirements.

If you have any questions please don't hesitate to contact me.

Los Banos

License #0649647
810 W. K St.
Los Banos, CA 93635
(209) 826-5667
(800) 942-4430
FAX (209) 826-8545

Thank you,

Robyn Holt

Crescent City

License #0649647
1090 3rd Street
Crescent City, CA 95531
(707) 465-5999
FAX (707) 465-4600



3. New Business

- b. Review and Vote to Approve Resolution 2023-14 Regarding the Award of a Contract to Moffat and Nichol for Environmental Permitting and 30% Design of Citizens Dock.**

Public Comment?

RESOLUTION NO. 2023-14

AWARD OF CONTRACT

RECITALS

WHEREAS, The Crescent City Harbor District received grant funding to design and complete EA/EIS for the Seawall and Citizens' Dock.

WHEREAS, the Crescent City Harbor District engaged in a thorough request for proposal process where it evaluated proposals submitted, including one submitted by Moffat and Nichol ("Contractor"), and determined that the proposal of Contractor (the "Proposal"), a copy of which is attached as Exhibit A and incorporated herein by reference, is in the best interest with price and all other relevant factors considered.

WHEREAS, the Board of Commissioners of the Crescent City Harbor District interviewed the respondents to the request for proposal process and selected Contractor as the preferred applicant and voted to award the project to Moffat and Nichol.

NOW THEREFORE, BE IT RESOLVED, by the Board of Commissioners of the Crescent City Harbor District that:

1. The contract for the Project is awarded to Moffat and Nichol.
2. The Harbormaster or designee is authorized to execute a contract with Contractor consistent with the Contractor's Proposal and the Solicitation Documents incorporated herein by reference ("collectively, the "Proposed Contract"), subject to minor revisions, if any, approved by the Harbormaster and District legal counsel to comply with applicable law or otherwise ensure that the District contracts for the Project on clear, unambiguous terms that are in the best interest of the District.

ADOPTED by the Board of Harbor Commissioners of the Crescent City Harbor District at a regular meeting held on the _____ day of October, 2023, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN

WES WHITE
COMMISSIONER & PRESIDENT

ATTEST:
HARRY ADAMS
COMMISSIONER & SECRETARY



3. New Business

- c. Review and Vote to Approve Advocacy Letter Regarding Congressionally Directed Spending Requests that Could Offset CCHD Revenue Losses.**

Public Comment?



4. Unfinished Business

a. Grants Update

Public Comment?



4. Unfinished Business

b. Dredge Update.

Public Comment?



DREDGING PERMIT PROGRESS



DREDGING PERMIT ROADMAP

STAGE 1: PRE-DREDGE SURVEYS & OTHER CONSIDERATIONS

- *Sampling and analysis plan*
- *Sediment Sampling and Characterization*
- *Identify disposal / beneficial reuse site*
- *California Environmental Quality Act (CEQA)*

STAGE 3: DREDGING & POST-DREDGE REPORTING

- *RFP & selection of dredge contractor*
- *Pre-and-post dredge bathymetric surveys*
- *Reporting per permit conditions*

STAGE 2: PERMITTING & AGENCY CONSULTATIONS

- *US Army Corps of Engineers (USACE)*
- *North Coast Regional Water Quality Control Board (NCRWQCB)*
- *California Coastal Commission (CCC)*
- *CA Dept. of Fish & Wildlife (CDFW)*
- *National Marine Fisheries Service (NMFS)*
- *US Fish & Wildlife Service (USFWS)*
- *US Environ. Protection Agency (USEPA)*

CURRENT PERMIT STATUS: PROCESSING

*IN THE LAST
1.5 YEARS:*

- **\$100k+** in consultation
- **600+** staff hours
- **300+** phone calls
- **2600+** emails

PLANNED PERMIT EXECUTION: *SPRING 2024*



5. Communications and Reports

a. CEO/Harbormaster Report



5. Communications and Reports

b. Ad Hoc Committee Reports

Public Comment?



5. Communications and Reports

c. Harbor Commissioner Reports

(1) Commissioner Gerhard Weber

(2) Commissioner Rick Shepherd

(3) Commissioner Brian Stone

(4) Secretary Harry Adams

(5) President Wes White

Public Comment?



6. Adjourn to Closed Session

a. CONFERENCE WITH LEGAL COUNSEL – ONGOING LITIGATION

(Government Code section 54956.9(d)(2))

Ongoing Litigation: One case based on correspondence with Linda Sutter regarding Tri-Agency

7. Adjourn Closed Session

8. Report out of Closed Session

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