

Commissioners

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Chair and President
John Creighton
Patricia Davis
Lloyd Hara
Gael Tarleton



Tay Yoshitani
Chief Executive Officer

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An audio of the meeting proceedings and meeting materials are available on the Port of Seattle web site -

<http://www.portseattle.org/about/organization/commission/commission.shtml>

(The approximate point in the audio recording for the specific item is identified by minutes and seconds; example: 01:30.)

**APPROVED MINUTES
COMMISSION SPECIAL MEETING MAY 5, 2009**

The Port of Seattle Commission met in a special meeting at 2:00 p.m., Tuesday, May 5, 2009 at the Duwamish Longhouse, 4705 West Marginal Way SW, Seattle, WA. Commissioners Bryant, Creighton, Davis, Hara and Tarleton were present.

1. CALL TO ORDER

The special meeting was called to order at 2:10 p.m. by Bill Bryant, Chair and President.

2. EXECUTIVE SESSION pursuant to RCW 42.30.110

None.

PLEDGE OF ALLEGIANCE

Following the pledge, welcoming remarks were given by James Rasmussen, Director, Duwamish Longhouse and Cultural Center.

3. APPROVAL OF MINUTES

(00:03:16) Motion for approval of minutes of the April 14, 2009 special meeting – Tarleton

Second – Davis

Motion carried by the following vote:

In Favor: Bryant, Creighton, Davis, Hara, Tarleton (5)

4. SPECIAL ORDER OF BUSINESS

None.

5. UNANIMOUS CONSENT CALENDAR

- a. (00:03:40) Authorization for the Chief Executive Officer to issue Change Order Number 005 for the Main Terminal Roof Replacement Project to add the additional time required (118 days) to complete the Project.**

Request document: Commission agenda [memorandum](#) dated April 29, 2009 from Ralph Graves, Managing Director, Capital Development Division

Motion for approval of Item 5a – Davis

Second – Hara

Motion carried by the following vote:

In Favor: Bryant, Creighton, Davis, Hara, Tarleton (5)

6. DIVISION, CORPORATE, AND COMMISSION ACTION ITEMS

- a. (00:04:38) Authorization for the Chief Executive Officer to procure and execute a contract for consultant services for environmental investigation and remediation of the Lora Lake Apartments property.**

Request document: Commission agenda [memorandum](#) dated April 9, 2009 from Elizabeth Leavitt, Director, Aviation Environmental Programs and Paul Agid, Environmental Program Supervisor, Aviation Environmental Programs

Presenter: Mr. Agid

Mr. Agid provided background on the contamination of the Lora Lake Apartments site, resulting from former industrial operations from the 1940s – 1980s, prior to the redevelopment of the property as an apartment site. He noted that staff would return to Commission in June to seek approval of an Agreed Order with the Department of Ecology, issued under the Model Toxics Control Act.

Motion for approval of Item 6a – Creighton

Second – Tarleton

Motion carried by the following vote:

In Favor: Bryant, Creighton, Davis, Hara, Tarleton (5)

- b. (00:18:37) Authorization for the Chief Executive Officer to 1) Implement a revised incentive program for the new international commercial air service routes at a cost of \$498,000, and 2) Perform design, advertise for construction bids, award contracts and/or employ Port construction crews and construct facility improvements at Seattle-Tacoma International Airport to enable Icelandair to initiate air service in July 2009 at a cost of \$275,000.**

Request document: Commission agenda [memorandum](#) dated April 17, 2009 from David Soike, Deputy Director, Aviation Division and Kazue Ishiwata, Senior Marketing Manager, Aviation Division

Presenters: Mr. Soike and Ms. Ishiwata

Mr. Soike provided background of prior Commission-authorized airline incentive programs at Sea-Tac. He also commented on a suggested adjustment to one of two current incentive plans, specifically the plan earned by AeroMexico, known as “narrowbody transborder.” He noted that staff would like to broaden this incentive a bit, include Icelandair, and change the name to “narrowbody trans-border or trans-oceanic” for a minimum of 3 services per week, which would keep the incentive for both airlines consistent.

Ms. Ishiwata provided background on Icelandair’s decision to begin service at Sea-Tac, which occurred shortly following SAS Airline’s decision to exit the Seattle market.

Responding to a question from Commissioner Tarleton regarding the proposed request, Mr. Soike clarified that the request is for \$460,000 for the immediate incentive program and \$275,000 for facility improvements, for a total of \$735,000.

Motion for approval of Item 6b – Davis

Second – Creighton

Motion carried by the following vote:

In Favor: Bryant, Creighton, Davis, Hara, Tarleton (5)

- c. *ITEM WITHDRAWN* - Authorization for the Chief Executive Officer authorize all work, execute Category III procurement process and execute all contracts and amendments for graphic design services to maintain the Port’s graphic identity, support standards and messages, and support marketing and communications strategies, internal communications and needs for a period of up to three years, for a total procurement of \$1,200,000.**

- d. *ITEM WITHDRAWN – Authorization for the Chief Executive Officer to execute a new Collective Bargaining Agreement with the International Brotherhood of Teamsters Local 117, representing Credential Specialists.***
- e. (00:39:46) Resolution No. [3616](#), as Amended, Second Reading and Final Passage - Small Works Roster Resolution.**

Request documents: Commission agenda [memorandum](#) dated April 29, 2009 and resolution, as amended from Ralph Graves, Managing Director, Capital Development Division and Nora Huey, Director, Central Procurement Office.

Presenter: Ms. Huey

It was clarified by staff that as part of the resolution since First Reading, the change had been made to include that when small works projects are put out to bid, quotations may be invited from all contractors in the appropriate category or categories

Motion for Resolution No. 3616, as Amended, Second Reading and Final Passage – Hara

Second – Creighton

Motion carried by the following vote:

In Favor: Bryant, Creighton, Davis, Hara, Tarleton (5)

(00:41:23) CEO Yoshitani stated that he would like to amend Item 6f to be a briefing only on the proposed subject as opposed to an action item.

- f. *Authorization for the Chief Executive Officer to issue Change Order 026 for the Terminal 30 Upgrade Project in the estimated amount of \$600,000.***

Presenter: Ralph Graves, Managing Director, Capital Development Division and Mike Burke, Seaport Division

Mr. Graves provided background information on a Change Order for the Terminal 30 Upgrade Project, which involved crane power cable that had been ordered, and when received, did not properly fit into the necessary cable trough, and would need to be replaced, or the trough modified. Mr. Graves stated that this was likely an error on the part of the designer of the trough. He clarified that since the proposed solution is different than what had been noticed, the Commission would be briefed at this point, and an action could be taken at a future meeting.

Discussion followed regarding whether or not there would be the ability for the Port to recover costs if, indeed, this was due to an error in design.

Mr. Graves clarified that a proposed action would be for reimbursement to SSA Marine, the operator of Terminal 30, for costs associated with their making their container cranes operational, for an amount not anticipated to be over \$400,000. Reimbursement would occur by compensation to SSA's rent lease at the Terminal.

7. STAFF BRIEFINGS

a. (01:01:32) Briefing on the Lower Duwamish Waterway Feasibility Study

Presentation documents: Commission agenda [memorandum](#) dated March 20, 2009 and computer slide [presentation](#) from Stephanie Jones Stebbins, Senior Manager, Seaport Environmental Programs and Kathy Bahnick, Environmental Program Supervisor, Seaport Environmental Programs. Also provided was the Executive Summary of the Draft Feasibility Study.

Presenters: Ms. Jones Stebbins and Ms. Bahnick

Staff presented background information on the Duwamish River, noting that it is an active industrial and commercial corridor with two residential community neighbors. They spoke about the cleanup of contamination in the river and noted that agencies involved include the regulatory agencies of US Environmental Protection Agency (EPA) and Washington State Department of Ecology (DOE) as well as members of the Lower Duwamish Waterway Group, which include the Port of Seattle, City of Seattle, King County, and Boeing.

It was noted that Ecology has the primary responsibility for controlling pollution from upland sources and that EPA has the primary responsibility for in-water cleanup.

Within the timeline of the Duwamish cleanup process, beginning with identifying the problem, staff commented that at this point, the process was involved in studying how the contamination could be cleaned up, which would be followed by a proposed plan, and then a decision as to how it would be accomplished.

It was noted by staff that some of the challenging issues related to the cleanup include balancing cost and time to achieve cleanup goals; maintaining multiple uses; avoiding recontamination; and setting cleanup goals.

Staff noted that it is important to have a continuing dialogue prior to deciding on an approach to the river cleanup, and noted that EPA and DOE will be taking comments until June 22, 2009.

Public comment regarding Item 7a was received from the following individuals:

- Heather Trim, People for Puget Sound. Ms. Trim stated that she would appreciate the Commission holding meetings more frequently in community locations and

also stated that she would like to see study information provided more frequently to the public.

- Thea Levkovitz, Duwamish River Cleanup Coalition. Ms. Levkovitz noted that the next draft of the Feasibility Statement would include comments from the public.

b. (01:44:22) Briefing on the Lower Duwamish River Habitat Restoration Plan

Presentation documents: Commission agenda [memorandum](#) dated April 14, 2009 and computer slide [presentation](#) from Eric Hanson, Manager, Seaport Planning and Joseph Gellings, Seaport Senior Planner. Also provided was a final draft of a [document](#) dated January 13, 2009 titled “Lower Duwamish River Habitat Restoration Plan – An Inventory of Port of Seattle Properties.”

Presenters: Mr. Hanson and Mr. Gellings

Staff provided background of the goals and purposes of the restoration plan, which include clearly communicating the scope, the scale and the location of Port property intended to be set aside for the purpose of future habitat restoration projects. Also, the hope is to gain consensus between all interested parties, showing that there is enough habitat site set aside to show that the ecological function of the river will be enhanced.

Mr. Gellings provided information on milestones of the plan’s outreach program, as well as indications of success and next steps, which include a return to the Commission for adoption of the plan as Port policy. Commissioners Bryant and Davis commented that it might be helpful to receive more input on the plan prior to taking a vote.

Public comment regarding Item 7b was received from the following individuals:

- Steven Richmond, Puget Creek Watershed Alliance, who spoke in support of the restoration plan.
- Tracy Williams, representing Boyer Towing and Boyer Logistics, who spoke in support of the restoration plan, but asked for the removal of ‘project 14’ within the plan.
- Robin Guevarra, who commented that she would like to know whether river cleanup or habitat restoration would take place first.
- M.C. Halvorsen, who commented on her belief that the plan is unconstitutional. A copy of an email from Ms. Halvorsen dated February 10, sent to Mr. Gellings, Port Commissioners, and CEO Yoshitani, was submitted for the record, is by reference made a part of these minutes, is marked Exhibit ‘[A](#),’ and is on file in Port offices.
- Martin Oppenheimer, South Park business owner, who supported the Port’s efforts in working toward cleanup and habitat restoration of the Lower Duwamish.

- Kevin Burrell, Executive Director, Environmental Coalition of South Seattle, who commented that the plan is useful and timely and is a good launching point.
- BJ Cummings, Duwamish River Cleanup Coalition, who thanked Port staff for work being done.
- Heather Trim, People for Puget Sound, who spoke in support of the public process conducted and the staff's responsiveness to concerns of stakeholders.

c. (02:34:45) The Green Gateway – Carbon Footprint Study for Asia to North America Intermodal Trade.

Presentation documents: Commission agenda [memorandum](#) dated May 4, 2009 and computer slide [presentation](#) from Charlie Sheldon, Managing Director, Seaport Division. Also provided were a [Green Gateway overview document](#) and a [Green Gateway Questions and Answers](#) document.

Presenter: Mr. Sheldon

Mr. Sheldon provided an overview of the process staff went through for the Green Gateway study, which was conducted by Herbert Engineering. The study resulted in finding that the Pacific Northwest gateway offers the lowest carbon footprint to 180,000,000 consumers in the northern half of the United States.

Commissioner Tarleton emphasized that this was an independent study and that there was also further independent confirmation of the data.

8. NEW BUSINESS

Commissioner Hara reported on his recent attendance at the Siebert-Brandford-Shank Public Finance Summit in Napa, California.

9. POLICY ROUNDTABLES

None.

10. ADJOURNMENT

The special meeting was adjourned at 5:05 p.m.

(A digital recording of the meeting is available on the Port's website.)

Lloyd Hara
Secretary