

**Commissioners**

Bill Bryant  
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 REGULAR OCTOBER 13, 2009**

The Port of Seattle Commission met in a regular meeting at 1:00 p.m., Tuesday, August 11, 2009 in the Commission Chambers at Pier 69, 2711 Alaskan Way, Seattle, WA. Commissioners Bryant, Davis, Hara and Tarleton were present. Commissioner Creighton participated via conference phone, the first time this method has been used as allowed by the Commission Bylaws.

**1. CALL TO ORDER**

The regular meeting was called to order at 1:05 p.m. by Bill Bryant, Chair and President.

**2. EXECUTIVE SESSION pursuant to RCW 42.30.110**

The regular meeting was immediately recessed to an executive session for approximately one hour to discuss legal risk matters and reconvened to open public session

**PLEDGE OF ALLEGIANCE**

**3. APPROVAL OF MINUTES**

None.

**4. SPECIAL ORDER OF BUSINESS**

None.

**5. UNANIMOUS CONSENT CALENDAR**

- a. (00:01:30) Authorization for approval of Outstanding [Claims and Obligations](#) for the period of September 1 through September 30, 2009 in the amount of \$41,785,074.11.

Motion for approval of Item 5a – Hara

Second – Davis

Motion carried by the following vote:

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

**6. DIVISION, CORPORATE AND COMMISSION ACTION ITEMS**

- a. (00:02:39) Resolution No. [3629](#), Second Reading and Final Passage. (1) Declaring real property known as the [3-acre parcel](#) (King County Parcel 3222304-9332) surplus and no longer needed for Port district purposes, and (2) Authorization for the Chief Executive to execute all necessary [documents](#) for the sale of the real property interests to the Highline School District.

Request documents: Commission agenda [memorandum](#) dated September 18, 2009 from James R. Schone, Director, Aviation Business Development and W. Allan Royal, Manager, Port Real Estate Development

Presenter Mr. Royal

Motion for approval of Resolution No. [3629](#), Second Reading and Final Passage – Hara

Second - Tarleton

Motion carried by the following vote:

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

- b. (00:04:17) Resolution No. [3630](#), Second Reading and Final Passage. Authorization for the Chief Executive Officer to acquire by purchase and/or condemnation real property located at 14431 Des Moines Memorial Drive South, in the City of Burien, Washington, commonly known as the [Richard Williams property](#).

Request document: Commission agenda [memorandum](#) dated September 1, 2009 from James R. Schone, Director, Aviation Business Development and Jude P. Barrett, Manager, Acquisitions and Relocation

Presenter: Mr. Barrett

**Motion for Resolution No. [3630](#), Second Reading and Final Passage - Davis**

**Second – Tarleton**

**Motion carried by the following vote:**

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

- c. (00:05:50) Authorization for the Chief Executive Officer to execute an [amendment](#) to the Rental Car [Lease](#) and Concession Agreement to extend the lease term for the rental car companies operating at the Airport until the opening of the Rental Car Facility and modify the Minimum Annual Guarantee requirements during this extended lease term.**

Request document: Commission agenda [memorandum](#) dated September 18, 2009 from James R. Schone, Director, Aviation Business Development and Jolene Culler, Senior Property Manager, Aviation Properties, draft amendment and agreement.

Presenters: Mr. Schone and Ms. Culler

Ms. Culler provided background information on the proposed lease amendment and modifications to the Minimum Annual Guarantee. She explained that the leases are currently scheduled to expire at the end of October of this year and that by extending the terms, the leases would be extended until the new Rental Car Facility is opened.

Responding to Commissioner Creighton's question about mid-term investments as related to these leases and whether or not the Rental Car Companies currently have incentives to keep up their spaces, Ms. Culler stated that there is no mid-term provision in the lease and does not believe it is necessary and that the areas are well maintained.

Mr. Schone clarified in response to a question from Commissioner Davis that this plan has been reviewed with all of the Rental Car Companies and is supported by all of them. He also noted that Port legal counsel has been involved throughout the process. Commissioner Davis reiterated the importance of accurate documentation of the entire process in case of any future audit.

Commissioner Hara also commented on the need to assure that we are clearly within legal authority to extend the lease terms rather than rebidding at this time. Craig Watson, Port General Counsel confirmed that in this particular case there is nothing that requires an RFP.

**Motion for approval of Item 6c – Davis**

**Second – Tarleton**

**Motion carried by the following vote:**

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

- d. (00:19:16) Authorization for the Chief Executive Officer to: 1) Spend up to \$700,000 on Source Control Project at Seaport's Terminal 108 Site, and 2) Execute a professional service agreement to perform source control actions at Terminal 108.**

Request documents: Commission agenda [memorandum](#) dated September 18, 2009 from Stephanie Jones Stebbins, Senior Manager, Seaport Environmental Programs and Roy Kuroiwa, Environmental Program Manager and [map](#) of area discussed.

Presenters: Ms. Jones Stebbins and Mr. Kuroiwa

Ms. Jones Stebbins noted that today's request was for both project authorization and contract authorization. Historical background information on the Terminal 108 site was provided. Previous industrial use of the site was noted, as well the resulting contamination which now requires cleanup and removal.

Commissioner Tarleton commented on an [Environmental Conditions Report](#) which was referenced in the item's memo and which was related to the source control strategy. Staff noted that the report was available on the Department of Ecology website and that they would also provide a link to the Port's website for easy public access.

**Motion for approval of Item 6d – Tarleton**

**Second – Davis**

**Motion carried by the following vote:**

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

**7. STAFF BRIEFINGS**

None.

**8. NEW BUSINESS**

Public comment was received on the topic of the Eastside Rail Corridor from the following individual:

- Dwight Baker, citizen. Mr. Baker stated his interest in the outcome of the purchase of the Eastside Rail Corridor and stated that he had some creative ideas on how it could be accomplished.

**9. POLICY ROUNDTABLE**

None.

**10. ADJOURNMENT**

There being no further business, the meeting was adjourned at 1:40 p.m.

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

Lloyd Hara  
Secretary