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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 FEBRUARY 10, 2009**

The Port of Seattle Commission met in a regular meeting at 12:00 p.m., Tuesday, February 10, 2009 in the Commission Chambers at Pier 69, 2711 Alaskan Way, Seattle, WA. Commissioners Bryant, Davis, and Hara and Tarleton were present. Commissioner Creighton was absent.

1. CALL TO ORDER

The regular meeting was called to order at 12:30: p.m. by Bill Bryant, Commission President.

2. EXECUTIVE SESSION pursuant to RCW 42.30.110

The special meeting was immediately recessed to an executive session to discuss legal risk and real estate issues.

PLEDGE OF ALLEGIANCE

3. APPROVAL OF MINUTES

None.

4. SPECIAL ORDER OF BUSINESS

None.

5. UNANIMOUS CONSENT CALENDAR

(00:01:40) Commissioner Bryant noted that the Commission would like to have discussion regarding Item 5b; the item was removed from the consent calendar to be addressed immediately following the vote on other consent calendar items.

Commissioner Bryant also stated that at the request of Commissioner Hara, Item 5e, a request for authorization to execute a new Collective Bargaining Agreement with International Brotherhood of Teamsters, Local 117, representing Police Specialists, was also being removed from the consent calendar and deferred to a future meeting in order to allow additional time for review of the agreement.

- a. Authorization for approval of payment of Claims and Obligations for the period of January 1 through January 31, 2009**
- b. Removed from consent calendar**
- c. Request for Commission approval to issue Change Orders #652 and #653 for project closeout of the C-1 Baggage Handling System Project in the estimated net amount of \$1,750,104 by reallocating previously authorized project contingency; therefore at no additional cost to the project.**

Request document: Commission agenda [memorandum](#) dated January 27, 2009 from Ralph Graves, Managing Director, Capital Development Division

- d. Request for authorization for the Chief Executive Officer to execute easements with Holland America Line and Princess Cruise Lines for installation and maintenance of certain equipment necessary to provide shore power at the Smith Cove Cruise Terminal and cost reimbursement not to exceed \$710,000.**

Request document: Commission agenda [memorandum](#) dated January 23, 2009 from Ralph Graves, Managing Director, Capital Development Division and Charlie Sheldon, Managing Director Seaport Division

- e. Item deferred.**
- f. Request for approval of revised Claims and Obligations for November 1 through November 20, 2008.**
- g. Request for approval of revised Claims and Obligations for December 1 through December 31, 2008.**

Motion for approval of Unanimous Consent Items 5a, 5c, 5d, 5f and 5g - Davis

Motion carried by the following vote:

In Favor: Bryant, Davis, Hara, Tarleton (4)

Commissioner Creighton was absent for the vote.

5b. (00:04:11) Request for authorization for the Chief Executive Officer to execute a Possession and Land Use Agreement between Washington State Department of Transportation (WSDOT), the Port of Seattle, and Total Terminals International (TTI) for the partial taking of Port of Seattle Terminal 46 for the S. Holgate to S. King Street Viaduct Replacement Project.

Request document: Commission agenda [memorandum](#) dated February 4, 2009 from Michael Burke, Senior Manager, Container Leasing and Operations; Christine Wolf, Seaport Strategic Planning & Policy/Land Use; and Michael Campagnaro, Manager, Container Leasing and Operations

Presenter: Mr. Burke and Ms. Wolf

Staff provided a brief background on the item, which had been requested by Commission prior to a vote. It was noted that there would need to be a return to Commission at a future date to amend the TTI lease, the surplusing of the property, and for the final settlement on the valuation of the property.

Motion for approval of Item 5b – Davis

Motion carried by the following vote:

In Favor: Bryant, Davis, Hara, Tarleton (4)

Commission Creighton was absent for the vote.

Prior to moving forward with regularly scheduled agenda items, Commissioner Bryant announced that following regular business, there would be a Policy Roundtable discussion held regarding the Clean Air Strategy.

6. POLICY AND STAFF BRIEFINGS

a. (00:11:39) Terminal 30 and Terminal 91 Financial and Schedule Status Update

Presentation documents: Commission agenda [memorandum](#) dated January 28, 2009 and computer slide [presentation](#) from Fred Chou, Capital Project Manager and Ticson Mach, Capital Project Manager

Presenters: Mr. Chou and Dakota Chamberlain, Director, Seaport Project Management Group

Mr. Chou noted that as of the end of January, the cruise building construction was approximately 96% complete, and that the current target for receiving the certificate of occupancy is next week. He noted that was currently \$500,000 remaining in the

construction budget and that none of the \$3.2 million construction contingency has been used. He stated that the terminal should be ready for cruise operations by April 24.

Mr. Chamberlain stated that the schedule for Terminal 30 was approximately 75% complete. He also noted that dredging, both in-water and uplands, was now complete, pending the Coast Guard survey.

b. (00:15:51) Briefing on the Fourth Amendment to the Management Agreement between the Port of Seattle and Columbia Hospitality, Inc. for the operation of the “Maritime Event Center” (former Odyssey space).

Presentation documents: Commission agenda [memorandum](#) dated February 3, 2009 and computer slide [presentation](#) from Joe McWilliams, Managing Director, Real Estate Division

Presenter: Mr. McWilliams

Mr. McWilliams provided a brief background on the history of the Odyssey Maritime Discovery Center, and events leading up to the current changes being implemented at that location. Mr. McWilliams commented that there was a single response to the RFP for use of the former Odyssey space, which was received from Columbia Hospitality, Inc. Mr. McWilliams clarified that, within the new agreement, the facility would not be used as a day-to-day museum facility, as that has not proven financially feasible; however it may be used in that capacity for certain functions.

Mr. McWilliams noted that today’s Commission briefing would be followed in the near future with a request for approval to the amendment to the management agreement.

Dan Thomas, Chief Financial Officer, responded to questions from the Commission regarding the financing of the Maritime Conference Center.

7. MARINE ITEMS

a. (00:28:45) Authorization for the Chief Executive Officer to (1) Execute the Second Amendment to the Lease between Westway Feed Products and the Port of Seattle; (2) Proceed with funding for design and permitting of 800 feet of replacement fender system at T18 South in the amount of \$400,000, for a total current authorization of \$450,000, and (3) Enter into or amend service agreements for an estimated \$250,000 to accomplish design and permitting.

Request document: Commission agenda [memorandum](#) dated January 22, 2009 from Michael Burke, Director, Cargo and Container Operations and Mark Longridge, Capital Project Manager

Presenters: Mr. Burke and Mr. Longridge

Mr. Burke provided background information on the project, noting that it is a renewal and replacement project, and not a deferred maintenance project.

Commission / staff discussion followed regarding the fact that there are an additional 400' that will need replacement in the future. Commissioner Tarleton noted her hesitancy to vote in the affirmative on the item without including that additional incremental amount into the design.

CEO Yoshitani suggested that if staff could incorporate the additional design within the proposed authorization, a vote would be appropriate, and if the costs go beyond that, there should be a hold placed on the project.

Motion for approval of Item 7a – Davis

Responding to Commissioner Bryant's question as to whether or not additional GO bonds needed to be sold in order to secure funds for the project, CFO Dan Thomas replied that that was not necessary.

Motion carried by the following vote:

In Favor: Bryant, Davis, Hara, Tarleton (4)

Commissioner Creighton was absent for the vote.

8. AVIATION ITEMS

None.

9. CAPITAL DEVELOPMENT

a. (00:41:19) Resolution No. 3610, First Reading. Declaring certain personal property surplus (Port of Seattle Crane 54) for Port of Seattle purposes and authorizing its sale or disposal.

Request document: Commission agenda [memorandum](#) dated January 22, 2009 from Nora Huey, Director, Central Procurement Office and Mike Burke, Director, Container Operations

Presenter: Mr. Burke

Motion for First Reading of Resolution No. 3610 – Hara

Motion carried by the following vote:

In favor: Bryant, Davis, Hara, Tarleton (4)

Commissioner Creighton was absent for the vote

10. REAL ESTATE

None.

11. GENERAL BUSINESS

a. (00:44:01) Resolution No. [3611](#), First Reading. Amending Port Commission Bylaws.

Request document: Commission agenda [memorandum](#) dated February 5, 2009 and computer slide [presentation](#) from Mary Gin Kennedy, Director of Commission Services

Presenter: Ms. Kennedy

Ms. Kennedy reviewed changes that had been incorporated to the proposed resolution which had been requested by the Commission at the previous meeting, when a briefing was provided.

Prior to the vote, Commissioner Bryant stated that although Commissioner Creighton was not present for the vote, he had asked that his support be mentioned of moving forward with the proposed revised Bylaws.

Motion for First Reading of Resolution No. 3611 – Tarleton

Motion carried by the following vote:

In Favor: Bryant, Davis, Hara, Tarleton (4)

Commissioner Creighton was absent for the vote

12. NEW BUSINESS

Commissioner Bryant allowed public testimony on Port training issues from the following individuals:

- Jafar Siddiqui, American Muslims of Puget Sound. Mr. Siddiqui commented on his disagreement with certain training that had taken place at the Port, noting that he felt it was biased against minorities.
- Janice Tufte, Islamic Civic Engagement Coalition. Ms. Tufte commented on what she believed to be inappropriate training at the Port, noting that she felt it was biased against Muslims. Ms. Tufte provided copies for the Commission of the ‘Emergency Resource Guide for Muslims in the Seattle Area.’ A copy of the document is by reference, made a part of these minutes, is marked as Exhibit “[A](#)”, and is on file in Port offices.

- Arsalan Bukhari, C.A.I.R. Mr. Bukhari commented on his disapproval of certain training within the Port that he believed to be biased, and commented on what he believed to be negative effects of the training.
- Kealy Ny. Ms. Ny spoke about Port training that she believed to be biased against race, religion and ethnicity. She asked that the Port Commission issue a resolution against such training.
- Muhammad Iqbal. Mr. Iqbal commented on the Port training at issue and voiced his concern that it could unnecessarily impact decisions made by law enforcement officers.

CEO Yoshitani commented that the concerns voiced have been taken very seriously and that he believes a response to the concerns have been appropriately taken.

Port Police Chief Colleen Wilson provided background on how the police department has reviewed and updated their training.

Commissioner Davis stated that she would like to have a briefing on changes made to the training prior to deciding whether or not to actually issue a resolution.

(01:20:11) Commissioner Bryant called a brief recess, and the meeting was reconvened at 2:40 for a Policy Roundtable Discussion of the Clean Air Strategy.

Commissioner Bryant noted that there was a Somali interpreter available should that be helpful for anyone who would be commented at the meeting.

The panel consisted of the following members:

- Sharon Banks, CEO, Cascade Sierra Solutions
- David Freiboth, Executive Secretary-Treasurer, King County Labor Council
- Dan Gatchet, General Manager, Roadlink Intermodal Logistice, Inc.
- Dennis McLerran, Executive Director, Puget Sound Clean Air Agency
- Captain Mike Moore, Vice-president, Pacific Merchant Shipping Association (PMSA)
- Heather Weiner, Coalition for Clean and Safe Ports

(01:37:26) Charlie Sheldon, Managing Director, Seaport Division, provided an overview of the Northwest Ports Clean Air Strategy, which was adopted last year, and commented on top contributors to diesel particulate matter in the area.

Commissioner Bryant noted that no decision was being made at today's meeting, but it would be an opportunity to listen and have discussion.

(01:50:04) Mr. McLerran spoke about the Strategy's plan to replace truck models pre-1994 by 2010 and have 80% of trucks meeting 2007 standards, or greater, by 2015. He commented that the Clean Air Agency would like to meet or exceed those goals where

possible. He commented on the Agency's partnering with the Port to meet and exceed the goals.

(01:54:03) Mr. Freiboth commented on the need to address these issues not only in terms of the environment, but also of the economy. Mr. Freiboth spoke about the need to focus on not only emissions considerations, but also employment and wage issues, noting that low-wage conditions lead to non-green drayage operations. He commented on the importance of reducing taxi dead-heading. Also noted was a concern about the diversion to foreign ports rather than domestic ports. Mr. Freiboth mentioned statistics of the average income of truckers, as well as the lack medical insurance and retirement benefits available to them.

(02:05:48) Ms. Banks provided background on Cascade Sierra Solutions (CSS), noting that they do outreach to help truckers identify solutions and gain access to incentives and low-cost financing. Main strategies of CSS include providing grants and loans to retrofit existing trucks, providing affordable trucks that are already upgraded, and promoting cleaner and alternative fuels. Ms. Banks stated that in order to qualify for an upgraded truck, a trucking company must agree to scrap a pre-1994 truck.

(02:10:22) Ms. Weiner stated that she would like to see a meeting held in public at a more accessible time for people to attend. Ms. Weiner submitted a copy of a letter to the Port Commission regarding truck issues. A copy of the letter is by reference, made a part of these minutes, is marked Exhibit 'B', and is on file in Port offices. She stated three suggested goals for 2010, including using the most effective available retrofit filters on the trucks; take pre-1994 trucks off the roads; and having trucking companies be responsible for operation and maintenance of trucks. She stated she believes that trucks already here should be retrofit before bringing in any trucks from California.

(02:20:59) Mr. Gatchet commented that trucks actually make up a small portion of the overall air emissions, but are a very visible part of the problem, and that it is important to adopt new standards. He stated that he believes there are currently too many trucks owned for the volume of cargo that comes into the Port. He stated that he believes the Port should set standards to phase out older trucks, but not dictate the use of employee or owner operators.

(02:25:13) Captain Moore emphasized three points he made at a previous meeting, which were the need to focus on cost, reliability and certainty. He stated the importance of not compromising the Port's competitiveness, and to focus on goals, and continue dialogue with marine terminal operators.

Tom Tanaka, Senior Port Counsel, responded to questions regarding whether or not the Port can impose regulations through tariffs, and stated that it was not within the Port's authority to do so. He provided an explanation of differences in tenant leases and tariffs at the Port of Seattle, and those at Los Angeles/Long Beach.

Discussion followed regarding the effectiveness and cost of different levels of filters available to trucks.

Commissioner Tarleton commented on signs that were being held up by several people in attendance which said “Good Jobs, Clean Air” emphasized her commitment to that, and noted the importance of discussing what kind of industry structure there should be.

Captain Moore suggested that as a baseline, we should look at what would happen if we do nothing, and raised the questions of whether the core mission is to legislate and to think about what is the accomplished aim.

Mr. Freiboth commented on the need to create a good business climate and good jobs, which include a sustainable lifestyle for middle-class workers.

Mr. Gatchet suggested that he would like to see terminal operators open from 6 a.m. until 6 p.m. and hoped that trucks could get in and out in 20 minutes.

Before taking public comment, Commissioner Bryant read into the record a letter from the Robin Lanier, Executive Director, Waterfront Coalition, dated February 9, 2009. A copy of the letter is, by reference, made a part of these minutes, is marked Exhibit ‘[C](#)’, and is on file in Port offices.

Public comment was then received from the following individuals:

- Joe Rinzel, Retail Industry Leaders Association. Mr. Rinzel expressed support for the Port’s outline for a clean truck program. A written copy of Mr. Rinzel’s comments were submitted, is by reference made a part of these minutes, is marked Exhibit ‘[D](#)’, and is on file in Port offices.
- Mark Johnson, Washington Retail Association. Mr. Johnson spoke in support of the Northwest Clean Air Strategy and against container fees.
- Paul Masson, Eco-Star Collaborative. Mr. Masson provided documents for reference which suggested a program which he stated would assist in the reduction of diesel particulates. A copy of the documents are by reference, made a part of these minutes, are marked collectively as Exhibit ‘[E](#)’, and are on file in Port offices.
- Michael McGrath, ACORN. Mr. McGrath commented on the ongoing issue of truck parking in the South Park area.
- Patti Ludwig, ACORN. Ms. Ludwig commented on the need to have meetings held at a more accessible time to truckers. Copies of form letters regarding trucking and clean air issues signed by members of the community were submitted by Ms. Ludwig; are by reference, made a part of these minutes; are collectively marked Exhibit ‘[F](#)’; and are on file in Port offices.
- Howard Greenwich, Puget Sound Sage. Mr. Greenwich spoke in support of the Clean and Safe Ports Coalition and their 3-points proposal.
- Sarah Warren, HERE Local 8. Ms. Warren spoke in support of the truck drivers and voiced concern over the Port’s clean air plan.

- Joyce Tseng, Community Coalition for Environmental Justice. Ms. Tseng commented that she believes the Port's clean air plan places too much of an economic burden on the truckers.
- John Guevara, who commented there should be more emphasis on which communities are affected by air problems.
- Steve Dzielak, Puget Sound Alliance for Retired Americans. Mr. Dzielak spoke in support of the Clean and Safe Ports 3-point program.
- David DeBruyn, American Lung Association. Mr. DeBruyn stated that he felt the 2010 air emissions goal should be made mandatory.
- Craig Peterson, Roadlink. Mr. Peterson spoke in favor of opening the Ports for longer hours in order to make more truck runs.
- Karen Deal, UFCW Local 21. Ms. Deal supports reducing truck emissions, specifically in the Georgetown area.
- Curt Nuccitelli, Spirit Transport Systems, Inc. Mr. Nuccitelli spoke in support of the clean air program as well as a safe working environment.

The special meeting was recessed briefly and reconvened for further public testimony from the following individuals:

Audio from this point forward can be found in 'Audio Part 2' on the Port's website.

- Olufemmi Dosummu, who stated that he feels the trucking companies should be responsible for buying the new trucks, and that currently the responsibility is on the truck drivers.
- Mike Ferguson, Supervalu, International. Mr. Ferguson commented that he feels that trucks emissions issue should be regulated and controlled at a state level, noting that the dray fleet is a small part of the issue and doesn't only affect the south end.

Written comments were submitted for the record from the following individuals:

Elizabeth Slaughter; Debbie Carlsen; Rick Horner; Stefan Moritz; Jenon Laurene; Shauna Hogan; Thomas St. Jacques; James D. McGee; Steven D. Walken; Michael Harris; Alex King; David R. Robinson; Felipe Gomez; Patti Ludwig; Catherine Pottinger; Nora Sullivan; Lily Wilson-Codega; Chris Hash; Dale Bright; Linda Anderson; James D. Stewart; and Keith J. Weir. Copies of the comments are by reference, made a part of these minutes, are marked collectively as Exhibit '[G](#)'; and are on file in Port offices.

A copy of a letter to the Commission dated January 22, 2009 from Mahad Dimbi was submitted for the record; is by reference made a part of these minutes; is marked as Exhibit '[H](#)'; and is on file in Port offices.

Public comment was then received from the following individual regarding the Eastside Rail Corridor:

- Will Knedlik, who commented on his interest in hearing more from the Port regarding what a proposal to Sound Transit might look like at this time. Mr. Knedlik provided a copy of a document titled “Burlington Northern Santa Fe (BNSF) Eastside Corridor Commuter Rail Feasibility Study” for the record. A copy of the document is by reference, made a part of these minutes; is marked Exhibit I and is on file in Port offices. Mr. Knedlik stated that he would provide to Commissioners, when available, the summary of a recent Sound Transit citizen oversight panel meeting which he referenced in his comments.

13. ADJOURNMENT

There being no further business, the meeting was adjourned at 5:06 p.m.

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

Lloyd Hara
Secretary