



Commissioners

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Chair and President
John Creighton
Patricia Davis
Lloyd Hara
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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 MARCH 31, 2009**

The Port of Seattle Commission met in a special meeting at 3:00 p.m., Tuesday, March 31, 2009 at the South Seattle Community College Georgetown Campus, 6737 Corson Ave. S, Seattle, WA. Commissioners Bryant, Creighton, Davis, and Hara and Tarleton were present.

1. CALL TO ORDER

The special meeting was called to order at 3:03 p.m. by Bill Bryant, Commission President.

2. EXECUTIVE SESSION pursuant to RCW 42.30.110

None.

PLEDGE OF ALLEGIANCE

Dr. Gary Oertli, President of South Seattle Community College was introduced and gave welcoming remarks to the Commission.

3. APPROVAL OF MINUTES

(00:06:51) Motion for approval of the minutes of the minutes of the special meetings of February 3 and February 24, 2009 – Hara.

Motion carried by the following vote:

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

4. **SPECIAL ORDER OF BUSINESS**

None.

5. **UNANIMOUS CONSENT CALENDAR**

None.

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

- a. (00:07:48) **Authorization for construction and approval to advertise for bids for the Trash Handling and Recycling System Project at Seattle-Tacoma International Airport (Airport), increasing the Project Authorization by an amount of \$724,000, for a total authorization of \$1,476,000.**

Request document: Commission agenda [memorandum](#) dated March 6, 2009 from Michael Ehl, Director, Airport Operations; Robert F. Riley, Director, Aviation Capital Improvement Program; and Richard Ottele, General Manager, Aviation Facilities and Infrastructure.

Presenters: Mr. Riley and Trevor Emtman, Senior Systems Engineer

Mr. Riley stated that this project will be beneficial in the areas of the environment, safety, and economically to the airlines. He clarified that this request is for five of six planned sites at the Airport.

Commissioner Tarleton noted that the operations and maintenance of this system will be paid for by user fees.

Motion made and seconded for approval of Item 6a – Davis

Motion carried by the following vote:

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

- b. (00:12:27) **Authorization to execute *Fourth Addendum to Participation Agreement for Cleanup of Seattle-Tacoma International Airport Jet Fuel Facility*, a multi-party agreement for remediation of the United Airlines and Continental Airlines Former Fuel Farms Area at Seattle-Tacoma International Airport.**

Request document: Commission agenda [memorandum](#) and [map](#) dated February 27, 2009 from Elizabeth Leavitt, Director, Aviation Environmental Programs; Paul Agid, Environmental Program Supervisor, Aviation Environmental Programs; and Susan Ridgley, Senior Port Counsel.

Presenter: Mr. Agid

Mr. Agid provided background on cleanup efforts made at the fuel storage facilities beginning in 1988 through the present. He noted that the funding for the Port's share of the project cost will come from a previously approved Environmental Reserve spending authorization.

Motion made and seconded for approval of Item 6b – Creighton

Motion carried by the following vote:

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

- c. (00:21:38) Authorization for design and construction of the North Snowmelt and North Cargo Pump Station Improvements under the Adaptive Management Phase of the Comprehensive Stormwater Management Program (CSMP) for \$350,000.**

Request document: Commission agenda [memorandum](#) dated February 27, 2009 from George England, Program Leader, Aviation Project Management Group; Elizabeth Leavitt, Director, Aviation Environmental Programs; and Richard Ottele, General Manager, Aviation Facilities and Infrastructure.

Presenter: Mr. England

Mr. England clarified that this item is not a request for funding, and is necessary to keep in compliance with the current NPDES (National Pollution Discharge Elimination System) permit. He noted that Port Construction Services would be performing the construction piece of the request, unless the estimate exceeds the \$200,000 limit, in which case it would be advertised as a small major project.

Commissioner Hara requested that staff return to brief the Commission as appropriate regarding the CSMP.

For background, Mr. England provided a brief review of the history of the CSMP.

Motion made and seconded for approval of Item 6c – Davis

Motion carried by the following vote:

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

- d. (00:30:12) Resolution No. [3613](#), Second Reading and Final Passage, as amended. Repealing the current Audit Committee Charter and replacing it with the new Charter as approved by the Audit Committee.**

Request document: Commission agenda [memorandum](#) dated March 25, 2009 and computer slide [presentation](#) from Tom Barnard, Commission Research and Policy Analyst

Presenter: Mr. Barnard

Mr. Barnard review changes that had been incorporated into the resolution since First Reading.

Motion for Second Reading and Final Passage of Resolution No. 3613, as amended was made and seconded – Hara

Motion carried by the following vote:

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

7. STAFF BRIEFINGS

a. (00:33:02) Customer Support Package and the Clean Air Program Briefing

Presentation documents: Commission agenda [memorandum](#) dated March 12, 2009 and computer slide [presentation](#) from Charles Sheldon, Managing Director, Seaport Division; Phil Lutes, Deputy Managing Director, Seaport Division; and Wayne Grotheer, Director, Seaport Professional & Technical Services.

Presenters: Mr. Lutes, Mr. Grotheer, and Tom Tanaka, Senior Port Counsel

Mr. Lutes and Mr. Grotheer provided information regarding the following:

- Why have a customer support package?
 - Crisis in the container industry continues to deepen
 - Supply chain pressure for cost reductions
 - Need to keep current cargo and a position for expansion
 - Opportunity to solidify new business
- Customer support package details
 - What the Port gives
 - What the Port receives
- Proposed environmental commitments in terminal leases
- Why have a truck plan now?
- Clean air program planning process
- Advisory group contributions
- Proposed truck plan elements
- Outcomes
- Commission schedule

Commissioner Creighton commented on the need to keep shipping companies incentivized while concessions are being offered to terminal operators.

Commissioner Davis suggested that 'market timing' be included as an advantage the Port will receive out of the project.

Commissioner Creighton commended staff on coming up with a list of environmental provisions being proposed as part of the plan.

Mr. Tanaka provided an update on what is happening in the litigation at the Ports of Los Angeles and Long Beach regarding their clean trucks plans, noting differences in the programs at those Ports and the proposed program at the Port of Seattle. He commented that the litigation at the Ports of LA/Long Beach, it has been demonstrated what can and what cannot work.

In response to a question from Commissioner Davis, Mr. Tanaka clarified that the courts did not say that we could not proceed with the truck program to clean up the so called 'dirty trucks' that are now on the streets; that the environmental side of a truck program was not tossed out.

Commissioner Bryant questioned whether staff is looking at not doing other projects in order to allow this program to happen. Mr. Lutes replied in the affirmative, noting that one item would be to delay looking for some off-dock land.

Commissioner Tarleton commented on the current small business program and the importance of understanding that independent owner/operators are actually small business owners, and stated a desire to receive information on how many owner/operators are actually accessing resources available to them through the small business assistance program and what the impact is of the help they are getting.

Commissioner Tarleton also expressed interest in learning what percentage of independent owner/operators are choosing to stay in the business because they have access to small business assistance.

Commissioner Davis raised the question of whether or not financial help could be pursued from shippers or retailers. Mr. Lutes said he knew of no offers to provide support, but that the shippers and retailers are supportive of the program and resulting benefits, and that it would be possible to pursue those options.

Following staff presentations, Commissioner Bryant read into the record the following:

- A letter dated March 30, 2009 from James Jack, Executive Director, Coalition for Responsible Transportation. A copy of the letter is, by reference, made a part of these minutes, is marked Exhibit '[A](#),' and is on file in Port offices.

- A letter dated April 1, 2009 from Robin Lanier, Executive Director, Waterfront Coalition. 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.
- A letter dated March 31, 2009 from Kelly Kolb, Vice President, Global Supply Chain Policy, Retail Industry Leaders Association (RILA). 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 Testimony regarding Item 7a was received from the following individuals:

- Lily Wilson-Codega, King County Labor Council. Ms. Wilson-Codega encouraged further consideration of a program that will work for all drivers, including those who cannot afford retrofits.
- John Guevarra, ACORN member. Mr. Guevarra commented on concerns of the local environment.
- Michael McGrath, ACORN member. Mr. McGrath commented on a driver resource center created by ACORN members.
- Arsalan Bukhari, C.A.I.R. Mr. Bukhari encouraged exploration of further options that would not burden drivers as much.
- Karen Deal, UFCW Local 21. Ms. Deal said she believes should contribute to a study of further options.
- Sally Kinney, Temple Beth Am. Ms. Kinney spoke representing local religious communities and their concerns for workers, commenting that the religious communities bear too much of a burden and that truck drivers are at 'the bottom of the pile' financially.
- Paul Marvy, Change to Win. Mr. Marvy stated the the Commission needs to demonstrate leadership, and commented that the proposed plan leaves too many unanswered questions.
- Howard Greenwich, Puget Sound SAGE. Mr. Greenwich commented on the need to see an economic analysis showing how the proposed rent breaks will result in better outcomes.
- Stefan Moritz, Unite HERE. Mr. Moritz commented on the need to support our communities, and stated that he supports the Clean and Safe Ports plan.
- Heather Trim, People for Puget Sound. Ms. Trim stated that this is a human health issue and she does not believe the Commission has been given a full range of options for truck plans.
- Jenon Laurene, ACORN member. Ms. Laurene voiced concerns over the lack of medical care available to drivers.
- Dennis McLerran, Puget Sound Clean Air Agency. Mr. McLerran commented on the need for the clean air strategy to be implemented as soon as possible, and stated that although the plan needs to be tailored, he supports of the Cascade Sierra model. He noted that the agency will work with the Port to finalize and implement the Port's plan.

- Joyce Tseng, Community Coalition for Environmental Justice. Ms. Tseng stated opposition to the Port's plan, stating that there would be too much put on the drivers and that more options should be explored.
- Frank VanHaren, Department of Ecology (DOE). Mr. VanHaren said that the DOE is committed to implementing the clean air strategy and have some funds to contribute. He stated that they are ready to collaborate on the proposal the Port decides to adopt.
- Arved DeBruyn, American Lung Association. Mr. DeBruyn stated that he is anxious to see the Port adopt the 2011 requirement to eliminate pre-1994 trucks.
- Michael Gonzales, Teamsters Local 174. Mr. Gonzales stated he feels like truck drivers are being exploited as a result of the proposed plan.
- Willie Washington, citizen. Mr. Washington spoke on the differences between owner/operators and independent contractors. He does not believe drivers should pay for truck retrofits.
- Olufemi Dosummu, citizen. Mr. Dosummu stated that truck drivers will not be able to pay for new trucks, and also commented on the lack of health care options available to truckers.
- Calvin Borders, citizen. Mr. Borders spoke about the lack of regulations for independent contractors and stated there should be incentive programs.
- Patrick Neville, King County Labor Council, AFL-CIO. Mr. Neville commented on the need to focus on incentive programs; working with trucking companies; and maintaining a focus on economic development.
- Faisal Osman, citizen. Mr. Faisal commented that the proposed plan could put him out of business.
- Lynn Domingo, LELO (Legacy of Equality, Leadership, and Organizing). Ms. Domingo stated that the workers should not be labeled as sub-contractors; there should be more of an economic focus, and that we do not need any more unemployed workers.
- Heather Weiner, Coalition for Clean and Safe Ports. Ms. Weiner urged the Commission to look at a range of alternatives rather than just adopting the one currently being proposed. A copy of a letter to the Commission dated March 31, 2009 was submitted by Ms. Weiner, is by reference, made a part of these minutes, is marked Exhibit 'D,' and is on file in Port offices.
- Sue Mauermann, Director, Environmental Programs, Port of Tacoma. Ms. Mauermann spoke in support of the Port of Seattle program and the cooperation with the Port of Tacoma on air issues.
- Michael Kidane, citizen. Mr. Kidane voiced concerns over health-related issues of truckers, and also commented that the proposed plan could force many truckers out of business.
- Ahmed Dahin, citizen. Mr. Dahin voiced concern of the cost to the truckers for the clean air program as well as concern that truckers will lose their jobs.
- Abraham Kibran, citizen. Mr. Kibran said that drivers cannot afford the proposed plan and that the focus should be on trucking companies rather than the drivers.

- Somalian gentleman ('Abukhar'), with translator. The gentleman stated that he cannot afford the proposed program, and commented that he would rather be working than being forced to go on welfare.
- Yanata (?). The gentleman commented that there are a lot of trucks, not connected to the Port of Seattle, that are pre-1994 and are still in use.
- A written copy of comments was received by Edgar Ramirez Estrada, ACORN member, is by reference, made a part of these minutes, is marked Exhibit 'E,' and is on file in Port offices.
- A written copy of comments was received by Magar Abdulle Farah, is by reference, made a part of these minutes, is marked Exhibit 'E,' and is on file in Port offices.

8. NEW BUSINESS

None.

9. POLICY ROUNDTABLES

None.

10. ADJOURNMENT

There being no further business, the meeting was adjourned at 5:55 p.m.

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

Lloyd Hara
Secretary