



**Commissioners**

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Chair and President  
John Creighton  
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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 APRIL 14, 2009**

The Port of Seattle Commission met in a special meeting at 1:30 p.m., Tuesday, April 14, 2009 in the Commission Chambers at Pier 69, 2711 Alaskan Way, Seattle, WA. Commissioners Bryant, Creighton, Davis, Hara and Tarleton were present.

**1. CALL TO ORDER**

The special meeting was called to order at 1:30 p.m. by Bill Bryant, Chair and President.

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

The special meeting was immediately recessed for an executive session to discuss legal issues and reconvened to open public session.

**PLEDGE OF ALLEGIANCE**

**3. APPROVAL OF MINUTES**

**(00:01:00) Motion made and seconded for approval of the March 5, 2009 and March 10, 2009 special meetings – Hara**

**Motion carried by the following vote:**

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

Commissioner Creighton was absent from the subject meetings.

**Motion made and seconded for approval of the March 24, 2009 and March 31, 2009 special meetings – Hara.**

**Motion carried by the following vote:**

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

**4. SPECIAL ORDER OF BUSINESS**

None.

**5. (00:02:18) UNANIMOUS CONSENT CALENDAR**

- a. Approval of outstanding Claims and Obligations for the period of March 1 through March 30, 2009.**
- b. Request for authorization for the Chief Executive Officer to issue Change Order Number 005 for the Central Mechanical Plant Chiller Expansion-Phase 2 and Boiler System Expansion/Upgrade project to add the additional days required (86) to complete the project.**

Request document: Commission agenda [memorandum](#) dated April 3, 2009 from Ralph Graves, Managing Director, Capital Development Division

- c. Request for authorization for the Chief Executive Officer to issue Change Order Number 003 for the Main Terminal AGU-8 Acoustic Upgrades and Miscellaneous HVAC Modifications project to add the additional days required (89) to complete the project.**

Request document: Commission agenda [memorandum](#) dated April 3, 2009 from Ralph Graves, Managing Director, Capital Development Division

- d. Authorization for the Chief Executive Officer to transfer \$750,000 from Aviation to Seaport Remediation open order authorization.**

Request document: Commission agenda [memorandum](#) dated March 18, 2009 from Stephanie Jones Stebbins, Senior Manager, Seaport Environmental Programs and Kathy Bahnick, Senior Program Manager, Seaport Environmental Programs

- e. Request for approval of revised Commission Meeting Minutes of September 9, 2008 – clerical revision to Item 5f.**

Copy of revised minutes [attached](#).

- f. Request for authorization for construction and approval to advertise and award a major works bid package for Bird Control systems at Smith Cove Terminal.**

Request document: Commission agenda [memorandum](#) dated April 6, 2009 from Dakota Chamberlain, Director, Seaport Project Management

- g. Request for authorization for the Chief Executive Officer to cancel the procurement, reject all bids and issue a new small works procurement action for the construction of Gate S-5 Loading Bridge.**

Request document: Commission agenda [memorandum](#) dated April 8, 2009 from Ralph Graves, Managing Director, Capital Development

**Motion was made and seconded for approval of Consent Calendar items 5a-5g – Davis.**

**Motion carried by the following vote:**

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

**(00:02:55)** Prior to staff presentations, Commissioner Tarleton introduced Ms. Sally Clark, Seattle City Council Member and co-chair with Commissioner Tarleton of the South Harbor Truck Working Group (Working Group).

Councilwoman Clark provided background on her participation over the past year on the Working Group, noting the importance of jurisdictions working together to address specific issues in the community, such as trucking, as it relates to clean air in the Puget Sound area.

Commissioner Tarleton named the organizations which had participated in the Working Group over the past 8 months, including, Port of Seattle Seaport Environmental Team; Port of Seattle Public Affairs; Seattle Department of Neighborhoods; Seattle Police Department; Seattle Department of Transportation; Puget Sound Clean Air Agency; Manufacturing Industrial Council; Greater Duwamish District Council; Seattle City Council; Southpark Community; Change to Win; Georgetown Community Council; ACORN; ECOS; Seattle Freight Service Truck Company; Western Ports Transportation Truck Company.

Certificates of participation were then handed out to the following: Alex King, ACORN; Amy Warren, Puget Sound Clean Air Agency; Dan Nolte, City of Seattle; Holly Krejci, Georgetown Community Council; Kathy Nyland, Greater Duwamish District Council; Kent Christopher, Western Ports Transportation; Kevin Coon, Seattle Freight Service; Michael McGrath, Southpark Community and ACORN; Mike Estey, Seattle Department of Transportation; Mike Merritt, Port of Seattle, Paul Marvy, Change to Win; Sally DelFierro, Port of Seattle; Sarah Flagg, Port of Seattle; Kevin Burrell, ECOSS; Charles. Participants not present, but also named were Charles Bookman, Seattle Department of Transportation; Marilyn Skogland, Manufacturing Industrial Council; William Edwards, Seattle Police Department; Ross Leonard, Seattle Police Department; and Steve Louie, Department of Neighborhoods, City of Seattle.

Public Comment was received from the following individuals regarding the Working Group:

- Holly Krejci, Georgetown Community Council. Ms. Krejci thanked Commissioner Tarleton and Councilmember Clark for their work done on trucking issues.
- Kevin Coon, Seattle Freight Service, Inc. Mr. Coon noted his support of the Working Group and stressed the importance of cooperation in coming up with viable solutions that can be of benefit to everyone.
- Michael McGrath, ACORN. Mr. McGrath noted his thanks for efforts made for truck parking issues, and stated that he could not accept the certificate given until the Port comes up with a more comprehensive plan that doesn't put clean air on the backs of the drivers.

Commissioner Tarleton stated that data collected by the group over the past year provided verification of where and when trucks were actually being parked, which in turn helped identify specific trouble areas needing to have the truck parking problem alleviated.

*Staff Briefing Item 7a was advanced on the agenda as follows:*

## **7. STAFF BRIEFINGS**

### **a. (00:19:12) Briefing on South Harbor Truck Parking Work Group Recommendations.**

Presentation documents: Commission agenda [memorandum](#) dated March 26, 2009 and computer slide [presentation](#) from Mike Merritt, Local Government Relations Manager, External Affairs

Presenters: Mr. Merritt and Mike Estey, Manager, Parking Operations and Traffic Permits, Seattle Department of Transportation

Mr. Merritt provided background on the Work Group, noting that it was established in response to South Harbor community concerns about heavy-duty trucks parking in the neighborhoods. He also commented on the group's goal to establish a collaborative process to address the issues, and noted key focus areas.

Also discussed were findings of the group, and recommendations regarding truck parking, routing, and anti-idling.

Mr. Merritt stated that an area at T-25 was being looked at for use as a truck parking facility, and that work plans and timelines are being developed. He also noted that work is being done on upcoming communications and outreach.

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

*Item 6e was advanced on the agenda as follows:*

- e. (00:32:50) Request for authorization for the Chief Executive Officer to execute a second amendment to lease with SSA Terminals (Seattle), LLC (“SSAT Seattle”), for Terminal 25/30 to make modification to the Leased Premises and Premises Rent paragraphs.**

Request document: Commission agenda [memorandum](#) dated March 25, 2009 from Michael Burke, Senior Manager, Container Leasing and Operations and Michael Campagnaro, Manager, Container Leasing and Operations.

Presenter: Mr. Burke

**Motion was made and seconded for approval of Item 63 – Tarleton**

**Motion carried by the following vote:**

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

*Item 6d was advanced on the agenda as follows:*

- d. (00:35:58) Request for authorization to increase the authorized budget by \$270,000 for a total new authorization of \$800,000 to complete permitting and design of site improvements at T-10.**

Request document: Commission agenda [memorandum](#) dated March 17, 2009 from Mike Burke, Senior Manager, Container Leasing and Operations and Mike Kuhlmann, Capital Project Manager

Presenters: Mr. Burke and Anne Porter, Capital Project Manager

Staff verified to Commissioner Tarleton that this project would add a storm drainage system that does not currently exist and also responded to Commissioner Creighton’s question that this project will be useful no matter what the property would be used for.

**Motion was made and seconded for approval of Item 6d – Davis**

**Motion carried by the following vote:**

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

- a. (00:41:07) Request for authorization for the Chief Executive Officer to enter into an agreement with Puget Sound Clean Air Agency (PSCAA) to transfer \$2.3 million (\$1.15 million in 2009 and \$1.15 million in 2010) from the Port of**

**Seattle's operating budget to support the implementation of the Northwest Ports Clean Air Strategy.**

Request document: Commission agenda [memorandum](#) dated April 8, 2009 from Charles Sheldon, Managing Director, Seaport Division and Stephanie Jones Stebbins, Senior Manager, Seaport Environmental Programs

**b. Request for authorization for the Chief Executive Officer to execute lease agreements with Total Terminals, Inc. for Terminal 46, SSAT (Seattle) for Terminal 25/30, SSA Terminals for Terminal 18, and Eagle Marine for Terminal 5 to incorporate the Customer Support Package and the Ports Clean Air Program into those leases.**

Request document: Commission agenda [memorandum](#) dated March 17, 2009 from Michael Burke, Senior Manager, Container Leasing and Operations

Presenters for Items 6a and 6b: Mr. Sheldon, Mr. Burke, and Wayne Grotheer, Director, Seaport Professional and Technical Services

Staff provided background on the Port's partnership with the Puget Sound Clean Air Agency (as related to Item 6a), noting a long history of collaboration concerning the Port's air quality. Mr. Grotheer commented that the most important areas of focus include reducing truck emissions through replacement of pre-1994 trucks, reducing emissions from vessels at berth through cleaner fuels, and reducing cargo handling equipment emissions through retrofits and cleaner fuels. He noted that the proposed funding is consistent with those priorities. Mr. Grotheer commented that there is currently a draft funding agreement, and noted that the final agreement will provide that the funding would be consistent with both the PSCAA's diesel solutions program and the Northwest Ports Clean Air Strategy.

Mr. Burke provided the background on the proposed lease changes (as related to Item 6b), and noted that final amendment lease terms could be expected within the next 1-2 months.

Responding to Commissioner Tarleton's question about the funding source of the proposed transfer of money, Mr. Grotheer stated that it would come out of the Seaport operating revenues, and also clarified that the tax levy would not be used to pay for those revenues.

Public comment regarding Items 6a and 6b were received from the following:

- Mark Johnson, Washington Retail Association, who spoke in support of the clean truck program.
- George Craig, CMI/Call Cartage, who noted his support of the Port's clean air strategy.

- Slavic Korets, CMI. Mr. Korets, commented on his understanding of both sides of the issue, as he has been a truck driver and is now a dispatcher. He noted his support of how the Port has worked on developing a solution.
- Bruce Carter, citizen. Noted disappointment that the Port is combining lease issues with truck issues.
- Mr. Carter David DeBruyn, American Lung Association, who commended the Commission for the proposed plan, and encouraged further work for the future.
- Ike Ogbuji, Seattle Airfield Services, who noted his support of his company and his willingness to help the company comply with the proposed plan.
- Jeremiah Dimessis, Seattle Airfield. Mr. Dimessis commented on his concern of possible job losses if the Port requires too much of shipping companies.
- Howard Greenwich, Puget Sound SAGE, who noted that he has serious questions regarding the proposed plan, which still need to be answered, and commented that he feels the proposed subsidies are likely to have a negligible effect.
- Kevin Coon, Seattle Freight Service, Inc. Mr. Coon commented that he believes that funding and new technology will be available to address the trucking issues prior to 2011.
- Forrest Macoy, Truck Owner/Operator. Mr. Macoy noted that he had been a trucker for over 30 years, and commented on his belief that trucking is a good-paying job, and although hard work, is a good way to make a living.
- Heather Weiner, Coalition for Clean and Safe Ports. Ms. Weiner urged the Commission to take another look at the proposed plan, stating that she feels the current plan is a waste of tax-payer money. Ms. Weiner also provided to the Commission, a document for review, dated April 14, 2009. A copy is, by reference, made a part of these minutes, is marked as Exhibit 'A,' and is on file in Port offices.
- Mike Moore, Pacific Merchant Shipping Association (PSMA). Mr. Moore noted his support of the Northwest Clean Air Strategy as well as support of the customer support package being proposed. He commented that the primary objective should be to create cleaner air.
- Vance Rogers, Seattle Freight. Mr. Rogers commented that he feels the proposed strategy supports the Port's effort to create a green port, and stated willingness to help truck drivers.
- Paul Marvy, Change to Win. Mr. Marvy stated his concern about not being notified in advance of what proposed lease amendments, noting the need for transparency.
- Heather Trim, People For Puget Sound. Ms. Trim spoke about the need for transparency between the Commission and the public, and noted her belief that she does not believe the Commission has been provided enough information to make a decision on this item.
- Fred Felleman, Friends of the Earth. Mr. Felleman expressed his concern about the Port's comparisons being made to the Ports of Los Angeles and Long Beach.
- A letter, dated April 8, 2009, from Jan M. Koslosky, Ocean Beauty Seafoods LLC, in support of the Clean Trucks Program, was submitted for the record. 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.

Mr. Sheldon noted an error, that a letter from the PSCAA to Port staff, which was mentioned during public testimony, should have been posted to the internet in advance of the meeting with other Commission meeting documents.

Commissioner Hara commented on the need for Commissioners to have a full understanding of all details related to lease amendments, and noted that there may be a need to discuss further.

A short recess was called by Commissioner Bryant, and the meeting was reconvened at 4:25 p.m.

Commissioner Creighton noted that the issues at hand are social equity issues, and commented on the possibility of routing people to Port Jobs as they may need to move into different jobs.

Commissioner Hara noted importance of focusing on both the issue of clean air as well as the current economic downturn and the importance of an outreach to those who may be affected., He also commented on the ability of the Port Office of Social Responsibility and Port staff to help those who may be affected.

Commissioners spoke about recognizing the importance of this program and also of the difficulties in coming up with a plan to address the issues involved.

**Motion for approval of Item 6a was made and seconded – Tarleton**

Commission Hara asked that there be language included in the MOU allowing audits to be conducted as necessary regarding how the funds will be expended.

**Motion carried by the following vote:**

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

**Motion for approval of Item 6b was made and seconded – Hara**

**Motion carried by the following vote:**

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

- c. (02:34:08) Resolution No. 3615, First Reading. Authorization for the Chief Executive Officer to enter into Agreements with the Cities of Seattle and Kent, and to make a direct Port contribution of \$1,690,000 plus Port staff and consulting resources to FAST Corridor Phase 2 projects in these cities:



- **Seattle's Duwamish Intelligent Transportation Systems (ITS) Phase 3 Project (\$500,000)**
- **Kent's 228<sup>th</sup> Street Grade Separation Project (\$1,190,000)**

Request document: Commission agenda [memorandum](#) dated March 27, 2009 and computer slide [presentation](#) from Eric Hanson, Manager, Seaport Planning and Christine Wolf, Regional Transportation Program Planner, Seaport.

Presenters: Mr. Hanson; Ms. Wolf; Brian Kemper, City of Seattle; and Mark Hallett, City of Kent.

Mr. Hanson provided background on the FAST Corridor Program, the goal of which was to provide grade separation projects to increase freight train speeds through the Puget Sound area and increase pedestrian safety. The program would also help lessen vehicular congestion and reduce idling.

Mr. Kemper provided background of the [ITS](#), and the program objectives, which include:

- Managing Daily Traffic
- Managing Special Event Traffic
- Managing Incident Traffic
- Supporting Freight
- Supporting Transit

Mr. Hallett provided background on the [grade separation](#) project in Kent.

**Motion for First Reading of Resolution No. 3615 was made and seconded – Davis**

**Motion carried by the following vote:**

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

- f. (02:56:47) Authorization for the Chief Executive Officer to Execute a Second Amendment to the Base Lease, a Second Amendment to Leaseback, and a Second Amendment to the Subordination, Non-disturbance and Novation Agreement in connection to the Terminal 18 lease between SSA Terminals, SSA Containers, Inc., and the Port of Seattle.**

Request document: Commission agenda [memorandum](#) dated March 16, 2009 from Michael Burke, Senior Manager, Container Leasing and Operations and Michael Campagnaro, Manager, Container Leasing and Operations

Presenter: Mr. Burke

**Motion for approval of Item 6f was made and seconded – Creighton**

**Motion carried by the following vote:**

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

- g. (02:59:44) Authorization to (1) Perform environmental investigation activities at Terminal 115N, and associated regulatory coordination; and (2) Procure a professional service contract to support the environmental investigation and associated regulatory coordination activities, and a cost of over \$200,000.**

Request document: Commission agenda [memorandum](#) dated April 3, 2009 from Stephanie Jones Stebbins, Senior Manager, Seaport Environmental Programs and Kathy Bahnick, Senior Environmental Program Manager.

Presenters: Ms. Jones Stebbins and Ms. Bahnick

**Motion for approval was made and seconded, with the caveat that the approved amount of the request would have an initial estimated value with an amount Not to Exceed \$250,000 - Davis**

**Motion carried by the following vote:**

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

- h. (03:14:14) Authorization for the Chief Executive Officer to execute a new Collective Bargaining Agreement with International Association of Machinists, Local 289, representing Parts Procurement Representatives.**

Request Document: Commission agenda [memorandum](#) dated March 5, 2009 from Gary Schmitt, Director, Labor Relations.

Presenter: Lisa Hornfeck, Labor Relations Manager

**Motion for approval of Item 6h was made and seconded – Creighton**

**Motion carried by the following vote:**

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

## **7. STAFF BRIEFINGS**

- b. (03:17:45) Vessel Berthing Guidelines – Pier 66**

Presentation documents: Commission agenda [memorandum](#) dated February 20, 2009 and computer slide [presentation](#) from Charlie Sheldon, Managing Director, Seaport Division and Joe McWilliams, Managing Director, Real Estate Division

Presenter: Phil Lutes, Deputy Managing Director, Seaport Division

Mr. Lutes provided to the Commissioners a document titled ‘Recommended Non-Cruise Berthing Guidelines for Pier 66 Berths 2,3 & 4.’ A copy of the document is, by reference, made a part of these minutes, is marked Exhibit ‘[C](#)’ and is on file in Port offices.

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

- Jeff Arnot, Anthony's. Mr. Arnot commented on his concerns that the proposed guidelines are too vague, and noted that the spirit of Anthony's lease is to have a view restaurant.
- Chris Sullivan, Seattle Marriott Waterfront. Mr. Sullivan stated concern that he had not yet heard back from Port staff responding to his concerns about the guidelines.

Commission Davis mentioned that she would like to have further discussion with staff about the recommended guidelines.

Commissioner Bryant stated that he would like to consider the guidelines a work in progress.

**c. (03:43:02) Staff Briefing on Government Stimulus Package**

Presentation document: Computer slide [presentation](#) from Kurt Beckett, Director, External Affairs

Presenter: Mr. Beckett

Mr. Beckett's presentation focused on areas on the American Recovery and Reinvestment Act (ARRA), or government stimulus package, which included:

- An Overview of the \$787 billion Package
- Provisions for Ports
- Transportation Stimulus Funds
- Washington State Stimulus Projects
- Discretionary Transportation Grant Program
- Seaport and Airport Environmental Programs
- Other ARRA Benefits
  - Alternative Minimum Tax Waiver for 2009/2010
  - Port Security Grants

**13. ADJOURNMENT**

There being no further business, the meeting was recessed to Executive Session to discuss real estate and legal issues at 6:22 p.m.

The special meeting was reconvened at 6:52 and adjourned at 6:53 p.m.

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

Lloyd Hara  
Secretary