

Commissioners

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

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(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 NOVEMBER 30, 2009**

The Port of Seattle Commission met in a special meeting at 1:00 p.m., Tuesday, November 30, 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 1:00 p.m. by Bill Bryant, Chair and President. Prior to scheduled agenda items, Commissioner Creighton asked for a moment of silence in honor of the state's four recently fallen Police officers

2. EXECUTIVE SESSION pursuant to RCW 42.30.110

None.

PLEDGE OF ALLEGIANCE

3. APPROVAL OF MINUTES

Motion for approval of the minutes of the October 12, 2009 special joint study session with the Port of Tacoma - Tarleton

Second – Davis

Motion carried by the following vote:

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

Commissioner Creighton was absent from the subject meeting

**Motion for approval of the minutes of the October 13, 2009 regular meeting -
Creighton**

Second – Hara

Motion carried by the following vote:

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

4. SPECIAL ORDER OF BUSINESS

None.

5. (00:02:36) UNANIMOUS CONSENT CALENDAR

- a. Authorization for the Chief Executive Officer to execute an Operations and Maintenance Agreement with Sound Transit to establish responsibilities at the Link Light Rail Airport Station at Seattle-Tacoma International Airport for a total of \$3,000 of net reimbursement.**

Request document: Commission agenda [memorandum](#) dated November 3, 2009 from Michael Ehl, Director, Aviation Operations and David Soike, Aviation Deputy Managing Director. Also provided was a [draft agreement](#).

- b. Authorization for the Chief Executive Officer to execute a professional services Indefinite Delivery Indefinite Quantity (IDIQ) contract for architectural services totaling \$750,000 for three years in support of upcoming capital improvement projects at Seattle-Tacoma International Airport.**

Request document: Commission agenda [memorandum](#) dated November 3, 2009 from Robert F. Riley, Director, Aviation Capital Improvement Program

- c. Agreement for early termination of Clear Channel Outdoor, Inc.'s leaseholds and settlement of any claims related to the removal of certain signs on Port-owned property acquired for the East Marginal Way Grade Separation Project.**

Motion for approval of Consent Items 5a – 5c: Davis

Second – Tarleton

Motion carried by the following vote:

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

6. DIVISION, CORPORATE AND COMMISSION ACTION ITEMS

- a. (00:03:30) Commission determination that a competitive solicitation process is not appropriate or cost effective and that the contract with Herbert Engineering Corporation for the Green Gateway Study is therefore exempt from the requirements of RCW 53.19.020 (5) so that Herbert Engineering Corporation may continue to develop the Green Gateway Study for a period of three years during which, under existing authority and limitations, the Chief Executive Officer may enter into service agreements with Herbert Engineering as required.**

Request document: Commission agenda [memorandum](#) dated November 17, 2009 from Charlie Sheldon, Managing Director, Seaport Division and Nora Huey, Chief Procurement Officer, Capital Development Division

Presenter: Mr. Sheldon

As background on the item, Mr. Sheldon explained that in 2008, Herbert Engineering was retained under a small contract as they had proprietary databases understanding ship propulsion systems and fuel consumption and they worked with the Port in developing a study of the carbon footprint of various supply chains to various markets within the U.S. through Seattle and other West and East Coast Ports. Staff believes they need to engage with Herbert Engineering in other contracts in order to do some further work on the Green Gateway Study. He stated that Herbert Engineering is really the only firm that has the types of databases which are needed to do this type of work.

Motion for approval of Item 6a – Davis

Second – Tarleton

Motion carried by the following vote:

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

- b. (00:12:44) Authorization for the Chief Executive Officer to complete contract documents; execute, award and amend outside professional services agreements; perform construction services; perform testing services; perform contract administration and execution; and perform pollution remediation activities, relating to environmental reserve funds in 2010, including environmental investigations, studies and cleanups on Port properties for a total authorization of \$13,141,000. This authorization is for the Environmental Reserve component, which totals \$7,548,000, plus the portion obtained from cost-sharing agreements where the Port holds contracts on behalf of others, which totals \$5,593,000.**

**PORT COMMISSION MINUTES OF THE SPECIAL MEETING
TUESDAY, NOVEMBER 30, 2009**

P. 4

Request document: Commission agenda [memorandum](#) dated November 13, 2009 from Stephanie Jones Stebbins, Senior Manager, Seaport Environmental Programs and Elizabeth Leavitt, Director, Aviation Planning and Environmental

Presenters: Ms. Jones Stebbins and Ms. Leavitt

Ms. Jones Stebbins stated that this request is for annual authorization for reserve spending for 2010. Ms. Leavitt clarified that none of the environmental projects at the Airport are designated as superfund sites, and Ms. Jones Stebbins stated that most of the Seaport projects actually are classified as Federal projects, and mentioned specifically those which are not.

Responding to a question from Commissioner Hara regarding Federal stimulus money, Ms. Jones Stebbins noted that although receiving funds remains a possibility, there is more potential in the area of the clean air initiatives rather than on the clean-up side. Ms. Leavitt stated that staff continues to do whatever possible in pursuing cost recovery from other responsible parties and have been quite successful in so doing.

Motion for approval of Item 6b – Davis

Second – Tarleton

Motion carried by the following vote:

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

7. STAFF BRIEFINGS

a. (00:25:53) Update on Port Reform Initiatives

Presentation documents: Commission agenda [memorandum](#) dated November 24, 2009 from Linda Strout, Deputy Chief Executive Officer; Ralph Graves, Managing Director, Capital Development Division; and Colleen Wilson, POS Chief of Police. Also provided were computer slide presentations regarding the [Workplace Responsibility Program](#); [Procurement Reforms](#); and [Police Department Reforms](#)

Presenters: Ms. Strout, Mr. Graves, and Chief Wilson

(00:28:59) Ms. Strout noted that she had come before the Commission in April of this year to brief the Commission on what was then the concept of the Workplace Responsibility program, and that today she would provide an update on what has been accomplished since that time. She commented that the 6 policies which existed in the concept presented in April have now become 15.

**PORT COMMISSION MINUTES OF THE SPECIAL MEETING
TUESDAY, NOVEMBER 30, 2009**

P. 5

Ms. Strout reviewed the program's Statement of Values, noting that the values provide not only inspiration, but also room for growth. Highlights of the Statement of Values included:

- We conduct business with the highest ethical standards
- We honor our commitments to one another, the community and our customers
- We are capable, high-performing people who appreciate the privilege of public service
- We embrace the richness of a diverse workplace and support employee development
- We are responsible stewards of community resources and the environment

Code of Conduct Policies to be included in the Workplace Responsibility Program were reviewed by Ms. Strout, some of which were pulled out from previous Port Policies and some were newly created.

Commissioner Hara suggested that it would be beneficial to have an annual review of the Policies by staff read them in order to provide reinforcement of their importance. Ms. Strout stated that for the first year, staff will be required to review and sign all 15 policies and noted there will also be an online training course regarding Workplace Responsibility. This training will also be incorporated into the Port's new employee training.

Ms. Strout commented on a position within the 2010 budget titled, Workplace Responsibility Officer" which would report to the General Counsel and interviews for that position would be forthcoming.

Also noted was the fact that as a part of Leader/Manager PREPs, competencies regarding the Code of Conduct Policies are being added as a measurement of performance during the year and will be incorporated into performance reviews going forward.

(00:52:38) Mr. Graves stated that in Port procurement processes, staff will always pursue areas for continuous improvement and will keep track of changes in the law and changes in best practices. He noted that changes have largely been completed in response to the State Auditor's Office (SAO) report in 2007 and to the recommendations resulting from the Special Investigation in 2008. He noted that training is available and will be provided for all Procurement Policies and Procedures.

(01:03:53) Chief Wilson briefed the Commission on work being done by the Police Department in support of the Workplace Responsibility effort, and noted that one of the Department's Guiding Principles is 'Leadership,' and that the Department expects to be a leader in building community trust for the Port.

She stated that of the recommendations resulting from the Seabold Report (6), the Commission's Blue Ribbon Panel (10); and Judge Carroll's Report on Internal Affairs (8), all recommendations have been completed. She also referenced a professional

review of the Department which was conducted in response to their request and which was conducted by the Washington State Association of Sheriffs and Police Chiefs (LEMAP Report). The LEMAP Report resulted in 114 recommendations, 104 of which will be completed by the end of the year, and 10 of which are currently on hold.

Chief Wilson also spoke about a new ‘state of the art’ Department Manual and noted that the manual must be reviewed twice a year, something which is based on legal decisions as well as best practices in the industry.

Other areas of change in the Police Department reviewed by Chief Wilson included:

- Internal Affairs
- Negotiated Changes
 - Patrol Schedule
 - Weekend K-9 Coverage
 - Straight time vs. Overtime
 - New Organizational Chart
- Reduction of Overtime

b. (01:22:23) Briefing on On-Demand Taxi Services at Seattle-Tacoma International Airport (Airport)

Presentation documents: Commission agenda [memorandum](#) dated November 4, 2009 from Michael Ehl, Director, Aviation Operations. Also provided was a copy of the [Request for Proposals](#)

Presenters: Mr. Ehl and Paul Grace, Senior Manager, Airport Operations – Landside

Mr. Ehl stated that this briefing was to provide information on the status of the Request for Proposals (RFP) which was solicited in September of this year for on-demand taxi service at the Airport, and noted that this was the first time in some twenty years that the contract has been let under a competitive process.

Four objectives were noted in the process:

- Maintain safe, efficient service with maximum five-minute wait times
- Operate an environmentally superior fleet and reduce deadheading
- Standardize taxi rules and regulations within the region to the greatest extent possible
- Provide economic benefit to taxi associations, operators, drivers and the Port

Mr. Ehl stated that at this time staff is not ready to provide a recommendation to the Commission, but noted that there is quite an aggressive timeline as the existing contract expires at the end of August, 2010, and if there should be a change in provider, the eight or nine months remaining would be important in facilitating the transition. He

commented that staff would be ready to return with a recommendation to the Commission by December 15.

Mr. Grace noted the companies from which proposals were received:

- Orange Cab Co.
- Rainier Dispatch, LLC (Farwest)
- Seattle-Tacoma International Taxi Association (STITA)
- Checker Cab of Seatac
- Puget Sound Dispatch (dba Yellow Taxi Association)
- Airport Joint Venture Taxicab (Partnership of Yellow/Farwest/Orange)

Mr. Grace reviewed the criteria which was used during the evaluation and noted examples from the proposals received.

Mr. Grace spoke about the deadheading issue noting there were two elements that staff is concerned with, those being the importance of the company holding to their proposed percentage of deadheading reduction, and also the specifics of the plan that each company proposed.

Other elements looked at by staff included the financial stability and strength of the company; the experience and qualifications of the company; and the ability to meet the 'green fleet' requirement.

c. (01:54:20) Terminal 5 Maintenance Dredging Update

Presentation documents: Commission agenda [memorandum](#) dated November 20, 2009 and computer slide [presentation](#) from Stephanie Jones Stebbins, Senior Manager, Seaport Environmental Programs and Michael Burke, Senior Manager, Container Leasing and Operations

Presenters: Mr. Burke, Paul Meyer, Manager, Environmental Programs, and Jon Sloan, Senior Environmental Program Manager

Mr. Burke provided background information on the previous Commission authorization for the study of dredging at Terminal 5, noting that historically there has not been a great deal of dredging needed at the Terminal. He stated that over the years, however, a significant amount of materials have accumulated, and that the Port maintains a certain dredge depth at all of their terminals.

Information was provided on the proposed long-term dredging strategy, which addresses:

- Issues such as equipment tolerances
- Frequent sloughing at Terminal 5
- Minimum safety for newer deep draft vessels

- Future changes to sediment standards – upland vs. open water disposal
- Phasing: Berth 2 in early 2011, Berths 1 and 3 later

Mr. Meyer stated that staff will be asking the Army Corps of Engineers (Corps) for a ten-year programmatic permit for phases dredging over the next ten years, which will eliminate the perception of a piecemeal approach. He also noted that for each dredging project, staff will return to the Commission for approval.

Responding to a question from Commissioner Tarleton regarding disruptions of Terminal operations while dredging, Mr. Meyer gave assurance that working with the construction people in that regard is always a part of the process.

d. (02:14:27) Briefing on Proposed Replacement of the Fishermen's Terminal Building C15 Heating, Ventilation and Cooling (HVAC) System

Presentation document: Commission agenda [memorandum](#) dated November 10, 2009 from Melinda Miller, Director, Portfolio Management and Kate Deaver, Capital Project Manager

Presenter: Ms. Deaver

Ms. Deaver explained that replacing the HVAC system at Fishermen's Terminal is an excellent example of how the Port properly takes care of the buildings on their properties. She noted that the current HVAC system has performed past its useful life and also explained why replacement of the system is a structural issue. She stated that this item will return to the Commission in early 2010 for design authorization.

e. (02:19:27) Update on Emergency Management Planning – Green River Flooding

Presentation document: Commission agenda [memorandum](#) dated November 17, 2009 from Ralph Graves, Managing Director, Capital Development Division; Kathleen Gleaves, Emergency Preparedness Manager Seaport Division; and Michael Lufkin, Emergency Preparedness, Aviation Division

Presenter: Mr. Graves

Mr. Graves provided an overview of the current status of the Port's preparations for potential flooding on the Green River due to reduced capability of the Howard Hansen Dam.

Topics reviewed included:

- A reduction in the chance of flooding from 1:3 to 1:25
- Port planning organization and staff communications in place, while some other agencies are not quite as prepared

- Procurement and setup of emergency generators for the Airport are nearing operational completion
- Priorities and procedures for responding to public and private requests for real estate facilities to relocate from flood-threatened zone are in preparation. Four formal requests have been received
- Port has agreed in principal to enter into an agreement with King County for emergency use of the Smith Cove Cruise Terminal

Before adjourning, Commissioner Bryant announced that the final Commission meeting of 2009 would be held on December 15 at Pier 69.

8. NEW BUSINESS

None.

9. POLICY ROUNDTABLE – BUDGET WORKSHOP

None.

10. ADJOURNMENT

There being no further business, the meeting was adjourned at 3:35 p.m.

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

Bill Bryant
President