



**COMMISSION
AGENDA MEMORANDUM**

Item No. 6e

ACTION ITEM

Date of Meeting September 22, 2020

DATE: September 15, 2020

TO: Steve Metruck Executive Director

FROM: Pete Ramels, General Counsel
Anne Purcell, Sr. Port Counsel
Melinda Miller, Director, Real Estate Portfolio & Asset Management

SUBJECT: Settlement Agreement and Accessibility Improvements for Fisherman’s Terminal

Amount of this Request: \$1,530,000

ACTION REQUESTED

Request Commission authorization for the Executive Director to execute a settlement agreement to resolve litigation that will result in making accessibility improvements to the commercial parking facility at Fisherman’s Terminal.

SUMMARY

Plaintiff filed a complaint against the Port alleging that the commercial parking facility at Fisherman’s Terminal does not meet accessibility requirements of the Americans with Disability Act (ADA) and the Washington Law Against Discrimination.

The Port has been planning to make asphalt repairs at Fishermen’s Terminal. The Port retained a consultant to evaluate accessibility in the parking facility. The Port determined that it would be beneficial to carry out accessibility improvements recommended by the consultant in conjunction with the asphalt repairs. Through the settlement agreement, the Port will commit to these accessibility improvements.

The current planning-level estimate for the accessibility improvements and asphalt repairs is \$1,500,000. The improvements and repairs are being proposed as part of the 2021 Capital Improvement Budget. The proposed project (FT ADA Compliance Project (CIP #C801198)) will include replacing multiple curb cuts and ramps, restoring the appropriate grade to all ADA parking spaces, and replacing sidewalks and curbs to meet slope requirements. The best solutions to meet these requirements will be determined during the design phase of the project.

In addition, the Port is committing to make near-term improvements to the parking facility including alterations to the number of accessible spaces, the size and striping of accessible spaces and routes, and the height and visibility of signage. These improvements are estimated to cost less than \$30,000 and will be covered by 2020 budgeted expense funds for Fishermen’s Terminal.

The settlement agreement does not constitute an admission of liability; rather, the settlement is recommended to avoid the time and expense of litigating claims.

This matter was discussed in executive session.

There are no attachments to this memo.