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## **APPROVED MINUTES COMMISSION REGULAR MEETING JULY 13, 2021**

The Port of Seattle Commission met in a regular meeting Tuesday, July 13, 2021. The meeting was held remotely in accordance with Senate Concurrent Resolution 8402 and in accordance with Governor Inslee's Proclamation 20-28. Commissioners Bowman, Calkins, Cho, Felleman, and Steinbrueck were present.

### **1. CALL to ORDER**

The meeting was convened at 10:30 a.m. by Commission President Fred Felleman.

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

The public meeting recessed into executive session to discuss three matters relating to litigation/potential litigation/legal risk (RCW 42.30.110(1)(i)) for approximately 75 minutes, with the intention of reconvening the public session at 12:00 p.m. The Executive Session exceeded anticipated timeframe and the Clerk of the Commission announced a formal extension of the session for an additional 10 minutes. Following the executive session, the public meeting reconvened at 12:12 p.m. Commission President Felleman led the flag salute.

### **3. APPROVAL of the AGENDA**

Without objection, the preliminary agenda was approved as presented.

### **4. SPECIAL ORDERS OF THE DAY – None.**

### **5. EXECUTIVE DIRECTOR'S REPORT**

Executive Director Metruck previewed items on the day's agenda and made announcements. Staff also provided a report to the Commission and public regarding summer travel.

### **6. COMMITTEE REPORTS**

Mr. Aaron Pritchard, Deputy Commission Chief of Staff, provided a report regarding recently held committee meetings and overviewed the schedule of upcoming committee meetings.

### **7. PUBLIC COMMENT**

Public comment was received from the following individual(s):

- The following person spoke regarding restarting the discussion of Port package updates: JC Harris, City of Des Moines City Council Member.

- The following person spoke regarding climate impacts, global warming, and impacts of Port policies on the same: Jordan Van Voast, resident.
- The following people spoke in support of the return of cruise to the region: Karen Olson, Chief Marketing Officer – Space Needle/Chihuly Garden and Glass; Amber Martin, Senior Marketing Manager, Museum of Pop Culture; and Brad Jones, Executive Director – Visit Seattle.
- The following person spoke in opposition to the T46 project and the restart of cruise operations in the region: Iris Antman, resident.
- The following people spoke in opposition to Agenda Item No. 10a regarding the use of biometrics surveillance at Port facilities: Jennifer Lee, ACLU of Washington; Cynthia Spiess, resident (corresponding written testimony submitted); and Edward Hasbrouck, non-resident.
- In lieu of spoken comment, Melinda Mueller and Terri Cole, residents, submitted written comments in opposition to expansion of the L06 parking lot and in support of leaving the open space available as it is currently used.
- In lieu of spoken comment, Jessie Turner, Director of the International Alliance to Combat Ocean Acidification, submitted written comments in support of Agenda Item No. 11c, thanking the Port for its Ocean Acidification Plan.
- In lieu of spoken comment, Sarah Shifley and Laura Gibbons, residents, submitted written comments regarding Agenda Item No. 11c, urging the Port to set concrete and measurable steps for how it will meet the Scope 3 emission reduction targets outlined in the Port's Century Agenda.
- In lieu of spoken comment, Bernedine Lund, resident, submitted written comments asking the Port to consider what growth of the airline industry really means, referencing a PSRC report predicting flight increase numbers by 2050, and noting health effects caused by the airline industry in an effort to decrease the demand for flights.
- In lieu of spoken comment, Anne Kroeker and Richard Leeds, residents, submitted written comments providing an overview of recent findings completed by Dutch researchers regarding the growth of one of their international airports, and asking the Port to consider Scope 3 emissions which bring about climate change effects.
- In lieu of spoken comment, Farris Peale, submitted written comments in opposition to agenda item 10a.

*[Clerk's Note: All written comments are combined and attached here as [Exhibit A.](#)]*

## **8. CONSENT AGENDA**

*[Clerk's Note: Items on the Consent Agenda are not individually discussed. Commissioners may remove items for separate discussion and vote when approving the agenda.]*

- 8a. Approval of the Minutes of the Special Meeting/Study Session of June 8 and the Regular Meeting of June 22, 2021.**
- 8b. Approval of the Claims and Obligations for the Period June 1, 2021, through June 30, 2021, Including Accounts Payable Check Nos. 939948 through 940233 in the Amount of \$5,043,370.29; Accounts Payable ACH Nos. 036048 through 036721 in the Amount of \$49,851,576.73; Accounts Payable Wire Transfer Nos. 015620 through 015643 in the Amount of \$10,698,463.83, Payroll Check Nos. 198817 through 199023 in the Amount**

of \$56,512.91; and Payroll ACH Nos. 1028705 through 1032935 in the Amount of \$11,662,990.13 for a Fund Total of \$77,312,913.89.

Request document(s) included an [agenda memorandum](#).

- 8c. Authorization for the Executive Director to Execute a Contract for External Audit Services for the Financial Periods 2022 to 2026 in an Estimated Amount Not-to-Exceed \$3,000,000 for the Full Contract Term. The Base Contract is Three Years with the Option to Extend for Two Additional One-year Terms.

Request document(s) included an [agenda memorandum](#).

- 8d. Authorization for the Executive Director to Approve the King County Public Safety Answering Point Interlocal Agreement 2021-2023. No additional funding is Associated with this Request.

Request document(s) included an [agenda memorandum](#) and [draft agreement](#).

- 8e. Authorization for the Executive Director to Advertise, Award, and Execute a Construction Contract for the Construction of the Building 161G AV Facility Upgrade Project at Seattle-Tacoma International Airport. The Amount of this Request is \$1,993,000 for a Total Estimated Project Cost Not-to-Exceed \$2,972,000. (CIP # C800924)

Request document(s) included an [agenda memorandum](#) and [presentation slides](#).

The motion for approval of consent agenda items 8a, 8b, 8c, 8d and 8e carried by the following vote: In favor: Bowman, Calkins, Cho, Felleman, Steinbrueck (5)  
Opposed: (0)

9. UNFINISHED BUSINESS – None.

10. NEW BUSINESS

- 10a. Order No. 2021-06: Directing the Executive Director to Develop and Implement Executive Policies Banning Port and Private Sector Uses of Public-facing Biometrics for Mass Surveillance, and for Law Enforcement and Security Functions; Developing and Implementing Port Policies – Within the Limitations of State and Federal Law – Related to Port, Federal and Private-sector Uses of Public-facing Biometrics at Port Facilities for Traveler Functions; and Endorsing Federal Legislation Implementing a Moratorium on Federal Uses of Biometrics not Explicitly Approved by the United States Congress..

Request document(s) included a proposed [order](#), [letter 1](#), [letter 2](#), and [letter 3](#), and [presentation slides](#).

Presenter(s):

Eric Schinfeld, Senior Manager, Federal & International Government Relations

Commission Clerk Michelle Hart read Item 10a into the record.

Executive Director Metruck introduced the item and presenters.

The presentation addressed:

- background of the discussion, work accomplished to-date, and resulting policy recommendations;
- Motion 2019-13, adopting seven guiding principles in the study of policy around the issue of biometrics use, establishing a Port working group and external advisory group, creation of a Commission special committee to study biometrics, and a moratorium on any new or expanded use of biometrics at Port facilities until after Commission approval of policy recommendations and adopted policies;
- work conducted with a focus on transparency;
- multiple use case recommendations;
- observations;
- Biometrics Special Committee recommendations;
- Executive policies;
  - Ban on mass surveillance
  - Ban on law enforcement and security uses
  - Biometrics for traveler functions by Port and non-airline tenants
  - Biometrics by federal or airline partners
  - Related policies
- Public-facing biometrics guiding principles – justified, voluntary, private, equitable, transparent, lawful, and ethical;
- Biometric air exit – facial recognition technology to verify the identity of departing international air passengers;
- Biometric air exit communications plan and
- Biometric air exit signage.

Order No. 2021-06:

The Port Commission hereby directs the Executive Director to develop and implement executive policies to:

- 1) Extend the Port's existing ban on Port and private-sector use of public-facing biometrics for mass surveillance<sup>1</sup> at Port facilities, and by Port employees overall.
- 2) Extend the Port's existing ban on Port and private-sector use of public-facing biometrics to perform real time or near-real time law enforcement and security functions at Port facilities, and by Port employees overall.

- 3) Ensure, to the greatest extent permissible under state and federal law, that all uses of public-facing biometrics at the Port's aviation and maritime facilities for traveler functions are in alignment with the Port's biometric principles and policies.

In addition, the Executive Director shall include in the Port's Federal Legislative Agenda support for legislation that institutes a moratorium on federal government use of public-facing biometrics except for uses explicitly authorized by the United States Congress, and shall direct staff to advocate for this policy to the Washington Congressional delegation and relevant members of the Biden-Harris Administration.

Commissioner Cho spoke regarding Item No. 10a, thanking everyone participating in the process, including Port Federal and International Government Relations Senior Manager Eric Schinfeld and previous Commission Office Specialist, Veronica Valdez. He spoke to the need to regulate new technologies where racial bias could be built into the systems and protect against the risk, as well as to the Port of Seattle being the first port district to establish regulations in this regard. Commissioner Cho noted the value in getting ahead of the technology and implementing protection for civil liberties and protecting personal information.

Members of the Commission noted their support of the Order and spoke regarding:

- conducting the first annual audit of the air exit system;
- engagement with community partners on a continuing basis and having a consensus on the values that guide the policies, even if consensus in the final recommendations was not achieved;
- the definition of mass surveillance; and
- the opt-in participation process.

**The motion, made by Commissioner Cho, carried by the following vote: In favor: Bowman, Calkins, Cho, Felleman, Steinbrueck (5)  
Opposed: (0)**

**10b. Authorization for the Executive Director to Acquire Indigenous Art of the Pacific Northwest Region for Display in the International Arrivals Facility (IAF) at the Seattle-Tacoma International Airport, in the Amount of \$475,000.**

Request document(s) included an [agenda memorandum](#) and [presentation slides](#).

Presenter(s):

Tommy Gregory, Public Art Program Senior Manager and Curator, Aviation  
Tonisha Simmons, Senior Administrative Assistant, AV Facilities & Infrastructure

Commission Clerk Michelle Hart read Item 10b into the record.

Executive Director Metruck introduced the item and presenters.

The presentation addressed:

- the art program's vision;
- the request for authorization before the Commission;

- the purpose of the request – to create a visual representation of a land acknowledgement to welcome international travelers to the region, supporting local and regional artists, and meeting the 2019 strategic plan goal to build a portable permanent collection; and
- potential locations.

Commissioner Steinbrueck spoke to the need and purpose for including art as facilities are rebuilt. He advocated for culturally-relevant indigenous art at the International Arrivals Facility (IAF), noting the support of the Portwide Arts and Culture Board.

Members of the Commission noted their support of the Order and spoke regarding:

- Port interns bringing the idea forward of the first people's art sited at SEA;
- Showing the region's history; and
- Utilizing art funding to its fullest potential.

**The motion, made by Commissioner Steinbrueck, carried by the following vote: In favor: Bowman, Calkins, Cho, Felleman, Steinbrueck (5)  
Opposed: (0)**

**10c. Order No. 2021-07: Supporting the Executive Director's Authority to Negotiate and Execute a Lease Agreement for the Property Known as Tsubota with the City of Seattle.**

Request document(s) included a proposed [order](#) and [map](#).

Presenter(s):

David Yeaworth, Commission Specialist, Commission Office

Commission Clerk Michelle Hart read Item 10c into the record.

Executive Director Metruck introduced the item and presenters.

The presentation addressed the leasing of a portion of Port property to the City of Seattle since November 2017 at the Port's Tsubota site, located at 1601 15th Avenue West, for the purposes of housing approximately 60 people in 43 units annually in a tiny house village on slightly more than 17,994 sf of land. The City and Port are considering a new lease to increase the size of the leased lot for the purposes of adding up to 29 new units and a comfort station on a total of approximately 35,000 sf of land. The parties are also considering a three-year term with a subsequent one-year option. The negotiation and execution of this lease is within the authority of the Executive Director under the Port's Delegation of Authority.

Order No. 2021-07:

The Port Commission hereby supports the Executive Director's negotiation and execution of a lease with the City of Seattle, for the property known as the Tsubota site at 1601 15th Avenue West, on terms the Executive Director deems appropriate.

Members of the Commission noted their support of the Order and spoke regarding:

- the dire need for transitional housing;
- poverty being the most common element to all homelessness;
- maintaining a manageable size tiny home village;
- receiving an annual report for operational and safety status of the village; and
- providing stability with a three-year term.

**The motion, made by Commissioner Bowman, carried by the following vote: In favor: Bowman, Calkins, Cho, Felleman, Steinbrueck (5)  
Opposed: (0)**

## **11. PRESENTATIONS AND STAFF REPORTS**

### **11a. Executive Director Performance Review**

No presentation document(s) included.

Commission Clerk Michelle Hart read Item 11a into the record.

Commission President Felleman opened the discussion noting that the Commission previously met in Executive Session to discuss the performance of the Port's Executive Director, Steve Metruck.

Commissioner Steinbrueck led the public review of the Executive Director, noting:

- he has received a 'remarkable' performance rating;
- the Executive has declined a pay increase for a second year in a row in concert with the portwide merit increase freeze; and
- the Executive has alternatively been offered ten days off as compensation and is encouraged to take it.

Members of the Commission spoke regarding leadership shown during the pandemic, implementation of the values the Commission have put forward; the integrity in which the Executive Director serves the Port and the community; and his ability to create a sense of team in a very short period of time.

### **11b. Maritime Blue Annual Report**

Presentation document(s) included an [agenda memorandum](#) and [presentation slides](#).

Presenter(s):

Dave McFadden, Managing Director, Economic Development Division  
Joshua Berger, President/CEO, Maritime Blue  
Josh Carter, Program Director, Blue Ventures / Innovation Accelerator, Maritime Blue  
Veasna Hoy, Program Director, Youth Maritime Collaborative, Maritime Blue

Commission Clerk Michelle Hart read Item 11b into the record.

Executive Director Metruck introduced the item and presenters.

The presentation addressed:

- building a blue economy;
- the mission of Washington Maritime Blue;
- Washington State's strategy for the blue economy;
- Industry members;
- Maritime blue innovation programs;
- Inaugural cohort wins, deals, and statistics;
  - 115 startups applied – 11 chosen
  - \$73M in private capital investments
  - \$12M in business sales
  - several demonstration projects and customer acquisitions
  - combined reports of over 500 percent increase in revenue
  - at least 50 jobs created
- second wave notable events and statistics;
  - 100+ startups applied
  - Silverback Marine landed large contract with the Port of Lopez with first wave company, Pure Watercraft
  - Allosense secured non-dilutive funding
  - MM-Seas launched their platform during the program
  - Puget Buoy won Alaska Airlines Innovation Challenge
  - pending results of current funding rounds
- program mentors;
- next steps in the program;
  - third wave of the Maritime Blue Innovation Accelerator Q1 of 2022
  - rolling admission into Maritime Blue Innovation Incubator in partnership with the Port of Tacoma
  - launch of Bellingham, WA Clean Tech/Blue Tech program
  - building Collaborative Programming with Alaska and Oregon in 2021/2022
- Youth Maritime Collaborative;
- strategic vision and Youth Maritime Collaborative partners;
- internships;
- expanded cohort model;
  - increase opportunities for youth to experience on-the-water programming and maritime/ocean learning activities, education and training with YMC program partners
  - expand partnerships with community-based organizations
  - provide wrap-around support for both youth and employers
- funding model structure;
- joint innovation projects;
- being part of a global enterprise for the blue economy;
- organizational development and leadership;
- 2019 – 2020 sponsors and
- funding facts and figures.

Members of the Commission and presenters spoke regarding:

- being proud of the role the Port has played in Maritime Blue;



- establishing a sustainable center of excellence for innovation and areas of expertise;
- creating a Port of the future with Maritime Blue and paired with the Youth Maritime Collaborative;
- creating equity and career pathways;
- addressing global issues of sustainability and the environment;
- Maritime Blue's sublease of space at Fisherman's Terminal to other members,
- getting engagement from maritime employers with respect to the internship program; and
- providing partners with more public exposure to highlight their efforts.

**11c. Ocean Acidification Action Plan and Case Study Briefing**

*(Commissioner Bowman exited the meeting at 3:15 p.m.)*

Presentation document(s) included an [agenda memorandum](#) and [presentation slides](#).

Presenter(s):

Kathleen Hurley, Senior Environmental Program Manager, Maritime Environment and Sustainability

Commission Clerk Michelle Hart read Item 11c into the record.

Executive Director Metruck introduced the item and presenters.

The presentation provided an overview of the Ocean Acidification Action Plan and case study; key elements in the action plan; a summary of portwide efforts; recommendations; and next steps.

Discussion ensued regarding:

- goals of the plan and associated port initiatives;
- existing Port programs that support ocean acidification action plan goals; and
- voluntary recommendations;
  - expand public awareness of ocean acidification and Port actions
  - integration of ocean acidification into relevant community engagement efforts
  - continue implementation of existing efforts to combat ocean acidification
  - continue exploring opportunities for additional studies on carbon sequestration and associated ocean acidification benefits
  - initiate an Elliott Bay kelp restoration limiting factors analysis
  - incorporate ocean acidification metrics into future habitat restoration monitoring plan
- the goal of being the greenest Port in the country;
- reporting out regarding the status of the plan;
- expanding public awareness, and the possible partnering with the Seattle Aquarium Ocean Pavilion;
- involvement of the tribal internship program; and
- the seeding and planting of eel grass, kelp, and oysters.

**12. QUESTIONS on REFERRAL to COMMITTEE and CLOSING COMMENTS**

No closing comments were noted and no referrals to committees were made.

**13. ADJOURNMENT**

There was no further business and the meeting adjourned at 3:47 p.m.

Prepared:

Attest:

Michelle M. Hart, Commission Clerk

Sam H. Cho, Commission Secretary

Minutes approved: July 27, 2021