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**APPROVED MINUTES
COMMISSION SPECIAL MEETING NOVEMBER 29, 2022**

The Port of Seattle Commission met in a special meeting Tuesday, November 29, 2022. The meeting was held at the Seattle-Tacoma International Airport Conference Center, located at 17801 International Blvd, Seattle WA, Mezzanine Level, Seattle, Washington, and virtually on Microsoft Teams. Commissioners Calkins, Cho, Felleman, Hasegawa, and Mohamed were present.

1. CALL to ORDER

The meeting was convened at 10:30 a.m. by Commission President Ryan Calkins.

2. EXECUTIVE SESSION pursuant to RCW 42.30.110

The public meeting recessed into executive session to discuss two matters regarding litigation/or potential litigation/or legal risk, per RCW 42.30.110(1)(i) for approximately 35 minutes, with the intention of reconvening the public session at 12:00 p.m. Following the executive session, the public meeting reconvened at 12:08 p.m. Commission President Calkins led the flag salute.

3. APPROVAL of the AGENDA

The agenda was approved without objection, as amended. *(Item 10d was re-ordered to be heard as the last item under New Business. Item 8h was pulled from the agenda at the request of staff and will be brought forward at a later date.)*

In favor: Calkins, Cho, Felleman, Hasegawa and Mohamed (5)

Opposed: (0)

4. SPECIAL ORDERS OF THE DAY

No Special Orders of the Day were presented.

5. EXECUTIVE DIRECTOR'S REPORT

Executive Director Metruck previewed items on the day's agenda and made general and meeting-related announcements.

6. COMMITTEE REPORTS

Commission Strategic Advisor Erica Chung provided a report regarding discussion held at the Portwide Arts and Culture Board meeting held on November 9, 2022, and regarding the Highline Forum meeting held on November 16, 2022.

Port-Wide Arts and Culture Board

Commissioners Felleman and Hasegawa convened the Portwide Arts and Culture Board on Wednesday, November 9, 2022. Members were introduced to Daphne Maiden, college intern who is interning for another year. Committee Members were also briefed on conservation projects, upcoming installations, art opportunities at the airport and at Fisherman's Terminal, a collaboration youth art project with Port External Relations, and the temporary Schmidt Ocean Institute exhibit at P66 and P69. The Committee and staff also discussed how to support artists, who are small businesses, to better understand the Request for Proposals (RFP) process, the importance of staff being involved early in the capital improvement design and planning stage so that art and wayfinding placement are integrated in the design process; and syncing art with relevant cultural event or heritage month to further highlight diverse art and artist. Members asked staff to include the "Emerald City" art on the next board agenda, so members can better understand the issue. They also agreed to conduct site visits of the airport and Fisherman's Terminal.

Highline Forum

The Highline Forum held its last meeting of the year on November 16, 2022. SeaTac Deputy Mayor Senayet Negusse chaired the meeting, with Commissioner Hasegawa traveling and with the Community Co-Chair unavailable. The Highline Forum received three presentations: (1) Update on the Puget Sound Gateway Program's State Route 509 Extension Project; (2) Update from Sound Transit on projects in South King County, including the Federal Way Link Extension Project, STRide bus rapid transit, and the proposed South Operations and Maintenance Facility; and (3) Update on StART.

The Federal Way Link Extension project is delayed a year. The stations at Kent-Des Moines, Star Lake, and downtown Federal Way will now open in late 2025.

The StART update was provided by Clare Gallagher, standing in for Aviation Managing Director Lance Lyttle. Ms. Gallagher noted that, after completion of a Ground Noise Study and review of the topic of "reverse thrust" by StART's Noise Working Group, the full StART committee recommended a change in language to the Airport's Master Record to discourage the use of reverse thrust beyond what is needed for operational or safety reasons. The change will help reduce ground noise experienced by the neighboring communities, and can only be made voluntarily by the airlines, so a great deal of appreciation has been expressed to Alaska Airlines, Delta Airlines, and the FAA in working to facilitate the change.

A solicitation was made for a new Community Co-Chair for 2023, and Mayor Matt Mahoney has graciously stepped up to serve in that capacity.

7. PUBLIC COMMENT

No public comment was received.

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 Minutes of the Regular Meeting of November 8, 2022.

8b. Authorization for the Executive Director to Execute Up to Two Indefinite Delivery, Indefinite Quantity Consultant Agreements for Services Related to Survey and Mapping Services, with a Cumulative Total Amount Not-to-Exceed \$3 Million; One Indefinite Delivery, Indefinite Quantity Consultant Agreement for Services Related to Construction Safety Services with a Cumulative Total Amount Not-to-Exceed \$3,000,000.

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

8c. Authorization for the Executive Director to Execute Two Contracts for Facilitation and Project Management Services Involving Complex Business or Public Policy Issues, for a Cost Not-to-Exceed \$1,500,000 and Duration of Up to Five Years.

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

8d. Authorization for the Executive Director to Acquire Additional Funding for the Construction of the Fishermen's Terminal ADA Compliance Project in the Amount of \$600,000 and a Total Estimated Project Cost of \$1,790,000. (CIP C#801198)

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

8e. Adoption of Resolution No. 3807: A Resolution Amending the Policy Directive for Salaries and Benefits for Employees not Covered by a Collective Bargaining Agreement Established by Resolution No. 3790 and Providing an Effective Date for All Amendments of January 1, 2023.

Request document(s) included an [agenda memorandum](#), [resolution](#), [Attachment A](#), [Exhibit A](#), [2022 current pay ranges](#), and [definition document](#).

8f. (Number Not Used.)

8g. Authorization for the Executive Director to Execute a New Memorandum of Understanding Between the Seattle Building and Construction Trades Council and Its Affiliated Unions, Representing Laborers and Operating Engineers at Port Construction Services Covering the Period from December 1, 2022, Through December 31, 2023.

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

~~8h.¹ Authorization for the Executive Director to Execute a New Memorandum of Understanding Between the Seattle Building and Construction Trades Council and Its Affiliated Union, Representing Iron Workers at Port Construction Services Covering the Period from December 1, 2022, Through December 31, 2023.~~

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

The motion for approval of consent agenda items 8a, 8b, 8c, 8d, 8e, and 8g carried by the following vote:

In favor: Calkins, Cho, Felleman, Hasegawa, and Mohamed (5)

Opposed: (0)

10. NEW BUSINESS

10a. Adoption of Resolution No. 3805: A Resolution Adopting the Final Budget of the Port of Seattle for the Year 2023; Making, Determining, and Deciding the Amount of Taxes to Be Levied Upon the Current Assessment Roll; Providing Payment of Bond Redemptions and Interest, Cost of Future Capital Improvements and Acquisitions, and for Such General Purposes Allowed by Law Which the Port Deems Necessary; and Directing the King County Council as to the Specific Sums to be Levied on All of the Assessed Properties of the Port of Seattle District in the Year 2023.

10b. Adoption of Resolution No. 3806: A Resolution of the Port Commission of the Port of Seattle Specifying the Dollar and Percentage Change in the Regular Property Levy from the Previous Year per RCW 84.55.120; Providing for an Increase of the Levy from \$81,036,634 to \$82,657,367.

Request document(s) included an [agenda memorandum 1](#), [agenda memorandum 2](#), [draft resolution 1](#), [draft resolution 2](#), and [presentation](#).

Presenter(s):

Dan Thomas, Chief Financial Officer, Finance and Budget
Michael Tong, Director Corporate Budget, Finance and Budget
Borgan Anderson, Director, Aviation Finance and Budget

Clerk Hart read Item 10a and 10b into the record.

Executive Director Metruck introduced the item and presenters.

Members of the Commission and staff discussed:

- release of the budget document on an elevated schedule, release expected December 5th or 6th;
- an increase to the Passenger Facilities Charge day rate, which is not currently reflected in the budget;

¹ Agenda Item 8h was removed from the agenda and returned to staff.

- timing for a briefing regarding the role of the Port of Seattle in future offshore wind in February during a session of the Northwest Seaport Alliance;
- lease potential for the Port in the area of offshore wind; and
- looking closely at spending choices and how it relates to equity.

Members of the Commission thanked Executive Director Metruck and all staff for their work involved in the budget process and production.

The motion, made by Commissioner Felleman, to adopt Resolution Nos. 3805 and 3806, carried by the following vote:

In favor: Calkins, Cho, Felleman, Hasegawa, and Mohamed (5)

Opposed: (0)

10c. Introduction and Adoption of Resolution No. 3808: A Resolution Authorizing the Executive Director to Sell and Convey Port Personal Property in 2023 in Accordance with RCW 53.08.090 with a Value Not Greater than \$23,000 and Repealing Resolution No. 3797, Dealing with the Same Subject.

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

Presenter(s):

Don Kelley, Senior Manager, AFR General Accounting

Clerk Hart read Item 10c into the record.

Executive Director Metruck introduced the item and presenters.

Without objection, Members of the Commission agreed to consolidate readings of the resolution from two meetings to one, allowing for adoption of the item on the same day it is introduced, per Commission Bylaws and Rules of procedure provisions.

The presentation addressed extension of the existing authority through 2023 and the dollar amount of surplus set by the state.

Members of the Commission recognized Rudy Caluza, Director of Accounting and Financial Reporting, for his efforts to always place surplus equipment in the hands of the community.

The motion to adopt Resolution 3808, made by Commissioner Felleman, carried by the following vote:

In favor: Calkins, Cho, Felleman, Hasegawa, and Mohamed (5)

Opposed: (0)

10e. Introduction and Adoption of Resolution No. 3809: A Resolution Amending Resolution No. 3464 Authorizing Extension of the Passenger Facility Charge Program at Seattle-Tacoma International Airport, Effective January 1, 2023.

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

Presenter(s):

Robert Giacometti, Aviation Grants Program Manager, Aviation Finance and Budget
Borgan Anderson, Director, Aviation Finance and Budget

Clerk Hart read Item 10e into the record.

Executive Director Metruck introduced the item and presenters.

Without objection, Members of the Commission agreed to consolidate readings of the resolution from two meetings to one, allowing for adoption of the item on the same day it is introduced, per Commission Bylaws and Rules of procedure provisions.

The presentation addressed:

- the importance of Passenger Facility Charges (PFCs);
- how PFCs are paid;
- the request to extend the PFC resolution of the Commission to allow continued collection of PFCs until the Port Commission decides to terminate collection;
- PFC annual collections; and
- PFC history of approval and use.

The motion to adopt Resolution No. 3809, made by Commissioner Cho, carried by the following vote:

In favor: Calkins, Cho, Felleman, Hasegawa, and Mohamed (5)

Opposed: (0)

10f. Introduction of Resolution No. 3810: A Resolution Repealing Resolution Nos. 3605, 3628, 3704, and All Preceding Resolutions Pertaining to the Commission's 'Delegation of Responsibility and Authority to the Executive Director' Policy Directive, and Adopting a New Policy Directive as Set Forth in Exhibit A of the Resolution.

Request document(s) included an [agenda memorandum](#), [resolution](#), [Exhibit A](#), and [presentation](#).

Presenter(s):

Dave Soike, Chief Operating Officer
Ryan Stamper, Senior Port Counsel, Attorney Services
Michelle M. Hart, MMC, Commission Clerk

Clerk Hart read Item 10f into the record.

Executive Director Metruck introduced the item and presenters.

The presentation addressed:

- the work of the cross-departmental project team established as a follow-on to the 2020 Internal Audit Committee report, at the directive of the Commission's Audit Committee, to review the Delegation of Responsibility and Authority (DORA) to the Executive Director's policy directive in order to identify efficiencies available to the Commission regarding the delegation;
- the port staff survey of the Commission memo process conducted;

- comparator agencies delegation data;
- inflation erosion upon the delegation threshold;
- the three-year review of Commission data analyzed with respect to Commission actions, types of actions, amount of time to prepare and deliver actions, and where a concentration of dollars are spent in both operating and capital in data;
- benefits to raising the delegation level;
- estimated financial and time savings gained;
- the amount of time currently granted to the Executive under the current delegation authority level to run the Port;
- legal changes to the policy directive and other general updates made;
- transparency measures built in for Commission and public viewing and information; and
- regulatory and statutory provisions to safeguard abuse of the system.

Discussion ensued regarding:

- the failsafe/threshold for an item to be referred to the Commission and having that clearly identified;
- use of agenda setting meetings and other avenues to identify issues that should go to the Commission;
- public access to the records;
- any near-term SAMP projects below the proposed new delegation threshold;
- receiving a list of categories/types of items for authorizations that will fall into the delegated threshold;
- receiving additional comparative agency data;
- conducting additional outreach to stakeholders;
- assurances against project segmentation under delegated thresholds to avoid going to the Commission, with a particular focus on sole source implications;
- creating an amendment for a periodic review of the Delegation policy; and
- providing a redline of the original document to the Commission.

The motion to introduce Resolution No. 3810, made by Commissioner Felleman, carried by the following vote:

In favor: Calkins, Cho, Felleman, Hasegawa, and Mohamed (5)

Opposed: (0)

Commission President Calkins advised that the item would come back to the Commission for consideration of adoption in January 2023.

(Commissioner Mohamed exited the meeting at this time and was recused from voting on Agenda Item 10d.)

10d. Authorization for the Executive Director to Spend Environmental Remediation Funds for 2023 in the Amount of \$11,000,000 and to Approve a Five-Year Spending Plan in the Amount of \$103,000,000 for the Environmental Remediation Liability Program for 2023-2027, of which an Estimated Not-to-Exceed Amount of \$30,000,000 will be Obligated During 2023 to Be Spent in Future Years.

Request document(s) included an [agenda memorandum](#), [map 1](#), [map 2](#), and [map 3](#).

Presenter(s):

Sarah Ogier, Director, Maritime, Maritime Environment and Sustainability
Kathy Bahnick, Senior Manager, Maritime Environment and Sustainability
Megan King, Senior Program Manager, AV Environmental Programs

Clerk Hart read Item 10d into the record.

Executive Director Metruck introduced the item and presenters.

The presentation addressed:

- the Port's request for a five-year approval to address environmental clean-up activities;
- cost recovery efforts of the Port to support the program;
- the purpose of the funding to conduct investigations, identify clean-up approaches, and to perform clean-up operations;
- sites included in the authorization; and
- long-term timelines associated with clean-up efforts.

Discussion ensued regarding:

- the role of the Elliott Bay Trustee Council in managing the ecological impacts of contamination;
- T-5 site clean-up, the adjacent landfill and methane collection occurring on the site;
- planned projects not impacting fishing off the docks; and
- inter-government work with tribes.

The motion, made by Commissioner Felleman, carried by the following vote:

In favor: Calkins, Cho, Felleman, and Hasegawa (4)

Opposed: (0)

(Commissioner Mohamed returned to the meeting at this time.)

11. PRESENTATIONS AND STAFF REPORTS

11a. 2022 Public Art Program Annual Report.

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

Presenter(s):

Lance Lytle, Managing Director, Aviation Director's Office
Tommy Gregory, Senior Public Art Program Manager and Curator, Aviation Directors Office
Annabelle Goavec, Public Art Program Coordinator, Aviation Director's Office

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

Executive Director Metruck introduced the item.

The presentation addressed:

- the mission and vision of the public art program;
- 2021 Skytrax reporting;
- capital projects including art;
- indigenous art acquisition;
- employee services center;
- restroom Phase 4 upcoming installations;
- widen arrivals project;
- public art plan alignment with major capital improvement program projects;
- art integration to maritime and economic development projects;
- art acquisition process and milestones;
- art conservation efforts and maintenance;
- temporary exhibitions; and
- other art projects in the works.

Members of the Commission and staff discussed the structure of the art budget and dedicating art funds from the capital improvement program to enhance the customer experience.

12. QUESTIONS on REFERRAL to COMMITTEE and CLOSING COMMENTS

Members of the Commission spoke regarding their recent International travel engagements with the Port's sister city and sister port in Japan; thanked staff for their support and hard work in arranging the trips; and noted the areas of study engagement and the role of ports in economic development.

13. ADJOURNMENT

There was no further business and the meeting adjourned at 3:26 p.m.

Prepared:

Michelle M. Hart, Commission Clerk

Attest:

Toshiko Hasegawa, Commission Secretary

Minutes approved: November 29, 2022