

Commissioners
John Creighton
Chair and President
Bill Bryant
Patricia Davis
Lloyd Hara
Gael Tarleton



Tay Yoshitani
Chief Executive Officer

P.O. Box 1209
Seattle, Washington 98111
www.portseattle.org
206.728.3000

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.shtml>

(The approximate point in the audio recording for the specific item is identified by minutes and seconds; example: 01:30.)

**APPROVED MINUTES
COMMISSION REGULAR MEETING MAY 13, 2008**

The Port of Seattle Commission met in a special meeting at 3:00 p.m., Tuesday, May 13, 2008 in the Commission Chambers at Pier 69, 2711 Alaskan Way, Seattle, WA. Commissioners Bryant, Creighton, Davis, Hara and Tarleton were present.

CALL TO ORDER

The regular meeting was called to order at 3:05 p.m. by John Creighton, Chair and President.

1. EXECUTIVE SESSION pursuant to RCW 42.30.110

The regular meeting was immediately recessed to an executive session to discuss real estate, legal and personnel matters for approximately one hour and reconvened to open public session.

PLEDGE OF ALLEGIANCE

2. APPROVAL OF MINUTES

(00:00:54) Motion for approval of the minutes of the regular meeting of April 8, 2008 - Bryant

Motion carried by the following vote:

In Favor: Bryant, Davis, Tarleton (3)

Commissioners Creighton and Hara were absent from the subject meeting, and abstained from the vote.

Motion for approval of the minutes of the regular meeting of April 22, 2008 – Hara

Motion carried by the following vote:

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

Commissioner Davis was absent from the subject meeting and abstained from the vote.

4. SPECIAL ORDER OF BUSINESS

a. **(00:02:00)** CEO Yoshitani provided a brief background of National Police Week, the week in which May 15 falls. He then introduced Port Chief of Police, Colleen Wilson, who noted that a flag ceremony would be held at the Airport on Friday, May 16, and commented that Commissioner Tarleton would be attending. Chief Wilson thanked the commission for their acknowledgment of police officers who serve the community, most particularly those who have given their lives in the line of duty.

Marine Items were advanced on the agenda as follows:

7. MARINE ITEMS

a. **(00:04:41) Authorization for (1) The Chief Executive Officer to sign a Memorandum of Agreement (MOA) with the National Oceanic and Atmospheric Administration; the Muckleshoot and Suquamish Tribes; the Washington Department of Ecology; and the US Fish and Wildlife Service, and (2) Preparation necessary for habitat restoration project at Terminal 117 under the MOA for \$210,000.**

Request Document: Commission Agenda [Memorandum](#) dated April 14, 2008 from Wayne Grotheer, Director, Seaport Finance and Asset Management; Joe McWilliams, Managing Director, Real Estate and Stephanie Jones Stebbins, Senior Manager, Seaport Environmental Programs; and computer slide [presentation](#).

Presenters: Ms. Stebbins and Kathy Bahnick, Environmental Program Supervisor

Topics reviewed:

- Superfund Liability Background
- Natural Resource Damage Process
- Memorandum of Agreement and Key Points
- Terminal 117 - History
- Benefits for Habitat at Terminal 117

During discussion of the item, Commissioner Tarleton specified that she would like to see included in the final MOA, a commitment from the Trustees that the habitat work would be recognized as part of the future Natural Resource Damage assessment process, recognizing that the Port would receive credit for the investment being made.

Commissioner Tarleton also noted that the funding for this project would come from an environmental reserves account, which is funded by the tax levy.

Motion for approval of Item 7a - Davis

Public testimony regarding Item 7a was received from the following:

- B.J. Cummings, Duwamish River Cleanup Coalition
- Heather Trim, People for Puget Sound

Commissioner Tarleton proposed that within the Request for Proposal (RFP) for the design services for habitat restoration, one product for delivery would be to include options for the project priced at various dollar amounts, in order to provide a better sense of what the Port's options would be.

Ms. Bahnick commented that the original plan was to receive one option (as opposed to several) for the project, and noted that there was also an issue with the timing of the schedule for the project.

Commissioner Davis read into the record the proposed two-part motion as follows:

(00:40:42) (1) Authorizing the CEO to sign a Memorandum of Agreement with NOAA, The Muckleshoot and Suquamish Tribes, Washington State Department of Ecology, and US Fish and Wildlife Service, for crediting habitat restoration projects in and near the Lower Duwamish, relating to future settlement of Natural Resource Damages claims; and (2) Authorization to execute a professional service agreement for environmental review, and apply for permit authorizations, prepare plans and specifications for design and permitting expenses for fish and wildlife habitat project restoration at Terminal 117, under the Memorandum of Understanding for \$210,000.

CEO Yoshitani requested clarification regarding direction to staff, understanding that staff was to return to the Commission with one design for the habitat restoration, and that was confirmed by the Commissioners.

Motion carried by the following vote:

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

Staff authorized: (1) Signing of MOA – Chief Executive Officer, and (2) Habitat restoration preparation – Managing Director, Seaport Division; Director, Seaport Finance

and Asset Management; Manager, Procurement Services; and Manager, Seaport Environmental Programs.

b. (00:42:50) Authorization for Terminal 25 South Redevelopment Project in the amount of \$4,120,000 for a new total project authorization of \$4,400,000.

Request Document: Commission Agenda [Memorandum](#) dated April 21, 2008 from Michael Burke, Director, Container Operations and Tim Leonard, Seaport Capital Construction Project Manager.

A computer visual [slide](#) of the area proposed redevelopment area was also provided.

Presenters: Mr. Burke and Phil Lutes, Deputy Director, Seaport Division

Motion for approval of Item 7b – Bryant

Mr. Burke clarified for the record, that on page 7 of the commission memorandum, under the section of Economic Impacts, the reference to the creation of 8,000 jobs should actually be the creation of 800 jobs.

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

- John Munson, Puget Sound District Council

Motion carried by the following vote:

In Favor: Bryant, Davis, Tarleton (3)

Opposed: Creighton, Hara (2)

Staff authorized: Chief Executive Officer; Managing Director, Seaport Division; Managing Director, Capital Development Division; Director, Seaport Finance and Asset Management; Chief Engineer, Engineering Services; Manager, Seaport Project Management; Manager, Seaport Environmental Services; Manager, Seaport Project Management; Manager, Seaport Environmental Programs; Manager, Seaport Maintenance; Manager, Port Construction Services; and Seaport Capital Construction Project Manager.

8. AVIATION ITEMS

The order of Aviation Items on the agenda was revised as follows:

c. (01:36:47) Authorization to complete the sound mitigation work on Building 19 at Highline Community College for \$1,232,973, bringing the total authorization for this Capital Improvement Project to \$4,993,598.

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Request Document: Commission Agenda [Memorandum](#) dated April 24, 2008 from Diane Summerhays, Director, Aviation Community Development and Stan Shepherd, Manger, Airport Noise Programs.

Presenters: Ms. Summerhays and Mr. Shepherd

Staff also introduced Dr. Jack Bermingham, President, and Pete Babbington, Director of Finance and Operations, both of Highline Community College.

Dr. Bermingham provided comments on previous sound mitigation projects by the Port, noting the positive impacts to the learning environment for students.

Motion for approval of Item 8c – Tarleton

Motion carried by the following vote:

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

Staff authorized: Chief Executive Officer; Director, Aviation Division; Director, Aviation Community Development; and Manger, Airport Noise Programs

CEO Yoshitani then requested that Policy and Staff Briefings (Items 6a and 6b) be deferred due to time constraints.

Commissioner Hara suggested that it would be helpful if initial briefing memos to the Commission included more detailed information planned for the public presentation.

6. POLICY AND STAFF BRIEFING – Items Deferred

- a. *Audit Action Plan Update - Deferred*
- b. *Terminal 30 and Terminal 91 Update -Deferred*

8. AVIATION ITEMS

b. (01:47:38) Authorization to execute lease agreement between the Port of Seattle and the rental car companies who will operate from the new Consolidated Rental Car Facility at Seattle-Tacoma International Airport.

Request Document: Commission Agenda [Memorandum](#) dated May 2, 2008 from James R. Schone, Director, Aviation Business Development and Jolene Culler, Senior Property Manager, Aviation Properties.

Presenters: Mr. Schone and Ms. Culler

Public comment regarding Item 8b was received from the following:

- Marshall Fein, Advantage Rent-A-Car
- Lorie Tallarico, Avis/Budget Rent-A Car

Motion for approval of Item 8b – Davis

Motion carried by the following vote:

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

Staff authorized: Chief Executive Officer; Managing Director, Aviation Division; Director, Aviation Business Development.

a. (02:16:58) Request for Authorization to:

- 1. Prepare contract documents; execute and award outside professional services agreements; and perform contract administration and execution for the Rental Car Facility Design project at Seattle-Tacoma International Airport for an additional \$3,574,300 for a total authorization of \$33,548,300**
- 2. Prepare contract documents; perform construction services; execute and award outside professional services agreements; advertise and award major and small works contracts; pre-purchase materials and equipment including contract award and execution; perform contract administration and execution; and award a General Construction/Construction Management contract to Turner Construction Company (Turner) as the low, responsible bidder for the Rental Car Facility Construction project at the Airport for a total authorization of \$286,500,000; and**
- 3. Execute a change order in the amount of \$1,606,710 for Turner for additional construction staff and logistic facilities.**

Request Document: Commission Agenda [Memorandum](#) dated May 6, 2008 from Michael Ehl, Director, Airport Operations; Dwayne Lee, Managing Director, Capital Development Division; and George England, Program Leader, Project Management Group.

Presenters: Mr. England and Paul Powell, Manager, Contract Services, Engineering

Motion for approval of Item 8a – Davis

Motion carried by the following vote:

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

Staff authorized: Chief Executive Officer; Managing Director, Aviation Division; and Managing Director, Capital Development Division.

A five-minute recess was called, and the meeting was reconvened at 6:52 p.m.

The agenda was returned to the Unanimous Consent Calendar as follows:

5. (02:52:04) UNANIMOUS CONSENT OF CALENDAR

The following items were placed for vote on the unanimous consent calendar:

a. Motion for approval of payment of Claims and Obligations for the period of April 1 through April 30, 2008

b. Authorization for completing critical repairs on two PACECO cranes located at Terminal 46 for an estimated amount of \$190,000.

Request Document for Item 5b: Commission Agenda [Memorandum](#) dated April 25, 2008 from Michael Burke, Director, Seaport Cargo Operations and Anne Porter, Capital Construction Project Manager.

Staff authorized: Chief Executive Officer, Managing Director, Seaport Division; Managing Director, Capital Development Division; Deputy Managing Director, Seaport Division; Director, Seaport Finance and Asset Management; Manager, Seaport Project Management; Manager, Manager, Port Construction Services; Manager, Seaport Maintenance and the Seaport Capital Construction Project Manager.

Motion for approval of the Unanimous Consent Calendar – Bryant

Motion carried by the following vote:

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

New Business was advanced as follows

10. NEW BUSINESS

Public testimony was received as follows:

- Daniel Whitmore, Attorney representing Alpha Seattle Towncar Association. A written copy of Mr. Whitmore's testimony was submitted for the record; is, by reference, made a part of these minutes; is marked Exhibit '[A](#)'; and is on file in Port offices.

Following Mr. Whitmore's comments, CEO Yoshitani asked that Joe McWilliams, Managing Director, Real Estate and Property Management, follow up on the concerns raised by Mr. Whitmore regarding stand-hail zones for towncars at Piers 30, 52 and 66.

A written copy of Mr. Whitmore's remarks was submitted; is by reference made a part of these minutes; is marked Exhibit 'A', and is on file in Port offices.

The agenda was returned to Aviation Items:

8. AVIATION ITEMS

d. (02:56:31) Authorization to complete the relocation of the residents of Town and Country Mobile Home Parks in the City of SeaTac, located within the 1998-70 Day Night Level noise contour, at an estimated cost of \$3,384,000, bringing the total authorization for this Capital Improvement Project to \$44,645,000.

Request Document: Commission Agenda [Memorandum](#) dated April 18, 2008 from Stan Shepherd, Manager, Airport Noise Programs and W. Allan Royal, Manager, Aviation Property Acquisition and Relocation.

Presenters: Mr. Shepherd and Mr. Royal

Motion for approval of Item 8d – Hara

Motion carried by the following vote:

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

Staff authorized: Director, Aviation Division; Director, Aviation Community Development; Director, Aviation Business Development; and Manager, Aviation Property Acquisition and Relocation.

e. (03:02:20) Authorization to award contract to lowest responsive bidder and increase project authorization by \$510,000, bringing total project authorization to \$1,658,000 for Main Terminal Roof Replacement at Seattle-Tacoma International Airport.

Request Document: Commission Agenda [Memorandum](#) dated April 25, 2008 from Bob Riley, Director, Aviation Capital Improvement Program and Paul Powell, Manager, Construction Contract Services.

Presenter: Mr. Riley

Motion for approval of Item 8e – Tarleton

Motion carried by the following vote:

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

Staff authorized: Chief Executive Officer and Manager, Construction Contract Services

f. (03:10:40) Authorization for 911 Voice Recording System Replacement Project at Seattle-Tacoma International Airport for a total project authorization of \$350,000.

Request Document: Commission Agenda [Memorandum](#) dated April 23, 2008 from Richard Ottele, General Manager, Aviation Facilities and Infrastructure.

Presenter: Mr. Ottele

Motion for approval of Item 8f – Davis

Motion carried by the following vote:

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

Staff authorized: Chief Executive Officer; General Manager, Aviation Facilities and Infrastructure; and Managing Director, Capital Development Division

9. GENERAL BUSINESS

a. (03:12:34) Authorization to advertise and execute a series of Task Order/On-Call Outside Professional Services Agreements.

Request Document: Commission Agenda [Memorandum](#) dated April 24, 2008 from Raymond P. Rawe, Director, Engineering Services.

Presenters: Mr. Rawe and Brian Sweet, Construction Manager

Motion for approval of Item 9a – Hara

Motion carried by the following vote:

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

Staff authorized: Chief Executive Officer and Chief Engineer/Director of Engineering Services

b. (03:18:53) Chief Executive Officer Compensation

Presentation Document: [Memorandum](#) dated May 13, 2008 from Commission President John Creighton.

Commissioner read into the record the memorandum referenced regarding Mr. Yoshitani's annual performance.

**Motion to approve both rating and salary increase as stated in the Item memo –
Hara**

Motion carried by the following vote:

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

Opposed: Tarleton (1)

Commissioner Creighton noted that the May 27 Commission regular meeting would be cancelled.

11. ADJOURNMENT

There being no further business, the meeting was adjourned at 7:55 p.m.

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

Bill Bryant
Secretary