



Commissioners

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Lloyd Hara

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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: 00:01:30.)

**APPROVED MINUTES
COMMISSION REGULAR MEETING MAY 8, 2007**

The Port of Seattle Commission met in a regular meeting at 12:00 p.m., Tuesday, May 8, 2007 in the Commission Chambers at Pier 69, 2711 Alaskan Way, Seattle, WA. Commissioners Creighton, Davis, Edwards, Fisken and Hara were present.

1. CALL TO ORDER

The regular meeting was called to order at 12:00 p.m. by John Creighton, Chair and President.

2. EXECUTIVE SESSION pursuant to RCW 42.30.110

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

PLEDGE OF ALLEGIANCE

3. APPROVAL OF MINUTES

Motion for approval of minutes for the regular meeting of April 10, 2007: Hara

Motion carried by the following vote:

In favor: Creighton, Davis, Edwards, Hara (4)

Commissioner Fisken was absent from the subject meeting.

Motion for approval of minutes of the special meeting of April 23, 2007 - Fisken

Motion carried by the following vote:

In favor: Creighton, Davis, Edwards, Fisken, Hara (5)

4. SPECIAL ORDER OF BUSINESS

None.

5. UNANIMOUS CONSENT CALENDAR

a. (00:02:09) Authorization for payment of [outstanding obligations](#) of salaries and claims against the Port of Seattle for the period April 1 through April 30, 2007.

Motion for approval of Item 5a – Hara

Motion carried by the following vote:

In Favor: Creighton, Davis, Edwards, Fisken, Hara (5)

6. POLICY AND STAFF BRIEFINGS

a. (00:02:34) Update on Terminal 30 Container Reactivation and Terminal 91 Cruise Terminal Relocation Project

Presentation Document: Commission Agenda [Memorandum](#) dated May 3, 2007 from Michael Burke, Director, Cruise and Cargo Services; and Dakota Chamberlain, Manager, Seaport Project Management.

Presenters: Mr. Burke and Janice Zahn, Capital Construction Project Manager

Staff updated the Commission on ongoing items since the previous briefing, including further work on permitting and project bidding preparation.

Public testimony regarding Item 6a as follows:

- Fred Felleman, Friends of the Earth

Prior to moving forward with further agenda items, public testimony was also allowed as follows, regarding the proposed demolition of the Lora Lake Apartments near Sea-Tac Airport:

- Reverend Sanford ‘Sandy’ Brown, Executive Director, Church Council of Greater Seattle.

The agenda was returned to Policy and Staff Briefings.

b. (00:20:20) Puget Sound Partnership Recommendations

Presentation Documents: Commission Agenda [Memorandum](#) dated April 17, 2007 from Stephanie Jones, Manager, Seaport Environmental Programs; and Elizabeth Leavitt, Manager, Aviation Environmental Programs; and computer slide presentations entitled, "[Puget Sound Partnership Recommendations](#)"; "[Port Districts and the Puget Sound Partnership](#)"; and "[Puget Sound Partnership Update for Port Commission, May 8, 2007](#)".

Presenters: Ms. Jones and Kathy Bahnick, Environmental Program Supervisor; Bob Duffner, Environmental Program Supervisor; and George Blomberg, Senior Environmental Program Manager. Staff also introduced Kathy Fletcher, People for Puget Sound and Eric Johnson, Washington Public Ports Association, who assisted in the presentation.

Ms. Jones updated the Commission on the six environmental motions which were passed in February, 2007.

Responding to Commissioner Creighton's question as to the timing of an amendment to the Memorandum of Understanding (MOU) between the Cruise Lines and the Department of Ecology (DOE), which would prohibit the discharging of biosolids in the Olympic Marine Sanctuary, Ms. Jones stated that language for the motion had been drafted, and is currently in the hands of the DOE, prior to finalization.

Commissioner Edwards requested that staff attempt to expedite the above work.

Topics addressed in presentation :

People for Puget Sound:

- Mission
- Lessons in Accountability
- 1984 and 20+ years later
- What's been missing
- GAO's (Government Accountability Office) Reviews
- Effectiveness of Management
- Progress
- GAO's recommendations to Puget Sound Partnership

Port Staff:

- Puget Sound Partnership overview
- Essential Priorities for Healthy Puget Sound by 2020
- Immediate Action Areas

- Septic Problems
- Puget Sound Habitat
- Turning Basin #3
- Shorelines and Marine Waters
- Cleanup of Toxics
- Reduce Polluted Stormwater Runoff

Washington Public Ports Association

- Port Districts and the Puget Sound Partnership Overview
- Action Agenda
- How Ports fit into the process
- Toxics Reduction / Cleanup
- Other possible areas of port interaction
- State incentives

Mr. Johnson also provided a handout entitled, “Puget Sound Partnership Goals and Objectives”. A copy of the handout is, by reference, made a part of these minutes; is marked Exhibit “[A](#)”; and is on file in Port offices.

Public testimony regarding Item 6b as follows:

- Fred Felleman, Friends of the Earth

c. (02:06:43) Grain Terminal Status

Presentation Documents: Commission Agenda [Memorandum](#) dated May 3, 2007 from Phil Lutes, Deputy Managing Director, Seaport Division; Mike McLaughlin, General Manager, Cruise and Docks; and Bob Maruska, Assistant Director Engineering, Design Services; and computer slide [presentation](#) entitled, “Grain Terminal Update”.

Presenters: Mr. Maruska and Mike Burke, Director, Cargo and Cruise Services

The Commission was updated on the recent spout failure at the grain terminal and briefed on planned next steps.

Following the update, Commissioner Davis suggested that during this year’s budget process, the issue of necessary ongoing repair and maintenance be pointed out, as well as the importance of needed funding.

Responding to Commissioner Hara’s question of whether or not the spout failure was a result of deferred maintenance, Craig Watson, General Counsel, spoke to the fact that at this point, it is not known whether the failure was a result of deferred maintenance; that the cause at this time is not really known.

Prior to Marine Items, New Business was advanced on the agenda as follows:

10. NEW BUSINESS

a. (02:22:45) Charlie Sheldon, Managing Director, Seaport Division briefed the Commission on live-aboard issues at Fishermen's Terminal and work being done with the Fishermen's Terminal Advisory Committee in addressing possible changes to the live-aboard policy.

Commissioner Edwards requested more input as to why the Port is attempting to change the policies for live-aboards.

Mr. Sheldon explained that it is intended to be a clarification of the Port's policy related to unauthorized people living on the boats.

Responding to Commissioner Hara's question about the difference between policies at Shilshole and other marinas where there are live-aboards, Mr. Sheldon stressed that Fishermen's Terminal is an active industrial facility, and that other marinas, such as Shilshole Marina, are used for recreational purposes.

The agenda was then returned to Marine Items as follows:

7. MARINE ITEMS

a. (02:39:38) Request for project-wide authorization to award and execute construction contracts for removal of existing creosote piling dock, and for construction of fish and wildlife habitat improvements at Pier 24, for an amount of \$1,165,000.

Request Document: Commission Agenda [Memorandum](#) dated April 18, 2007 from Gary Wallinder, Seaport Capital Construction Project Manager; and George Blomberg, Senior Environmental Program Manager

Presenters: Mr. Wallinder and Mr. Blomberg

Motion for approval of Item 7a – Edwards

Motion carried by the following vote:

In Favor: Creighton, Davis, Edwards, Fisker, Hara (5)

Staff authorized: Managing Director, Seaport Division; Deputy Managing Director, Seaport Division; Chief Engineer, Engineering Services; General Manager, Port Construction Services; Manager, Seaport Environmental Programs; Manager, Seaport Project Management; and Seaport Capital Construction Project Manager.

8. AVIATION

a. (02:54:25) Resolution No. 3578, Second Reading and Final Passage; authorizing the Chief Executive Officer to execute a supplement to Agreement GCA 4012 with the Washington State Department of Transportation (WSDOT) to provide up to \$10,000,000 in Port funding to support construction of SR518 improvements between Seattle-Tacoma International Airport and the [I-5/I-405 interchange](#).

Request Document: Commission Agenda [Memorandum](#) dated May 1, 2007 from Michael Cheyne, Director, Aviation Planning; and Michael Drollinger, Project Planner, Aviation Planning

Presenter: Mr. Cheyne

Motion for Second Reading and Final Passage of Resolution No. [3578](#) – Edwards

Motion carried by the following vote:

In Favor: Creighton, Davis, Edwards, Fisker, Hara (5)

b. (02:55:19) Resolution No. 3579, Second Reading and Final Passage, declaring certain personal property surplus for Port of Seattle purposes: A Port firefighting vehicle is surplus and further declaring that said property should be transferred to the Snohomish County Airport.

Request Document: Commission Agenda [Memorandum](#) dated March 28, 2007 from Mike Mandella, Fire Chief.

Presenter: Chief Mandella

Motion for Second Reading and Final Passage of Resolution No. [3579](#) – Hara

Motion carried by the following vote:

In Favor: Creighton, Davis, Edwards, Fisker, Hara (5)

c. Request for authorization to execute all documents necessary for the acquisition of Des Moines Way Dental Clinic for an estimated cost of \$754,700.
ITEM WITHDRAWN

9. GENERAL BUSINESS

a. (02:56:44) Request for additional authorization for International Travel, 2007

Request Document: Commission Agenda [Memorandum](#) dated May 6, 2007 from Clare Gallagher, Director, Commission Services

Presenter: Ms. Gallagher

Motion for approval of Item 9a – Fisken

Motion carried by the following vote:

In Favor: Creighton, Davis, Edwards, Fisken, Hara (5)

Further new business as follows:

10. NEW BUSINESS

b. (02:59:44) Motion regarding recent letter from Port of Seattle to American Life, Inc.

Craig Watson, Port General Counsel, reported to the Commission of a website recently discovered, operated by American Life Corp., regarding possible investments in the SODO area replacing industrial use properties with mixed use properties. Mr. Watson noted that he had sent a letter to American Life demanding that they remove the representations that the Port of Seattle was in favor of changing property use in SODO.

Following Mr. Watson's comments, the following motion was proposed by Commissioner Fisken:

In conjunction with the recent letter sent to American Life, demanding correction of misleading land use statements regarding the Port's planning along Alaskan Way and in Seattle's SODO area, I move that the Port Commission now affirm its strong support of the preservation of industrial land use designations throughout Seattle and King County, and that the Port continue to protect the investments made in the assets and infrastructure over the last century.

Motion carried by the following vote:

In Favor: Creighton, Davis, Edwards, Fisken, Hara (5)

c. (03:04:39) Motion regarding Port Commission Executive Sessions, in response to recent public concern.

Commissioner Edwards stated that in conjunction with the Commission's approval last week to institute taping of Port executive sessions, the Commission would like a comprehensive review of the Port's executive session procedures and a report back with recommendations on any proposed changes for the Commission's consideration. Such

review could include, but is not limited to, the length and frequency of the executive sessions, and additional screening of the proposed topics.

The following motion was then proposed by Commissioner Edwards:

It is hereby moved that the Commission request the CEO to review the Port's existing procedures for executive session and make recommendations for any changes in procedure within 30 days to the Port Commission in public session.

Motion carried by the following vote:

In Favor: Creighton, Davis, Edwards, Fisken, Hara (5)

2. EXECUTIVE SESSION

The regular meeting was recessed to an executive session for approximately two hours and forty-five minutes to discuss legal risk and personnel matters.

11. ADJOURNMENT

The regular meeting was reconvened and immediately adjourned at 7:15 p.m.

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

Alec Fisken
Secretary