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Chair and President
Bill Bryant
Patricia Davis
Lloyd Hara
Gael Tarleton



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An audio of the meeting proceedings and meeting materials are available on the Port of Seattle web site -

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

**APPROVED MINUTES
COMMISSION SPECIAL MEETING SEPTEMBER 23, 2008**

The Port of Seattle Commission met in a regular meeting at 2:00 p.m., Tuesday, September 23, 2008 in the International Conference Center, Airport Office Building, Seattle-Tacoma International Airport, Seattle, WA. Commissioners *Bryant, Creighton, Davis, Hara and Tarleton were present.

1. CALL TO ORDER

The regular meeting was called to order at 2:00 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 and Real Estate matters for approximately one hour and reconvened to public session.

PLEDGE OF ALLEGIANCE

3. APPROVAL OF MINUTES

(00:01:08) Motion for approval of minutes of the regular meeting of August 26, 2008 – Hara

Motion carried by the following vote:

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

Commissioner Bryant was absent for the vote.

4. (00:01:35) SPECIAL ORDER OF BUSINESS

Commissioner Creighton commented on a letter the commission received from a couple in West Seattle acknowledging their appreciation of Port Firefighter Ed Horstman, who recently provided emergency first aid to their daughter, who had been in an accident at a West Seattle pool.

Commissioner Creighton also noted that a number of commissioners had recently attended the Northwest Burn Center Dinner Auction, and thanked the Port of Seattle firefighters for their continued involvement for that cause.

5. (00:05:21) UNANIMOUS CONSENT CALENDAR

a. Request for authorization to increase CIP C101558 Ramp Control Tower by \$30,000, bringing the total authorization to \$1,798,000

Request Document: Commission agenda [memorandum](#) dated September 12, 2008 from Larry McFadden, General Manager, Port Construction Services and Robert F. Riley, Director, Aviation Capital Improvement Program

b. Request for authorization for Phase Two of Safety Management System Pilot Study at Seattle-Tacoma International Airport - *ITEM WITHDRAWN*

c. Request for authorization for Common Use Terminal Equipment (CUTE) Replacement Project in an amount not to exceed \$1,550,000, and for ongoing annual support and software license fees in an amount not to exceed \$103,000 per year for five years.

Request Document: Commission agenda [memorandum](#) dated September 17, 2008 from Michael Ehl, Director, Airport Operations and Peter Garlock, Chief Information Officer

Motion for approval of Unanimous Consent items – Tarleton

Motion carried by the following vote:

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

Commissioner Bryant was absent for the vote.

Following the vote, there was commission discussion of appropriate use of items which would be placed for vote in the future on the Unanimous Consent Calendar.

**Commissioner Bryant was present from this time forward.*

Commissioner Creighton commented on several ways the consent calendar is used in other jurisdictions, stating that it would be helpful to include more detailed information on agendas regarding items on the consent calendar.

Discussion included stating in the bylaws the work that might typically be approved through unanimous consent; having an advance review by the CEO and at least one commissioner of proposed items for unanimous consent; and receiving from the CEO a list of parameters on how the decision is made regarding a proposed consent item. It was also stated that any Commissioner may ask that an item be withdrawn from the unanimous consent calendar during the public meeting, and that the request for public testimony on a unanimous consent item automatically causes the item to be removed from the unanimous consent calendar.

6. POLICY AND STAFF BRIEFINGS

a. (00:23:10) Audit Response Action Plan Update

Presentation Documents: Commission Agenda [Memorandum](#) dated September 18, 2008 from Dakota Chamberlain, Special Assistant to Managing Director and computer slide [presentation](#) titled, "Audit Response Action Plan Update to Commission."

Presenter: Mr. Chamberlain

Topics Reviewed:

- Work Complete
- Action Plan Timeline
- Next Steps

b. (00:28:53) Terminal 30 and Terminal 91 Financial and Schedule Status

Presentation Documents: Commission agenda [memorandum](#) and [attachment](#) dated September 15, 2008 from Michael Burke, Director, Container Operations and Curtis Stahlecker, Interim Manager, Seaport Project Management

Presenter: Mr. Stahlecker

Public Comment regarding Item 6b was received from the following:

- Fred Felleman, Friends of the Earth

Commissioner Tarleton requested that in future briefings both budget and schedule information be included together.

c. (00:39:26) Update on the Consolidated Rental Car Facility Program

Presentation Documents: Commission agenda [memorandum](#) and [attachment](#) dated August 27, 2008 from Michael Ehl, Director, Airport Operations and George England, Program Leader, Project Management Group and computer slide [presentation](#) titled, "Helix Treatment."

Presenters: Bob Riley, Director, Aviation Capital Improvement Program and Colleen McPoland, Art Program Manager

In response to Commissioner Bryant's question as to how input on the proposed Helix Treatment could be given, Ms. McPoland stated that comments could be provided to Commissioner Davis, who sits on the art oversight committee. Commissioner Bryant expressed concern with spending nearly \$2 million on this project, specifically siting concern over public art funds being used for architectural features rather than using the funds for public art.

General business was advanced on the agenda as follows:

11. GENERAL BUSINESS

a. (01:01:50) (1) Determination that competitive bidding process is not appropriate or cost-effective and that contracts with Port Jobs are exempt from RCW Chapter 53.19, and (2) Authorization for the 2008 Port Jobs contracts, with option to renew for an addition 12-month period.

Request Document: Commission agenda [memorandum](#) dated September 11, 2008 from Elaine Ko, Director, Office of Social Responsibility

Presenter: Ms. Ko

Motion for approval of determination that a competitive solicitation process is not appropriate or cost effective and that Port Jobs contracts are therefore exempt from the requirements of RCW 53.19.020, subsection 5 – Davis

Discussion followed in respect to possible upcoming changes from the Municipal Research Council regarding guidelines for contracting procedures, which would reflect a change in state law, and would necessitate a review of Port contracts..

Public Comment regarding Item 11a was received from the following:

- Paige Miller, Port Jobs Board President and former Port Commissioner
- Delores Sibonga, Vice-chair, Port Jobs
- Ron Saur
- Margaret Wierzbicki
- Gilbert Green
- Mengstab Tzegai
- Abdishu Hagi

- Johanna Chestnutt
- Phillina McNally

Commissioner Tarleton offered revised language as follows to amend part 1 of the motion as moved:

‘Determination that a competitive solicitation process for this proposed Port Jobs services agreement is not appropriate or cost-effective and that this proposed services agreement is exempt from requirements of Chapter 53.19 RCW.’

Commissioner Creighton offered as a friendly amendment that language be included specifying that it was specific to the proposed contracts provided for commission review as attachments to the memo being discussed.

Further Commission discussion of the proposed amendment clarified that the intent of the amendment would be to exempt from the referred-to RCW, the Port Jobs contracts between January 1, 2008 and December 31, 2009, which would preclude the exemption from being open-ended.

Final language for the proposed amendment to section 1 of the request:

‘Determination that a competitive solicitation process for this proposed Port Jobs services agreement as substantially represented in the attached (contracts) is not appropriate or cost-effective and that this proposed services agreement is therefore exempt from requirements of Chapter 53.19 RCW.’

Commissioner Davis accepted as a friendly amendment, the above language.

Vote to amend original motion made by Commissioner Davis :

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

Vote to approve Commissioner Davis’ motion, as amended:

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

Motion for approval of part 2 of Item 11a – Tarleton

Commissioner Tarleton added the following language to her motion as an amendment to part 2 of the request:

“Authorization for delegation of authority to CEO to negotiate a services agreement as substantially proposed with Port Jobs for the period January 1, 2008 up to December 31, 2009. The Commission will consider whether or not this exemption may be extended or may expire following Port General Counsel review of Municipal Research Services Council guidelines.”

Vote to approve amendment to part 2 of Item 11a:

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

Vote on approval of part 2 of Item 11a, as amended:

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

Public Comment: A letter was received regarding Item 11a from Castina Ridge; is by reference, made a part of these minutes; is marked as Exhibit '[A](#)'; and is on file in Port Offices.

7. MARINE ITEMS

None.

8. AVIATION ITEMS

Aviation Item 8b was advanced on the agenda as follows:

b. (02:04:51) Request for authorization to (1) transfer \$4,591,000 from Non-aeronautical new projects allowance to the 4th Floor Improvements Project for a total of \$8,991,000; (2) prepare design contract documents and execute professional service agreements for the pedestrian walkway for an additional \$306,000; and (3) advertise for the contract and evaluate bid proposals for the pedestrian bridge as part of the 4th Floor Improvement Project for an additional \$2,271,000.

Request Document: Commission agenda [memorandum](#) dated September 12, 2008 from Michael Ehl, Director, Airport Operations and George England, Program Leader, Aviation Program Management Group and computer slide [presentation](#) titled, "4th Floor Improvements Project."

Presenters: Dave Soike, Deputy Managing Director, Aviation Division; Mr. Ehl; and Ralph Graves, Managing Director, Capital Development Division

Motion for approval of Item 8b – Davis

Motion carried by the following vote:

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

a. (02:24:01) Request for authorization to design and advertise for bids to repair and modify the south Central Terminal grease duct system for a cost not to exceed \$511,000

Request Document: Commission agenda [memorandum](#) dated August 28, 2008 from Jim Schone, Director, Aviation Business Development and Management; Deanna Zachrisson, Manager, Concessions Management; and Bob Riley, Director, Aviation Capital Improvement Program.

Presenters: Ms. Zachrisson and Bob Riley, Director, Aviation Capital Improvement Program

Motion for approval of Item 8a – Tarleton

Motion carried by the following vote:

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

9. CAPITAL DEVELOPMENT

a. (02:34:17) Request for authorization for design work for Fire Piping Upgrades, Main Terminal Project at Seattle-Tacoma International Airport for an estimated cost of \$161,500.

Request Document: Commission agenda [memorandum](#) dated September 12, 2008 from Richard Ottele, General Manager, Aviation Facilities and Infrastructure and Robert R. Riley, Director, Aviation Capital Improvement Program.

Presenters: Mike Smith, Airport Facilities and Infrastructure Systems Manager and Joe Nessel, Capital Construction Project Manager

Motion for approval of Item 9a – Davis

Motion carried by the following vote:

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

10. REAL ESTATE

None.

11. GENERAL BUSINESS

b. (02:39:41) Resolution No. 3608, First Reading. Authorizing the sale and issuance of two series of limited tax general obligation bonds, not to exceed \$165,000,000 to finance Port capital improvements and acquisitions

Request Document: Commission agenda [memorandum](#) dated September 4, 2008 from Elizabeth Morrison, Sr. Manager, Corporate Finance and Craig Kerr, Treasure Manager

Presenter: Mr. Kerr

Motion for Resolution No. 3608, First Reading – Hara

Motion carried by the following vote:

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

c. (02:51:27) Request for authorization to enter into a settlement agreement with Northwest Airlines and the Insurers resolving claims for environmental costs.

Request Document: Commission agenda [memorandum](#) dated September 9, 2008 from Susan Ridgley, Senior Port Counsel; Michael D. Feldman, Deputy Managing Director, Aviation Division; and Elizabeth Leavitt, Manager, Aviation Environmental Management.

Presenters: Ms. Ridgley and Mr. Feldman

Motion for approval of Item 11c – Davis

Motion carried by the following vote:

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

d. (02:57:04) CEO Goals and Objectives

Commissioner Creighton referenced a [document](#) reflecting the latest version of CEO Goals and Objectives to be discussed.

Commissioner Hara suggested reflecting the date of the CEO Goals and Objectives to fit in more in line with the calendar year, and also commented that the goals and objectives should, in the future, be provided earlier in the year.

Motion to adopt CEO Goals and Objectives, as presented – Hara

Motion carried by the following vote

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

12. NEW BUSINESS

None.

13. ADJOURNMENT

There being no further business, the meeting was adjourned at 6:20 p.m.

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