

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/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 SPECIAL MEETING AUGUST 12, 2008**

The Port of Seattle Commission met in a special meeting at 3:00 p.m., Tuesday, August 12, 2008 in the Commission Chambers at Pier 69, 2711 Alaskan Way, Seattle, WA. Commissioners Bryant, Creighton, Davis, Hara and Tarleton were present.

1. CALL TO ORDER

The regular meeting was called to order at 3:03 p.m. by Commissioner John Creighton.

2. 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 90 minutes and reconvened to open public session.

PLEDGE OF ALLEGIANCE

3. APPROVAL OF MINUTES

(00:00:49) Motion for approval of minutes of the special meeting of June 21, 2008 – Hara

Motion carried by the following vote:

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

Motion for approval of minutes of the special meeting of July 24, 2008 – Tarleton

Motion carried by the following vote:

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

Abstained: Bryant (absent from the subject meeting)

Motion for approval of minutes from the special meeting of July 31, 2008 – Bryant

Motion carried by the following vote:

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

4. SPECIAL ORDER OF BUSINESS

CEO Yoshitani introduced and welcomed Ralph Graves, the recently selected Managing Director of the Capital Development Division

Following discussion of listed agenda items, the Port Commission special meeting was recessed to a special meeting of the Industrial Development Corporation (IDC) of the Port of Seattle. Following its adjournment, the special meeting of the Port Commission was reconvened.

11. GENERAL BUSINESS

d. (00:06:05) IDC Resolution No. [74](#), authorizing transfer of surplus funds in the amount of \$10,000 from the IDC to the Port of Seattle for provision of training in public sector management skills necessary to implement development programs of the Port.

Request document: IDC [Memorandum](#) dated August 12, 2008 from Diane Campbell, Corporate Financial Analyst, Finance & Budget and Annalee Luhman, Learning and Leadership Manager, Human Resources and Development.

Presenter: Ms. Campbell and Ms. Luhman

Motion for passage of IDC Resolution No. 74 – Davis

Motion carried by the following vote:

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

(00:17:10) Following the reconvening of the Port Commission special meeting, Commissioner Bryant moved to advance General Business Item 11c on the agenda. After speaking to his motion, and further Commission discussion, a vote was taken as follows:

Motion to advance Item 11c carried by the following vote:

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

c. (00:32:56) Resolution No. 3605, First Reading. Revision of delegation of authority from the Port Commission.

Request document: Commission agenda [memorandum](#) dated August 11, 2008 from Tom Barnard, Commission Research and Policy Analyst and computer slide [presentation](#) titled, "First Reading, Resolution 3605 – The Port of Seattle Commission Delegation of Authority."

Presenters: Mr. Barnard, Dwayne Lee, Interim Managing Director, Capital Development Division and Dave Soike, Deputy Managing Director, Aviation Development and Finance

Topics reviewed:

- Revisions – Preamble
- Revisions Regarding Projects
- Design – Bid – Build Approval Process
- Revisions Regarding Change Orders
- Revisions Regarding Contracting for Services
- Added Language – Definition of Critical Work
- Additions – Budget Transfers
- Summary

Public Testimony regarding Resolution No. 3605 was received from the following:

- Dick Ford, former Port Commissioner
- Shan Mullin, Perkins Coie
- Fred Felleman, Friends of the Earth
- Will Knedlik, Eastside Rail Now

Following Commission discussion, the motion was proposed as follows:

Motion for approval of Resolution No. 3605, First Reading – Tarleton

Following further Commission discussion, Commissioner Bryant called for the question.

Motion carried by the following vote:

In Favor: Bryant, Davis, Tarleton (3)

Abstained: Creighton, Hara (2)

Following the vote, a recess was called, and the meeting was reconvened at 7:02.

Audio markers for the remainder of the meeting are from within 'Audio – Part 2'

5. UNANIMOUS CONSENT

(00:00:18 – audio part 2) The following items were placed for consideration on the Unanimous Consent Calendar:

a. Request for approval of payment of Claims and Obligations for the period of July 1 through July 31, 2008

b. Request for approval of Change Order exceeding \$200,000 for Terminal 91 Cruise Ship Terminal

Request Document: Commission Agenda [Memorandum](#) dated July 21, 2008 from Dwayne Lee, Interim Managing Director, Capital Development Division

c. Request for approval of Changer Order of \$390,766 and Change Order of \$267,366 for the C-1 Baggage Handling System Project

Request Document: Commission Agenda [Memorandum](#) dated July 31, 2008 from Dwayne Lee, Interim Managing Director, Capital Development Division

d. Request for approval of Changer Order of \$1,300,000, Change Order of \$450,000, and Change Order of \$250,000 for the C-1 Baggage Handling System Project

Request Document: Commission Agenda [Memorandum](#) dated July 31, 2008 from Dwayne Lee, Interim Managing Director, Capital Development Division

e. Request for authorization to execute a new Collective Bargaining Agreement with the International Brotherhood of Teamsters, Local 117, representing Police Non-Sworn Supervisors

Request Document: Commission Agenda [Memorandum](#) dated July 21, 2008 from Gary Schmitt, Labor Relations Director

f. Request for authorization to execute a new Collective Bargaining Agreement with the International Brotherhood of Electrical Workers, Local 46, representing Utility Workers

Request Document: Commission Agenda [Memorandum](#) dated July 23, 2008 from Gary Schmitt, Labor Relations Director

g. Request for authorization to execute a new Collective Bargaining Agreement with the International Association of Machinists, Local 289, representing Auto Machinists

Request Document: Commission Agenda [Memorandum](#) dated July 16, 2008 from Gary Schmitt, Labor Relations Director

Motion for approval of Unanimous Consent items – Hara

Motion carried by the following vote:

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

General Business Items were advanced on the agenda as follows:

11. GENERAL BUSINESS

a. (00:09:58 – audio part 2) Motion regarding staffing of Port Commissioners

Commissioner Creighton read into the record the following [motion](#):

“The Port of Seattle Commission hereby adopts the following motions:

The Commission directs the Port Chief Executive Officer to increase the Commission office budget proposed for the Port’s 2009 fiscal year to accommodate staffing for each individual Commissioner of a maximum of two (2) staff per each Commissioner with total salaries for each Commissioner’s staff not to exceed \$60,000 plus benefits. All individual Commissioner staff shall be at-will employees”

Prior to moving forward with the item, Mr. Yoshitani suggested that due to time constraints, Policy and Staff Briefings on the agenda be deferred, and that a special meeting be held the following week in order to address those items.

Commissioner Creighton asked that the briefing scheduled to be presented by Dwayne Lee, regarding the Capital Development Division (Item 6f) go forward, and agreed that all other briefings be deferred and provided at a special meeting.

Following discussion of the proposed motion, Commissioner Tarleton suggested that there be more public discussion of whether there is a need for additional staff for Commissioners, and commented that an alternative approach would be to consider augmenting the current staff, including members of the internal audit office.

Commissioner Bryant suggested the hiring of another policy analyst, a position which had been authorized earlier in the year, but not yet filled. It was also suggested that that policy analyst, when hired, be placed within the Internal Auditing Department, helping to increase commission oversight responsibilities.

Commissioner Bryant also suggested that 4 months following the adoption of Resolution No. 3605, there be a reconvening of the citizens' panel who participated in the review of Resolution No. 3181, asking them to provide advice on how the new resolution has worked during that time, and whether or not they feel the commission needs additional staffing in order to fulfill its oversight responsibilities. He noted that he would specifically ask the committee to look at whether or not an additional policy analyst for engineering and financial support be hired.

Public Testimony regarding the item was received from the following:

- Fred Felleman, Friends of the Earth

Motion for approval of Item 11a – Hara

Motion failed by the following vote:

In Favor: Creighton, Hara (2)

Opposed: Bryant, Davis, Tarleton (3)

b. (00:58:46 – audio part 2) Resolution No. 3606, First Reading. (i) Requesting Washington State Legislature to amend RCW 43.03.310 regarding Port Commissioner salaries, or (ii) in the event Washington State Legislature does not amend RCW 43.03.10, setting the salaries of Port of Seattle Commissioners.

Motion for First Reading of Resolution No. 3606, including certain amendments - Hara

Following discussion of language Commissioner Hara would like to have included in the Resolution, the motion was withdrawn.

Public Comment regarding Resolution No. 3606 was received from the following:

- Gregory Baruso

Motion for First Reading of Resolution No. 3606, as drafted – Hara

Motion failed by the following vote:

In Favor: Creighton, Hara (2)

Opposed: Bryant, Davis, Tarleton (3)

The agenda was returned to Policy and Staff Briefings

6. POLICY AND STAFF BRIEFINGS

- a. **Audit Action Plan Update – ITEM DEFERRED**
- b. **Update on Terminal 30 Container Reactivation and Terminal 91 Cruise Relocation Project – ITEM DEFERRED**
- c. **Second Quarter Performance Briefing – ITEM DEFERRED**
- d. **Seaport Business Plan Briefing – ITEM DEFERRED**
- e. **Real Estate Business Plan Briefing – ITEM DEFERRED**
- f. **(01:24:53 – audio part 2) Update on Capital Development Division and Performance Metrics**

Presentation Document: Commission agenda [memorandum](#) dated August 12, 2008 from Dwayne Lee, Interim Managing Director, Capital Development Division and computer slide [presentation](#) titled, “Capital Development Division”

Presenter: Mr. Lee

The following topics were discussed:

- Capital Development Division Goals and Results
 - Establish Central Procurement Office (CPO) and Hire a Director
 - Establish a new Capital Development Division
 - Hire Managing Director, Capital Development Division
- Capital Program Metrics
 - 2005-2007 POS Capital Program
 - CIP Costs, % of Program
 - CIP Costs, % of Construction

7. MARINE ITEMS

None.

8. AVIATION ITEMS

None.

9. CAPITAL DEVELOPMENT

None.

10. REAL ESTATE

None.

12. NEW BUSINESS

Commissioner Creighton noted that a meeting which had been tentatively scheduled for August 20 in Kent, for the purpose of hearing further public comment regarding the performance audit, is being postponed, and will be rescheduled at a future date.

Commissioner Creighton also commented again that there would be a special meeting held in the near future to provide briefings on items which were deferred from today's agenda.

Commissioner Creighton suggested that the Director of Commission Services begin work on discussing with commissioners their needs as related to hiring a budget analyst.

It was announced that there would be a Joint meeting with Seattle City Council on Monday, August 18, at 9:30 a.m. in City Council Chambers at Seattle City Hall.

13. ADJOURNMENT

There being no further business, the meeting was adjourned at 8:51 p.m.

(A digital recording of the meeting – in two parts - is available on the Port's website.)

Bill Bryant
Secretary