

MINUTES OF EVERETT PORT COMMISSION REGULAR MEETING  
April 14, 2009

PRESENT:	Philip B. Bannan	President
	Michael F. Hoffmann	Vice President
	Constance M. Niva	Secretary
	John M. Mohr	Executive Director
	Karen Clements	Chief Fin. Officer
	Brad Cattle	Port Attorney

CALL TO ORDER: The meeting was called to order at 9:00 a.m. by Commission President Phil Bannan.

APPROVAL OF MINUTES:

Commissioner Connie Niva moved to approve the Work Session Minutes of March 3, 2009. Commissioner Michael Hoffmann seconded the motion. A vote was called for:

Vote:	3-0
Yes:	Bannan, Hoffmann, Niva
No:	None
Abstained:	None

Motion carried.

Commissioner Michael Hoffmann moved to approve the Regular Meeting Minutes of March 10, 2009. Commissioner Phil Bannan seconded the motion. A vote was called for:

Vote:	2-1
Yes:	Bannan, Hoffmann
No:	None
Abstained:	Niva

Motion carried.

1. EXECUTIVE DIRECTOR'S REPORT

**Joint Meeting with Mukilteo City Council**

Executive Director John Mohr announced that the Port will hold a joint meeting with the Mukilteo City Council on April 27, 2009 at 3:00 pm to discuss common issues relevant to the two entities. The meeting will be held at the new Mukilteo City Hall and is expected to last two hours. The meeting is open to the public.

**Earth Day Program**

John Mohr reminded the Commission that there will be an Earth Day program sponsored by People for Puget Sound on Saturday, April 18, from 10 a.m. – 2:00 p.m. at the Union Slough Restoration Site. Commissioner Michael Hoffmann is offering the welcome comments to over 100 participants in the program. Other program sponsors include the Union Slough Restoration Project, REI, Snohomish Fisheries Enhancement, WSU Beach Watchers, the Port of Everett, Pentec Environmental and the Snohomish County Marine Resources Committee.

2. OPERATIONS REPORT

**Marine Terminals Report**

Marine Terminals Director Dave Madill reported that during the month of March, the Port was down by one vessel compared to this time last year.

Tonnage figures were down somewhat, but containers were slightly ahead compared to the same time last year. For the Mt. Baker Terminal, the Port discharged 100 containers and 106 containers were loaded back.

3. PROPERTIES REPORT

**Puget Sound Initiative PSA**

Chief of Properties & Development Larry Crawford reported that Landau Associates has been working for the Port under a Professional Services Agreement to assist in the North Marina Redevelopment site characterization, cleanup and ongoing discussions and negotiations with the Department of Ecology for the regulatory cleanup and documentation

ORIGINAL

of various Port properties under the Puget Sound Initiative (PSI) program. Landau continues to assist the Port in these efforts.

Specific to this request, Larry Crawford said that Landau has been assisting the Port under the Agreed Order in preparation of an Interim Action Report and in summarizing the past remedial activities that have taken place at the West End Site. Landau has also been working to develop the Remedial Investigation-Feasibility Study (RI/FS). At this time, Landau is requesting a contract modification to implement the remedial investigation, preparing the report, as well as the draft cleanup action plan (CAP) for the Site. The budget proposal includes a moderate level of coordination with Ecology during the RI/FS and CAP processes. As this coordination is difficult to plan and budget for, additional effort may be necessary. All scope costs are fifty percent (50%) reimbursable under the PSI grant program.

Staff recommends that the Commission exempt the competitive solicitation process because it has been determined that such process would not be cost effective. The current scope of services will build upon the previous investigative work undertaken by Landau at Port direction.

Larry Crawford asked the Commission to authorize Modification No. 1 in the amount of \$292,200 to the Professional Services Contract with Landau Associates for additional work under the Puget Sound Initiative – North Marina West End Site.

Commissioner Connie Niva said that she would vote for this only with the proviso that the Port continue to look at the issue of hiring an environmental engineer whose annual salary would be well below this figure. Larry Crawford said that if the Port does hire an environmental engineer, the Port will not be able to eliminate these services, but the engineer should be able to help in coordination and should easily make his/her salary every year in cost savings. John Mohr said that Staff is planning to go through the hiring process in May or June.

Commissioner Connie Niva moved to exempt the competitive solicitation process because it has been determined that such process would not be cost effective – the current scope of services will build upon the previous investigative work undertaken by Landau at Port direction, and authorize Modification No. 1 in the amount of \$292,200 to the Professional Services Contract with Landau Associates for additional work under the Puget Sound Initiative – North Marina West End Site. Commissioner Michael Hoffmann seconded the motion. A vote was called for:

Vote:	3-0
Yes:	Bannan, Hoffmann, Niva
No:	None
Abstained:	None

Motion carried.

## 5. PROJECTS UPDATE

### **Miscellaneous Pavings 2008 Phase 3 – Close Out**

Project Manager Poli Luis reported that the Marine Terminal Pavement Repairs 2008 – Phase 3 construction project is now complete. The scope of work included the repair of the damaged pavement areas around South Terminal.

Poli Luis requested that the Commission accept this contract as complete and authorize Staff to close out the contract with Fidalgo Paving and Construction in the amount of \$110,410.63, including Washington State Sales Tax (WSST).

Commissioner Michael Hoffmann moved to accept the contract as complete and authorized staff to close out the contract with Fidalgo Paving and Construction LLC in the amount of \$110,410.63, including WSST for the Marine Terminal Pavement Repairs 2008 – Phase 3 project. Commissioner Connie Niva seconded the motion. A vote was called for:

Vote: 3-0  
Yes: Bannan, Hoffmann, Niva  
No: None  
Abstained: None

Motion carried.

**10<sup>th</sup> Street Marine Park Shore Protection**

Project Manager Poli Luis reported that the 10<sup>th</sup> Street Marine Park Shore Protection construction project is now complete. The scope of work included the repair and upgrade of the shoreline and to provide a new gangway at the 10<sup>th</sup> St. Marine Park area. Funding for the project is equally shared by Snohomish County, City of Everett, and the Port.

Poli Luis requested that the Commission accept the contract as complete and authorize Staff to close out the contract with Grade, Inc. in the amount of \$436,546.58, including WSST.

Commissioner Hoffmann moved to accept the contract as complete and authorized Staff to close out the contract with Grade, Inc. in the amount of \$436,546.58, including WSST, for the 10<sup>th</sup> Street Marine Park Shore Protection project. Commissioner Connie Niva seconded the motion. A vote was called for:

Vote: 3-0  
Yes: Bannan, Hoffmann, Niva  
No: None  
Abstained: None

Motion carried.

5. STRATEGIC PLAN ANNUAL REPORT

The Strategic Plan Annual Report was carried over to the May meetings.

6. APPROVAL OF BILLS

For the month of March 2009, Claims Voucher Nos. 51425 - 51757 in the amount of \$2,569,831.53, Claims Wire Transfers, IRS, in the amount of \$112,581.07, Union Bank of California in the amount of \$8,428.98, Payroll Voucher Nos. 30132 - 30317, in the amount of \$291,642.81, and Payroll Wire Transfers, PMA Payroll (Longshore Labor) in the amount of \$87,333.98, with the total amount of \$3,074,780.65, were presented to the Port Commission for approval of payment by Chief Finance Officer Karen Clements.

Commissioner Michael Hoffmann moved to approve payment of the vouchers for the month of March 2009. Commissioner Connie Niva seconded the motion. A vote was called for:

Vote: 3-0  
Yes: Bannan, Hoffmann, Niva  
No: None  
Abstained: None

Motion carried.

7. COMMISSIONER COMMENTS

There were no Commissioner comments.

8. CITIZEN COMMENTS

There were no Citizen comments.

The meeting was recessed into Executive Session at 9:19 a.m. for approximately one hour, to review legal issues concerning the performance of a real estate contract. At the conclusion of the Executive Session there will not be action taken by the Commission and there will not be any announcement.

THE REGULAR MEETING was adjourned at 10:25 a.m.

APPROVED: this 12<sup>th</sup> day of May 2009.      EVERETT PORT COMMISSION

By: Philip B. Bannan  
Philip B. Bannan, President

Michael F. Hoffmann  
Michael F. Hoffmann, Vice President

Constance M. Niva  
Constance M. Niva, Secretary



**ORIGINAL**

**Port of Everett  
Voucher Approval List  
for the month of  
MARCH  
2009**

We, the undersigned Commissioners of the Port of Everett, Snohomish County, Washington, do hereby certify the following vouchers/warrants have been certified and approved for payment this the 14th day of April, 2009:

	<b>Total</b>
Claims Voucher Nos 51425 - 51757	\$ 2,569,831.53
Claims Wire Transfers:	
3/2, 3/26                      Wire Transfer - IRS	\$ 112,581.07
3/23                              Wire Transfer - Union Bk of Calif	\$ 8,428.98
3/24                              Wire Transfer - Hirofumi Oshio	\$ 4,962.28
 Total Claims	 \$ 2,695,803.86
 Payroll Voucher Nos. 30132 - 30317	 \$ 291,642.81
Payroll Wire Transfers:	
3/4,3/11,3/18,3/25              PMA Payroll (Longshore Labor)	\$ 87,333.98
 Total Payroll	 \$ 378,976.79
 Total Expenditures	 \$ 3,074,780.65

Philip B Bowman President  
Chris Johnson Vice President  
Constance M. Mura Secretary  
Attest: Karen RA Clements Port Auditor