

MINUTES OF EVERETT PORT COMMISSION WORK SESSION

December 1, 2009

PRESENT:

Philip B. Bannan	President
Michael F. Hoffmann	Vice President
Mark Wolken	Secretary
John Mohr	Executive Director
Karen Clements	Chief Fin. Officer
Brad Cattle	Port Attorney

CALL TO ORDER: Commissioner Phil Bannan called the meeting to order at 9:00 a.m.

1. **COMMISSION PRESIDENT'S REPORT**  
Commissioner Phil Bannan welcomed Mark Wolken to the Port Commission, and also congratulated Troy McClelland on his recent election to the Commission.
2. **EXECUTIVE DIRECTOR'S REPORT**  
Executive Director John Mohr also welcomed the new Commissioners, and thanked Commissioner Phil Bannan for his 12 years of dedicated service on the Commission.

**December / January Commission Meetings**

John Mohr reported that the next Commission meetings will be held on December 8, 2009, and January 5 and January 12, 2010.

**10<sup>th</sup> St. Boat Launch Maintenance Dredging**

John Mohr stated that the Corps of Engineers is scheduled to begin the maintenance dredging of the lower settling basin in the Snohomish River federal navigation channel this month and will conclude by February 15, 2010. The Corps is expecting bids on this project. Further, the Port is working to remove 32,000 cubic yards of material around its boat launch. Overflow from the lower settling basin has caused operational difficulties and closures at the Port's boat launch and other marina facilities. The Port is waiting on one permit, and this is causing an extremely tight timeline in which to do the work because of the February 15<sup>th</sup> in-water work window. Staff will come back before the Commission at next week's meeting to seek Commission authorization to award the dredging contract once bidding is complete. This will provide the necessary flexibility to get the project completed on time. If the permit is delayed longer, the Port will be forced to wait to complete dredging until August of next year, possibly resulting in launch ramp lane closures during the 2010 boating season.

3. **CHIEF ADMINISTRATIVE OFFICER'S REPORT**

**Personal Services Contract Policies – Resolution No. 926**

Chief Administrative Officer Jerry Heller reported that Port staff will be presenting Resolution No. 926 regarding Personal Services Contract Policies at next week's Commission Meeting.

**12<sup>th</sup> St. Marina Redevelopment MOA**

Jerry Heller announced that the Port received a letter from the Corps of Engineers on November 23 addressing the dispute that was filed by Historic Everett on June 26, 2009 under the Memorandum of Agreement regarding the 12<sup>th</sup> Street Marina Redevelopment project. The letter represents the final document of the dispute resolution initiated by Historic Everett, indicating that the dispute is over and that the Port has complied with and satisfied all the requirements of the Memorandum of Agreement.

Still pending are two letters that have been received by the Corps, one from the Washington Trust for Historic Preservation and one from the Washington State Historic Preservation Officer. The Port is expecting a responsive letter from the Corps regarding these letters.

Port attorney Brad Cattle said there is still litigation pending on this matter, which will be discussed in Executive Session following the meeting.

ORIGINAL

**Ameron/Hulbert Site Clean-up**

Jerry Heller reported that Port staff will provide a full report on the Ameron/Hulbert site clean-up at the next Commission meeting and will request modification to the Port's agreement with Landau in the amount of \$180,000. The money will be used for a work plan to determine the remedial investigation and feasibility study. The cost of the consulting work is higher because two other parties are involved, Ameron and Hulbert. The Port was able to maintain the leadership of the investigation, but the agreement was that it would be coordinated among the parties.

Erik Gerking added that the primary focus of the investigation will be within the confines of the old Hulbert Mill site which operated from approximately 1940 through 1970 as a lumber mill. The investigation would involve the remnants left behind from the Mill such as hydrocarbons, PCBs and metals, etc. The investigation would also include potential contaminants associated with the manufacturing operations now operated by Ameron, and formerly by Centricon.

**Asarco Bankruptcy**

Jerry Heller reported that the Port is a joint claimant with the State of Washington in the Asarco Bankruptcy involving property the Port owns at Riverside Business Park. The pending claim on behalf of the Port and the State of Washington is in the amount of \$38 million. A more complete report will be provided in January.

4. **CHIEF FINANCE OFFICER'S REPORT**

Chief Finance Officer Karen Clements reported that Port staff will present the 2009 Third Quarter Financial Report at next week's Commission meeting.

5. **OPERATIONS REPORT**

**Marina Report**

Marina Director Cyndy Olson reported that the Port has been adding supplemental floatation and performing concrete float surface repairs on A, B and C docks in the South Marina. The remodel of the customer laundry, restroom and shower facilities in the South Marina Office breezeway is complete.

The North and South Marinas are 75 percent full, and the 12<sup>th</sup> Street Yacht Basin is 75 percent full. The Mukilteo Yacht Club will host their lighted boat parade on December 5, and the Everett Yacht Club will host their annual lighted boat parade on December 12, 2009. Also on December 12, the Port and City of Everett will host a holiday tree lighting with refreshments and musical entertainment.

6. **PROJECTS UPDATE**

**Fender Pile Replacement 2009 / 2010**

Chief of Engineering & Planning John Klekotka reported that the Commission previously authorized staff to solicit bids for the Marine Terminal Fender Pile Replacement 2009 / 2010 project. For the present cycle of work, Port staff has identified 18 piles for replacement. The existing timber piles will be replaced with steel pipe piles with high-density polyethylene plastic sleeves. Other various fender system repairs will also be made. Richard Phillips Marine was the low bidder in the amount of \$143,430.90.

Port staff is requesting that the Commission award the contract for the Marine Terminals Fender Pile Replacement 2009 / 2010 project to Richard Phillips Marine, Inc. in the amount of \$143,430.90 (including Washington State Sales Tax, WSST).

Commissioner Hoffmann moved to award the Marine Terminals Fender Pile Replacement 2009/2010 project to Richard Phillips Marine in the amount of \$143,430.90 (including WSST). Commissioner Mark Wolken seconded the motion. A vote was called for:

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

Motion carried.

**Mt. Baker Terminal 2010 Environmental Monitoring**

John Klekotka reported that since the completion of construction of the Mt. Baker Terminal (Rail/Barge Transfer Facility) in July of 2006, the Port has engaged Pentec Environmental to perform yearly environmental monitoring of the project, which is required by federal and state permits. The Port must now begin the Year-5 Environmental Monitoring work, and Staff recommends continued use of Pentec Environmental in this role. The proposed contract covers physical beach surveying, biological monitoring for juvenile salmonids, forage fish, and epibenthic zooplankton, eelgrass monitoring, beach backshore plant monitoring, coordination with the review agencies on the adaptive management plan, and preparation of a Year-5 report to be submitted to the agencies.

The total proposed budget for this contract is \$115,150. Staff requests Commission approval of this contract with Pentec. Staff also recommends the Commission approve an exemption from the competitive solicitation process for the work identified and for possible future modifications necessary to complete the work required for the Year-5 Environmental Monitoring services.

Commissioner Phil Bannan inquired about the competitive requirements requiring exemptions. Port attorney Brad Cattle stated that the Port's policy generally requires that for contracts over \$100,000, the Port must have a competitive process. Where there is an advantage to the Commission because of consistency and a consultant has a body of data that they would build upon, the Port can waive the competitive process.

Commissioner Mark Wolken moved to authorize a personal services contract with Pentec Environmental for the Year-5 Environmental Monitoring services for the Mt. Baker Terminal in the amount of \$115,150, and approve an exemption from the competitive solicitation process for the work identified, including possible future modifications necessary to complete the work required for the Year-5 Environmental Monitoring services. Commissioner Michael Hoffmann seconded the motion. A vote was called for:

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

Motion carried.

**7. COMMISSIONER COMMENTS**

There were no Commissioner comments.

**8. CITIZEN COMMENTS**

There were no Citizen comments.

THE WORK SESSION was recessed into Executive Session at 9:34 a.m. for approximately 45 minutes to discuss with legal counsel a pending litigation matter, and review the performance of a public employee. No action was taken by the Commission and no announcements were made.

THE WORK SESSION WAS ADJOURNED at 10:15 a.m.

APPROVED: THIS 12<sup>th</sup> day of January 2010. EVERETT PORT COMMISSION

By:   
Michael Hoffmann, President

  
Mark Wolken, Vice President

  
Troy McClelland, Secretary