

## REGULAR COMMISSION MEETING MINUTES February 17, 2022

The Port of Tacoma Commission met for a regular meeting on February 17, 2022. Commissioners Ang, Keller, McCarthy, Marzano and Meyer were all present at the Fabulich Center, Room 104: 3600 Port of Tacoma Road, Fife, WA.

### CALL TO ORDER

The meeting was called to order at 10:05 am. Commissioner Meyer then recessed the meeting into Executive Session for approximately 90 minutes to discuss two potential litigation items - 42.30.110(1)(i). Executive Session ended at approximately 11:30 am.

### RETURN TO ORDER

Commissioner Meyer returned the meeting to order at 12:03 pm and led the Pledge of Allegiance.

### APPROVAL OF THE AGENDA

The agenda was adopted by unanimous consent.

### SPECIAL ORDERS OF BUSINESS

Sounder Bots' Club: Sammamish Elementary/Middle School STEM Presentation:

1. Kids in grades 3 to 7 and their robotic team coaches brought their robotic straddle carrier that they built after a Port tour.
2. They won an award for the only team to submit a working prototype.
3. The kids wanted to solve a real-world problem and built this robotic straddle carrier to assist with port cargo congestion.

### CONSENT AGENDA

- A. Approval of the Minutes from January 20, 2022 and February 3, 2022
- B. Approval of the Check Certifications:
  1. Checks #232314 through #232427 and #232429 through #232637 in the amount of \$16,354,059.32
  2. Check #232428 in the amount of \$4,682.34 to the State Auditor's Office
- C. Master Benefit and Salary Resolution #2022-04-PT
- D. Benefit Vendor Contract Extensions

**MOTION:** Approve the above stated Consent Agenda items A, B1, C and D.

*Motion was made and seconded.*

**VOTE:** MOTION CARRIED 5-0

**MOTION:** Approve the above stated Consent Agenda item B2.

*Motion was made and seconded.*

**VOTE:** MOTION CARRIED 4-0 | *Commissioner McCarthy abstains*

### PUBLIC TESTIMONY

None.

### EXECUTIVE DIRECTOR'S REPORT

Eric Johnson reported that the Port participated in the popular Monkey Shines event again this year. The Port's Local Economic Development Fund applications are due 2/25/22. Our Maintenance Department participated in a workforce development event, The White River Trades Fair. Our state governmental financial forecast is up substantially: \$1.4 billion more than anticipated. This helps reduce the possibility of the government reallocating MTCA funds and other grants to the general fund, making it more likely that our grants will come through.

## COMMISSION ACTIONS

### A. Proclamation 2022-01-PT: Black History Month:

#### MOTION:

Adopt Proclamation 2022-01-PT, recognizing February 2022 as National Black History Month and calls upon the people of Pierce County to recognize the achievements of the African American community, to celebrate the great diversity of the American people, and to continue our efforts to create a world that is more just, peaceful, and prosperous for all.

*Motion was made and seconded.*

#### DISCUSSION:

Commissioner Meyer read key portions of the proclamation into the record.

**VOTE: MOTION CARRIED 5-0**

### B. Approve 2022 Commission Boards/Work Groups:

**MOTION: Approve the 2022 Board and Work Group Assignments for the Port of Tacoma Commission.**

*Motion was made and seconded.*

#### DISCUSSION:

1. PSRC Executive Committee Alternate: Commissioner Ang will serve as alternate.
2. Tribal Liaison Work Group: Commissioner McCarthy steps down; Commissioner Marzano will join this work group.
3. Commissioner Keller's Gig Harbor Rotary group is #65.

**VOTE: MOTION CARRIED 5-0**

### C. Administration Building Restroom Repairs: Construction Authorization Increase:

#### MOTION:

Approve an increase in the project authorization in the amount \$120,000, for a total authorized amount of \$1,000,000, for the Port Administration Building Plumbing Repairs, Master Identification No. 101339.02.

*Motion was made and seconded.*

#### DISCUSSION:

1. Issues that the team ran into were discussed. The as-built drawings were not accurate.
2. The temporary restrooms will remain in place until the project is finished.
3. The estimated completion is May 2022. Staff will start transitioning back into the office after project completion.

**VOTE: MOTIONS CARRIED 5-0**

### D. PQ Site: Additional Project Authorization:

**MOTION: Approve project authorization in the amount \$595,000, for a total authorized amount of \$1,482,000, for the RI/FS and DCAP for Former PQ Facility, Master Identification No. 092839.**

*Motion was made and seconded.*

#### DISCUSSION:

1. The challenges with the Dept. of Ecology were discussed. Ecology thought that the stormwater ditch constituted wetlands. This is incorrect.
2. The project timeline was reviewed.
3. This request is to complete the feasibility study (FS) and draft cleanup action plan (DCAP).
4. PQ is paying for approximately 60% of the cleanup.

5. Commissioner McCarthy requested a report on properties we have purchased needing cleanup, listing the amount or percentage of cost that the Port is paying. Staff responds that this information is in the semi-annual reports.
6. The original estimate to get through the RI/FS/DCAP portion of the project was approximately \$900,000.
7. This land is being cleaned up through Ecology's voluntary program. This limits the MTCA funding we can use for this project. However, with the voluntary program there is Ecology participation and therefore more certainty that Ecology will sign off on the final cleanup result.
8. The property has two separate cleanup sites. Ecology will need to approve the PQ site. The TWAAFA is the other. The Port is at least 1+ years away from integrating the redevelopment of this land with the cleanup. We could combine the cleanup with a redevelopment.

**VOTE: MOTION CARRIED 5-0**

**E. WJR Lease Consolidation-1<sup>st</sup> Reading:**

**MOTION #1: Authorize the Executive Director or his designee to:**

1. Terminate the current 5.43-acre Lease with WJR Tacoma LLC for the premises located at 1602 Marine View Drive.
2. Terminate the current 3.31-acre Lease with Calbag Tacoma LLC for the premises located at 1602 Marine View Drive.
3. Enter into a new Lease with a termination date of December 31, 2045, and one 30-year extension period with WJR Tacoma, LLC for an 8.74- acre premises located at 1602 Marine View Drive, Tacoma, WA
4. Waive the second reading, which is otherwise required for Port of Tacoma lease approvals pursuant to Commission Master Policy on Delegation of Authority, Section III. B. 2.

*Motion for items #1 through #3 was made and seconded.*

**DISCUSSION:**

1. WJR would like to combine their two leases into one. There is no change in the footprint or use of the property. As such, staff requests that this lease be passed in one reading. The reason for a second reading on leases is for controversial leases.
2. The history of this site was reviewed.
3. An alternate use is somewhat restricted on the smaller piece. There is a high-speed road at the entrance; it would be difficult to re-lease to another tenant. There is also a height difference at the entrance, making it difficult for semitrucks to get into the lot.
4. If we had to separate these two properties we would have to perform some stormwater work that could cost approximately \$400,000.
5. Commissioner Ang questioned the length of the lease. Staff feels that a stable tenant is to our benefit on this property.
6. Water access at this property is very shallow and water-dependent uses are limited; it is not conducive to moving vessels through. The backland is less than eight acres and so unsuitable for cargo handling.
7. Commissioner Meyer asked how we get to market value on this property. The larger piece has been leased to WJR since 1996; it expires in 2046 with one 30-year extension. The port has a dozen other long-term leases for approximately 50 years. This is a market value lease rate for this particular property. Commissioners feel that CPI doesn't reflect the actual market and would like to have the ability to adjust to market rate over the course of this long-term lease. Staff states that CPI is actually fairly high right now.

**VOTE: MOTION #1 FAILS**

**MOTION #2: Table this item to the March 17, 2022 Commission Meeting**

**VOTE: MOTION TO TABLE TO THE 3/17/22 MEETING CARRIES 4-1:**

Commissioner Ang	Aye
Commissioner Keller	Aye
Commissioner McCarthy	Aye
Commissioner Meyer	Aye
Commissioner Marzano	Nay

**F. Resolution 2022-03-PT: Workforce Development Policy**

**MOTION: Adopt Resolution 2022-03-PT, Port of Tacoma's Workforce Development policy.**

*Motion was made and seconded.*

**DISCUSSION:**

1. This came out of our Strategic Plan work. There is a need and a desire for workforce development in the maritime industry. There is a strong desire to have a Pierce County maritime high school.
2. The steps for this workforce development program were reviewed.
3. A workforce development plan is to be completed by summer of 2022.
4. Commissioners asked why the focus is on jobs that do not require a four-year degree.
5. The staff time required was discussed. The possibility of adding staff or retaining an outside consultant for this initiative was discussed as a possibility.

**AMENDMENTS:**

The following amendments in Section 3 were made by Commissioner Keller and seconded:

1. Strike the "...jobs that do not require a four-year college degree" and add environmental to the focus.  
**VOTE: AMENDMENT #1 CARRIES 5-0**
2. The plan needs to be developed with our labor partners. In paragraph 2, section 3 – insert "including labor partners."  
**VOTE: AMENDMENT #2 CARRIES 5-0**
3. Diversity and inclusion should be part of the plan. In the third Whereas add "include diversity, equity and inclusion."  
**VOTE: AMENDMENT #3 CARRIES 5-0**

**VOTE: AMENDED MOTION CARRIES 5-0**

**G. Ecology Grant Acceptance: Environmental Assessment/Site Reuse Planning for new Maritime Center HQ:**

**MOTION: Accept the Grant from the Department of Ecology in the amount \$300,000 for work associated with Environmental Assessment and Site Reuse Planning for the Port Maritime Campus.**

*Motion was made and seconded.*

**DISCUSSION:**

1. The grant is fairly flexible and gives a list of functions it can be used for on two or more parcels of land; acceptable uses do not include cleanup or building demolition.
2. These grants are given to assist in getting over the initial hump in redeveloping brownfield sites.
3. Environmental and cultural resource assessment: Staff feels that the \$300,000 will cover the environmental assessment. Staff is still working on the cultural resource assessment and they don't have a number on this yet.
4. Commissioner Meyer would like to have a discussion at a later meeting on the budget for this \$300,000.
5. Commissioner Ang would like to have a formal consultation scheduled with the Puyallup Tribe, which is a requirement of this grant.

**VOTE: MOTION CARRIES 5-0**

**H. Resolution 2022-05-PT: 1<sup>st</sup> Reading-Commission Code of Governance & Conduct:**

**DISCUSSION:**

1. Commissioner McCarthy has concerns that one commissioner or staff could complain about a particular commissioner. He also prefers to have a comprehensive code of conduct for all staff and commission.
2. The wording of "...loyalties to a constituent" were questioned. Commissioner Marzano stated that as an ILWU member, for example, he has always recused himself from any vote that benefits the ILWU.
3. C5: Governance and not management section was discussed. This is to reinforce that commissioners are not to focus on the day-to-day operations, but rather to focus governance, policy and direction setting.
4. Item 9: Commissioner McCarthy feels it might prohibit dissension or free speech. Undermining is defined as not moving on after the vote. You have your personal point of view prior to the vote. After a vote, it is the Commission's vote. The desired outcome is for commissioners not to continually nip at the heels of decisions that have already been made. That isn't in the best interest of the Port. Because of the enforcement you have to be careful not to trample on each commissioner's free speech. Commissioner Keller feels that this is about respecting the decisions of the quorum of the Commission, rather than continuing to argue a point. If commissioners feel strongly they can bring up an amendment for consideration.
5. 9 & 10 can almost go together. Commissioners can have their own perspective, but when the organization makes a decision then it is respected.
6. D7: What is an appropriate tone? The point is that when a staff member presents at a meeting it is important to maintain a respectful tone and questions. Asking questions that are difficult to answer to try and embarrass them with a hostile tone should not be tolerated. A commissioner saying they don't believe the staff person is another example. In that instance, the commissioner would have an obligation to prove why they don't believe them. It is saying the staff member is lying and that is inappropriate. Heather Burgess, Legal Counsel, stated that in this case tone is also meant literally – don't raise their voice. It is about treating staff and other commissioners with professional respect.
8. If the public complained about a commissioner, then the commission could do an investigation. Commissioner Marzano would add "or" executive director or legal counsel to those who could also conduct an investigation. The President would have to put this question on the agenda.
9. Commissioner McCarthy wants to know how this would be adjudicated. A commissioner could be censored or removed from key committee work. The possibility of a conduct committee where more than one commissioner investigates was discussed.
11. Heather appreciates the feedback and will make the suggested revisions and return this to the March meeting for a second reading and vote to adopt.

**VOTE: MOTION CARRIES 5-0**

**NONACTION - NEW BUSINESS**

None.

**COMMITTEE REPORTS**

None.

**ISSUE BRIEFINGS**

**New Maritime Center Headquarters – Master Plan Process:**

Please let Eric know if there are any edits requested. Otherwise, this was not discussed during the meeting.

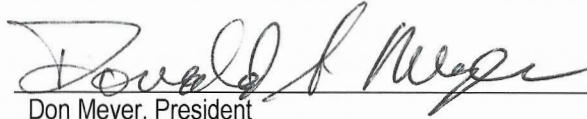
**ANNOUNCEMENTS / COMMISSIONER COMMENTS**

**Commissioner Ang:** She stated that with Black History Month the website Blackpast.org is a great place to visit for information on the history of African America and the people of African ancestry around the world. She also congratulated staff on receiving a Tacoma-Pierce County Health Award for our COVID-19 vaccine initiative.

**Commissioner Keller:** Stated that this is Black History Month and she wanted to acknowledge the accomplishments of our black longshore and staff. Willie Adams is the International ILWU President, who is a black man, and we are so proud of his accomplishments.

**ADJOURNMENT**

With no further business, Commissioner Meyer adjourned the meeting at 3:09 pm.

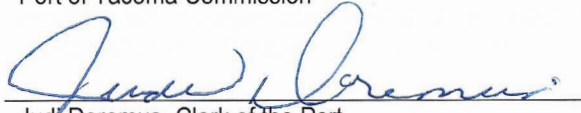


Don Meyer, President  
Port of Tacoma Commission

Attest:



Kristin Ang, Secretary  
Port of Tacoma Commission



Judi Doremus, Clerk of the Port  
Port of Tacoma