

REGULAR COMMISSION MEETING MINUTES October 21, 2021

The Port of Tacoma Commission met for a regular meeting on October 21, 2021. Commissioners Ang, Keller, McCarthy, Marzano and Meyer were all present via telephone/video conference.

CALL TO ORDER

The meeting was called to order at 11:02 am. Commissioner Marzano then recessed the meeting into Executive Session for approximately one hour to discuss one item of potential litigation as provided under RCW 42.30.110(1)(i).

Commissioner Marzano returned the meeting to order at 12:01 pm and led the Pledge of Allegiance.

APPROVAL OF THE AGENDA

The agenda was adopted by unanimous consent.

SPECIAL ORDERS OF BUSINESS

- A. **Proclamation 2021-01-PT:** American Indian Heritage Month and Indigenous Peoples' Day:
- Recognizing the month of November as American Indian Heritage Month
 - Recognizing the second Monday of October as Indigenous Peoples' Day

MOTION: Adopt Proclamation 2021-02-PT.

Motion was made and seconded.

DISCUSSION:

- Two current commissioners were involved in the Tribal Land Claims Settlement, Commissioner McCarthy at the commission level and Commissioner Meyer at the staff level. Commissioner Meyer is very proud of this work and the success the Puyallup Tribe of Indians has had with the economic development that followed.
- Commissioner Ang stated that we have a special relationship with the Puyallup Tribe of Indians and acknowledged that the Port is on the traditional lands of the co-Salish people, specifically the Puyallup Tribe of Indians. She has been looking at how the Port has been collaborating with the Tribe, specifically for habitat restoration. She is looking forward to what this relationship will look like in terms of being stewards of Commencement Bay together.
- Commissioner McCarthy stated that the Land Claims Settlement is something significant for this community and he looks forward to many more years of working with the Tribe.

VOTE: MOTION CARRIED 5-0

- B. **Proclamation 2021-02-PT:** Honor retiring staff member, Rod Koon, Sr. Manager, Communications, 1983 – 2021

MOTION: Approve Proclamation 2021-02-PT, declaring 10/29/21 "Rod Koon Day".

Motion was made and seconded.

DISCUSSION:

The commissioners shared their fond memories of Rod Koon over the last 38 years. He has been the heart and soul of the Port of Tacoma for more than one-third of the Port's history.

VOTE: MOTION CARRIED 5-0

CONSENT AGENDA

- Approval of the Minutes from August 24, 2021 and September 24, 2021
- Approval of the Check Certification: Checks #230870 through #231129 and wire transfers in the total amount of \$9,867,497.26 during the period of August 28, 2021 through October 1, 2021 were certified.
- Resolution 2021-20-PT: Maintain existing commissioner per diem rates.

MOTION: Approve the above Consent Agenda.

Motion was made and seconded.

VOTE: MOTION CARRIED 5-0

PUBLIC TESTIMONY

1. **Guy Hoppen, President, Gig Harbor Boat Shop:** Thanked the Commission for the 2019 Local Economic Development Investment Fund award for his marine railway project at the Eddon Boatyard. He is now reporting that this project has gone overbudget and was informed that the fund still has resources for this year. He is asking that the Port consider allowing them to apply for a portion of the project overage. He will include a detailed budget and a short video showing the volunteers who have worked over 500 hours on this project.
2. **Joseph Norton, III, Pierce County resident:** He expressed concern over the possible COVID-19 vaccine mandate at the Port of Tacoma as a federal contractor. He expressed gratitude for this opportunity to speak today. He is concerned about the safety of the vaccine and also people have concerns about sharing their medical history with their employers. He feels no one should lose their job over not providing vaccine information to their employer. He states that there has not been a large outbreak of COVID-19 at the Port of Tacoma. Community spread has been limited with the current COVID precautions. There is no evidence that requiring a vaccine will allow the Port of Tacoma to operate any more safely and efficiently than it already does. Mandates have shown a negative impact on other essential services.
3. **Jairus Brenneise, ILWU Local 22:** He has concerns about the possible COVID-19 vaccine mandate. He reminded the Commission that the ILWU hires Local 23 members every day for work at the Port. He also wanted to ask Legal Counsel as to where the Port falls when it comes to jurisdiction and mandates. He stressed that we need to ask the hard questions and also negotiate with Labor, as this would constitute a change in working conditions.

EXECUTIVE DIRECTOR'S REPORT

Eric Johnson reported that they are performing some maintenance on the Port of Tacoma Administration Building. They are making plumbing improvements to the bathrooms and also replacing the roof that is 40 years old. The projects are going well.

He also reported that the City of Tacoma has contacted him regarding the viaduct on the 11th Street corridor. The cost to demolish the viaduct portion may not cost as much as previously thought. So, we may be able to partner with them to get this demolished next year.

The Wapato Creek Habitat Restoration project is more than halfway done now. This is going to be a premier habitat project. He'd like to take commissioners out to see it. The creek will be reconnected in the next two weeks. The Port has invited the Tribe to have a dedication ceremony early next year.

The Port's Communication Department was honored with three awards from the American Association of Port Authorities at their annual meeting. Two were for the Port's Strategic Plan and the third was for the Port's Centennial Legacy project.

COMMISSION ACTIONS

- A. Port of Tacoma COVID Vaccination Mandate per Federal Executive Order 14042:

MOTION: Direct the Executive Director to implement a mandatory COVID-19 vaccination policy to safeguard the health of Port employees, their families, and the public we serve, as well as to meet the requirements of Executive Order 14042, which requires federal contractors like the Port to adopt and enforce a mandatory vaccination policy. In compliance with the federal mandate, the Port's policy will require all employees to become fully vaccinated against COVID-19 by December 8, 2021 as a condition of employment unless they have sought and received an accommodation due to a medical disability or sincerely held religious belief, all as applicable by law.

Motion was made and seconded

DISCUSSION:

1. This is a federal mandate for vaccinations for staff via Executive Order 14042 dated 9/09/21.
2. There is no testing option to avoid getting the vaccine.

3. After extensive review, legal counsel has determined that the Port of Tacoma does fall under this federal contractor status. In order to comply with the mandate, the Port must adopt a policy requiring staff to be fully vaccinated (two weeks following the final dose in the series). This applies to Port of Tacoma staff, but does not apply to ILWU longshore, stevedores or terminal operators.
4. While vaccinated and in favor of vaccinations, Commissioner Meyer will be voting no from a public policy standpoint. He feels that controversial votes require at least two readings and that the mandate may treat different employees differently. He also feels that we haven't engaged enough with Labor on this issue.
5. How the Port is deemed a federal contractor was discussed, along with the consequences of not being in compliance with this Executive Order. To stay in compliance with the deadline, the Port was not able to delay this decision.
6. While Commissioner Ang is thankful for the letters from staff, we do not have any choice in the matter of this federal mandate.
7. Commissioner Marzano recommended that the executive director and legal counsel sit down with representatives of Local 22 to answer any questions. He also stated that the West Coast longshore caucus was recently held with representatives from various locals from Bellingham to Southern California and the International required that all attendees be vaccinated.

VOTE: MOTION CARRIED 4-1:

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

- B. Parcel 86 Bank Stabilization Project: Request a construction authorization increase of \$140,000, for a total authorized amount of \$650,000.

MOTION: Request a project authorization increase in the amount of \$140,000, for a total authorized amount of \$650,000 for the Parcel 86 Bank Stabilization Project, Master Identification No. 101493.01.

Motion was made and seconded.

DISCUSSION:

1. The spread of the bids was discussed. Bids received were \$222,000, \$258,000, \$290,000 and \$400,000.
2. The increase in price of steel and other building materials was discussed.

VOTE: MOTION CARRIED 5-0

- C. Building #326: Request project authorization of \$347,743, for a total authorized amount of \$440,000 for work associated with the window replacement, partition bracing and isolated siding painting.

MOTION: Request construction authorization in the amount of \$347,743, for a total authorized amount of \$440,000 for the Building 326 Window Replacement, Partition Bracing and Isolated Siding Painting Project, Master Identification No. 101532.01.

Motion was made and seconded.

DISCUSSION:

1. Preventing corrosion was discussed.
2. The status of the gutters was also discussed, which were replaced in 2019.

VOTE: MOTION CARRIED 5-0

- D. Data Center Disaster Recovery Warm Site: Request authorization for a five-year contract with TierPoint at a total five-year cost of \$925,000.

MOTION: Request authorization to proceed with a Data Center Recovery Warm Site Implementation, including a five-year contract with TierPoint, at a total five-year cost of \$925,000.

Motion was made and seconded.

DISCUSSION:

1. The pros and cons of hot sites versus warm sites were discussed.
2. The Port of Seattle began with a TierPoint warm site and took several years to upgrade to a hot site. Staff feels comfortable that TierPoint could restore all Port applications within six business days, beginning with the most mission critical.

VOTE: MOTION CARRIED 5-0

- E. Port Security Grant Program 2021:** Request authorization to accept \$189,540 in grant funding with the Department of Homeland Security, which includes a 25% (\$63,180) Port match, for a total authorized amount of \$252,720.

MOTION: Request authorization for the Port of Tacoma Executive Director or his designee to accept \$189,540.00 in grant award funding with the Department of Homeland Security (DHS) for Port Security Grant Program (PSGP) 2021, which includes a 25% or \$63,180.00 Port match, for a total authorization amount of \$252,720.00.

Motion was made and seconded.

DISCUSSION:

Security measures are in place to protect the military's cargo movements. The specifics will not be discussed in open session due to the sensitive nature.

VOTE: MOTION CARRIED 5-0

- F. Financial Audit Services Contract:** Request authorization to enter into a five-year contract with one two-year extension option with Moss Adams, LLP for a not-to-exceed amount of \$851,200.

MOTION: Request authorization to enter into a five-year contract with one two-year extension option with Moss Adams, LLP for financial audit services for a not-to-exceed amount of \$851,200.

Motion was made and seconded.

DISCUSSION:

1. The committee went through a stringent process in choosing Moss Adams. They guaranteed that we would have a completely separate team from the Port of Seattle team at Moss Adams.
2. Since the bid was 20% less than RSM, Commissioner Meyer wanted to ensure that Port staff would not be tasked with a higher level of assistance. Both Moss Adams and RSM estimated the same amount of hours to complete our audit.

VOTE: MOTION CARRIED 5-0

NON-ACTION – NEW BUSINESS

None.

COMMITTEE REPORTS

- A. Workforce Development Work Group:** Port staff recently sent out a survey to Port tenants and key stakeholders regarding their workforce needs. Commissioner Meyer has recently been discussing the role we could play with Maritime Blue in regard to workforce development. Eric has been speaking to Katie Condit of Workforce Central, who has sent over several of their initiatives that might fit well with where the Port would like to go with workforce development. Eric is less interested in becoming another "cook in the kitchen" and more interested in assisting one of the current "cooks". We will take the survey results and line those up with the initiatives from Workforce Central and report back to the full Commission. Commissioner Keller also recently met with Local 22 regarding apprenticeships and assured them they would be deeply involved in this. They will also reach out to the Pierce County Central Labor Council when they are further along in the process.

B. Local Economic Development Investment Fund (LEDIF) Committee: Commissioner McCarthy reported that he recently spoke at the Browns Point Lighthouse Rededication, following the repairs that were made with funds that included an award from the Port of Tacoma LEDIF. There were more than 500 people at this rededication. The lighthouse was originally built in 1933 and all ships that have called the Port since then have passed this lighthouse. The Port of Tacoma's work was well received. Former Commissioner Clare Petrich also approached the LEDIF Committee regarding the Peace Pole at Ruston Park that celebrates the Tacoma Sister Cities. The committee has taken up a review of that application and will be coming to the full Commission next month. We will also be reviewing the Eddon boatyard request as well.

ISSUE BRIEFINGS

None.

ANNOUNCEMENTS / COMMISSIONER COMMENTS

Commissioner Ang: Attended the AAPA annual meeting in September in Austin. There was an emphasis on digital infrastructure in regard to the supply chain congestion.

Commissioner Keller: Thanked Rod Koon for all that he has contributed to the Port and said she looks forward to having a party to honor Rod, as well as other longtime Port employees who have retired during the pandemic.

Commissioner McCarthy: He is happy to hear that the 11th Street viaduct can be demolished. He asked if there were any updates in regard to new analysis for replacing the 11th Street bridge. Eric stated that in the Strategic Plan we plan to fund a near-Tideflats freight mobility study that will identify which freight corridors in the Tideflats make most sense to improve and that the 11th Street crossing is on this list. Commissioner McCarthy asked about the possibility of a stormwater utility. This will be a subject of further briefings in the future. Commissioner McCarthy also stated that he looks forward to returning to in-person public meetings.

Commissioner Meyer: At a future date he would like an update on the process and timeline of the redevelopment of our property on the Foss Waterway. He would like to keep that a front burner item. Eric had a very good conversation today with long-term bond counsel where they discussed financing options.

Commissioner Marzano: Announced that we are going to try to have the commissioners in-person for our Budget Study Session on November 4th. Commissioner Marzano wrote letters to the Port's legislative delegation regarding a state transportation package and how critical this is to our region.

ADJOURNMENT

With no further business, Commissioner Marzano adjourned the meeting at 2:29 pm.

Dick Marzano, President
Port of Tacoma Commission

Attest:

Deanna Keller, Secretary
Port of Tacoma Commission

Judi Doremus, Clerk of the Port
Port of Tacoma