

**Minutes of Everett Port Commission
Regular Meeting
February 2, 2021**

PRESENT:	Tom Stiger Lisa Lefebber	President Executive Director
ZOOM:	Glen Bachman David Simpson Eric Russell Brad Cattle	Secretary Vice President Chief Finance Officer Port Attorney

CALL TO ORDER: Commission President Tom Stiger called the meeting to order at 12:01 p.m.

CEO/EXECUTIVE DIRECTOR'S REPORT

CEO/Executive Director Lisa Lefebber thanked Ken Scott and everyone who has been trying to get the new sound and video system running and hopefully by next week the system will be complete.

Lefebber reported that since the last Commission meeting, there was a severe windstorm that damaged the new South Terminal. KPFF Engineers did an assessment and the damage is estimated around \$200,000. The contractors are on site and Lefebber thanked Procurement and Contracts Manager Maija Lampinen for getting them up and running so fast. Lefebber expects the repairs to be done this month and the insurance deductible is \$50,000.

Lefebber reported the Port plans to have a Key Communicator meeting this month on February 18 from 12:00 – 1:30pm.

Lefebber also added Staff proposed April 12 and 13 for the Commission Retreat and Office Manager Emily Hammer will reach out to the Commissioners to confirm if those dates work.

Commissioner David Simpson asked Commissioner Tom Stiger and Commissioner Glen Bachman, in support of Representative Emily Wicks Cascade Industrial Center Bill, can the Port Commission create a Resolution in support of her bill? Lefebber explained the Port of Everett has been a partner in the Cascade Industrial Center for over a year and there are some legislative fixes that are required to the 2015 legislation that allowed for the Cascade Industrial Center to be more competitive. It is some nuances with regards to population thresholds, minimum wage, etc. and also needs to be extended because it does expire in 2021. The Resolution that Commissioner Simpson suggested would essentially be passing a Resolution in support of the Port's partnership with the Cascade Industrial Center and memorializing the support for that legislative fix. Lefebber will draft a Resolution for Commission's consideration and will bring it back for consideration at the next meeting. Both Commissioner Stiger and Commissioner Bachman concurred.

DNR Agreement Parcel O Material

Planner Laura Gurley reported the Washington Department of Natural Resources (DNR) Agreement Parcel O Material has been a very long time in coming. This item is related to the Army Corps of Engineers' (Corps) Snohomish River Federal Navigation Channel maintenance dredging and placement of the material they dredge up. Parcel O is the upland disposal site for material dredged from the upper channel and settling basin. The City of Everett owns the property, and the Port has an easement for

dredge disposal use. The material coming out of the river from those locations upstream are claimed and owned by the DNR.

The driving issues for getting an agreement with the DNR is that they own the material which means that the Port has limited availability to use it and the site, Parcel O, has a capacity cap of 250,000 cubic yards, which has been met in the past which then means the Corps cannot place any more material there. The Port has used the material for port projects, the City has used the material, the Marine Resources Committee has used the material for a beach restoration, but it is not getting used fast enough to clear enough space on the site so that the Corps doesn't have to worry about space constraints and allowing them to meet maintenance dredging mission on the upstream stretch of the river.

DNR's constraints on the material is that it is free to use by public agencies for public purposes meaning that the Port can use it as base course for a road or backfill for utilities. The City of Everett has used it on the public golf course and some play fields. As far as getting rid of mass volumes of it, the Port does not have the capacity or need to do that but do need to make space for the Corps dredging. In order to do that, the Port has been trying to come to an agreement with DNR to sell or give away the material but DNR is bound by their rules and that they need to be reimbursed for the material in the form of a royalty. DNR requires a Material Sales Agreement (MSA) to sell material; however, this type of an agreement is geared toward mining operations. It has taken a very long time and many years of negotiations to get to the point of actually having an agreement that is close to being signable.

The MSA would establish a royalty rate for the material. The Port went through a process of explaining to DNR the cost of getting the material out of the river, the cost of permitting to place the material, and the cost that a contractor would incur to rehandle the material. The Port presented the cost analysis to DNR and finally agreed to a royalty rate of \$0.35 per cubic yard. The MSA allows the Port to pay the fee and then enter into a contract with a contractor or multiple contractors to buy the material.

The next steps include the final negotiations with DNR on the language in the agreement and then coming back to the Commission with the final agreement for approval. The Port will determine the best process for managing and selling the material. The Corps is impressed that the Port has made this much progress because it puts their minds at ease knowing that they will always have space at the site in order to be able to pump material there. The Port is confident that the material will be desirable and will be able to sell it. Gurley is hopeful the final agreement will be presented in March 2021.

Everett Yacht Club Lease Status

CEO/Executive Director Lisa Lefeber reported on the request of Everett Yacht Club to terminate their lease at the yacht club building. With COVID-19 gathering restrictions and their intent to move to the South Marina, enter a ground lease and construct a new yacht club, it didn't make sense for them to continue leasing the space. They were the largest tenant of the building so the Port is evaluating the next steps as it relates to what will happen to the building going forward until it is demolished.

WATERFRONT PLACE CENTRAL

LAZ – Parking Management Operator Contract: Modification 1 for 2021

Chief of Business Development Terrie Battuello reported that as part of the Port master vision to create a high-quality destination waterfront, significant attention has been given to the matter of parking at the Waterfront Place Neighborhood. In December 2019, the Port selected LAZ Parking Northwest, LLC (LAZ) through a competitive process and briefed the Commission in a public meeting on this choice.

Several updates to the Commission and the Marina Forum have been presented since that time. Over the period since the contract was initiated, the Port has completed planning and starting full implementation for the comprehensive parking management program.

The Contract is set up to have annual budgets approved with extensions. Up to seven extensions can be authorized under this agreement. In preparation for the renewal a budget, including estimate revenues, is generated. This year will see higher operational costs related to the transfer to digital parking permits and lower revenue due to an implementation in May 2021. The Port of Everett values the community being able to access the waterfront without charge, and for this reason, our revised parking program that goes into effect May 1, 2021 maintains public access opportunity with FREE YEAR-ROUND waterfront parking for up to 2 hours daily, site wide. This free parking benefit also extends to Jetty Landing Park, which has historically been \$3/day since 2010. Modest Visitor Parking rates will apply for those wishing to park longer with access to convenient pay options including web pay, mobile app, text-in and on-site card payment kiosks. New parking signage to support the program will be installed this spring.

A sustainable and efficient parking plan is necessary to support all site uses as the Port continues to build out the Waterfront Place development, and provides consistency and equity across the entire site, while maintaining free parking access -- a rarity for mixed-use waterfronts. The revised parking program was originally intended to be implemented in May 2020 but was delayed a year as we navigated the unknowns of the pandemic. Assessment of waterfront user habits indicate about 85% of people that visit the waterfront to recreate, go to restaurants, etc. fall within the 2-hour free timeframe, which is the intent behind initiating the parking rate structure after the first two hours. With the new

After much discussion, Commissioner Stiger asked for more time to review, and while he is supportive of the fees and changes, he wants staff to be prepared to respond to the boating community and public. Commissioner Simpson was ok with moving the decision to the following week. Port Attorney Brad Cattle reminded the Commission the action before them was on a contractual matter and didn't involve rate setting or parking policies. Commission Bachman wasn't supportive for delaying the decision.

Commissioner Glen Bachman moved that the Commission authorize the CEO to execute and approve Modification 1 for Parking Management Services with LAZ, substantially as presented. Commissioner David Simpson seconded the motion. A vote was called for:

Vote:	2-1
Yes:	Bachman, Simpson
No:	Stiger
Abstained:	None

Motion carried.

DEPARTMENT REPORTS

Projects

ADA Transition Plan

Planner Laura Gurley presented an introduction to an undertaking that the Port is going through to establish a Americans with Disabilities Act (ADA) self-evaluation and transition plan. It is a requirement of the ADA and the Port will be working with the guidance from the Department of Justice to fulfill it. It is a plan and evaluation exercise to help the Port identify barriers for people with disabilities. A barrier could be anything from a lip in the sidewalk that is too big to navigable by someone in a wheelchair or

walker or could be a trip hazard to them, a crosswalk ramp that is the wrong angle or size or that doesn't go to another crosswalk ramp on the other side of the street. It could also be something administrative such as making brochure material available upon request to someone who needs it in braille. The overall purpose of the plan is to identify what barriers are in the Port's existing systems and plan to address them.

Every public entity that has 50 or more employees has to reasonably modify their policies, practices, and procedures to avoid discrimination against people with disabilities. The Port wants to be sensitive to the needs of citizens, especially the disabled community, and make sure the Port is in compliance with the ADA. Also, Washington Department of Transportation (DOT), starting in possibly May 2021, will be requiring grant recipients for certain grants to have their plan in place, so this will make sure the Port is eligible for many of the different DOT grants.

There are many parts of the plan. An ADA Coordinator will be identified (Laura Gurley), who will be the point person for someone to contact in order to file a complaint or a notification. In coordination with the ADA Coordinator, Office Manager Emily Hammer will be working on the administrative side to address the needs from an administrative standpoint, such as needing sign language interpreters for public meetings. The public notice provision is the Port's public statement declaring the public agency's commitment to non-discrimination on the basis of disability and addresses the agency's associated policies regarding employment, effective communication, modifications to policies and procedures, provision of auxiliary aids, scope of the ADA, complaints, and provision of aid/services at no additional cost. The intent is to reach anyone who may potentially interact with the Port and must be accessible to all. The Port is working on establishing a system for resolving complaints of disability discrimination in a prompt and fair manner.

As part of implementing the plan, the Port wants to hear from the public on their thoughts on the Port's existing facilities and policies. There is a new webpage describing the process and how to get involved, an online survey requesting input from the public, outreach in Port publications and Port Commission meeting opportunities to comment. There will be a virtual public workshop on February 18 from 5p.m. to 6p.m.

The Port must evaluate its existing facilities and programs to identify any barriers to accessibility. The Port has hired Transportation Solutions Inc. to help with this program, including the physical evaluation of parts of the site. This will be a phased approach over multiple years, initially focusing on the most public spaces such as trails, sidewalks, crosswalks, and outdoor recreational areas, excluding docks. The Port will be working through a framework to help prioritize the identified barriers based on feedback from the public, severity of the barrier, cost, and other factors.

As for schedule, after the virtual workshop next week, the revised draft ADA Transition Plan will be posted to the website for public comment at the end of March. In April, Staff will be providing a draft to the Port Commission to review which will include public comment feedback. Any comments from the Commission will be addressed in the final ADA Transition Plan. The expectation is to proceed with the adoption process in early May.

Commission President's Report

There was no Commission President Report.

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Commission Discussion

Commissioner Glen Bachman mentioned the container ship parked in the Everett waterfront waiting for dock space at Port of Tacoma. There was an article stating that a few of the West Coast Ports are jam packed due to online shopping. Commissioner Bachman also stated good news coming from the State regarding COVID-19 relief which will be good for the economy and for citizens to get out and start dining.

Citizen Comments

There were no citizen comments.

Executive Session

Commission President Tom Stiger recessed the meeting into Executive Session at 2:01 p.m. for approximately 15 minutes – to conclude by 2:15 p.m. The purpose of the Executive Session is to discuss with legal counsel the minimum price at which real estate may be offered for sale when public knowledge regarding such consideration would cause a likelihood of decreased price. However, final action on selling the property shall be taken by the Commission in a public meeting.

At 2:15 p.m. in open session, Port legal counsel Brad Cattle announced that the Executive Session would be extended an additional 10 minutes – to conclude by 2:25 p.m.

At the conclusion of the Executive Session, there was no action taken by the Commission and there were no announcements. The Regular Commission adjourned at the conclusion of the Executive Session.

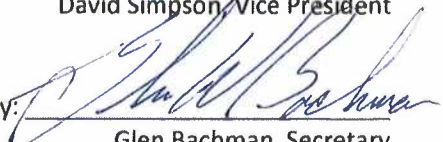
THE REGULAR MEETING WAS ADJOURNED at 2:25 p.m.

APPROVED this 9th day of March, 2021.

EVERETT PORT COMMISSION

By: 
Tom Stiger, President

By: 
David Simpson, Vice President

By: 
Glen Bachman, Secretary