

**Minutes of Everett Port Commission
Regular Meeting
March 14, 2023**

PRESENT:	Glen Bachman	President
	Tom Stiger	Vice President
	David Simpson	Secretary
	Lisa Lefeber	Executive Director
	Eric Russell	Chief Finance Officer

Jordan Stephens, Port Attorney, participated via Zoom.

CALL TO ORDER: Commission President Glen Bachman called the meeting to order at 12:00 p.m.

CONSENT AGENDA

- Approval of Regular Meeting Minutes of February 7, 2023; and Regular Meeting Minutes of February 14, 2023
- Approval of Bills for February 2023

Secretary David Simpson moved that the Commission approve the items of the Consent Agenda for March 14, 2023, including the Regular Meeting Minutes of February 7, 2023, Regular Meeting Minutes of February 14, 2023, as well as the Approval of Bills for February 2023. Vice President Tom Stiger seconded the motion. A vote was called for:

Vote:	3-0
Yes:	Simpson, Stiger, Bachman
No:	None
Abstained:	None

Motion carried.

Commission President's Report

President Bachman said he read that in Moses Lake, the Mitsubishi Regional jet, which compares to the Embraer that Alaska Airlines uses, has been scuttled but the reason was not provided.

Bachman commented that both dry docks were occupied again as he saw a barge being pulled in this morning, and the Portland recovery vessel was on the other dry dock. And some time ago, the Washington State Ferries crashed the Cathlamet ferry upon landing and now it appears that the ferry is back in service.

The Port held a great substantive retreat last week and thanked the Staff for their efforts. Also, the Port received "kudos" at the City of Everett Mayor's State of the City address last week, and the Port deserved the comment.

Commission Discussion

Commissioner Simpson said that the information received from all the team members at the Retreat was great and thanked Staff for the opportunity to learn about the various projects/operations at the Port.

There was no further Commission discussion.

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Citizen Comments

Robert Carkeek, Everett, provided comments about the overhead lighting at the new Norton Terminal and the specific federal security mandate concerning the height of the lights. He mentioned that Port Staff was going to address the matter at their recent neighborhood meeting but cancelled at the last minute. Also, the JB Hunt containers that are being stored at the Norton facility are white and they reflect a glare which is troublesome for the residents of the Bayside neighborhood.

Executive Director Lefeber responded that Port Staff is planning to go to the Bayside neighborhood meeting. There was a family emergency that prevented Staff's attendance at the last meeting, but Staff will attend the next neighborhood meeting.

CEO/EXECUTIVE DIRECTOR'S REPORT

CEO/Executive Director Lisa Lefeber reminded the Commission that the Memorial Service for Mack Monts is March 15 at 1:30 pm in Snohomish. The Port will be on limited staffing during that time with various coverages at the front desk for people to attend the service.

Executive Lefeber reported there were two Navy contracts on the street for ship repair work, one of which has been awarded to General Dynamics, and the other to Vigor Marine. These contracts will generate additional jobs and activity in the community and may provide Everett Ship Repair with an opportunity for subcontract work.

Jim Weber has given notice that he will be retiring in July 2023. Lefeber added that Jim has been at the Port well over 40 years and the Port won't be the same without him. The Commissioners provided their congratulations.

CEO/Executive Director Travel Authorization

Executive Lefeber said she is required per Commission resolution to obtain authorization from the Port Commission for international travel outside of the U.S. or Canada and both she and Carl Wollebek have been invited by the Port's cargo shippers and the aerospace industry to attend business development meetings in Singapore in April. Per the resolution, Lefeber said she is required to report to the Commission regarding the results of the travel. Carl Wollebek will also be reporting back to the Commission as he will be traveling to Japan and Korea in addition for business development meetings.

After discussion, Vice President Tom Stiger moved that the Commission approve and authorize international travel to Singapore in April of 2023 for the Port CEO/Executive Director Lisa Lefeber. Secretary David Simpson seconded the motion. A vote was called for:

Vote:	3-0
Yes:	Stiger, Simpson, Bachman
No:	None
Abstained:	None

Motion carried.

Glen Bachman said he was on the Board of Directors for the Greater Seattle Partners (GSP) Development organization and next Wednesday, the group will hold its in-person Board meeting at SeaTac, and commented he thought a Boeing representative would be at the meeting. Bachman said he would contact the GSP ahead of the meeting to request that Boeing provide updated information on business development to the GSP.

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April 2023 Meeting Dates – April 5 and April 13

Executive Director Lefebber announced that due to business and other travel on behalf of the Port and Commission, the normally scheduled meeting dates in April have been shifted to April 5 and April 13. Lefebber stated that the May meeting dates will be back to the normal schedule.

COMPREHENSIVE SCHEME OF HARBOR IMPROVEMENTS UPDATE

Purpose: To hear comments on the following:
Amendment of Comprehensive Scheme of Harbor Improvements – Wick Family
Tideland Donation

OPEN PUBLIC HEARING – Commission President Glen Bachman opened the Public Hearing at 12:14 pm.

Port Planner Garrett Jensen said that Staff is seeking approval of Resolution No. 1207 incorporating the Wick Family Tideland property into the Port’s Comprehensive Scheme of Harbor Improvements.

Jensen reported that under RCW 53.20, port districts are required to implement and update a Comprehensive Scheme of Harbor Improvements (Comp Scheme) for actions such as acquisition of property, surplus of property and adoption of plans and programs. These actions essentially make the Comp Scheme an evolving and living document that catalogs the Port’s growth over the years and the directions it is pursuing.

On January 10, 2023, the Port Commission authorized the terms of the Donation Agreement with Wick Family Properties, LLC for donation of a 9.63-acre parcel of property within the boundaries of the Port District. Resolution No. 1207 (2023) formally brings the Wick Family Tideland property into the Comp Scheme.

Jensen said that upon the closing of the public hearing, Staff was recommending that the Port Commission approve Resolution No. 1207 (2023) incorporating the Wick Family Tideland property into the Port’s Comprehensive Scheme of Harbor Improvements.

Commissioner Glen Bachman asked for public comments.

No public comments were received.

CLOSE PUBLIC HEARING

Commissioner Bachman closed the Public Hearing at 12:19 pm.

Resolution No. 1207 (2023)

Secretary David Simpson moved that the Commission approve Resolution No. 1207 (2023) incorporating the Wick Family Tideland property into the Port’s Comprehensive Scheme of Harbor Improvements.

Vice President Tom Stiger seconded the motion. A vote was called for:

Vote: 3-0
Yes: Simpson, Stiger, Bachman
No: None
Abstained: None

Motion carried.

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WATERFRONT PLACE

Bulkhead Segment E Update and Interlocal Agreement with City of Everett

Executive Lefeber said given the questions and comments at the Retreat, Staff is providing additional information related to Bulkhead Segment E.

Chief of Engineering & Planning John Klekotka reported that Staff is seeking authorization to enter into an Interlocal Agreement with the City of Everett for the Wharf/Bulkhead Segment E reconstruction project.

Klekotka said the Bulkhead and the Wharf are parallel to West Marine View Drive and SR 529, and the original construction date is unknown to Staff. Based upon the Engineering Department's knowledge and experience, Staff believes it dates back to the 1940's or 1950's. The structure consists of a 2-step timber bulkhead and a timber wharf on top of the bulkhead and extending out from the bulkhead. Because of the concerns about the structures condition and load capacity, Staff performed inspections in 2006 and again in 2014, and both inspections concluded that the wharf and bulkhead were in poor condition, nearing the end of their useful lives, and reconstruction of the bulkhead wall and wharf were recommended in the near term.

Preliminary design and permitting for the bulkhead have been underway for approximately two years. The wall is approximately 165 feet in length and is about 16 to 18 feet high. The project will also reconstruct the public access wharf along the bulkhead. The total wharf area will be about 7,060 sq ft, which will be an expansion of about 2,040 sq ft from the existing wharf.

Klekotka stated that in 2020, the Port applied for and received a Surface Transportation Program (STP) grant through the Puget Sound Regional Council (PSRC) of \$1.50 million for the reconstruction of the bulkhead wall directly adjacent to West Marine View Drive. The grant funding is for construction phase costs only. The wharf portion of the project is not eligible for the STP grant and Staff is currently pursuing additional funding for that portion.

Executive Lefeber added that the Port has several grant funds through the Federal Highway Administration (FHWA) and the Washington State Department of Transportation (WSDOT), but one of the challenges is whether or not the Port loses that money due to the long permitting timeframe that is occurring with issues from National Marine Fisheries. Staff has been working to make sure that the granting agencies understand the reasons for the Port's delays so that the funding isn't at risk.

Klekotka said the STP grant requires a Certification Acceptance Program (CA). Under the terms of the proposed Interlocal Agreement, the City will act as the Port's CA sponsor for the grant. The Interlocal Agreement generally requires the Port to manage the project in accordance with WSDOT's Local Agency Guidelines (LAG) Manual and reimburses the City for their efforts in overseeing the Port and coordination with WSDOT. Klekotka clarified that this means the City will be "looking over the Port's shoulder" to make sure that the Port does things correctly.

John Klekotka provided clarification about the recycling of the wood for the project. The piling are mostly rotten, treated with creosote and smell when they are pulled out. Typically, the permits actually require an agency to cut the piles up into 5-ft long chunks because the Department of Fisheries does not want to see the piles being reused. The pile caps and stringers are creosote treated, and half of the

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deck is creosote treated. The permitting strategy and mitigation measure that the Port is proposing when it applies for the permits includes the Port getting rid of all creosote treated wood. The agencies want to see the creosote out of the environment, so anything that is creosote treated will have to be disposed of at a certified landfill.

The salvage opportunities would be for the newer planks that are either ACZA or CCA treated which are waterborne preservatives. Commissioner Bachman thanked John Klekotka for the clarification.

For the project schedule, preliminary design has been done and permitting is underway, and Staff is gearing up for the final design and will be coordinating that with the City of Everett and WSDOT. The obligation of funds has to occur by June of 2024 and that will be based on whether the Port can successfully obtain the permits. The Port would then bid and award the project early next summer, do the in-water work the following fall of 2024, and finish the in-water work by early 2025, and then finish the rest of the work. The close-out of the project would be the latter part of 2025.

John Klekotka said that Staff is recommending that the Commission approve and authorize the CEO/Executive Director to sign the proposed Interlocal Agreement with the City of Everett agreeing that the City will act as the Port's CA sponsor for the Surface Transportation Program grant (STP), substantially as presented.

Executive Director Lefeber said that a comment received in the "comment box" inquired if the commercial fishing fleet would still be able to load and unload at the wharf with the new layout, or if that was no longer a viable option. Lefeber responded that the idea eventually is to be able to get the loading and unloading done at the haul-out because that is the resource for all of the services. There are no plans in the immediate future for any moorage in front of that wharf.

Upon discussion, Vice President Tom Stiger moved that the Commission authorize the CEO/Executive Director to sign the proposed Interlocal Agreement with the City of Everett agreeing that the City will act as the Port's Certification Acceptance sponsor for the Surface Transportation Program grant, substantially as presented. Secretary David Simpson seconded the motion. A vote was called for:

Vote:	3-0
Yes:	Stiger, Simpson, Bachman
No:	None
Abstained:	None

Motion carried.

Jetty Landing Restroom – Closeout of JOC Contract with FORMA Construction

Engineering Project Manager Elise Gronewald presented the request for authorization to close out the Job Order Contract (JOC) with FORMA Construction for the Jetty Landing Restroom buildout.

Gronewald explained that the Port, with its partners Snohomish County and the City of Everett, received a Recreation and Conservation Office (RCO) grant of \$584,500 in 2019 to replace the aging Jetty Landing Restroom with a new and larger facility. In the tri-party agreement, each entity has cost sharing responsibilities, with the Port serving as the lead entity administering the project while providing updates on its progress to the partners.

Gronewald stated the project was split into multiple different pieces; the building demolition was done by BCI, and under a separate contract there was the CXT building purchase, and then the contract with

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FORMA was for the foundation, utility elements and the final site improvements. The final contracts with Burton Construction and CXT were previously approved by the Commission.

The Burton Construction, Inc. contract was \$189,615.75, including Washington State Sales Tax (WSST). The CXT, Inc. contract was to build and deliver the new restroom. The Port received the completed restroom from CXT, Inc. in August of 2022, and paid \$469,768.69, including WSST, for this work.

The Port completed a Job Order Contract with FORMA Construction to construct the foundation, perform final utility connections, install landscape and irrigation and construct curb and sidewalks. Gronewald said that the original contract amount was \$409,961.40, without WSST. Two change orders were completed for the project work bringing the total contract amount to \$492,266.76, not including WSST.

Executive Lefeber said that this part of the work with FORMA on the JOC went smoothly; however, Lefeber noted that while getting a modular building is supposed to be a cost savings and an efficiency – the Port did not see that. What was supposed to be a more efficient, faster and cost saving process turned out to be quite the opposite.

Gronewald said Staff is requesting Commission authorization to close out the Job Order Contract job order with FORMA Construction for the Jetty Landing Restroom Replacement Site-Civil Construction in the final amount of \$492,266.76, not including Washington State Sales Tax.

After discussion, Secretary David Simpson moved that the Commission authorize the Executive Director to close out the JOC job order with FORMA Construction for the Jetty Landing Restroom Replacement Site-Civil Construction in the final amount of \$492,266.76, not including Washington State Sales Tax. Vice President Tom Stiger seconded the motion. A vote was called for:

Vote:	3-0
Yes:	Simpson, Stiger, Bachman
No:	None
Abstained:	None

Motion carried.

DEPARTMENT REPORTS

On-Call Material Testing and Inspection – Contract Modification with GeoTest

Procurement & Contracts Manager Maija Lampinen reported that GeoTest was awarded a contract in July 2021 through a competitive Request for Proposal (RFP) process to be the Port’s consultant for On-Call Material Testing & Inspection services. The initial contract capacity was set at \$500,000 and the initial contract term was through July 2024, with two, one-year renewal options. Staff conducted the RFP process with the intent of ensuring consistency in the material testing and inspection process across all of the Port’s construction projects and structured the contract to allow for additional contract capacity to be added as needed throughout the contract term, and any extensions. As task orders are issued, they are charged to the specific project CIP as outlined in the Port’s capital budget.

Since July of 2021, the Port has completed 12 projects and utilized \$495,000 of contract capacity. The cost for materials testing and inspection ranges are based on the complexity and type of project, but on average, the Port budgets between 0.25% and 1.5% of the construction estimate for these types of

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services. The Port has several construction projects planned throughout the upcoming years and will need to add to the capacity of this contract.

Lampinen said that Staff recommends increasing the contract by \$500,000 to ensure materials testing and inspection services for future projects. This modification also transitions the management of this contract to Elise Gronewald and adds federal terms and conditions to allow the contract to be used on federally funded contracts.

Upon discussion, Vice President Tom Stiger moved that the Commission approve Modification 1 to PSA 2-2021-63 Materials Testing and Inspection with GeoTest increasing the contract capacity by \$500,000 and authorize the Executive Director to sign the modification. Secretary David Simpson seconded the motion. A vote was called for:

Vote: 3-0
Yes: Stiger, Simpson, Bachman
No: None
Abstained: None
Motion carried.


Executive Session

No Executive Session was held.

THE REGULAR MEETING WAS ADJOURNED at 1:13 p.m.

APPROVED this 13th day of April, 2023.

EVERETT PORT COMMISSION

DocuSigned by:

By: _____
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Glen Bachman, President


By: _____
Tom Stiger, Vice President


By: _____
David Simpson, Secretary