

**MINUTES OF EVERETT PORT COMMISSION
REGULAR MEETING
December 10, 2019**

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

CALL TO ORDER: Commission President Glen Bachman called the meeting to order at 4:00 p.m.

CONSENT AGENDA

- **Regular Meeting Minutes of November 5, 2019 and Regular Meeting Minutes of November 12, 2019**

Commissioner Tom Stiger moved to approve the November 2019 Minutes. Commissioner Glen Bachman seconded the motion. A vote was called for:

Vote:	2-0
Yes:	Stiger, Bachman
No:	None
Abstained:	Simpson

Motion carried.

- **Approval of Bills for November 2019;**

Commissioner Tom Stiger moved to approve the Bills for November 2019. Commissioner David Simpson seconded the motion. A vote was called for:

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

Motion carried.

1. CEO/EXECUTIVE DIRECTOR'S REPORT

Declaration of Emergency

CEO/Executive Director Lisa Lefebber declared a Declaration of Emergency today. In compliance with the Delegation of Authority Resolution No. 1119 (2019) adopted by the Commission on January 8, 2019; Waiver of Competitive Bidding Requirements Resolution No. 894 adopted by the Commission on June 10, 2008; and RCW 39.04.020, RCW 39.04.280, and RCW 53.08.120, the CEO/Executive Director of the Port of Everett declares an emergency situation exists which presents a real, immediate threat to the proper performance of essential functions or will likely result in material loss or damage to property, bodily injury, or loss of life. The emergency situation is the result of an incident that occurred over the weekend of November 2, 2019. The sewer line 13th Street and Seiner Drive, which was constructed by the Port to be dedicated to the City of Everett, overflowed with raw sewage when portions of the sanitary sewer lines were filled with a quick drying cement-grout mixture that now blocks sewer flows coming from Waterfront Place Central and Central Marina. The impacted lines span portions of sewer lines on 13th Street and Seiner Drive which serves multiple commercial tenants and marina slip holders in Waterfront Place Central. Sewer service for Port buildings and tenants in Waterfront Place Central is an essential service for conducting business as well as a health and human safety concern. Because of the impacts of the non-working pipeline to the adjacent uses, the lack of progress by others in making the repairs and the traffic impacts of the by-pass system, staff find it necessary and prudent to undertake the repairs immediately. Lefebber therefore waives the competitive bidding requirements and authorizes the award of all necessary contracts to address this emergency and authorizes staff to implement the emergency response procedures.

Commissioner Bachman asked if there are any setbacks with the apartment construction and there aren't any. The bigger issue is the impediments to accessing the road and hotel.

Commissioner Simpson asked what the timeline would be once they start fixing the sewer line. Project Manager Brandon Whitaker reported that the actual work could take up to four (4) weeks. There will likely be major impacts to 13th Street access, mainly the two eastbound lanes and south out of the roundabout which will go down about half way to the Pacific Rim Plaza.

Imagine Children’s Museum

CEO/Executive Director Lisa Lefebber presented information regarding the Imagine Children’s Museum Expansion Project and Maritime Exhibit: *Import. Export. Your Port.* The Port of Everett and Imagine Children’s Museum have a long-standing partnership to engage and educate the youth of our community about the critical importance of ports. Through this partnership, the Port and Imagine Children’s Museum work together to develop and deliver a seaport lesson plan in local classrooms.

In support of this partnership and with the goal of continuing to build on the success of the youth outreach, the Port is committing \$100,000 in marketing dollars toward the Imagine Children’s Museum capital expansion project now underway at their downtown Everett facility. This funding will support a new maritime exhibit being constructed at the museum, titled *Import. Export. Your Port.* The exhibit will offer a hands-on, visual learning experience for the 230K+ annual museum visitors, and also, greatly broaden awareness of the economic impact of the Port of Everett.

Imagine Children’s Museum is accredited through the American Alliance of Museums. Only about 3% of museums in the U.S. are accredited (20 nationwide), and they are the only accredited children’s museum in the Pacific Northwest.

This marketing effort falls in line with the Port’s *Economic Development & Tourism Promotion Policy* that allows the Port to sponsor community programs, initiatives, activities or matters deemed incidental to supporting advertising, development or promotion of the port’s terminals, marina facilities, properties and public access amenities. Specifically, this investment fulfills the policy goals related to tourism promotion and public education, awareness and outreach.

The Port of Everett supports community-based activities and programs with educational initiatives and community outreach. Expenditures for public education and awareness are costs and expenses incurred by the Port to inform or educate the general public about the role of the Port District for its facilities, programs and/or services.

The total \$100,000 investment will be supported over a 5-year period beginning in 2020 at \$20,000/year and will be contracted through a Personal Services Agreement (PSA).

2020 Strategic Plan Adoption

Last week, CEO/Executive Director Lisa Lefebber provided an overview of the Strategic Plan, the history, the outreach plan, feedback received, and then gave the Commission and the public time to review and digest. No additional changes were made within the last week and closed public comments on November 15, 2019.

Commissioner Stiger asked for Staff to review the Strategic Plan at the Commission Retreat in March 2020. As part of the new Strategic Plan, report cards have been developed so Staff can provide information on where the Port stands as it relates to each initiative to help keep Staff on track.

After discussion, Commissioner Tom Stiger moved that the Commission adopt the 2020 Strategic Plan, including its Vision, Mission and Core Values. Commissioner David Simpson seconded the motion. A vote was called for:

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

Motion carried.

2. CHIEF FINANCE OFFICER’S REPORT

Last week, Chief Finance Officer Eric Russell presented the Limited Tax General Obligation Bonds 2020 in three series; taxable, subject to alternative minimum income tax, and governmental. Russell asked the Commission for approval of Resolution No. 1139 (2019)

– Delegation of Authority for Bonds and suggested the opening of the Public Hearing on the alternative minimum income tax portion of the bonds per the regulation with the IRS.

Eric Russell explained that the reason for the public hearing is because of the Tax Equity and Fiscal Responsibility Act 1982 (TEFRA), US Congress asked for any private activity bonds to have public hearings to receive information from the public before the bonds are issued.

Commission President Glen Bachman opened the public hearing at 4:14 p.m. and asked for public comments. The purpose of the hearing was to take comments, if any, from the public on the Port’s permanent financing of a portion of the Kimberly-Clark real property site.

There were no public comments.

The public hearing was closed at 4:15 p.m.

Upon discussion, Commissioner Tom Stiger moved that the Commission adopt Resolution No. 1139 (2019) authorizing the CEO and Chief Financial Officer to negotiate and sell the Limited Tax General Obligation Bonds 2020 in an amount not to exceed \$27 million. Commissioner David Simpson seconded the motion. A vote was called for:

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

Motion carried.

3. COMPREHENSIVE SCHEME OF HARBOR IMPROVEMENTS UPDATE

Project Manager Brandon Whitaker reported under Washington State law RCW 53.20, port districts are required to implement and update a Comprehensive Scheme of Harbor Improvements (Comp Scheme). The Comp Scheme represents a Commission adopted document that brings together the following actions: acquisition of property; surplus of property; adoption of plans and programs.

Actions that fit into these categories are added to the Comp Scheme through formal resolutions adopted by the Port Commission. These actions make the Comp Scheme a constantly evolving and living document that catalogs the Port’s growth over the years and the directions it is pursuing.

Resolution No. 1140 (2019), formally brings the Norton Property, just purchased by the Port of Everett, into the Comp Scheme.

Commission President Glen Bachman opened the public hearing at 4:21 p.m. and asked for public comments. The purpose of the hearing was to take comments, if any, from the public on the Port incorporating the Norton Property into the Port’s Comprehensive Scheme of Harbor Improvements.

There were no public comments.

The public hearing was closed at 4:22 p.m.

After discussion, Commissioner David Simpson moved that the Commission adopt Resolution No. 1140 (2019) incorporating the Norton Property into the Port’s Comprehensive Scheme of Harbor Improvements. Commissioner Tom Stiger seconded the motion. A vote was called for:

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

Motion carried.

4. DEPARTMENT REPORTS

Properties

Chief of Business Development Terrie Battuello presented Amendment No. 1 to Revised Temporary Construction Easement for the City of Everett Grand Avenue Bridge Project.

In 2016, the Port provided a perpetual easement to the City of Everett for the landing of their new Grand Avenue Bridge project. The Project provides a pedestrian connection between the downtown and the waterfront, but also solves a significant storm and sewer water capacity issue for the City.

In addition to the easement, which is now in place, the Port approved a Temporary Construction Easement (TCE) to provide a larger area for the construction of the bridge. The project has been extended due to the complexities and is now expected to span well into 2020 before construction is complete. The TCE was revised and extended in 2018 but now is set to expire again on December 31, 2019.

The City met with the Port and other stakeholders, including Stuchell Enterprises and Lombardi's, to discuss their concerns and needs. Both have agreed to the extension with the caveat of the significant impacts to their business as a result of the use of their property. As a result, the Port negotiated a settlement for the impacts to the Stuchell leasehold of \$17,600 for 2019 and this extension provides an additional \$9,600 to Lombardi's related to reduced parking, which will be paid by the City.

Commissioner Stiger asked if this construction has any impact on the marina activities. Terrie reported that yes it does. The ADA dock is not accessible to cars driving in without prior appointment. It was a surprise to the Port, but the Marina has been able to manage it. There is also a fire lane that is required of them to keep open and the trail was closed when the bridge was moved into place but has opened back up since then.

Upon discussion, Commissioner David Simpson moved that the Commission authorize the CEO to sign Amendment No. 1 Revised Temporary Construction Easement for the City of Everett Grand Avenue Bridge project extending its term to June 30, 2020. Commissioner Tom Stiger seconded the motion. A vote was called for:

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

Motion carried.

Projects

Elise Gronewald presented the Riverside Business Park Stormwater Pond Maintenance project to the Commission seeking authorization to close out the contract with SRV Construction Inc. in the amount of \$322,995.67 (including tax). This project is a requirement of the 2014 General Transfer Agreement between the Port and the City. The Port is obligated to fulfill the requirements set forth in the General Transfer Agreement with the City of Everett prior to transfer of the utility systems at the business park.

This contract was originally bid as a small works bid and upon reviewing the bids, it was determined that the landscape design could be value engineered through a redesign process. The lowest landscape bid was \$168,000. As a result, the Port deleted the landscape scope of work from the project and awarded to the lowest responsive and responsible bidder SRV Construction in the amount of \$233,758.71 including tax with the intent to either value engineer the landscaping through a change over or bid as a separate small works project.

Two Change Orders were executed during the project:

1. Change Order 001: included costs associated with the redesigned landscape, a storm bypass system, and the addition of hog fuel to help solidify the sediment material. This change order was approved by the Commission in the amount of \$84,593, increasing the total contract amount to \$297,488 (not including tax).
2. Change Order 002: included cost associated with additional dewatering due to excessive rainfall, container lining as required by Republic Services, additional rental time for the bypass system, and reconciliation of the contract. This change order was executed as a decrease in the contract amount of \$3,320.72, decreasing the total contract amount to \$294,167.28 (not including tax).

The final contract cost, including tax, is \$322,995.67 and is within budget.

After discussion, Commissioner Tom Stiger moved that the Commission accept the contract as complete and authorize the close out of the contract with SRV Construction Inc. for the Riverside Business Park Stormwater Pond Maintenance Project, in the final amount of \$322,995.67, including tax. Commissioner David Simpson seconded the motion. A vote was called for:

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

Motion carried.

Commission President's Report

Commissioner Glen Bachman reported that Holiday on the Bay was a successful event again this year.

Commission Discussion

Commissioner David Simpson reported that he attended the grand opening of Hotel Indigo and was glad to be involved and to see a new company come here and see how the Port can improve economic development in the community with companies like Hotel Indigo.

Commissioner Simpson thanked everyone that was involved with Holiday on the Bay.

Last night, Commissioner Simpson attended the City of Marysville Council meeting where the Marysville City Council approved a partnership Memorandum of Understanding.

Commissioner Simpson asked that sometime down the line, the Port could create a climate change presentation and how it could affect the Port community. Commissioner Bachman suggested a presentation at the Commission Retreat in March.

Citizen Comments

Chris Graves, resident of Shoreline, WA, works for Snohomish County Legal Services. They are a non-profit, free legal aid program serving Snohomish County Residents experiencing poverty. Serve around 1,300 people that are below the federal poverty level. Their staff, pro bono attorneys and volunteers provide information, advice and legal representation to ensure meaningful access to justice regardless of individual barriers and needs. They are funded in part by charity, grants from Snohomish County, City of Everett and private foundations. A consultant suggested that Snohomish County Legal Services have a stronger relationship with corporate and quasi-governmental entities in the Everett area. He thanked the Port for having the opportunity for a possible future partnership.

No Executive Session was held.

THE REGULAR MEETING WAS ADJOURNED at 4:57 p.m.

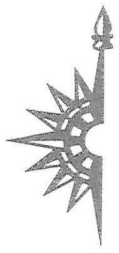
APPROVED this 14th day of January, 2020.

EVERETT PORT COMMISSION

By: 
Glen Bachman, President

By: 
Tom Stiger, Vice President

By: 
David Simpson, Secretary



Port of Everett

ORIGINAL

Port of Everett
Voucher Certification and Approval
for the month of
NOVEMBER
2019

AP Claims Transactions		Total
Claim Checks Issued	88111 - 88284	\$1,560,966.12
P-Card Transactions		55,096.01
ACH Transactions	#150 - 183	1,827,784.21
Total Claims Check Register		3,443,846.34

Electronic Claims Transactions:

11/7, 11/8, 11/12, 11/15, 11/18, 11/20, 11/21, 11/22, 11/29	Electronic Transfer - Health Equity/Navia/Guardian	\$23,310.10
11/1, 11/18, 11/29	Electronic Transfer - IRS	289,059.58
11/25	Electronic Transfer - WA St Dept of Rev	65,293.17
11/1, 11/4	Electronic Transfer - U.S. Bank	4,940.88
11/1	Electronic Transfer - U.S. Bank LOC Fees	6,427.20
11/18	Electronic Transfer - Chic. Title- Norton Property	100,000.00
11/12	Electronic Transfer - Pitney Bowes	1,500.00
11/29	Wire Transfer-US Bank USB Bond 07	103.13
11/29	Wire Transfer-US Bank USB Bond 13	1,457,437.50
11/29	Wire Transfer-US Bank USB Bond 15	513,550.00
11/29	Wire Transfer-US Bank USB Bond 16	1,697,825.00
Total Electronic Claims		4,159,446.56
Total Claims		7,603,292.90

Payroll Transactions

Payroll Checks Issued	50341 - 50375	\$506,443.32
11/5, 11/12, 11/19, 11/26	PMA Payroll (Longshore Labor)	202,413.76
Total Payroll		708,857.08

Total Payments	8,312,149.98
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I, the undersigned, do hereby certify under penalty of perjury that the material have been furnished, the services rendered or the labor performed as described herein, that any advance payment is due and payable pursuant to a contract or is available as an option for full or partial fulfillment of a contractual obligation, and that the claim is a just, due and unpaid obligation against the Port of Everett and that I am authorized to authenticate and certify to said claim. Authorize signature

Attest:

Port Auditor

We, the undersigned Commissioners of the Port of Everett, Snohomish County, Washington, do hereby certify the following vouchers/warrants have been certified and approved for payment this the 10th day of December, 2019:

President

Vice President

Secretary