

**REVISED
AGENDA**

*Regular Commission Business Meeting
Port of Kennewick
Port of Kennewick Commission Chambers
350 Clover Island Drive, Suite 200, Kennewick, Washington 99336*

Tuesday, September 14, 2010
2:00 p.m.

- I. CALL TO ORDER**
- II. PLEDGE OF ALLEGIANCE**
- III. PUBLIC COMMENT** *(Please state your name and address for the public record)*
- IV. CONSENT AGENDA**
 - A. Approval of Warrant Registers Dated August 31, 2010
 - B. Approval of Warrant Registers Dated September 15, 2010
 - C. Approval of Commission Meeting Minutes Dated August 10, 2010
 - D. Approval of Commission Meeting Minutes Dated August 24, 2010
 - E. Approval of Amendment to Executive Director Employment Agreement
- V. PRESENTATIONS**
 - A. Jason Robertson, J. Robertson and Company - Van Giesen Downtown Redevelopment
 - B. Trish Heron, City of Richland - ICSC Conference
- VI. NEW BUSINESS**
 - A. Bid Award: Clover Island West Causeway Project, Phase 1; Resolution 2010-32
 - B. Approval of Real Estate Commission Policy for Lease Property; Resolution 2010-33
 - C. Redistricting
- VII. BREAK, IF NEEDED**
- VIII. REPORTS, COMMENTS AND DISCUSSION ITEMS**
 - A. Clover Island Update
 - 1. Milfoil Update
 - 2. Lighthouse Wedding
 - B. Vista Field
 - 1. Vista Field Advisory Board Update
 - 2. Clarification to Resolution 2010-31
 - C. Meeting Reports
 - D. Non-Scheduled Items
- IX. PUBLIC COMMENT** *(Please state your name and address for the public record)*
- X. ADJOURNMENT**

PLEASE SILENCE CELL PHONES

PORT OF KENNEWICK

RESOLUTION 2010-32

***A RESOLUTION OF THE BOARD OF COMMISSIONERS
OF PORT OF KENNEWICK ACCEPTING AND AWARDING
A CONSTRUCTION CONTRACT ON CLOVER ISLAND
FOR THE SHORELINE ENHANCEMENT-WEST CAUSEWAY PROJECT***

WHEREAS, a request for bids for the construction of shoreline improvements on the west side of the causeway known as the Clover Island Shoreline Enhancement - Phase #1 project was properly advertised with the approved plans and specifications being made available to prospective bidders, and

WHEREAS, construction bids have been received and staff and the project engineer have certified that the bids received are in compliance with the plans and specifications; and

WHEREAS, the staff and the project architect have certified that the low bidder for the project is Big D's Construction of Tri-Cities, LLC in the amount of \$565,557.79, plus applicable tax, and that such bid is in compliance with the plans and specifications; and

NOW THEREFORE, BE IT RESOLVED that the Port of Kennewick Commission does hereby accept the bid of Big D's Construction of Tri-Cities, LLC for the construction of the Clover Island Shoreline Enhancement - Phase #1 project as the low bidder in the amount of \$565,557.79, plus applicable tax; and hereby awards the construction contract to said low bidder.

BE IT HEREBY FURTHER RESOLVED that the Executive Director is authorized to enter into a contract between Port of Kennewick and Big D's Construction of Tri-Cities, LLC for said project, and that the Executive Director is further authorized to proceed with all necessary procedures required to complete construction of the project.

ADOPTED by the Board of Commissioners of Port of Kennewick on the 14th day of September 2010.

***PORT OF KENNEWICK
BOARD OF COMMISSIONERS***

By: _____
GENE WAGNER, *President*

By: _____
SKIP NOVAKOVICH, *Vice President*

By: _____
DAVID HANSON, *Secretary*

PORT OF KENNEWICK

Resolution No. 2010-33

***A RESOLUTION OF THE BOARD OF COMMISSIONERS
OF THE PORT OF KENNEWICK APPROVING THE
REAL ESTATE COMMISSION POLICY FOR LEASED PROPERTY***

WHEREAS, the Port of Kennewick (Port) desires to use all available resources to market Port real property to its maximum potential. Use of licensed real estate professionals/brokers may foster more economic development opportunities; and

WHEREAS, the purpose of this policy is to define the commission structure for the assistance of real estate professionals/brokers for leasing Port of Kennewick real property. It is the Port's goals to establish the basis on which Port staff will work with real estate professionals and brokers and the conditions under which commissions will be paid; and

WHEREAS, the Port and general public benefit by having a formalized policy as basic guidelines on industry standards for commission on leased properties.

NOW, THEREFORE; BE IT HEREBY RESOLVED that the Board of Commissioners of the Port of Kennewick hereby approve the attached Real Estate Commission Policy for Leased Property; which manual shall remain in effect until further revised.

ADOPTED by the Board of Commissioners of the Port of Kennewick on the 14th day of September 2010.

***PORT OF KENNEWICK
BOARD OF COMMISSIONERS***

By: _____
GENE WAGNER, President

By: _____
SKIP NOVAKOVICH, Vice President

By: _____
DAVID HANSON, Secretary



PORT OF KENNEWICK

POLICIES AND PROCEDURES

REAL ESTATE COMMISSION POLICY FOR LEASE PROPERTY

REV. 0

POK

09/14/2010

1.0 SCOPE, PURPOSE and BENEFITS

- 1.1 The Port of Kennewick desires to use all available resources to market Port real property to its maximum potential. Use of licensed real estate professionals/brokers may foster more economic development opportunities.
- 1.2 The purpose of this policy is to define the commission structure for the assistance of real estate professionals/brokers for leasing Port of Kennewick real property. It is the Port's goals to establish the basis on which Port staff will work with real estate professionals and brokers and the conditions under which commissions will be paid.
- 1.3 The Port and general public benefit by having a formalized policy as basic guidelines on industry standards for commission on leased properties.

2.0 APPLICABILITY

- 2.1 This policy applies to Port of Kennewick personnel with responsibility for negotiation, preparation, review, and approval of land and/or facility leases.

3.0 REFERENCES

- 3.1 RCW 53.08.080: Lease of property — Authorized — Duration.
- 3.2 Various Port procedures and policies such as Port of Bellingham, Port of Seattle, Port of Vancouver, Port of Bremerton and Port of Edmonds.

4.0 POLICY

4.1 STATEMENT OF PROCEDURE

- 4.1.1 Port staff will negotiate with potential tenants whenever possible and feasible. When it is desirable to secure the services of a real estate professional or broker, the terms and conditions for the lease of Port property will be established within this policy.

4.2 LEASE OF REAL PROPERTY (EXCLUDING MARINA AND T-HANGARS)

- 4.2.1 *Licenses Real Estate/Broker:* All real estate professionals and brokers whom the Port conducts business with must be licensed in the State of Washington.
- 4.2.2 *Commission:* The rate of commission shall not exceed five (5%) percent of the net lease payments for the first five years and two and a half (2.5%) percent of the net lease payments for the second five years. Net lease payments do not include concession fees, triple net, common area maintenance charges, leasehold taxes, leasehold improvements or amortization of improvements, and delinquent rent payments.
- 4.2.3 *Statement:* Real Estate Professional/Broker must supply the Port with a written statement of details on potential lead(s), date lead was obtained and introduced to Port staff, any

potential financial interest Real Estate Professional/Broker may have with the lead, and a signed statement regarding conflicts of interests.

4.2.4 *Payment of Commission:*

4.2.4.1 *Month to Month, Annual and Multi-Year Leases:* Commission is calculated such that one-half of the first twelve months of net lease payments will be paid after six months of a fully executed lease and the Lessee actually occupies the leased property. The remaining one-half of the first twelve months commission will be paid at the end of twelve months from the lease effective date. From then on, commission will be paid annually from the lease effective date after rent has been collected. If Lessee terminates lease early, payment of commission will be paid upon lease termination date. All commission payments are subject to Port warrant processing time.

4.2.4.2 *Existing Tenants:* Commission will not be paid on leases involving existing tenants for new leases, renewals, or options exercised.

4.3 LEASE APPROVAL

4.3.1 Real Estate Professional/Broker can negotiate on the behalf of the Port; however they do not have lease approval authority. All final terms and conditions will be reviewed by the Port's Real Estate Division whom will follow the Executive Director's Authority Policy approved by Commission.

4.4 Withdraw or Amend

The Port reserves the right to withdraw or amend this policy at any time.