



REGULAR COMMISSION MEETING

PORT OF KENNEWICK

JANUARY 8, 2013 MINUTES

CALL TO ORDER

Commission President Skip Novakovich called the Commission meeting to order at 2:00 p.m. in the Port of Kennewick Commission Chambers located at 350 Clover Island Drive, Suite 200, Kennewick, Washington 99336.

The following were present:

Board Members: Skip Novakovich, President
Don Barnes, Vice-President
Gene Wagner, Secretary

Staff Members: Tim Arntzen, Executive Director
Tana Bader Inglima, Director of Governmental Relations & Marketing
Larry Peterson, Director of Planning & Development
Tammy Fine, Director of Finance/Auditor
Teresa Hancock, Real Estate Analyst & Project Specialist
Bridgette Scott, Executive Assistant
Lucinda Luke, Port Counsel

PLEDGE OF ALLEGIANCE

Mr. Ed Frost led the Pledge of Allegiance.

NEW BUSINESS

Election of 2013 Officers

MOTION: *Commissioner Wagner moved approval of the following slate of officers for Port of Kennewick Board of Commissions, for 2013, effective immediately: Commissioner Skip Novakovich, President; Commissioner Don Barnes, Vice President; and Commissioner Gene Wagner, Secretary. Commissioner Novakovich seconded, with no further discussion motion carried unanimously. All in favor 3:0.*

PUBLIC COMMENT

No public comments were made.

CONSENT AGENDA

The consent agenda consisted of the following:

A. Approval of Direct Deposit and Warrants Dated December 14, 2012

Direct Deposit totaling \$32,427.49 and Expense Fund Voucher Numbers 33858 through 33861 totaling \$4,215.85; for a grand total of \$36,643.34.

B. Approval of Warrant Registers Dated December 26, 2012

Expense Fund Voucher Numbers 33862 through 33916 totaling \$63,944.21. Construction Fund Voucher Numbers 3370 through 3376 totaling \$77,675.30.



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C. Approval of Direct Deposit and Warrants Dated December 31, 2012

Direct Deposit totaling \$24,919.70 and Expense Fund Voucher Numbers 33916 through 33920 totaling \$12,077.25; for a grand total of \$36,996.95.

D. Approval of Warrant Registers Dated January 2, 2013 LIST BOTH SETS

Construction Fund Voucher Numbers 3371 in the amount of \$800,013.15.

Construction Fund Voucher Numbers 3378 in the amount of \$8,065.72.

E. Approval of Warrant Registers Dated January 9, 2013

Expense Fund Voucher Numbers 33922 through 33949 totaling \$148,139.84. Construction Fund Voucher Numbers 3379 through 3384 totaling \$108,155.85.

F. Approval of Corrected Consent Agenda for Commission Meeting Minutes Dated May 22, 2012

G. Approval of Electrical Maintenance Service Contract for 2013-2014; Resolution 2013-01

H. Approval of HVAC Maintenance Service Contract for 2013-2014; Resolution 2013-02

I. Approval of Emergency HVAC Repair at 415 N. Quay, Building A; Resolution 2013-03

MOTION: Commissioner Barnes moved approval of the consent agenda; Commissioner Wagner seconded. With no further discussion motion carried unanimously. All in favor 3:0.

Mr. Novakovich commented agenda items may be placed on the Regular Commission Meeting Agenda after the agenda is closed and the notice is published if a Commissioner or the Executive Director explains the necessity and receives a majority vote of the Commission at a public meeting.

Mr. Novakovich further stated he received notification this morning of an item that needs to be addressed during today's meeting: Personnel, per RCW 42.30.110(1)(g).

MOTION: Commissioner Barnes moved approval to add an Executive Session item: Personnel, per RCW 42.30.110(1)(g) to the Agenda; Commissioner Wagner seconded, with no further discussion motion carried unanimously. All in favor 3:0.

REPORTS COMMENTS AND DISCUSSION ITEMS

A. Clover Island

1. Northwest Travel Magazine included a "photo contest" section in their January/February 2013 edition of their magazine. A local photographer, Cooper Atkinson, submitted a picture of the lighthouse and won the contest.

The magazine has more than 100,000 readers per issue. This is a significant number of people who have been reached with a positive impression of Clover Island.

B. Vista Field Update

The Vista Field Draft Environmental Impact Statement (DEIS) with the Planning, Environmental and Economic Analysis document is due on January 10, 2013 at 5:00 p.m. It will be posted on the website and a notice will be emailed and/or mailed to stakeholders, agencies, tribes and companies according to SEPA regulations. Copies of the DEIS report will also be available in the Port office.



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A Special Commission Meeting will be held January 23, 2013 at the Tri-Cities Visitor and Convention Bureau, Bechtel Board Room at 7:00 p.m. to review draft DEIS with the Commission and answer any questions the Commissioners may have.

A Public Hearing will be held January 24, 2013 at the Tri-Cities Visitor and Convention Bureau, Bechtel Board Room at 7:00 p.m. The Commission will not be present at the Public Hearing. The Public Hearing is part of the EIS process and the public may give their input on the DEIS. A stenographer will be at the meeting to ensure all comments are captured.

The 30-day comment period for the EIS ends February 11, 2013 at 5:00 p.m.; which is a day beyond the 30-day requirement. Comments can be made at the Public Hearing or submitted to VistaField@PortofKennewick.org

Mr. Novakovich inquired if the presentation and comments from the Public Hearing will be available for the Commission to review. Mr. Peterson reiterated that a stenographer will be at the meeting to capture the presentation and comments verbatim. The transcription will be included in the final EIS.

Mr. Barnes inquired if the January 23, 2013 Special Meeting replaces the January 22, 2013 Regular Meeting, or if it is in addition. The Special Meeting is in addition to the Regular Meeting as it is a one-item meeting and the Regular Meeting will cover general business.

Mr. Arntzen stated DPZ will go through the DEIS in moderate detail at the January 23, 2013 meeting and inquired if the Commission will be able to ask questions of DPZ. Mr. Peterson replied the January 23, 2013 Special Meeting is a presentation for the Commission and they will have the opportunity to ask questions. This meeting is not for a cross examination by the public. Mr. Peterson encouraged the public to reserve their questions and comments for the Public Hearing on January 24, 2013. Mr. Peterson stated elected bodies do not typically participate in the EIS process. In addition, there is not a requirement for the Port to hold a Special Meeting on January 23; however, staff thought it would be a good opportunity for the Commissioners to hear the information. The Port will operate under standard procedures and protocol at the Special Commission Meeting.

Mr. Arntzen cautioned the Commission not to give any indication of their position and to wait for all of the evidence to be submitted before making a decision; similar to a jury.

Ms. Bader Inglima reiterated the Commission should keep an open mind as the final report is not completed. By design the Commission was kept away from the DPZ meetings to ensure it was really the consultant's process. The Public Disclosure Commission (PDC) has also cautioned Commissioners not to express an opinion or preference for any alternative while engaged in any Commission meeting. If the issue should be presented to the public for a vote, the PDC wants to ensure that the elected officials are not attempting to sway or influence the deliberative process prior to when the actual deliberative process would begin. This is a requirement of the PDC.



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Ms. Bader Inglima stated if there is a deliberative process for a decision, that needs to be advertised to the public as such, and any opinions expressed on behalf of the Commission in a formal Commission manner, could be considered part of the deliberative process.

Mr. Peterson stated Port staff was also intentionally kept out of the process with very limited participation at meetings. Mr. Peterson took part in the meetings in an observation capacity. The community shared their opinions with DPZ what they would like to see happen to this site, both as an expansion idea and for redevelopment. The Port staff and Commission have purposely stayed out of the process because we want to capture what the community wants to do with the property. Mr. Peterson shared that other Port staff were involved in the coordination and logistics of the meetings, but did not attend. DPZ has been gathering the information, making presentations, and answering the questions.

Mr. Novakovich inquired if the comments made at the Special Commission Meeting on January 23, 2013 will be included in the EIS. Mr. Peterson confirmed that comments made at the meeting will be included.

Mr. Peterson reiterated that copies of the draft DEIS will be available at Port office for review by the public and the report will also be posted on the website.

Clerk's Note: The initial discussion included a fee for the draft DEIS report; however, in the interest of providing the information to constituents, the Executive Director approved printing 50 copies at no charge to constituents (one per person).

C. *Commissioner Meetings (formal and informal meetings with groups or individuals)*

Commissioners reported on their respective committee meetings.

D. *Non-Scheduled Items*

1. The Port has been working to strengthen our relationship with the CTUIR. The Port and CTUIR had an historic meeting and are now working together on tribal heritage artwork. The Port has worked closely with their Department of Natural Resources staff on grants, permitting and on the shoreline enhancement work, and recently assisted them in arranging contacts and meetings for CTUIR representatives and staff to meet with legislators and key agency contacts while they are in Washington, DC. The tribes have requested the Port consider formalizing our relationship through a Memorandum of Understanding. Commissioner Novakovich and Mr. Arntzen have been working on the draft MOU. He feels the results will reach a certain sense of permanence.
2. Ms. Bader Inglima stated the City of West Richland requested the Port present to the Council on January 15, 2013 at 7:00 p.m. The Port will also make a presentation to the West Richland Chamber of Commerce on February 6, 2013; and at the Tri-Cities Regional Chamber State of Ports luncheon on February 27, 2013, which is an update from all three ports.
3. Mr. Novakovich complimented Ms. Hancock and Mr. Peterson for their work on the Mejia transaction.



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PUBLIC COMMENTS

Ed Frost, 609 W. Albany, Kennewick. Mr. Frost testified that Mr. Peterson was accurate in his description of his activities at the Charrette meetings and Mr. Peterson was neutral at all sessions. Mr. Frost inquired about the process on January 23, 2013. He stated once the DEIS report is available, and is read by the public, if they have a question about the report and attend the January 23, 2013 meeting, they cannot ask their question because the presentation is for the Commission. And, if they attend the public hearing on January 24, 2013, it is for comments only. So, if someone reads the DEIS report, or attend the meetings, their question will not be answered, but would become a part of the general EIS. He feels the public's questions should be answered and that it is ridiculous that they will not.

No further public comments were made.

Mr. Novakovich anticipates the Executive Session to last approximately 75 minutes for Potential Litigation, per RCW 42.30.110(1)(i), with no action anticipated; Real Estate, Site Selection, per RCW 42.30.110(1)(b); with no action anticipated; and Personnel, per RCW 42.30.110(1)(g); with action anticipated. Mr. Novakovich asked the public to notify Port staff if they will return after the executive session. Mr. Novakovich recessed the meeting at 2:47 p.m. until 2:55 p.m.

Mr. Novakovich reconvened the meeting into Executive Session at 2:55 p.m. for 75 minutes.

EXECUTIVE SESSION

A. Potential Litigation, per RCW 42.30.110(1)(i)

B. Real Estate, Site Selection, per RCW 42.30.110(1)(b)

C. Personnel, per RCW 42.30.110(1)(g)

Ms. Hancock exited the chambers at 4:10 p.m. to extend Executive Session 20 minutes.

Ms. Hancock exited the chambers at 4:30 p.m. to extend Executive Session 15 minutes.

The regular meeting reconvened at 4:41 p.m.

Mr. Novakovich stated the Port Commissioners discussed and deemed the Executive Director's performance as satisfactory in accordance with the Executive Director's contract and approved, in addition to the Executive Director's contract, an additional 14 days of PTO for 2013 to be used as allowed by Port Policy Manual, however, not subject to the 30 day PTO limit. In addition, PTO was awarded to the Executive Director for his 2012 Goals and Objectives that were met. Mr. Novakovich would like the Commission to develop a set of goals for the Executive Director to work towards in 2013, prioritize these goals and set parameters and criteria to measure the progress toward a successful completion of these goals that specify the appropriate 14 days of PTO for achievement as merit rewards for exemplary service to the Port of Kennewick.

MOTION: *Commissioner Barnes moved approval of the 2012 Performance review as satisfactory and moved to approve 14 days of PTO for 2013; further he moved to award the pre-defined PTO for the 2012 Goals and Objectives met in accordance with the December 11, 2012 Commission Update*



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Memo; Commissioner Wagner seconded.

Mr. Barnes feels the Executive Director has done a great job and the merit reward is well earned and deserved. Mr. Wagner shared his appreciation for Mr. Arntzen's efforts. Mr. Novakovich stated this has been a difficult year for the whole staff and Mr. Arntzen has held the staff together. Mr. Novakovich commended Mr. Arntzen for his exemplary performance.

With no further discussion, the motion carried unanimously. All in favor 3:0.

Mr. Arntzen stated he puts a lot of thought into what is presented at Commission meetings; he cares for the Port and the people he works with, and is humbled by the faith the Commission has in him. He shared his appreciation for the performance review and stated it is an honor to work with the Commission. Mr. Arntzen feels every staff member makes the Port what we are, and allows him to receive positive feedback from the Commission. When the Commission evaluates the Executive Director, they evaluate the whole team. This positive review recognizes the whole team.

Mr. Novakovich stated he will meet individually with Mr. Arntzen to review the evaluation. The Commission is thankful to have Mr. Arntzen and the staff, and is pleased with the direction Mr. Arntzen is taking the Port.

Mr. Wagner applauds Mr. Arntzen for his performance and the team he has put together.

Mr. Barnes shared that he has learned a lot since May and has developed a great appreciation of Mr. Arntzen and the staff.

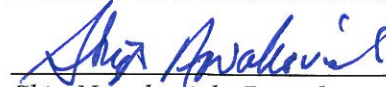
ADJOURNMENT

With no further business to bring before the Board; the meeting was adjourned at 4:50 p.m.

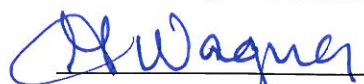
APPROVED:

PORT of KENNEWICK

BOARD of COMMISSIONERS


Skip Novakovich, President


Don Barnes, Vice President


Gene Wagner, Secretary

PORT OF KENNEWICK

Resolution No. 2013-01

**A RESOLUTION OF THE PORT OF KENNEWICK BOARD OF COMMISSIONERS
ACCEPTING AND AWARDING A CONTRACT FOR
ELECTRICAL MAINTENANCE SERVICES FOR 2013 AND 2014**

WHEREAS, the Port of Kennewick owns over 200,000 square feet of buildings and approximately 1,000 acres of land with a variety of improvements requiring regular maintenance and repair; and

WHEREAS, a contract with a private sector firm for maintenance and repair of Port electrical systems is allowed by State law and deemed the most efficient method to provide timely and cost effective repair and maintenance to the Port's buildings and properties; and

WHEREAS, the Port utilized the small works roster to solicit bids for Electrical Maintenance Services for 2013 and 2014, with contractors submitting bids identifying hourly wages, overtime wages, material mark-up and administrative expenses; and

WHEREAS, Port staff has reviewed the wage rates and references submitted and determined Garrett Electric Company, Inc. to be the lowest bidder for provision of Electrical Maintenance Services to the Port of Kennewick for 2013 and 2014.

NOW THEREFORE, BE IT RESOLVED that the Port of Kennewick Commission does hereby accept the bid of Garrett Electric Company, Inc. to provide Electrical Maintenance Services to the Port of Kennewick for 2013 and 2014.

BE IT HEREBY FURTHER RESOLVED that the Executive Director is authorized to enter into a contract between the Port of Kennewick and Garrett Electric Company, Inc. to provide Electrical Maintenance Services to the Port of Kennewick for 2013 and 2014, and that the Executive Director is further authorized to proceed with all necessary procedures required to contract for these services.

ADOPTED by the Board of Commissioners of Port of Kennewick on the 8th day of January 2013.

**PORT OF KENNEWICK
BOARD OF COMMISSIONERS**

By: 
SKIP NOVAKOVICH, *President*

By: 
DON BARNES, *Vice President*

By: 
GENE WAGNER, *Secretary*

PORT OF KENNEWICK

Resolution No. 2013-02

**A RESOLUTION OF THE PORT OF KENNEWICK BOARD OF COMMISSIONERS
ACCEPTING AND AWARDED A CONTRACT FOR
HVAC MAINTENANCE SERVICES FOR 2013 AND 2014**

WHEREAS, the Port of Kennewick owns over 200,000 square feet of buildings and approximately 1,000 acres of land with a variety of improvements requiring regular maintenance and repair; and

WHEREAS, a contract with a private sector firm for maintenance and repair of Port HVAC systems is allowed by State law and deemed the most efficient method to provide timely and cost effective repair and maintenance to the Port's buildings and properties; and

WHEREAS, the Port utilized the small works roster to solicit bids for HVAC Maintenance Services for 2013 and 2014, with contractors submitting bids identifying hourly wages, overtime wages, material mark-up and administrative expenses; and

WHEREAS, Port staff has reviewed the wage rates and references submitted and determined Bruce Mechanical Inc. to be the lowest bidder for the provision of HVAC Maintenance Services to the Port of Kennewick HVAC systems for 2013 and 2014.

NOW THEREFORE, BE IT RESOLVED that the Port of Kennewick Commission does hereby accept the bid of Bruce Mechanical Inc. to provide HVAC Maintenance Services to the Port of Kennewick HVAC systems for 2013 and 2014.


BE IT HEREBY FURTHER RESOLVED that the Executive Director is authorized to enter into a contract between the Port of Kennewick and Bruce Mechanical Inc. to provide HVAC Maintenance Services to the Port of Kennewick for 2013 and 2014, and that the Executive Director is further authorized to proceed with all necessary procedures required to contract for these services.

ADOPTED by the Board of Commissioners of Port of Kennewick on the 8th day of January 2013.

**PORT OF KENNEWICK
BOARD OF COMMISSIONERS**

By: 
SKIP NOVAKOVICH, *President*

By: 
DON BARNES, *Vice President*

By: 
GENE WAGNER, *Secretary*

PORT OF KENNEWICK

Resolution No. 2013-03

**A RESOLUTION OF THE PORT OF KENNEWICK BOARD OF
COMMISSIONERS DESIGNATING THE EMERGENCY HVAC REPAIR AT
415 N. QUAY, BUILDING A (BRUKER) AS EXEMPT FROM PUBLIC WORKS
COMPETITIVE BIDDING REQUIREMENTS**

WHEREAS, in accordance with RCW 39.04.280, the Port of Kennewick (Port) is authorized to designate certain public works contracts as emergencies and, therefore, exempt from competitive bidding requirements; and

WHEREAS, the Port of Kennewick's 415 N. Quay, Building A, Kennewick HVAC unit stopped working, threatening the (Bruker) tenants ability to perform work in 32 degree weather which could of resulted in loss of income to the tenant; and

WHEREAS, under his delegation of authority, the Executive Director authorized emergency replacement with A-1 Refrigeration and so notified each commissioner individually;


NOW, THEREFORE, BE IT RESOLVED that the Port of Kennewick Board of Commissioners designates the HVAC repair as an emergency public works project within the guidelines of RCW 39.04.280, and therefore exempt from competitive bidding requirements.

ADOPTED by the Board of Commissioners of the Port of Kennewick on the 8th day of January, 2013.

**PORT OF KENNEWICK
BOARD OF COMMISSIONERS**


SKIP NOVAKOVICH, *President*


DON BARNES, *Vice President*


GENE WAGNER, *Secretary*