

PORT OF BREMERTON
BOARD OF COMMISSIONERS
REGULAR BUSINESS MEETING

A G E N D A

May 26, 2020
6:00 PM

Remote Access Only
Zoom Meeting ID: 335 903 0010
Zoom Call-In: (253) 215-8782
BKAT Live Stream

Call to Order

Pledge of Allegiance

Approval of Agenda

Consent Items

All matters listed under Consent Items have been distributed to each member of the Commission for reading and study, are considered to be routine, and will be enacted by one motion of the Commission with no separate discussion. If separate discussion is desired, that item may be removed from the Consent Items and placed under Action Items by request.

- A. Minutes of the regular business meeting and executive session of May 12, 2020.
- B. Payment of checks #901158 through #901159 and #81193 and #81196 through #81207 and #81208 and #E00084 through #E00090 and #901160 and #901161 and #81212 through #81234 and #E00091 through #E00094 and #901163 through #901166 from the General Fund for \$142,582.05; #E00083 and #81194 through #81195 and #81209 through #81211 from the Construction Fund for \$45,774.64. Void Check # 81200 and #81202.

Information Items

- 1. 2020 Budget Review – Sherman Hu, CFO

Citizen Comments: *Open to the public for comment. Speakers are asked to keep their comments to less than 3 minutes. Please feel free to submit further comments in writing to the Clerk of the Board.*

Action Items

- 1. Puget Sound Energy (PSE) Easement for Wastewater Improvement Project

Staff Reports

Commission Reports / New Business

Executive Session *(if necessary)*

Adjournment

Regular business and other meetings that may be attended by members of the Board

<u><i>Date</i></u>	<u><i>Time</i></u>	<u><i>Meeting</i></u>
<i>05/26</i>	<i>6:00 pm</i>	<i>*Commission Regular Meeting –via Zoom</i>
<i>05/28</i>	<i>3:15 pm</i>	<i>Kitsap Regional Coordinating Council (KRCC) TransPOL</i>
<i>06/02</i>	<i>10:15 am</i>	<i>KRCC Board</i>
<i>06/03</i>	<i>1:00 pm</i>	<i>PSRC Economic Development District Board Executive Committee</i>
<i>06/09</i>	<i>10:00 am</i>	<i>*Commission Regular Meeting – via Zoom</i>

Meetings are subject to change or cancellation

**Denotes events in which two (2) or more Commissioners may attend*

PORT OF BREMERTON
BOARD OF COMMISSIONERS
REGULAR BUSINESS MEETING

MINUTES

May 12, 2020
10:00 AM

Remote Access Only
Zoom Meeting ID: 335 903 0010
Zoom Call-In: (253) 215-8782
BKAT Live Stream

Commissioners and Staff Present

Commissioners

Cary Bozeman
Axel Strakeljahn
Gary Anderson

Staff Members

Jim Rothlin
Fred Salisbury
Sherman Hu
Arne Bakker
James Weaver
Warren Hendrickson
Ginger Waye
Taylor Korizon
Anne Montgomery, Atty

Call to Order

President Bozeman called the meeting to order at 10:00 a.m.

Approval of Agenda

It was moved by STRAKELJAHN, seconded by ANDERSON to:

Approve the Agenda as presented.

MOTION CARRIES, 3-0

Consent Items

- A. Minutes of the regular business meeting and executive session of April 28, 2020.
- B. Payment of checks #901155 through #901157 and #81152 through #81153 and #81160 through #81179 and #E00071 through #E00076 and #E00077 and #81180 and #81183 through #81192 and #E00078 through #E00082 from the General Fund for \$96,556.38; #81154 through #81159 and #81181 through #81182 from the Construction Fund for \$42,053.98.

It was moved by ANDERSON, seconded by STRAKELJAHN to:

Approve the Consent Items as presented.

MOTION CARRIES, 3-0

Citizen Comments

Roger Gay, South Kitsap

- With regard to the security contract on the agenda, curious as to why the previous contract had specific hours of service but the current one before the board does not. James Weaver, Director of Marine Facilities, explained that it allows for exploring the shifts that will be the most productive use of the time.

Action Items

1. Personal Services Contract for Marina Security Services
Presented by James Weaver, Director of Marine Facilities

Following presentation and extensive discussion during which Commissioners Strakeljahn and Anderson provided different points of research they had accomplished;

It was moved by ANDERSON, seconded by BOZEMAN to:

Approve the selection of SAFE Security, Inc., for provision of nightly marina security services and authorize the CEO to execute the contract for said services.

MOTION CARRIES, 2-0 Yea: BOZEMAN; ANDERSON Nay: STRAKELJAHN

It was noted that prior to execution, Exhibit A needs to be revised to reflect Bremerton Marina and Port Orchard Marina versus "Ports of Bremerton and Port Orchard"

Staff Reports

Jim Rothlin, Chief Executive Officer

- Stated the Port is moving forward and running as efficiently as possible with the COVID-19 restrictions. We are taking a look at the Governor's 4-phase approach to reopening and how the Port will navigate through that. He also discussed event postponements and cancellations and how that affects revenue.

Commission Reports / New Business

Commissioner Strakeljahn

- Reported on the Puget Sound Regional Council (PSRC) Economic Development District (EDD) Board meeting during which the CARES Act was discussed.
- Along with COO Fred Salisbury, presented the Airport Industrial Way extension project to the Kitsap Regional Coordinating Council (KRCC) Board.
- He provided an online chart of the Central Puget Sound Initial Unemployment Claims since the COVID-19 pandemic by type of business and how the phased approach may affect the unemployment numbers.

Commissioner Anderson

- Discussed a letter of support for the City of Port Orchard's grant application for Phase I work on the City's Bethel corridor. All commissioners stated their support and agreed to sign the letter.
- Noted that work has started on developing a coalition for the Gorst transportation issue and stated his is very passionate about that subject and would like to be involved. Commissioner Strakeljahn noted that the Port has taken a leadership role and Commissioner Anderson is automatically a part of that team. He provided detail on the current process of formulating the coalition.

Commissioner Bozeman

- Discussed moving forward on Port Orchard Marina breakwater funding and that former congressman Norm Dicks is willing to meeting with him and Mr. Rothlin to brainstorm ways to target funding. There was discussion with Mr. Rothlin and Mr. Weaver on next steps in the breakwater design/construction process, the funding opportunities currently being sought, and the intent for a continuous campaign of investigating funding throughout the entire design/construction process.

Executive Session

President Bozeman recessed the meeting at 10:45 a.m. and reconvened into executive session for approximately 30 minutes regarding: real estate issues [RCW 42.30.110(1)(c)]. At 11:15 a.m. executive session was extended 10 minutes.

At 11:25 a.m. the regular meeting was reconvened.

Adjournment

There being no further business before the Board, the meeting was adjourned at 11:25 a.m.

Submitted,

Approved,

Jim Rothlin
Chief Executive Officer
May 21, 2020

Gary Anderson
Commission Secretary
May 26, 2020

PORT OF BREMERTON
BOARD OF COMMISSIONERS
EXECUTIVE SESSION

MINUTES

May 12, 2020
10:45 AM

Remote Zoom Meeting Access Only

Call to Order

President Bozeman called the executive session to order at 10:45 a.m., May 12, 2020.

Commissioners and Staff Present

Commissioners

Cary Bozeman
Axel Strakeljahn
Gary Anderson

Staff Members

Jim Rothlin
Fred Salisbury
Anne Montgomery, Atty

Item #1: Real estate issues were discussed [RCW 42.30.110(1)(c)].

With no further business to come before the Board, the meeting was adjourned into regular session at 11:25 a.m.

Submitted,

Jim Rothlin
Chief Executive Officer
May 21, 2020

Approved,

Gary Anderson
Commission Secretary
May 26, 2020

PORT OF BREMERTON
AGENDA SUMMARY

Agenda Item No: Action Item 1
Subject: PSE Easement for Wastewater Improvement Project
Exhibits: PSE Easement
Prepared By: Fred Salisbury, COO
Meeting Date: May 26, 2020

Summary:

In preparation for the wastewater plant upgrade scheduled for next month, the project requires the installation of a new 3-phase service at the end of Constance Drive. This service is comprised of the installation of a new PSE power pole connecting to underground service conduit to the new pump building. PSE requires a maintenance easement over both above and below ground services, which it has developed and is attached. Execution of PSE work cannot be started until an easement is in place, which can pose significant delays.

The Port Attorney has reviewed the easement.

Fiscal Impact:

None

Strategic Purpose:

Goal 6: Develop and fund a 20-year asset replacement/ major maintenance schedule.

Recommendation:

Staff recommends the execution of the PSE easement for the Wastewater Improvement project.

Motion for Consideration:

Move to approve the PSE easement and authorize the Commission President to sign on behalf of the Board.

RETURN ADDRESS:
Puget Sound Energy, Inc.
Attn: ROW Department
Connie Corpuz
3130 South 38th Street
Tacoma, WA 98409



EASEMENT

REFERENCE #: N/A
GRANTOR (Owner): **PORT OF BREMERTON**
GRANTEE (PSE): **PUGET SOUND ENERGY, INC.**
SHORT LEGAL: **SW 11-23N-01W**
ASSESSOR'S PROPERTY TAX PARCEL: **112301-3-001-1000**

For and in consideration of good and valuable consideration, the receipt and sufficiency of which are acknowledged, the **PORT OF BREMERTON**, a Municipal Corporation organized under the laws of the State of Washington ("Owner" herein), hereby grants and conveys to **PUGET SOUND ENERGY, INC.**, a Washington corporation ("PSE" herein), for the purposes described below, a nonexclusive perpetual easement over, under, along across and through the following described real property (the "Property" herein) in **KITSAP** County, Washington:

THE NORTH 50 FEET OF THE WEST 800 FEET OF THE NW QUARTER OF THE SW QUARTER OF SECTION 11, TOWNSHIP 23 NORTH, RANGE 1 WEST, W.M., IN KITSAP COUNTY, WASHINGTON, LYING EAST OF THE US NAVY RAILROAD.

Except as may be otherwise set forth herein PSE's rights shall be exercised upon that portion of the Property ("Easement Area" herein) described as follows:

AN EASEMENT AREA TEN (10) FEET IN WIDTH HAVING FIVE (5) FEET OF SUCH WIDTH ON EACH SIDE OF THE CENTERLINE OF PSE'S FACILITIES AS CONSTRUCTED, TO BE CONSTRUCTED, EXTENDED OR RELOCATED LYING WITHIN THE ABOVE DESCRIBED PROPERTY.

1. Purpose. PSE shall have the right to use the Easement Area to construct, operate, maintain, repair, replace, improve, remove, upgrade and extend one or more utility systems for purposes of distribution and sale of electricity. Such systems may include, but are not limited to:

- a. Overhead facilities.** Poles and other support structures with crossarms, braces, guys and anchors; electric distribution lines; fiber optic cable and other lines, cables and facilities for communications; transformers, street lights, meters, fixtures, attachments and any and all other facilities or appurtenances necessary or convenient to any or all of the foregoing; and
- b. Underground facilities.** Conduits, lines, cables, vaults, switches and transformers for electricity; fiber optic cable and other lines, cables and facilities for communications; semi-buried or ground-mounted facilities and pads, manholes, meters, fixtures, attachments and any and all other facilities or appurtenances necessary or convenient to any or all of the foregoing.

Following the initial construction of all or a portion of its systems, PSE may, from time to time, construct such additional facilities as it may require for such systems. PSE shall have the right of access to the Easement Area over and across the Property to enable PSE to exercise its rights granted in this easement.

2. Easement Area Clearing and Maintenance. PSE shall have the right, but not the obligation to cut, remove and dispose of any and all brush, trees or other vegetation in the Easement Area. PSE shall also have the right, but not the obligation, to control, on a continuing basis and by any prudent and reasonable means, the establishment and growth of brush, trees or other vegetation in the Easement Area.

3. Restoration. Following initial installation, repair or extension of its facilities, PSE shall, to the extent reasonably practicable, restore landscaping and surfaces and portions of the Property affected by PSE's work to the condition existing immediately prior to such work. PSE shall use good faith efforts to perform its restoration obligations under this paragraph as soon as reasonably possible after the completion of PSE's work.

4. Owner's Use of Easement Area. Owner reserves the right to use the Easement Area for any purpose not inconsistent with the rights herein granted, provided, however, Owner shall not excavate within or otherwise change the grade of the Easement Area or construct or maintain any buildings or structures on the Easement Area and Owner shall do no blasting within 300 feet of PSE's facilities without PSE's prior written consent.

5. Indemnity. PSE agrees to indemnify Owner from and against liability incurred by Owner as a result of the negligence of PSE or its contractors in the exercise of the rights herein granted to PSE, but nothing herein shall require PSE to indemnify Owner for that portion of any such liability attributable to the negligence of Owner or the negligence of others.

6. Termination. The rights herein granted shall continue until such time as PSE terminates such right by written instrument. If terminated any improvements remaining in the Easement Area shall become the property of Owner. No termination shall be deemed to have occurred by PSE's failure to install its systems on the Easement Area.

7. Successors and Assigns. PSE shall have the right to assign, apportion or otherwise transfer any or all of its rights, benefits, privileges and interests arising in and under this easement. Without limiting the generality of the foregoing, the rights and obligations of the parties shall be binding upon their respective successors and assigns.

DATED this _____ day of _____, 2020.

OWNER / GRANTOR:
PORT OF BREMERTON
A Municipal corporation organized under
the laws of the State of Washington

BY: _____
CARY BOZEMAN
Commission President

STATE OF WASHINGTON)
) ss
COUNTY OF KITSAP)

On this ____ day of _____, 2020, before me, the undersigned, a Notary Public in and for the State of Washington, duly commissioned and sworn, personally appeared CARY BOZEMAN to me known to be the individual who signed as Commission President of the PORT OF BREMERTON, a municipal corporation organized under the laws of the State of Washington, that executed the within and foregoing instrument, and acknowledged said instrument to be his free and voluntary act and deed and the free and voluntary act and deed of the PORT OF BREMERTON for the uses and purposes therein mentioned; and on oath stated that he was authorized to execute said instrument on behalf of the PORT OF BREMERTON.

IN WITNESS WHEREOF I have hereunto set my hand and official seal the day and year first above written.

NOTARY PUBLIC in and for the State of Washington,
Residing at _____
My Appointment Expires: _____