

# AGENDA

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

Tuesday, November 28, 2017  
2:00 p.m.

**I. CALL TO ORDER**

**II. PLEDGE OF ALLEGIANCE**

**III. APPROVAL OF AGENDA**

**IV. PUBLIC COMMENT** (*Please state your name and address for the public record*)

**V. CONSENT AGENDA**

- A. Approval of Direct Deposit and ePayments Dated November 1, 2017
- B. Approval of Warrant Register Dated November 14, 2017
- C. Approval of Direct Deposit and ePayments Dated November 17, 2017
- D. Approval of Warrant Register Dated November 28, 2017
- E. Approval of Regular Commission Business Meeting Minutes October 24, 2017

**VI. NEW BUSINESS**

- A. Resolution of Appreciation of Carl D. Sampson, Atway Chief of the Walla Walla; Resolution 2017-28 (**TIM**)
- B. Clover Island
  - 1. Acceptance of Gathering Place; Resolution 2017-22 (**LARRY**)
  - 2. 1135 Project Update; Resolution 2017-23 (**TIM/TANA**)
  - 3. RCO LWCF Clover Island Shoreline Grant Application; Resolution 2017-24 (**TANA**)
- C. Columbia Drive
  - 1. Columbia Gardens Wine Village Substantial Completion; Resolution 2017-25 (**LARRY**)
- D. Hanford Area Economic Investment Fund (HAEIFC) Grant Applications (Columbia Gardens Phase II & Vista Field); Resolution 2017-26 (**TANA**)

**VII. REPORTS, COMMENTS AND DISCUSSION ITEMS**

- A. Vista Field Update (**LARRY/TIM**)
- B. West Richland Tri-City Raceway Inundation Clause (**BRIDGETTE**)
- C. Amendment to Rocking River LLC Purchase and Sale Agreement; Resolution 2017-29 (**AMBER**)
- D. Tri-Cities Chaplaincy - Variance to Protective Covenants and Restrictions within Spaulding Business Park; Resolution 2017-30 (**AMBER**)
- E. 2018/2019 Committee Assignments and Election of Officers – For Discussion Only (**BRIDGETTE/TIM**)
- F. Update CEO Employment Contract to Allow the New Evaluation Process; Resolution 2017-27 (**LUCY**)
- G. Commissioner Meetings (formal and informal meetings with groups or individuals)
- H. Non-Scheduled Items

**VIII. PUBLIC COMMENT** (*Please state your name and address for the public record*)

**IX. EXECUTIVE SESSION** (*Ask public if they are staying, and if not, where they can be located if the Executive Session ends early.*)

- A. Personnel, per RCW 42.30.110(1)(g)

**X. ADJOURNMENT**

***PLEASE SILENCE CELL PHONES***



# PORT OF KENNEWICK REGULAR COMMISSION MEETING

**DRAFT**

**OCTOBER 24, 2017 MINUTES**

## **CALL TO ORDER**

Commission President Skip Novakovich called the Regular 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  
Thomas Moak, Vice-President  
Don Barnes, Secretary

**Staff Members:** Tim Arntzen, Chief Executive Officer  
Tana Bader Inglima, Deputy Chief Executive Officer  
Nick Kooiker, Chief Financial Officer/Auditor  
Larry Peterson, Director of Planning and Development  
Lisa Schumacher, Special Projects Coordinator  
Bridgette Scott, Executive Assistant  
Lucinda Luke, Port Counsel

## **PLEDGE OF ALLEGIANCE**

Larry Peterson led the Pledge of Allegiance.

## **APPROVAL OF THE AGENDA**

***MOTION:*** Commissioner Barnes moved to approve the Agenda, as presented; Commissioner Moak seconded. With no further discussion, motion carried unanimously. All in favor 3:0.

## **PUBLIC COMMENT**

Michelle Andres, 1421 North Road 77, Pasco. Ms. Andres joins Darryll Olsen, from Columbia-Snake River Irrigation Association and asked if the Commission, along with several County Commissioners and Public Utility Districts, to support our request for the Secretary of the Interior to review the Environmental Species Act Committee and process.

No further comments were made.

## **CONSENT AGENDA**

Consent agenda consisted of the following:

**A. Approval of Direct Deposit and E-Payments Dated October 16, 2017**

Direct Deposit and E-Payments totaling \$54,928.12

**B. Approval of Warrant Registers Dated October 24, 2017**

Expense Fund Voucher Numbers 39558 through 39579 and 39581 through 39588 for a grand total of \$442,127.61

# PORT OF KENNEWICK REGULAR COMMISSION MEETING

OCTOBER 24, 2017 MINUTES

**DRAFT**

---

**C. *Approval of Warrant Registers Dated October 24, 2017***

Expense Fund Voucher Number 39580 (PS Media) for a grand total of \$21,566.89

**D. *Approval of Regular Commission Business Meeting Minutes October 10, 2017***

Mr. Novakovich stated Consent Agenda items are a number of items taken collectively in one motion to be approved or disapproved. He further stated the Commission has the option to remove items from the Consent Agenda and inquired if any items need to be removed.

Commissioner Novakovich would like remove Item C and have the item approved separately because on April 12, 2011, he disclosed that Esprit, the company he and his wife owns, has a contract with PS Media to produce the Port's newsletter. Esprit does not get paid directly from the Port; they get paid from PS Media. Item C is the payment to PS Media and in the interest of any kind of perception that there could be a conflict, he would like to recuse himself from any action on this item.

It is the consensus of the Commission to remove Item C from the Consent Agenda for separate approval.

**MOTION: *Commissioner Barnes moved for approval of the Consent Agenda, Items A, B, and D; Commissioner Moak seconded. With no further discussion, motion carried unanimously. All in favor 3:0.***

**MOTION: *Commissioner Barnes moved for approval of Item C; Commissioner Moak seconded. With no further discussion, motion carried unanimously. All in favor 2:0, (Commissioners Moak and Barnes) 1 abstained (Commissioner Novakovich).***

Mr. Arntzen requested to move up the insurance presentation and the Public Hearing regarding the Levy Certification and Increase in Tax Capacity, as there is a situation Mr. Kooiker needs to attend to.

## **PRESENTATIONS**

**A. *Port Insurance, Brad Toner (previously listed as Item B under Presentations)***

Mr. Kooiker introduced Brad Toner, Justin Toner and Chris Zumhofe of Basin Pacific Insurance Company, the Port's insurance carrier, Mr. Kooiker stated Brad Toner will be briefly updating the Commission on the Port's insurance coverage.

Brad Toner of Basin Pacific Insurance and Benefits stated he meets with Ms. Hanchette, Mr. Kooiker, and Mr. Peterson on a regular basis and annually reviews Port coverage. Mr. Toner outlined the Port's insurance coverage:

- Port Properties: approximately \$54,000,000 covered, under one limit with replacement cost value;
- Commercial General Liability: covers each occurrence, personal and advertising injury, general aggregate, public officials, employment practices, miscellaneous professional liability and privacy network liability and data breach;
- Commercial Auto Liability: covers bodily injury and property damage, uninsured motorist, medical payment, hired/borrowed auto liability, non-owned auto liability, and includes all Port owned autos and trailers;

# PORT OF KENNEWICK REGULAR COMMISSION MEETING

OCTOBER 24, 2017 MINUTES

**DRAFT**

---

- Commercial Crime: covers employee dishonesty, forgery or alteration, theft, destruction of property, robbery/burglary, theft of money and securities, and computer fraud; and
- Marine Operators Legal Liability: covers marine operators' legal liability, any one vessel and sudden and accidental pollution.

Mr. Toner stated additional optional coverages can include:

- Cyber Crime with Social Engineering Endorsement;
- Technology Errors and Omissions;
- Flood Insurance.

Mr. Novakovich inquired what the Port carries for liability on the marina.

Mr. Toner stated the Port's coverage is \$30,000,000.

Mr. Kooiker stated our insurance team has also assisted staff with contracts and leases and outlined specific guidelines for tenants and contractors.

Mr. Arntzen stated Mr. Kooiker will continue to review additional coverages and update the Commission with the proposed changes.

Mr. Novakovich inquired if Vista Field is covered.

Mr. Toner stated the existing structures at Vista Field are covered and the liability extends to all of the property. When the Port begins construction at Vista Field, we will add the necessary policies.

## **PUBLIC HEARING: 2018 LEVY CERTIFICATION AND INCREASE IN TAX CAPACITY** *(Previously listed as Item 8, B & C)*

### **A. 2018 Levy Certification: Resolution 2017-20**

### **B. 2018 Increase in Tax Capacity: Resolution 2017-21**

Mr. Kooiker stated each year the Commission has the opportunity to pass the Property Tax Levy which establishes how much the Port will collect in property taxes and is then forwarded to the Benton County Treasurer. Resolution 2017-21 is required by law and authorizes the Commission to take an increase in the tax levy of 1%, pursuant to RCW 84.55.120 and WAC 458-19-005. Mr. Kooiker stated the Port will receive approximately \$45,000 and this will not increase property taxes.

*Mr. Novakovich recessed the Regular Meeting and declared an open Public Hearing for discussion regarding Levy Certification and increase in Tax Capacity at 2:17 p.m.*

## **PUBLIC COMMENTS**

No comments were made.

*Mr. Novakovich closed the Public Hearing regarding Levy Certification and increase in Tax Capacity at 2:18 p.m. and reconvened the Regular Commission Meeting.*

# PORT OF KENNEWICK REGULAR COMMISSION MEETING

OCTOBER 24, 2017 MINUTES

**DRAFT**

---

**MOTION:** *Commissioner Barnes moved for approval of Resolution 2017-20, Levy Certification; Commissioner Moak seconded. With no further discussion, motion carried unanimously. All in favor 3:0.*

**MOTION:** *Commissioner Barnes moved for approval of Resolution 2017-21, authorizing an increase in the Tax Capacity, authorizing the 1%; Commissioner Moak seconded. With no further discussion, motion carried unanimously. All in favor 3:0.*

## **PRESENTATIONS (continued)**

### ***B. Columbia-Snake River ESA Litigation, Darryll Olsen, Ph.D., CSRIA Board Representative (previously listed as A)***

Mr. Novakovich introduced Darryll Olsen, Board Representative for Columbia-Snake River Irrigators Association. Dr. Olsen previously assisted the Port on water issues.

Dr. Olsen stated the Columbia-Snake River Irrigators Association (CSRIA) represents a large number of the direct pumpers out of the Columbia and Snake Rivers and some private pumpers out of Yakima. Municipal members include the Quad-Cities, Kennewick Irrigation District and Badger Irrigation District. The CSRIA aims to keep the water it pumps, and to do that, the CSRIA works through any of the technical and legal planning through the federal and state levels. Dr. Olsen briefed the Commission the on CSRIA activities to end 25 years of litigation on the Columbia-Snake River. The litigation is based on the Endangered Species Act (ESA) and the biological opinion for the ESA-listed salmon and steelhead species. The biological opinion is a set of instructions to Federal Agencies to avoid extinction of particular species.

Dr. Olsen presented the Columbia-Snake River Irrigator Association media release (*Exhibit A*) regarding “Killing Idaho Fish.” Dr. Olsen stated the litigation has cost a great deal of money and restricted access to water; however, with the new Administration in office at the federal level, the CSRIA believes there may be an ability to invoke administrative action, which is already part of the ESA. Dr. Olsen stated the CSRIA is requesting an objective and reasoned recommendation to Secretary Zinke to define whether to engage the ESA Committee review for an exemption to further measures affecting the federal hydro project operation on the mainstem Columbia-Snake River system. This senior staff recommendation would consider:

- The circumstances leading to the need for ESA Committee action;
- The specific technical/legal action;
- The policy implications from this specific action to other issues or areas;
- The above factors informing a clear staff recommendation to the Secretary of the Interior.

Dr. Olsen has briefed other agencies and requested a letter of support, asking the Department of Interior to evaluate the ESA Committee and process. Dr. Olsen stated if the Commission believes the request has merits, to please send a letter of support to the Department of Interior regarding an ESA Committee review.

Mr. Novakovich thanked Dr. Olsen for his presentation and reiterated Mr. Olsen’s request of writing a letter of support. Mr. Novakovich confirmed with Ms. Andres that she wanted to bring the Secretary of the Interior to the Tri-Cities.

**PORT OF KENNEWICK  
REGULAR COMMISSION MEETING**

**OCTOBER 24, 2017 MINUTES**

**DRAFT**

---

Ms. Andres stated there is a required hearing if the Department of Interior does the review. The CRSIA has the full support of Benton and Franklin County Commissioners and the PUD's and continues to gather support. Ms. Andres believes very strongly there is a window of opportunity.

Mr. Novakovich clarified the CSRIA's request to the Secretary of Interior; requesting a review of the ESA Committee and processes.

Mr. Moak believes this a legislative issue versus an administrative issue.

Mr. Barnes stated Dr. Olsen presented a lot of information which is complex and has been going on for some time. Mr. Barnes stated he would like the opportunity to further research the issue before making a decision.

Mr. Novakovich inquired what the time frame is for the CSRIA.

Dr. Olsen stated the request should be made before the start of the Environmental Impact Statement and estimated the request should be made prior to April of 2018.

Mr. Novakovich asked the Commission if they would like time to review the handouts and consider having Mr. Arntzen draft a letter of support for potential approval at the next Regular Meeting. Mr. Novakovich stated since many of our jurisdictional partners are involved, the Port should consider a letter of support.

Mr. Barnes does not have an issue with that and reiterated his desire to review the material.

Mr. Arntzen will send the Commission the material staff received and stated he will draft a letter based on the information shared today for Commission review. Mr. Arntzen stated the Commission can review the draft letter and move forward or decide not to take action. Mr. Arntzen proposed discussing the letter of support at the November 28, 2017 Commission Meeting due to conflicts with the November 14, 2017 Commission Meeting.

Mr. Novakovich asked staff to place CSRIA on the November 28, 2017 agenda.

Dr. Olsen made himself available to the Commission for the November 28, 2017 Commission meeting.

Mr. Barnes will contact Dr. Olsen directly if he has further questions.

Mr. Arntzen inquired if the Commission would like him to perform a modicum of research and reach out to the Confederated Tribes of the Umatilla Indian Reservation (CTUIR).

Mr. Novakovich stated any information would be helpful and asked Mr. Arntzen to discuss the issue with the CTUIR and disseminate the information to the best of his ability.

# PORT OF KENNEWICK REGULAR COMMISSION MEETING

OCTOBER 24, 2017 MINUTES

**DRAFT**

---

## REPORTS, COMMENTS AND DISCUSSION ITEMS

### A. *Vista Field*

- a. *Approval of Vista Field Redevelopment Master Plan Agreement: Resolution 2017-17*
- b. *Approval of Vista Field Development Agreement: Resolution 2017-18*

Mr. Peterson stated the Vista Field Redevelopment Master Plan is the result of over three years of planning and public engagement that formally began on November 10, 2014 with the Pattern Language process led by R. Gary Black of Integrated Structures followed by a weeklong Charrette conducted by Duany-Plater-Zyberk (DPZ) led by Andres Duany. The resulting Charrette Report was issued on February 6, 2015 and concepts generated at the Charrette were reviewed, tested and refined over the next 18 months.

In July 2015 Parametrix began preparing the Transportation System Impact Evaluation (TSIE) of Vista Field's likely impacts to the City's existing transportation network which was completed in March 2016. This review identified both future impacts the redevelopment of Vista Field may pose and minor alterations to the conceptual layout to better connect with the existing street network. While the TSIE was underway, HDJ Design Group investigated the potential of reusing the existing asphalt runways and taxi-lanes in place as suggested during the Charrette week. SWCA Environmental Consultants compiled a cultural resource assessment of the site and the assessment identified no archaeological materials, but did suggest the former Aircraft Carrier Practice Deck might be eligible for the National Register of Historic Places.

While these technical reviews were underway the Port worked with DPZ to refine the architectural character that would be applicable to development occurring at Vista Field. To help convey the vision and intent of Vista Field, DPZ prepared a Design Precedents Library, which will help the development community and citizens understand what is anticipated and expected in the development. ECONorthwest prepared an economic analysis of the likely positive impacts the site could yield.

For the last two years the Port worked closely with the City of Kennewick to create zoning and street design regulations which would allow Vista Field to be redeveloped as envisioned by the community in November 2014. Review of existing water and sewer utilities occurred in summer 2017 with conclusions and solutions identified in September 2017. Upon completion of much of this work, the City submitted the draft master plan to the State Department of Commerce on September 5, 2017 for a legally mandated review which resulted in a unique and cherished letter of support from the Washington State Department of Commerce dated October 3, 2017.

Due to the unique nature of the proposed Vista Field development, a type of development not occurring within the City of Kennewick or elsewhere in the Tri-Cities, City staff suggested a Development Agreement which clarifies expectations and deviations. The Development Agreement is a contract between the City and Port and other parties that will invest in Vista Field which clearly establishes regulatory, timing, and financial commitments of all parties.

# PORT OF KENNEWICK REGULAR COMMISSION MEETING

OCTOBER 24, 2017 MINUTES

**DRAFT**

---

The Vista Field Development Agreement is for a ten year term which binds the parties to the vision contained in the Redevelopment Master Plan while providing certainty that the development standards (zoning, street design) will not be changed nor rescinded. This agreement also establishes transportation system and utility system improvement triggers, responsible parties and participation shares. The Development Agreement in essence is the pre-negotiation of the rules and regulations.

Mr. Peterson stated adoption of the Resolution 2017-17 and 2017-18 would establish the Vista Field Redevelopment Master Plan and provide assurances outlined in the Development Agreement to the City, Port, citizens and community of that vision.

## **PUBLIC COMMENT**

Boyce Burdick, 414 Snyder Street, Richland. Mr. Burdick stated as Board President of the Mid-Columbia Symphony, he represents the Symphony on the Arts Center Task Force and is a member of the planning committee that worked with LMN Architects to produce the pre-design plan for the Vista Arts Center. Mr. Burdick is very committed to seeing the Vista Arts Center constructed and becoming a future resident of Vista Field. Mr. Burdick asked the Commission to approve Resolution 2017-17 the Vista Field Redevelopment Master Plan.

David Robison, 3601 North 20<sup>th</sup> Avenue, Pasco. Mr. Robison asked the Commission to support Resolutions 2017-17 and 2017-18 and move forward with the Vista Field Redevelopment Master Plan and the Development Agreement with the City. Mr. Robison paraphrased Community Planning Director Greg McCormick's comments: "not only does the community feel this way, but your partners, and development partners, who have worked so hard for a number of years together, feel the same." What the Commission is approving today will provide numerous benefits, beyond belief, which we may not see today or tomorrow. Over time, the Commission will look back and realize what a momentous occasion today really is.

No further comments were made.

Mr. Novakovich stated it truly is a very momentous day, as Mr. Peterson indicated, the Vista Field Redevelopment Master Plan is over three years in the making. The redevelopment of Vista Field is the largest project the Port has ever undertaken, and perhaps even the Tri-Cities. The redevelopment is projected to bring in \$500,000,000 at build out and create 3,200 new jobs. Mr. Novakovich thanked Port staff, Mr. Robison, Mr. McCormick and our partners and he is looking forward to being able to approve the Resolutions and move forward.

**MOTION: Commissioner Barnes moved for approval Resolution 2017-17 adopting the Vista Field Redevelopment Master Plan; Commissioner Moak seconded.**

### ***Discussion:***

*Mr. Barnes agrees with the earlier comments and stated this is a very significant day in Port history. Mr. Barnes stated it has been an honor to work on the Master Plan and indicated the*



**PORT OF KENNEWICK  
REGULAR COMMISSION MEETING**

**OCTOBER 24, 2017 MINUTES**

**DRAFT**

---

*degree of collaboration between Port and City staff is very much appreciated. Mr. Barnes, on behalf of the community, thanked staff for all their work and effort. The level of detail addressed in the Master Plan, which includes fire, water, traffic, zoning, and land use, is well thought out and specific. Mr. Barnes stated the level of professional guidance from our consultants throughout the process (DPZ, Strategic Construction Management, and Meier Engineering) and the collaborative work and effort by Port and City staff, in creating the Master Plan, is incredible. Mr. Barnes looks forward to seeing tangible changes at Vista Field.*

*Mr. Moak concurs with Mr. Barnes and stated this is a great vision for Kennewick and the Tri-Cities. Many pieces of the Master Plan have been mentioned today but Mr. Moak believes the most important piece is the outstanding community vision that the public shaped during the November 2014 Charrette. This is not the average development, but rather a vision for something different and something that reflects the community's needs in ways that may be hard to appreciate. Mr. Moak stated this is not the end, the Master Plan gets the Port to the starting line, not the finish line and there is still much to do to implement the vision and create jobs at Vista Field. Mr. Moak appreciates our consultants and staff who have gotten us this far, but the proof will be seen several years down the road, when the Port has created and implemented the vision and created the jobs that make our community better. Mr. Moak thanked our consultants, Mr. Robison, Port and City staff, the Community, and Mr. Burdick, who have been part of the process and believed in what the Port is doing to create and develop a community center.*

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

***MOTION: Commissioner Moak moved for approval Resolution 2017-18 adopting the Vista Field Development Agreement; Commissioner Barnes seconded.***

***Discussion:***

*Mr. Moak stated in ten years the Port Commission and City Council faces will most likely change and this will be a good opportunity to check on the Development Agreement. If Vista Field becomes what Mr. Peterson suggests, Mr. Moak believes there will be a desire for the Port Commission and the City Council to continue moving forward to complete the vision. Mr. Moak stated this is a good agreement and outlines the technicalities of Vista Field.*

*Mr. Barnes agrees with Mr. Moak's comments and stated the Development Agreement speaks to the collaborative effort between the Port and City. The Development Agreement memorializes the elements of Vista Field, reflects the intentions of the Port and City, and guides us through the first ten years of the Vista Field redevelopment. The Agreement is very specific with regard to the key elements and is an excellent document which will serve both of our entities well for next ten years.*

*Mr. Novakovich is very proud of the Port of Kennewick, our partners at the City, and all of the consultants who have worked on the Vista Field Redevelopment Master Plan and Development Agreement. The entire process has been open and involved the public since November 2014. The Commission acted as gatekeepers to ensure that the public's vision be brought to fruition*

**PORT OF KENNEWICK  
REGULAR COMMISSION MEETING**

**OCTOBER 24, 2017 MINUTES**

**DRAFT**

---

*and the Resolutions before the Commission today will help us succeed in creating that vision. Mr. Novakovich is honored to be a part of the public process.*

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

*Mr. Novakovich recessed the Regular Meeting and declared an open Public Hearing for discussion regarding the amendment to the Port's Comprehensive Scheme of Development at 3:16 p.m.*

**PUBLIC HEARING**

***C. Approval to amend the Port's Comprehensive Scheme of Development to include Vista Field Redevelopment Master Plan and West Richland Racetrack Master Plan (Exhibit B)***

Mr. Peterson stated for Commission consideration, Resolution 2017-19 amends the Port's Comprehensive Scheme of Development and Harbor Improvements (Comp Scheme) to include the Vista Field Redevelopment Master Plan and the former Tri-City Raceway Redevelopment Master Plan, which was adopted on March 28, 2017 by Resolution 2017-07.

Mr. Moak verified that nothing else in the Comp Scheme has changed other than the insertion of the two documents.

Mr. Peterson stated that is correct.

**PUBLIC COMMENT**

No comments were made.

***MOTION:*** *Commissioner Moak moved for approval Resolution 2017-19 amending the Comprehensive Scheme of Development; Commissioner Barnes seconded. With no further discussion, motion carried unanimously. All in favor 3:0.*

*Mr. Novakovich closed the Public Hearing regarding the Comprehensive Scheme of Development at 3:21 p.m. and reconvened the Regular Commission Meeting.*

**RECESS**

*Mr. Novakovich recessed the meeting 3:22 p.m. for 8 minutes and will reconvene at approximately 3:30p.m.*

*Mr. Novakovich reconvened the meeting at 3:29 p.m.*

**REPORTS, COMMENTS AND DISCUSSION ITEMS (continued)**

***B. Columbia Drive Update***

Mr. Peterson reported building officials walked through Columbia Gardens Wine Village Phase 1, and generated a punch list for final completion. Mr. Peterson believes staff will be able to issue a substantial completion notice to Banlin Construction by the end of week. Staff walked through the buildings and identified a few minor cosmetic issues.

Mr. Novakovich thanked Mr. Peterson for all the work on the project.

# PORT OF KENNEWICK REGULAR COMMISSION MEETING

OCTOBER 24, 2017 MINUTES

**DRAFT**

---

## *C. 2017: A Year in Review*

Mr. Peterson presented the 2017 year in review:

- Waterfront Revitalization efforts:
  - The Gathering Place completed August 2017;
  - The Northwest Viewing Platform completed August 2017;
  - Parcels available for future development;
  - Clover Island Restoration 1135 Project 2017-2020;
  - Marina 92% occupied.
- Columbia Gardens Phase 1 completed October 2017;
  - Palencia Wine Company and Bartholomew Winery Leases established October 2017;
  - City Effluent Treatment completed by December 2017;
  - City landscape project by 2F Construction completed fall 2017;
  - Latino Heritage Mural Project slated for completion Spring 2018;
  - 211 Building Design Plans;
  - Columbia Gardens Phase 2: \$2,100,000 Rural Capital County Funds with the City, Benton County, and Columbia Basin College (CBC) partnership signed May 2017;
  - Columbia Drive Willows Interlocal Agreement with CBC, the City, and County;
  - Ben Franklin Transit Bus Shelter partnership with Columbia Center Rotary and Kennewick Arts Commission;
  - Duffy's Pond maintenance coordinated with City, Port, Department of Fish and Wildlife, and U.S. Army Corps of Engineers;
  - Historic Downtown Kennewick partnership for pedestrian crossing on Columbia Drive.
- Vista Field:
  - Art Center Task Force unveiled design plans for Vista Arts Center August 2017;
  - Vista Field Redevelopment Master Plan adopted October 2017;
  - Development Agreement adopted October 2017;
  - City Planning Commission holds Public Hearing on Vista Field Redevelopment Master Plan, November 6, 2017;
  - City Council to consider adopting Vista Field Redevelopment Master Plan Agreement and Development Agreement, December 5, 2017.
- Spaulding Business Park:
  - Kadlec Northwest Orthopaedic ribbon cutting March 2017;
  - SARC ribbon cutting October 2017;
  - Last parcel under contract with Tri-City Chaplaincy for expansion December 2017.
- Former Tri-City Raceway Master Plan:
  - Master Plan Adopted March 28, 2017;
  - BPA Easement completed;
  - KID Inundation Clause removed;
  - Washington State Department of Transportation Access Approval;
- West Richland:
  - 12 Acre land sale to Red Mountain Wine Estates, April 2017;
  - Partner with City of West Richland Gateway Enhancement Project, November 2017;
- Finley/Hedges/Twin Tracks:
  - Land Sale to Pronghorn LLC, August 2017.

# PORT OF KENNEWICK REGULAR COMMISSION MEETING

OCTOBER 24, 2017 MINUTES

**DRAFT**

---

- Oak Street:
  - Ag Engineering building remodel completed.
- Southridge:
  - Marketing Southridge parcels for sale.
- Clean Audits 22 years in a row and strong financials
- Strategic Communications, Positive Publicity and Partnerships.

Mr. Novakovich congratulated staff on the accomplishments and stated with limited staff and financial resources it is amazing what the Port has achieved.

Mr. Peterson stated it has been a great year and thanked the Commission for allowing staff to make modifications to complete certain projects and he appreciated their focus on completing the project.

Mr. Moak appreciated the way Mr. Peterson addressed each item and stated it showed the dedication and excitement that staff brings to this job. That dedication and excitement helps the Board have the confidence that the Port will continue to deliver great projects. Mr. Moak stated it is a good reminder of all the individual projects that were completed and thanked his fellow Commissioners for making things happen.

Mr. Barnes thanked Mr. Peterson for his presentation and stated it is an impressive list of accomplishments. Mr. Barnes congratulated staff and stated he is looking forward to the start of the Vista Field Redevelopment.

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

Commissioners reported on their respective committee meetings.

#### ***E. Non Scheduled Items***

1. Mr. Moak stated regarding the Columbia-Snake River Irrigators Association, he does not believe that Secretary Zinke is waiting for a response from the Port of Kennewick and Mr. Zinke will be able to move forward with a decision without a letter from the Port. Mr. Moak believes it is not appropriate for the Port to take a position on the request; however, he respects the will of the majority of the Commission to move forward, to request more information and direct Mr. Arntzen to move forward.
2. Ms. Scott reported the Washington Public Ports Association (WPPA) Small Ports Conference is this week and Mr. Novakovich, Mr. Arntzen, Mr. Melia and Ms. Scott will be attending. The WPPA Annual Meeting is scheduled for November 15-17, 2017 and Ms. Luke will be attending the WPPA Continuing Legal Education scheduled for November 14, 2017. Ms. Scott inquired if the Commission would like to cancel the Regular Commission Meeting scheduled for November 14, 2017 so that Commission and staff may travel safely to Seattle.

Mr. Novakovich stated if there is nothing pressing on the Agenda, he is in favor of canceling the November 14, 2017 meeting.

Mr. Arntzen does not anticipate anything pressing, however, the Commission does have the

# PORT OF KENNEWICK REGULAR COMMISSION MEETING

OCTOBER 24, 2017 MINUTES

DRAFT

---

ability to call a Special Meeting if an item needs to be addressed.

Mr. Barnes confirmed that the November 28, 2017 Meeting will not be canceled.

Mr. Moak inquired if the December 26, 2017 Meeting should be canceled.

Mr. Arntzen stated the Commission typically cancels the second meeting in December.

It is the consensus of the Commission to cancel the November 14, 2017 Meeting.

It is the consensus of the Commission to cancel the December 26, 2017 Meeting.

Ms. Scott will email the Commission the 2016-2017 Committee Assignments for comments, additions or deletions for the 2018-2019 Assignments.

3. Ms. Bader Inglima reported the Port continues to market and promote the Southridge site and presented the insert from the Visit Tri-Cities Newsletter which also promotes Columbia Gardens and Clover Island on the reverse. Ms. Bader Inglima stated in the specialty publication, *Focus: Construction and Real Estate in the Tri-Cities*, the Port and City are featured in a joint article about redefining Kennewick's Downtown area. Additionally, the Port placed an advertisement in *Focus* and the *Tri-Cities Journal of Business* promoting the Southridge property. Ms. Bader Inglima stated the Wine Village was recently promoted in *Seattle Metropolitan* and Mr. Peterson interviewed with *Living Tri-Cities*. Ms. Bader Inglima stated there is a lot of interest that the Port has created a Wine Village on the waterfront. As the Port adds more tenants, there will be more interest in the development and recently Ms. Bader Inglima was in touch in touch with *Horizon Magazine*.
4. Mr. Arntzen recently attended the WPPA Legislative Committee Meeting and stated on-call contracting was addressed, as well as discussion on the Millennial Coal Case. The Governor has instructed the Department of Ecology to review any project that has environmental impacts related to transportation, which could possibly pertain to the current rail proposal by the Northwest Seaport Alliance (NWSA).

Mr. Arntzen stated the Port received a letter from the City of Richland related to NWSA rail proposal in response to the Port letter asking for additional information and dialogue, including an Environmental Impact Statement. Cindy Reents, Richland City Manager, acknowledged the letter (*Exhibit C*) and stated the proposal would follow all legal requirements.

Mr. Moak inquired if the Legislative Committee addressed data farms.

Mr. Arntzen stated there was discussion that they are attempting to propose legislation to clarify and bolster the role of ports to be able to participate in the provision of dark fiber services. Mr. Arntzen stated there may be push back from the Public Utility Districts, who believe they have the limited authority in that area.

**PORT OF KENNEWICK  
REGULAR COMMISSION MEETING**

**OCTOBER 24, 2017 MINUTES**

**DRAFT**

---

5. Mr. Peterson thanked the Commission and Mr. Arntzen for the consistent guidance on the Vista Field Redevelopment Master Plan. Mr. Peterson acknowledged that it was a team effort and thanked staff for all of their work. Additionally, Mr. Peterson thanked the Commission for encouraging the public process and stated it was the best, most inclusive process and he is grateful to be part of the process.

Mr. Arntzen stated the Port team is more than who we see in this meeting, they are the people who kept the operation going so that we could go out to the community. The Port team is every person who works for this institution, Ms. Luke, the Commission, the contractors and the community. Mr. Arntzen stated the year in review is testament to the staff and stated they have helped create many remarkable projects.

Mr. Novakovich stated together we are better and with the community, we will continue to be successful.

Mr. Moak thanked the previous Commission for making the decision to close the airport and the community for recommending DPZ.

**PUBLIC COMMENTS**

Boyce Burdick, 414 Snyder Street, Richland. Mr. Burdick thanked the Commission and staff for the executed Letter of Intent between the Port and the Arts Center Task Force to bring the Vista Arts Center to Vista Field.

No further comments were made.

**COMMISSIONER COMMENTS**

No comments were made.

**ADJOURNMENT**

**PORT OF KENNEWICK  
REGULAR COMMISSION MEETING**

**OCTOBER 24, 2017 MINUTES**

**DRAFT**

---

With no further business to bring before the Board; the meeting was adjourned 4:37 p.m.

***APPROVED:***

**PORT of KENNEWICK  
BOARD of COMMISSIONERS**

---

*Skip Novakovich, President*

---

*Thomas Moak, Vice President*

---

*Don Barnes, Secretary*

## **Columbia-Snake River Irrigators Association**

Media Release—October 2, 2017

### ***Killing Idaho Fish Inept Management Encouraged by Endangered Species Act Litigation***

---

In an evidentiary hearing motion brought before U.S. Federal District (Oregon) Judge Michael Simon, the Columbia-Snake River Irrigators Association (CSRIA) presented unassailable evidence that fish managers' 2015 decisions decimated about 65% of the wild, spring chinook returns to Idaho (2017 adult fish returns). Other hatchery fish suffered as well, and the final numbers for returning Idaho steelhead will document further losses.

The records confirm that the Columbia River fish managers allowed Endangered Species Act (ESA)-listed salmon and steelhead migrations to remain in the Lower Snake River, during extremely poor in-river conditions, rather than rely on the U.S. Army Corps of Engineers' juvenile fish transportation program. The fish were exposed to adverse river conditions that proved fatal, as documented by the fish managers' recently released evaluation (Comparative Survival Study, 2017).

The evidence clearly shows that the fish managers ignored the legally required, ESA (Biological Opinion) "spread the risk" policy, in the spring 2015, when they transported only 13% of juvenile salmon/steelhead during low flow and high temperature conditions—when young fish are the most vulnerable to the adverse effects of remaining in-river. This was the lowest percent transported since records were first kept in 1993.

NOAA Fisheries' scientists attempted to obtain an early spring, 2015 start date for transportation--to get the juvenile fish out of the river during poor survival conditions--but other state agency fish managers defiantly blocked this crucial action.

CSRIA representative Darryll Olsen characterized the 2015 fish kill, "as defying every manner of sound judgement, and the sad product of 25-years of irrational ESA litigation in the Oregon District Court. The Federal Administration, faced with fish managers' stark incompetence, must invoke a formal ESA Committee (God Squad) Review action, as required by the ESA statutes."

Additional Information Attached and Contact: 509-783-1623