

**MINUTES OF THE PORT OF BELLINGHAM
COMMISSION MEETING
HELD TUESDAY MARCH 21, 2017
HARBOR CENTER ROOM
1801 ROEDER AVENUE, BELLINGHAM, WASHINGTON**

Present:	Commissioners:	
	President	Dan Robbins
	Vice President	Bobby Briscoe
	Secretary	Michael McAuley
Staff:	Rob Fix	Executive Director
	Sunil Harman	Aviation Director
	Brian Gouran	Environmental Programs Director
	Tamara Sobjack	Finance Director
	Adam Fulton	Facilities Director
	Elizabeth Monahan	Human Resources Director
	Sylvia Goodwin	Planning & Economic Development Director
	Shirley McFearin	Real Estate Director
	Greg Nicoll	Project Engineer
	Carl Hathcock	Project Engineer
	Frank Chmelik	Port Counsel
	Diane McClain	Executive Secretary
Guest:	Kelli Linville	Mayor, City of Bellingham

3:00 p.m. – OPEN PUBLIC MEETING, IMMEDIATELY RECESS TO EXECUTIVE SESSION

The purpose of the executive session was to discuss pending real estate transactions pursuant to RCW 42.30.110 (c) with no action being taken by the Commission during the discussion.

4:00 p.m. – RECONVENE PUBLIC MEETING, ROLL CALL Commission President Robbins called the meeting in the Harbor Center room to order at approximately 4:00 PM.; all 3 Commissioners were present.

PUBLIC COMMENT PERIOD – Several participated during the public comment period.
Re: agenda Action Item No. 1: Bid Award to IMCO Construction for the Harris Avenue Shipyard MTCA Interim Action Cleanup Site:

1. John Ahlers, 2. Wil Clark and 3. Jacob Zacharda voiced concern with the Port's bidding and selection process, establishing responsibility criteria and in particular, the proposal on the agenda to award the public works contract to IMCO; each speaking on behalf or in favor of Pacific Pile and Marine as the more responsive and qualified firm to perform the work.

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4. Tyler Kimberley, President IMCO General Construction responded if awarded the contract, this would be the 8th project for the Port and that IMCO has a history of performing maritime work for the Port of Bellingham

Re: Proposed Homeless Shelter Location:

Prior to the Mayor speaking on the City of Bellingham's proposal for a new Homeless Shelter, the following persons spoke in opposition to a shelter being placed within the Marine Trades area, citing negative impacts to existing businesses, security and safety concerns, displacement of current tenants and loss of jobs, good wages and property unique to and dependent upon the marine trades businesses and diminishing the ongoing revitalization of the waterfront, each opposed to the proposed site, many suggesting another location be sought:

1. Brian Pemberton (*Northwest Explorations, Working Waterfront Coalition -WWC*), 2. Rick Sale (*San Juan Sailing & Yachting*), 3. JR Johnson (*boat broker & seafood*), 4. Jim Kyle (*WWC*), Matt Hardin (*NW Diesel Power, WWC*), Todd Schuster (*Gato Verde Sailing, WWC*), 5. George Dyson (*WWC*), 6. Jason Reid (*Pacific Marine Electric*), 7. Amber Oelschlager (*The Landings at Colony Wharf*), 8. Jeremy Brown, (*Commercial fisherman*), 9. Steve Walker (*Community Boating Center*), 10. Doug Karlberg (*Whatcom Commercial Fishing Association (CFA)*), 11. Milan Slipsovich (*CFA*), 12. Roger Schjelderup (*Top to Bottom*), 13. Alan Shaw (*Boat builder*), 14. Doug Thomas (*Bellingham Cold Storage*), 15. Mike Allsop (*lifelong boater, resident and industrial landowner*), 16. Jamie Foti (*West Coast Marine Services*), 17. Mike Rusk (*Tri-County Diesel Marine*), 18. Tom Aliotti (*commercial fisherman, nearby property owner*), 19. Tim Pitsch (*Business on CStreet*), 20. Paul Burrell (*Sound Pacific Seafoods, Marina Advisory Committee*) and 21. Sandy Thomas (*Bellingham Cold Storage*).

PRESENTATIONS

City of Bellingham Mayor's Report on Homeless Shelter:

Mayor Kelli Linville acknowledged the concerns voiced by those in attendance, appreciation for the Marine Trades in Bellingham and reported the process over the past year to identify a suitable location for a 24/7 homeless shelter has been challenging. The one acre 801 and 807 Roeder Avenue property being considered is owned by the City and through an existing land swap agreement with the Port, the Port has the option to purchase the property from the City at a cost of \$775,000. The Mayor asked that the Port relinquish its purchase option to allow the City to partner with the Lighthouse Mission to move forward in developing the shelter at that location. This proposed site is currently leased to five businesses working in the Marine Trades industry and all would need to be relocated. The Commission was neither in favor of displacing Marine Trades business nor relinquishing the Port's option to purchase that particular Marine Trades property and suggested the Mayor and Port Executive Director Rob Fix work together to explore alternative locations.

Break-

5:30 p.m.

PUBLIC COMMENT PERIOD –

1. Colin Lowin, 18 yrs. Bellingham Firefighter responding to incidents in the area of the proposed homeless site- recommended the homeless services be concentrated/consolidated into one area, much easier to provide and obtain services and less impactful on businesses.

PRESENTATION

Small Business Development Council (SBDC) Update- Due to the length of the meeting, this item was tabled until the next Commission meeting April 4, 2017.

CONSENT AGENDA

- A. Approve the minutes of the March 7, 2017, Regular commission meeting.
- B. Approve Resolution No. 1360 to declare “Bligh Island” vessel as surplus to the needs of the Port and authorize staff to sell vessel.
- C. Authorize the Executive Director to execute the first Amendment to eleven existing Remedial Action grant agreements with the Department of Ecology to extend the term to June 30, 2019, and adjust task budgets in five of the agreements.
- D. Authorize the Executive Director to enter into a one year Service Agreement for the sale of scrap, surplus metals as needed throughout the year at prices established through competitive bidding.
- E. Approve a Modification of Lease with Halibut Henry’s LLC for modification of use of leased premises in the Bellingham International Airport (BLI) Main Passenger Terminal Building.
- F. Modification of Other Transaction Agreement with the Department of Homeland Security- Transportation Security Administration (TSA) for janitorial and electrical reimbursement associated with TSA’s screening activities at the Main Passenger Terminal, Bellingham International Airport.

Motion: Approve Consent Agenda items A through F.

Discussion: Clarification on item B.

Motion approved with 3-0 vote.

ACTION ITEMS

Pertaining to Action Items 1, 2 & 3: Environmental Director Brian Gouran provided a brief overview of the Harris Avenue Shipyard Interim Cleanup Action project site: current conditions of the shipyard pier, historic contamination, removal and disposal of soils and materials, budgeting and funding considerations and working with the Department of Ecology. Project Engineer Greg Nicoll described the project approach in detail including overall schedule and sequencing to keep the existing shipyard operational during construction.

1. CONTRACT AND BUDGET REALLOCATION –BID AWARD TO IMCO CONSTRUCTION FOR THE HARRIS AVENUE SHIPYARD MTCA INTERIM ACTION CLEANUP SITE

Motion: Authorize the Executive Director to execute a contract with IMCO Construction for the Harris Avenue Shipyard MTCA (Model Toxics Control Act) Interim Action in the amount of \$12,488,738.66 plus a 2% contingency for a total authorized contract amount of \$12,718,522.26 and reallocate the Capital Improvement Program and Environmental Cleanup budgets per the Fiscal Impact section.

Discussion: Project Engineer Greg Nicoll and Environmental Director Brian Gouran explained the Port and the Department of Ecology entered into an Agreed Order in 2010 to perform a Remedial Investigation/Feasibility Study (RI/FS) at the Harris Avenue Shipyard MTCA site. Part of that process included two phases of cleanup and demolition interim action to remove historic contaminated soils as well as removal and replacement of the Harris Avenue Pier. Port legal counsel provided an overview of the bidding, responsive bidder criteria and selection process. Of the six bid submittals the Port received, IMCO was selected as the responsible bidder with the lowest responsive bid. The expected completion date is March 1, 2019.

Motion Approved with a 3-0 vote.

2. AMENDMENT NO. 13 TO THE PROFESSIONAL SERVICES AGREEMENT WITH FLOYD/SNIDER FOR HARRIS AVENUE SHIPYARD MTCA CLEANUP SITE

Motion Authorize the Executive Director to Amendment No. 13 to the Professional Services Agreement (PSA) with Floyd/Snider, LLC for consulting support for the Harris Avenue Shipyard MTCA (Model Toxics Control Act) cleanup site adding \$548,450 for a revised total authorized budget of \$2,411,465.

Discussion: Project Engineer Greg Nicoll explained the Port contracted with Floyd/Snider in 2008 to perform a Remedial Investigation/Feasibility Study (RI/FS) at the Harris Avenue Shipyard MTCA site, under an Agreed Order with the Department of Ecology. The proposed amendment to the PSA with Floyd/Snider will provide the additional scope and budget needed to obtain final design revisions and construction management/ oversight of contaminated soils and sediment removal, finalization of the site-wide RI/FS through agency review and public comment process. These tasks should be completed January 2019.

Motion Approved with a 3-0 vote.

3. AMENDMENT NO. 15 TO THE PROFESSIONAL SERVICES AGREEMENT WITH BERGER ABAM FOR HARRIS AVENUE SHIPYARD MTCA CLEANUP SITE

Motion Authorize the Executive Director to Amendment No. 15 to the Professional Services Agreement with Berger Abam for the Harris Avenue Shipyard MTCA Interim Action Cleanup in the amount \$587,482 which includes additional design and construction administration support services, for a revised total authorized contract amount of \$2,008,489.

Discussion: Project Engineer Greg Nicoll explained the proposed action pertains to the project discussed earlier in Agenda items 2 and 3.

Motion Approved with a 3-0 vote.

4. PROFESSIONAL SERVICES AGREEMENT WITH PACIFIC SURVEYING AND ENGINEERING FOR THE EXTEND SIDEWALK MITCHELL WAY PROJECT

Motion Authorize the Executive Director to execute a Professional Services Agreement with Pacific Surveying & Engineering, Inc. to provide design and consulting services for the Extend Sidewalk Mitchell Way project in the amount of \$57,744 plus a 10% contingency for a total authorized amount of \$63,520

Discussion: Planning and Economic Development Director Sylvia Goodwin explained the background of the project, the proposed action and the four areas near the airport included in the request for survey and design services. The Airport General Binding Site Plan requires sidewalks to be constructed on one or both sides of certain streets. The Commission discussed the necessity, location, timing and cost of the proposed Extend Sidewalk Mitchell Way project. Commissioner McAuley questioned the need for sidewalks in an area proposed for industrial use.

Motion Approved with a 2-1 vote. Commissioners Robbins and Briscoe voted in favor, Commissioner McAuley opposed.

5. AMENDMENT NO. 11 TO THE PROFESSIONAL SERVICES AGREEMENT WITH KENNEDY/JENKS FOR THE BELLINGHAM SHIPPING TERMINAL STORMWATER IMPROVEMENTS.

Motion Authorize the Executive Director to execute Amendment No. 11 to the Professional Services Agreement (PSA) with Kennedy Jenks in the amount of \$141,250 plus a 10% contingency for a total authorized contract amount of \$783,699.

Discussion: Project Engineer Carl Hathcock provided an overview of the site and the proposed amendment that will provide engineering design and survey services for the Phase 2 Bellingham Shipping Terminal (BST) Site Improvements project.

Motion Approved with a 3-0 vote.

NEW BUSINESS

These items were briefly discussed under New Business and will be further explored:

Economic Development in the County, options/opportunities for the Aeriated Stabilization Basin (ASB) in the Waterfront District, support for the Bellingham Technical College Fish Hatchery program, recent Port IAFF members discussion with Commissioner Briscoe, and the following action item:

**6. SETTLEMENT AGREEMENT BETWEEN STATE OF ALASKA AND STARR
INDEMNITY AND LIABILITY COMPANY**

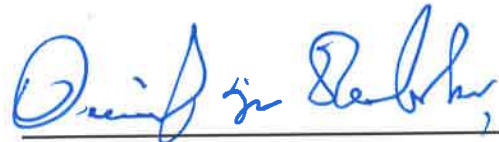
Motion Authorize the Executive Director to approve the settlement agreement between the State of Alaska and Starr Indemnity and Liability Company.

Discussion: Port legal counsel Frank Chmelik provided an overview of the proposed action pertaining to payment of attorney fees as stated in the settlement agreement stemming from the 2012 ramp incident involving an Alaska Marine Highway employee at the Bellingham Cruise Terminal.

Motion Approved with a 3-0 vote.

ADJOURN

With no further business, the meeting was adjourned at approximately 7:45 p.m.



Daniel M. Robbins, President



Michael McAuley, Secretary