

**MINUTES OF THE PORT OF BELLINGHAM  
COMMISSION MEETING  
HELD TUESDAY MAY 21, 2019  
HARBOR CENTER ROOM  
1801 ROEDER AVENUE, BELLINGHAM, WASHINGTON**

---

Present:	Commissioners:	
	President	Bobby Briscoe
	Vice President	Ken Bell
	Secretary	Michael Shepard
Staff:	Rob Fix	Executive Director
	Sunil Harman	Aviation Director
	Don Goldberg	Economic Development Director
	Brian Gouran	Environmental, Planning Director
	Tamara Sobjack	Finance Director, Auditor
	Elizabeth Monahan	Human Resources Director
	Shirley McFearin	Real Estate Director
	Ben Howard	Environmental Project Manager
	Frank Chmelik	Port Legal Counsel
	Diane McClain	Executive Secretary

---

**OPEN PUBLIC MEETING, ROLL CALL-** At approximately 4:31 p.m., Commission President Bobby Briscoe called the public meeting to order and announced that all 3 Commissioners were present.

**Advisory Committee Announcements**

**PUBLIC COMMENT PERIOD-**

No one participated in the first public comment period.

**CONSENT AGENDA**

- A. Approve the minutes of the May 7, 2019, regular Commission meeting.
- B. Authorize the Executive Director to execute a Purchase Order in the amount of \$85,487.35 with Herc Rentals of Bellingham, Washington for the procurement of portable LED light towers at the Bellingham Shipping Terminal.
- C. Authorize the Executive Director to execute Amendment No. 1 to the Remedial Investigation Funding and Litigation Tolling Agreement between the Port of Bellingham, Yorkston Oil Co., Thomas Yorkston, Exxon Mobil Corporation and Chevron U.S.A., Inc., pending execution by all parties.
- D. Approve a Use Permit for Pacific Coastal Ventures, Inc. d/b/a Alaska Wild Fish and Chips to operate a mobile food service vehicle in Blaine Harbor.
- E. Authorize the Executive Director to execute a Professional Services Agreement with RMC Architects for design and permitting services for a capital improvement project titled Install Restrooms in the 1000 F Street Warehouse (LFS) in the amount of \$38,301 with a 20 percent contingency for a total authorized PSA amount of \$46,000.

May 21, 2019

Page 2

Motion to Approve Consent Agenda items A through E.

Discussion: Following a brief discussion and request for clarification,

Motion approved with a 3-0 vote.

## **ACTION ITEMS**

### **1. PROFESSIONAL SERVICES AGREEMENT WITH LANDAU ASSOCIATES FOR THE SEA K FISH SITE-IN BLAINE WASHINGTON**

Motion: Authorize the Executive Director to execute a Professional Services Agreement (PSA) with Landau Associates to perform environmental and engineering support services for the Sea K Fish site in the amount of \$85,000 plus a 10% contingency for a total authorized budget of \$93,500.

Discussion: Environmental Project Manager Ben Howard presented an overview of the Sea K Fish site located in the Blaine Marine Industrial Area and discussed the historical commercial activities i.e. former petroleum fueling and fish oil processing. The site is listed by the Washington State Department of Ecology as a Model Toxics Control Act (MTCA) cleanup site. The Port issued a Request for Professional Services (RFPS) and Landau Associates was the only response received. Mr. Howard added that Landau was selected as qualified to perform the scope of services advertised and has assisted the Port with other environmental projects such as the Blaine Marina Inc. cleanup action. Commissioner Bell voiced concern that only one bid was received and questioned the timing of the project. Lacking any interest and competition from other environmental companies, staff was asked to inquire as to why only one response was received.

Motion approved with a 3-0 vote.

This next item was added on to the agenda.

### **2. FAIRHAVEN SHIPYARD- AMENDMENT TO WAIVER OF LANDLORD'S LIEN AGREEMENT**

Motion: Motion by the Port Commission to authorize the Executive Director to enter into an Amendment to Waiver of Landlord's Lien Agreement with Washington Federal, National Association.

Discussion: Port of Bellingham General Counsel Frank Chmelik provided an overview and brief history of the Puglia Engineering, Inc. lease with the Port of Bellingham for the Fairhaven Shipyard leasehold, its operation and background of events leading up to the proposed agreement as well as the terms of the agreement.

Motion approved with a 3-0 vote.

## **PRESENTATION**

**Update – Cherry Point Industrial Area-** Port Economic Development Director Don Goldberg announced guests in attendance include members of the Sheckter/Fialkow family (property owners) Developer Ron Emerson (from lower British Columbia) and his engineer Oleg Verbenkov and introduced Matt Anderson and Mark Goodman from Heartland LLC to provide an update on the 1998 Cherry Point Study and to discuss Cherry Point Industrial Area Phases 1 & 2. Mr. Goldberg explained that the Port of Bellingham and Whatcom County Public Utilities District (PUD) No. 1 are working together and the purpose for updating the 1998 study now is to showcase the Cherry Point UGA (Urban Growth Area) as one of the largest tracts of undeveloped industrial land in Washington with potential to be an international business park working with businesses in lower British Columbia and key to future growth in Whatcom County. The presentation included a review of the 1998 objectives, today's challenges and additional objectives in 2019, a site overview of the property approximately 12 miles to the Canadian border, specific parcels and their ownership, potential development areas, rail and water access, market assessment (industry and employment, comparisons, Lower B.C.), and feasibility assessment (infrastructure, mitigation, development, key observations), strategy framework (public private partnership potential) and potential future studies for consideration. The Port Commission discussed the City of Bellingham wetland and habitat mitigation bank/potential credit and suggested including additional Lummi tribal involvement/outreach going forward.

## **PUBLIC COMMENT PERIOD-**

Ellie Kinly – Ms. Kinly reported that while she did not have pictures of the exact area with her, the Cherry Point Industrial Area item on the agenda may include sacred lands of spiritual and cultural significance to the people of the Lummi Nation.

Atal Deshmane, Commissioner, PUD Whatcom County No. 1, commented that any development in the Cherry Point Industrial Area will need infrastructure and encouraged the Port to consider how rail access would support economic development opportunities.

## **OTHER BUSINESS**

The Commission briefly discussed the following items under Other Business:

Award Recognition: A national award (American Shore and Beach Preservation Association Best Restored Beaches) was presented to the Port and City of Bellingham (a joint partnership) for the work completed on the Waypoint Park Beach, Restoration of beach property (1 of only 4 awarded in the country) and award No. 2: Port successful in obtaining CERB (Community Economic Revitalization Board) Broadband funding of \$1.1 Million, 50% loan, 50% grant.

Foam and Herbicide Use: Staff to provide an update on the use of 1) foam in responding to emergencies at the Bellingham International Airport and 2) use of Herbicides, fertilizers on Port properties- exploring better, more environmentally preferred alternatives.

May 21, 2019

Page 4

The Commission also briefly discussed circular fiber optics, status of the Puglia-Fairhaven Shipyard, Alaska Ferry service, Port insurance standards/required coverage, transparency and strategic goals of the Commission, agenda setting opportunities, and current construction prices.

**ADJOURN**

With no further business, the meeting was adjourned at approximately 6:55 p.m.

  
\_\_\_\_\_  
President

  
\_\_\_\_\_  
Secretary