

**MINUTES OF THE PORT OF BELLINGHAM COMMISSION MEETING  
HELD TUESDAY, DECEMBER 20, 2011  
HARBOR CENTER BUILDING CONFERENCE ROOM  
1801 ROEDER AVENUE, BELLINGHAM, WASHINGTON**

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Present:	Michael McAuley	President
	Scott L. Walker	Vice President
	Jim Jorgensen	Secretary
Staff:	Charlie Sheldon	Executive Director
	Rob Fix	Chief Financial Officer/ Deputy Director
	Mike Stoner	Director, Environmental Programs
	Fred J. Seeger	Director, Facilities
	Dan Stahl	Director, Marine Services
	Sylvia Goodwin	Director, Planning and Development
	Lydia Bennett	Director, Business Development
	Carolyn Casey	Director, External Affairs
	Elizabeth Monahan	Director, Human Resources
	Shirley McFearin	Real Estate Development Manager
	Frank Chmelik	Port Counsel
	Diane McClain	Executive Secretary

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**CALL PUBLIC MEETING TO ORDER AND RECESS TO CLOSED EXECUTIVE SESSION**

At 1:00 p.m., Commissioner McAuley called the Commission meeting to order and immediately recessed to a closed executive session to discuss real estate transactions and pending litigation pursuant to RCW 42.30.110(1)(c) (i). Commissioner McAuley noted that no formal action would be taken during the closed session and he expected the closed executive session to last approximately two hours.

**RECONVENE PUBLIC MEETING**

The Commission meeting was reconvened at 3:10 p.m.

**OATH OF OFFICE**

Commissioner McAuley introduced and thanked Whatcom County Deputy Auditor Debbie Adelstein present to administer the oath of office to Jim Jorgensen as Port of Bellingham Commissioner for the District No. 3, Whatcom County, Bellingham, Washington.

**PUBLIC COMMENT PERIOD**

1. David Ebenal, Bellingham, WA - Managing Member, Bellwether Gate LLC, and Mr. Ebenal reported that his company has been working on the project at Bellwether involving four buildings and a parking lot since 2007. Mr. Ebenal added that he anticipates an early January construction start date on Building C with Wells Fargo

coming in as the anchor tenant. Mr. Ebenal further added that while he appreciates the current Port staff and Commission's assistance and support during tough economic times and the construction phase of the project, he would like to see the Port find ways to improve the speed in which the approval processes occur.

## **CONSENT AGENDA**

Motion: Approve Consent Agenda items A. through D as follows:

- A. Approve the appointment of Chief Financial Officer Rob Fix as Port Auditor and appoint Controller Tamara Sobjack as Deputy Auditor for fiscal year 2012.
- B. Approve Port Resolution No. 1029-Q authorizing the Executive Director to sell property valued at ten thousand dollars (\$10,000) or less and superseding Resolution No. 1029-P dated January 4, 2011.
- C. Reaffirm the utilization of Chmelik, Sitkin & Davis, P.S., Attorneys at Law, as the Port's general legal counsel, with the hourly rate at the capped rate of \$200.00 for principals and actual billing rates for associates and paralegals.
- D. Authorize the Executive Director to execute amendment No. 1 to the Professional Services Agreement (PSA) with KPFF Consulting Engineers on the Bellingham Shipping Terminal Bulkhead and Main Pier Repairs Project to provide additional design and construction administration services in the amount of \$101,350 and maintain the existing contingency of \$13,900 for a total authorized contract amount of \$254,250.

Discussion: Commissioner McAuley asked to pull item C. for further discussion and called for a vote on items A, B, and D.

Motion approved with a 3-0 vote.

Further Discussion: Commissioner McAuley reported that he supports the service and work product the Port is receiving from the firm of Chmelik, Sitkin and Davis, P.S., Attorneys at Law, and he asked that the Executive Director be directed to oversee an appropriate performance review of the firm similar to that of Port employees or other Port contractors. It was noted that the firm has been selected as counsel to the WPPA as well continuing to serve other cities, ports and municipalities. Mr. McAuley then called for a vote on the Motion proposed in Consent Agenda item C - Reaffirmation of the utilization of Chmelik, Sitkin & Davis as the Port's legal counsel. (See above).

Motion approved with a 3-0 vote.

## **NEW BUSINESS**

1. **ESTABLISH PORT COMMISSION OFFICERS, DATES, TIMES AND LOCATION OF REGULAR PORT COMMISSION MEETINGS FOR 2012.**

Motion: 1. Select Commission officers for President, Vice President, and Secretary of the Board of Commissioners for the 2012 Year, and 2. Establish the dates, times, and location of regular Port of Bellingham Commission meetings for the 2012 Calendar year.

Discussion: Commissioner McAuley asked for input regarding the 2012 Commission officer appointments and regular meetings schedule and it was decided by the Commission that the regularly scheduled meeting dates on the first and third Tuesday of each month at 3:00 p.m. would continue into 2012, and that the meetings unless otherwise noted, would be held in the Harbor Center Room at 1801 Roeder Avenue, Bellingham Washington. The 2012 officers of the board:

President	Scott Walker
Vice President	Jim Jorgensen
Secretary	Michael McAuley

Motion approved with a 3-0 vote.

## **2. ORGANIZATION AND BOARD COMMISSION APPOINTEES FOR 2012.**

Motion: Approval of a motion to appoint Commissioners to serve as representatives or board members for the Northwest Economic Council (NVEC) formerly Bellingham/Whatcom Economic Development, Whatcom Council of Governments (WCOG), Washington Public Ports Association (WPPA), Whatcom County Economic Development Investment (EDI) Program Committee, and the Public Art Advisory Team.

Discussion: The Commission decided upon the following appointments for 2012:

### **Northwest Economic Council (NVEC)**

Scott L. Walker - (Primary)  
Jim Jorgensen - (Alternate)

### **Whatcom Council of Governments (WCOG)**

Michael McAuley - (Primary)  
Jim Jorgensen - (Alternate)

### **Washington Public Ports Association (WPPA)**

Scott L. Walker (Trustee)

### **Whatcom County Economic Development Investment (EDI) Program Committee**

Jim Jorgensen

### **Public Art Advisory Team**

Scott L. Walker thru the end of June and Jim Jorgensen thru the end of December

Motion approved with a 3-0 vote.

**3. MODIFICATION OF COMMERCIAL LEASE AGREEMENT - GREENBERRY INDUSTRIAL LLC, BELLINGHAM SHIPPING TERMINAL.**

Motion: Approve a Modification of Commercial Lease Agreement with Greenberry Industrial LLC to add one (1) acre of land and about 1,200 square feet of lunchroom area located in Warehouse No. 1 effective January 1, 2012, ending June 30, 2012.

Discussion: Deputy Director Officer Rob Fix reported that the Port will receive an additional \$12,798 revenue for the proposed modification lease to add (1) acre of land and about 1,200 square feet of lunchroom area located in Warehouse No. 1 at Bellingham Shipping Terminal. Mr. Fix further reported that the term would be effective January 1, 2012 and end June 30, 2012.

Motion approved with a 3-0 vote.

**RECESS TO INDUSTRIAL CORPORATION (IDC) BOARD MEETING.**

**1. Adopt the Minutes of the Industrial Development Corporation (IDC) Board Meeting.**

Motion: Approve the Minutes of the August 16, 2011, IDC Board Meeting.

Discussion: There was no discussion.

Motion approved with a 3-0 vote.

**2. Appoint the Officers and Establish Dates, Time, and Location of the IDC Meetings for 2012.**

Motion: 1. Select officers for the Industrial Development Corporation (IDC) Board of Directors for 2012 calendar year and, 2. Establish the date, time, and location of the IDC meetings for 2012.

Discussion: Chief Financial Officer Rob Fix reported that the IDC officers are selected annually to coincide with the officers of the Port of Bellingham Board of Commissioners, along with a staff member serving as the treasurer. The Commission agreed the 2012 IDC meetings will be held on "as needed" basis in the Harbor Center Building, in conjunction with the regular Port of Bellingham Commission meetings, and appointed the following officers for 2012:

<b>President</b>	<b>Scott Walker</b>
<b>Vice President</b>	<b>Jim Jorgensen</b>
<b>Secretary</b>	<b>Michael McAuley</b>
<b>Treasurer</b>	<b>Rob Fix</b>

Motion approved with a 3-0 vote.

### **3. Approval of the 2012 Industrial Development Corporation (IDC) Budget.**

Motion: Authorize a 2012 budget for the Industrial Development Corporation (IDC) totaling revenues of \$35,568 and expenditures of \$314,779, as outlined through the attached budget and to authorize the IDC treasurer to approve the distribution and payment of IDC funds in conjunction with this budget.

Discussion: Chief Financial Officer Rob Fix explained that the IDC charges a fee to issuers of Industrial Revenue Bonds, generating an income to and retained by the IDC for Economic Development purposes. Mr. Fix further explained that the IDC is audited annually by the State Auditor and the proposed motion will provide the Treasurer of the IDC the authority to approve expenditures and to manage the funds of the IDC in conformance with the proposed budget.

Motion approved with a 3-0 vote.

## **RECESS INDUSTRIAL CORPORATION (IDC) BOARD MEETING AND RECONVENE PUBLIC MEETING.**

### **WORK-STUDY SESSION**

#### **1. Update - Waterfront Project.**

Director of Environmental Programs Mike Stoner provided an overview of the current status, schedule, organizational structure, and business development of the Revitalization of Bellingham's Waterfront project. Mr. Stoner reported that 2011-2012 is busy with buildingdemolition ongoing, upland cleanups underway (Cornwall Avenue Landfill, RG Haley, Central Waterfront) and GP West Property Interim Actions and Remedial Investigation/Feasibility Studies (RI/FS) and in water cleanups are programmed and marketing for attracting industrial businesses on the site is underway. Mr. Stoner further reported that the Master Plan and other documents/applications are drafted and will be reviewed by Port Commission and City Council and are expected to be approved in 2012. The Port is working with Western Washington University toward a conceptual design for WW U's future location/presence on the site.

#### **Click here for presentation:**

**<http://wa-portofbellingham.civicplus.com/DocumentView.aspx?DID=860>**

### **ADJOURN**

As there was no further business, the meeting was adjourned at 4:20 p.m.

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Scott Walker, President

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Michael McAuley, Secretary