

# **RECORD OF PROCEEDING OF CITY COUNCIL**

## **CITY OF BELLINGHAM, WASHINGTON**

### **COUNCIL CHAMBERS, CITY HALL**

**Monday, July 01, 2013, 07:00 PM**

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### **REGULAR MEETING**

**Called To Order** The meeting was called to order by Council President Seth Fleetwood who led the Pledge of Allegiance.

### **Roll Call**

#### ***Present:***

Jack Weiss, Council Member, First Ward  
Gene Knutson, Council Member, Second Ward  
Cathy Lehman, Council Member, Third Ward  
Stan Snapp, Council Member, Fourth Ward  
Terry Bornemann, Council Member, Fifth Ward  
Michael Lilliquist, Council Member, Sixth Ward  
Seth Fleetwood, Council Member, At Large

#### ***Excused:***

### **ANNOUNCEMENT(S)**

- On Monday, July 15th, at 7:00 PM, in City Council Chambers, there will be a public hearing regarding 5 proposed Comprehensive Plan Amendments for docketing for review in 2013/2014 in areas located in Samish, Happy Valley and Cordata Neighborhoods, Meridian, Cornwall Park and South Neighborhoods, and a City-Wide Update to the Parks, Recreation and Open Space Plan
- On Monday, July 15, at 1:00 PM, in City Council Chambers, the Bellingham City Council's Waterfront Committee will hear a presentation regarding the Waterfront District proposal and associated documents.
- City and Port staff will be available to discuss the Waterfront District proposal and answer questions at an informational open house in the lobby of City Hall scheduled July 17, 12:00 p.m. to 1:30 p.m. and 5:00 p.m. to 7:00 p.m.
- On Monday, August 5, at 7:00 PM, in City Council Chambers, there will be a public hearing regarding the proposed Waterfront District Sub-Area Plan, Development Regulations, Design Standards, Planned Action Ordinance, Development Agreement and Facilities Interlocal Agreement.

Bellingham City Council meets all requirements of the State of Washington Open Meetings Act.

### **APPROVAL OF MINUTES**

SNAPP / KNUTSON moved approval of the June 17, 2013 minutes of the regular City Council meeting as submitted.  
MOTION CARRIED 6-1, FLEETWOOD abstained.

## **15 - MINUTE PUBLIC COMMENT PERIOD**

**Leonard Lindstrom** discussed social issues.

**Rick Hannam** expressed opposition to any landlord licensing programs.

**John Servais** expressed concern about Greenway Levy funds for the synthetic turf replacement at Civic Field. He asked the council to postpone a decision for at least two weeks for further study.

**Charles Herrick** alleged that he was assaulted on a WTA Bus. He has filed complaints with no response.

**Anne Parks**, 2805B Elm Street, asked for help with neighbors who have chickens and goats.

## **REPORTS OF COMMITTEES**

### **Public Works / Public Safety**

Stan Snapp, Chair

Terry Bornemann; Gene Knutson

#### **AB20030 1.** Discussion regarding the Neighborhood Traffic Safety Program (NTSP)

Council and staff discussed solutions and traffic calming pros and cons on city streets.

SNAPP / KNUTSON moved to support the staff recommendation of not modifying the NTSP and that pedestrian and bicycle conflicts be addressed through the implementation of the Pedestrian and Bicycle Master Plans using Transportation Benefit District (TBD) Funds. MOTION CARRIED 5-2, LILLIQUIST, WEISS opposed.

#### **AB20031 2.** Review and approval of Public Works Surface and Storm Water Utility (SSWU) Engineering Technician Position

“AN ORDINANCE RELATING TO THE 2013 BUDGET APPROPRIATING AN ADDITIONAL \$33,282.00 IN THE STORM AND SURFACE WATER FUND TO PROVIDE FOR THE ADDITION OF ONE NEW POSITION IN THE PUBLIC WORKS DEPARTMENT NATURAL RESOURCES GROUP, FROM ESTIMATED ENDING UNDESIGNATED RESERVES.”

SNAPP / LILLIQUIST moved approval for first and second reading. MOTION CARRIED 7-0.

### **Planning and Community Development**

Jack Weiss, Chair

Michael Lilliquist; Gene Knutson

#### **AB20032 1.** Discussion regarding public disturbance noise related to construction activities

WEISS / KNUTSON moved to direct staff to bring forward an ordinance, as approved during committee, incorporating time recommendations for public disturbance noise related to construction activities from 7:00 a.m. - 8:00 p.m./weekdays and 9:00 a.m. - 8:00 p.m./weekends, to the July 15, 2013 City Council meeting; and to consider a public hearing component along with additional information from staff. MOTION CARRIED 6-1, BORNEMANN opposed.

#### **AB20033 2.** Discussion regarding the regulation of amateur radio antennas

WEISS / KNUTSON moved to direct staff to bring forward an ordinance to the Committee of the Whole on July 15, 2013 regular meeting. MOTION CARRIED 6-1, BORNEMANN opposed.

### **Lake Whatcom Reservoir and Natural Resources**

Cathy Lehman, Chair

Michael Lilliquist; Stan Snapp

**AB20034 1.** Mid-season update on Aquatic Invasive Species Program boat inspections

Presentation made during committee. Information only.

**Parks and Recreation**

Gene Knutson, Chair

Stan Snapp; Terry Bornemann

**AB20035 1.** Noise variance request for the Boulevard Park Shoreline Improvement Project

KNUTSON / SNAPP moved to approve a noise variance for nightwork for the Boulevard Park Shoreline Improvement Project, that may occur during low tides from July 16 through October 14, 2013. MOTION CARRIED 7-0.

**AB20036 2.** Budget Ordinance to appropriate Undesignated Reserves from the General Fund for Civic Stadium turf replacement

“AN ORDINANCE RELATING TO THE 2013 BUDGET APPROPRIATING AN ADDITIONAL \$180,000.00 FROM ESTIMATED ENDING RESTRICTED RESERVES CAPITAL IN THE GENERAL FUND TO PAY FOR THE REPLACEMENT OF THE ARTIFICIAL TURF AT CIVIC FIELD.”

KNUTSON / SNAPP moved approval for first and second reading. MOTION CARRIED 6-1, WEISS opposed.

**AB20037 3.** Bid Award for Civic Stadium Turf Replacement, Bid #38B-2013

KNUTSON / SNAPP moved to award Bid No. 38B-2013 for Civic Stadium Field Synthetic Turf Replacement to Sprinturf of Atlanta, Georgia as the lowest responsive, responsible bidder and to authorize the Mayor to enter into a contract with them for the amount of their bid which is \$399,904.04, which includes WSST. MOTION CARRIED 6-1, WEISS opposed.

**AB20038 4.** Budget Ordinance to amend the 2013 Budget appropriating \$30,000 from Estimated Ending Undesignated Reserves in the Golf Course Fund to pay for repairs and maintenance at Lake Padden Golf Course

“AN ORDINANCE RELATING TO THE 2013 BUDGET APPROPRIATING AN ADDITIONAL \$30,000.00 IN THE GOLF COURSE FUND TO COMPLETE THE WASH BAY EQUIPMENT FACILITIES PROJECTS SCHEDULE FOR THIS YEAR, FROM ESTIMATED ENDING UNDESIGNATED RESERVES.”

KNUTSON / SNAPP moved approval for first and second reading. MOTION CARRIED 7-0.

**AB20039 5.** Bid award for Lake Padden Golf Course Equipment Wash Bay Facilities, Bid #34B-2013

KNUTSON / SNAPP moved to award Bid No.34B-2013 for Lake Padden Golf Course Equipment Wash Bay Facilities Project to Minergy, Inc. of Ferndale, Washington as the lowest responsive, responsible bidder and to authorize the Mayor to enter into a contract with them for the amount of their bid which is \$94,203.22, which includes WSST. MOTION CARRIED 7-0.

**Committee Of The Whole**

Seth Fleetwood, Chair

Jack Weiss, Gene Knutson, Cathy Lehman, Stan Snapp, Michael Lilliquist, Terry Bornemann

**AB20002 1.** Update on expansion of PEG Access Television

FLEETWOOD / KNUTSON moved that:

- An RFP should be written for organizations interested in operating a single new channel that would include a public access component.

- An RFP should encourage collaborative approaches between local organizations for programming and/or station operations.
- Respondents to an RFP should identify an approach for sharing of local equipment resources between local television entities, including BTV10.
- Respondents should identify additional monetary or in-kind resources that will contribute to station operations. This could include regular contributions to operating funds, a fund-raising plan, or in-kind resources such as an office or studio space, a plan to organize volunteers to help run a station, etc.
- The RFP should identify a three-year initial operating period for the new station/channel, with a review after three years and the option of two additional one-year extensions by mutual agreement.
- The proposal should retain some of the dollars available from the Franchise Fee in a reserve for possible new programming or special projects.

MOTION CARRIED 5-2, LEHMAN, BORNEMANN opposed.

**AB19957 2.** Ordinance approving the Pacific Highway Aldrich Road annexation consisting of approximately 262.5 acres located within the City's Northern Urban Growth Area

“AN ORDINANCE RELATING TO THE ANNEXATION OF APPROXIMATELY 262.5 ACRES OF UNINCORPORATED PROPERTY LOCATED ADJACENT TO THE NORTHERN BOUNDARY OF THE BELLINGHAM CITY LIMITS AND COMMONLY KNOWN AS THE PACIFIC HIGHWAY ALDRICH ROAD ANNEXATION; ASSIGNING CITY LAND USE AND ZONING DESIGNATIONS AND ESTABLISHING AN EFFECTIVE DATE.”

KNUTSON / LEHMAN moved approval for first and second reading. MOTION CARRIED 6-1, WEISS opposed.

### 3. Approval of City Council Committee and/or Special Meeting minutes

None submitted at evening meeting.

### 4. Old/New business

Alan Marriner, Assistant City Attorney presented two emergency ordinances.

BREAK

Council President Fleetwood called the meeting back to order at 8:59 p.m.

**AB20043** An emergency ordinance imposing a moratorium on the establishment of facilities producing, processing and retailing recreational marijuana.

“AN ORDINANCE OF THE CITY OF BELLINGHAM, WASHINGTON, RELATING TO THE RECREATIONAL USE OF MARIJUANA, DECLARING AN EMERGENCY, ESTABLISHING AN IMMEDIATE EMERGENCY MORATORIUM ON THE SITING, ESTABLISHMENT AND OPERATION OF ANY STRUCTURES OR USES RELATING TO MARIJUANA PRODUCTION, MARIJUANA PROCESSING, OR MARIJUANA RETAILING (SPECIFICALLY EXCLUDING MEDICAL MARIJUANA OR MEDICAL CANNABIS) AND THE SUBMISSION OF ANY BUSINESS REGISTRATION OR LICENSE APPLICATIONS FOR SUCH USES, AND SETTING TWELVE MONTHS AS THE EFFECTIVE PERIOD OF THE MORATORIUM, TO ALLOW THE WASHINGTON STATE LIQUOR CONTROL BOARD AN OPPORTUNITY TO COMPLETE ITS RULEMAKING FOR THE LICENSING OF SUCH USES AND TO ALLOW THE CITY TO STUDY THE LAND USE IMPACTS OF SUCH USES.”

KNUTSON / WEISS moved final approval of Emergency Ordinance #2013-07-047. MOTION CARRIED 7-0.

**AB20044** An emergency ordinance adopting interim zoning for the cultivation of medical marijuana for personal use and

in collective gardens

“AN ORDINANCE OF THE CITY OF BELLINGHAM, WASHINGTON, RELATING TO LAND USE AND ZONING, DECLARING AN EMERGENCY AND ADOPTING INTERIM ZONING REGULATIONS FOR THE CULTIVATION OF MEDICAL CANNABIS (MARIJUANA) FOR PERSONAL USE AND IN COLLECTIVE GARDENS AND SETTING TWELVE MONTHS AS THE EFFECTIVE PERIOD OF THE INTERIM ZONING REGULATIONS TO ALLOW THE CITY TO STUDY THE LAND USE IMPACTS OF SUCH USES.”

KNUTSON / WEISS moved final approval of Emergency Ordinance #2013-07-048. MOTION CARRIED 7-0.

FLEETWOOD / BORNEMANN moved to authorize hanging the Gay Pride Flag at City Hall on July 12, 13 and 14, 2013. MOTION CARRIED 7-0.

### **Executive Session - Report and action only.**

1. Potential Property Acquisition: Staff provided information on a potential property acquisition. Direction given. No action taken.
2. Potential Property Acquisition: Staff provided information on a potential property acquisition. Direction given. No action taken.
3. Potential Litigation: Staff provided information on a potential litigation matter.

KNUTSON / BORNEMANN moved to authorize the Mayor to execute an amendment to the R. G. Haley Agreed Order allowing an interim action. MOTION CARRIED 7-0.

4. Potential Litigation: Staff provided information on a potential litigation matter. Information only. No action taken.

### **MAYOR'S REPORT**

1. Standing time for briefings, updates and reports to Council by the Mayor, if needed. Information only.

Mayor Linville briefed the council on:

- Legislative update: the legislature has reached an agreement on the budget. The City is developing a 2013 Water/Sewer Revenue Bond to help make up for the lack of funding that the City had hoped to get from the state.
- Citywide Housing Affordability work group continues to meet with the goal of presenting implementation items to Council. Next meeting scheduled for July 23, 2013.
- Waterfront Plan information sessions, walking tours, waterfront tours, etc. are scheduled. The full schedule is on the city's web site.

### **CONSENT AGENDA**

All matters listed on the Consent Agenda are considered routine and/or non-controversial items and may be approved in a single motion. A member of the Council may ask that an item be removed from the Consent Agenda and considered separately.

**AB20040 1.** Bid Award for Organophilic Clay, Bid #41B-2013, #EC-0018

**AB20041 2.** Authorization of checks issued for pay period June 7, 2013 through June 13, 2013

**AB20042 3.** Authorization of checks issued for pay period June 14, 2013 through June 20, 2013

KNUTSON / LEHMAN moved approval of the Consent Agenda in its entirety. MOTION CARRIED 7-0.

**FINAL CONSIDERATION OF ORDINANCES**

**AB20009 1.** AN ORDINANCE RELATING TO THE 2013 BUDGET RECLASSIFYING POSITIONS IN THE FINANCE AND PUBLIC WORKS DEPARTMENTS TO PROVIDE FOR THE TRANSFER OF MAIL SERVICES TO THE PUBLIC WORKS WAREHOUSE GROUP WHERE NO ADDITIONAL APPROPRIATION OR REALLOCATION OF FUNDS IS REQUIRED

LILLIQUIST / KNUTSON moved approval for third and final reading. Upon motion, said bill was placed on final passage and approved by the following roll call vote:

AYES: BORNEMANN, FLEETWOOD, LEHMAN, KNUTSON, LILLIQUIST, SNAPP, WEISS

NAYS:

ABSTENTIONS:

MOTION CARRIED 7-0 and was thereafter named **Ordinance #2013-07-049**

**AB20010 2.** AN ORDINANCE RELATING TO THE 2013 BUDGET TRANSFERRING \$500,000.00 FROM THE STREET FUND AND \$1,000,000.00 FROM THE LID GUARANTY FUND TO THE SURFACE AND STORMWATER FUND AND APPROPRIATING \$1,850,000 IN THE SURFACE AND STORMWATER FUND TO PURCHASE LAND FOR THE CREATION OF A REGIONAL STORMWATER FACILITY

KNUTSON / LEHMAN moved approval for third and final reading. Upon motion, said bill was placed on final passage and approved by the following roll call vote:

AYES: BORNEMANN, FLEETWOOD, LEHMAN, KNUTSON, LILLIQUIST, SNAPP, WEISS

NAYS:

ABSTENTIONS:

MOTION CARRIED 7-0 and was thereafter named **Ordinance #2013-07-050**

**AB20017 3.** AN ORDINANCE GRANTING ASTOUND BROADBAND, LLC A NON-EXCLUSIVE FRANCHISE TO CONSTRUCT, OPERATE AND MAINTAIN TELECOMMUNICATIONS FACILITIES FOR THE TRANSMISSION OF TELECOMMUNICATIONS IN, THROUGH, OVER AND UNDER THE RIGHTS-OF-WAY WITHIN THE CITY OF BELLINGHAM

LEHMAN / BORNEMANN moved approval for third and final reading. Upon motion, said bill was placed on final passage and approved by the following roll call vote:

AYES: BORNEMANN, FLEETWOOD, LEHMAN, KNUTSON, LILLIQUIST, SNAPP, WEISS

NAYS:

ABSTENTIONS:

MOTION CARRIED 7-0 and was thereafter named **Ordinance #2013-07-051**

**AB20019 4.** AN ORDINANCE RELATING TO LAND USE PLANNING AND ZONING, SPECIFICALLY REZONING APPROXIMATELY 2.4 ACRES AND CREATING A NEW SUBAREA (17A) IN THE CORDATA NEIGHBORHOOD ZONING TABLE AND ZONING MAP. THE CREATION OF THE NEW SUBAREA REMOVES THE REQUIREMENT FOR A MINIMUM PLANNED CONTRACT SITE PLAN - RESIDENTIAL 4 ACRES, COMMERCIAL 8 ACRES

SNAPP / LEHMAN moved approval for third and final reading. Upon motion, said bill was placed on final passage and approved by the following roll call vote:

AYES: BORNEMANN, FLEETWOOD, LEHMAN, KNUTSON, LILLIQUIST, SNAPP, WEISS

NAYS:

ABSTENTIONS:

MOTION CARRIED 7-0 and was thereafter named **Ordinance #2013-07-052**

**AB20023 5.** AN ORDINANCE REPEALING BMC 6.17.500 TO ELIMINATE A CONFLICT WITHIN THE CODE

LILLIQUIST / KNUTSON moved approval for third and final reading. Upon motion, said bill was placed on final passage and approved by the following roll call vote:

AYES: BORNEMANN, FLEETWOOD, LEHMAN, KNUTSON, LILLIQUIST, SNAPP, WEISS

NAYS:

ABSTENTIONS:

MOTION CARRIED 7-0 and was thereafter named **Ordinance #2013-07-053**

### **ADJOURNMENT**

There being no further business, the meeting adjourned at 9:25 p.m.

**Seth Fleetwood, Council President**

**ATTEST: Linda D. Anderson City Clerk Representative**

**APPROVED: 07/15/2013**

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