

RECORD OF PROCEEDING OF CITY COUNCIL

CITY OF BELLINGHAM, WASHINGTON

COUNCIL CHAMBERS, CITY HALL

Monday, July 15, 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 Wednesday, July 17, 12:00 p.m. to 1:30 p.m. and 5:00 p.m. to 7:00 p.m. in the City Hall Lobby, City and Port staff will be available to discuss the Waterfront District proposal and answer questions at an informational open house.
- 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.
- On Monday, August 12, at 7:00 PM, in City Council Chambers, there will be a public hearing regarding the emergency ordinances approved on July 1st, adopting interim zoning for the cultivation of medical marijuana for personal use and in collective gardens and imposing a moratorium on the establishment of facilities producing, processing and retailing recreational marijuana.

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

APPROVAL OF MINUTES

SNAPP / LEHMAN moved approval of the July 1, 2013 minutes of the regular City Council meeting as submitted.
MOTION CARRIED 7-0.

Council Member Knutson apologized for comments that he made at the July 1st meeting.

15 - MINUTE PUBLIC COMMENT PERIOD

Leonard Lindstrom discussed social issues.

Arthur West spoke in opposition to emergency ordinances regarding marijuana.

Steve Sarich spoke in opposition to emergency ordinances regarding marijuana and served Mayor Linville with a summons for Cannabis Action Coalition, Martin Nickerson, Steve Sarich, Arthur West, plaintiffs.

John Novak spoke in opposition to emergency ordinances regarding marijuana.

Scott Sanderson presented an overview of the Vibrant Futures Conference Series; a group working on economic reconstruction for Whatcom County. He also spoke in support of medical marijuana and 100 Acre Wood/Chuckanut Ridge.

Wendy Harris advocated for an updated, revised Environmental Impact State (EIS) before the city moves any further on waterfront planning.

John Servais thanked Council Member Knutson and accepted his apology.

Kris Halterman spoke in opposition to any changes in the noise ordinance or amateur radio regulations.

Michelle Stelovich addressed the waterfront and asked for development that benefits the community: unrestricted cleanup, living wage jobs, shoreline restoration, priority on water related jobs, parks, open spaces, maintain the GP waste lagoon as a stormwater facility and keep development consistent with the character of Bellingham.

Jamie Henifin spoke in opposition to any changes in the noise ordinance.

Keith D'Angelo asked that council choose the 'no action' alternative for waterfront development and said we need an updated Environmental Impact Statement. He feels it is time to open the area up to the public.

Brooks Anderson is concerned about the City using Round Up as abatement on weeds and opposes any spraying that has even a minimal amount of toxicity to animals.

PUBLIC HEARING(S)

AB20045 1. Public Hearing and Resolution: Consideration of requests to docket Comprehensive Plan Amendments for review in the 2013-14 City work program 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:

“A RESOLUTION ESTABLISHING THE DOCKET OF PROPOSED COMPREHENSIVE PLAN AMENDMENT TO BE REVIEWED IN 2013 - 2014.”

Lisa Pool, Senior Planner reviewed docketing criteria by which, all the amendments were reviewed:

"20.20.030 Annual docketing criteria.

The city shall use the following criteria in selecting proposals for inclusion in the annual docket of comprehensive plan/neighborhood plan amendments. In order to be included on the annual docket, a proposal must meet the following criteria:

A. The city has the resources, including staff and budget, necessary to adequately and comprehensively review the proposal within the time frame of the annual review process; and

B. The proposal meets one or more of the following criteria:

1. The proposed amendment represents an issue appropriately addressed in the comprehensive plan or in a neighborhood plan;
2. The proposal demonstrates strong potential to serve the public interest by implementing

specifically identified goals and policies of the comprehensive plan;

3. The public interest would be best served by considering the proposal in the next amendment cycle, rather than delaying consideration to a future plan update process;

4. The amendment addresses changing circumstances, changing community values, or corrects or updates information in the comprehensive plan or a neighborhood plan; or

5. State law requires, or a decision of a court or administrative agency has directed a change to the comprehensive plan or a neighborhood plan."

She then reviewed the proposed amendments:

- **ZON2013-0002** Parks, Recreation and Open Space (PRO) Plan Update. The City's Parks and Recreation Department proposes to update the PRO Plan.
- **ZON2013-00003** Meridian Neighborhood Plan Amendment. The property owner (Church of the Nazarene) proposes to rezone properties in Area 35 of the Meridian Neighborhood from Industrial, Planned to Residential Multi, Planned.
- **ZON2013-00005** Samish, Happy Valley and Cordata Neighborhood Plan Amendments. City Planning staff proposes amendments to the neighborhood plans and Comprehensive Plan land use designation maps to correspond with the neighborhood zoning maps and zoning tables.
- **ZON2013-00006** South Neighborhood Plan Amendment. The City's Parks and Recreation Department proposes to rezone properties with Area 4 of the South Neighborhood from Residential Multi, Planned to Public, Open Space.
- **ZON2013-00007** Cornwall Park Neighborhood Plan Amendment. City planning staff proposes to remove the requirement to extend Orchard Place to Baker Street within the neighborhood plan and Cornwall Park table of zoning regulations for Areas 2 and 3.

Jeff Thomas, Director Planning & Community Development explained that these amendments will create consistency between city's zoning and the neighborhood plans.

Council President Fleetwood opened the public hearing.

The following citizens spoke in support of ZON2013-00006 South Neighborhood (rezoning of Chuckanut Forest):

Larry Freeman
John Erickson
Bernie Walz
Jon Shaughnessy
Brooks Anderson
Jon Brown
Christopher Grannis
Laurel Felber
Keith D'Angelo
Frank James
Jim Spaich
Marilyn Gran
Jeannie Rodgers
Bill Hinley

Bill Geyer spoke in opposition of ZON2013-00006 South Neighborhood (rezoning of Chuckanut Forest).

The following citizens spoke in support of ZON2013-00003 Area 35, Meridian Neighborhood (Church of the Nazarene):

Fred Wagner
Ben Morris

Wendy Harris spoke in opposition to ZON2013-00003 Meridian Neighborhood Area 35. She then spoke in support of

the Parks, Recreation and Open Space (PRO) Plan ZON2013-0002 and asked staff to include wildlife management policies in the plan.

There being no further comments, the public hearing was closed

BORNEMANN / SNAPP moved final approval of **Resolution #2013-10**. MOTION CARRIED 7-0.

REPORTS OF COMMITTEES

Planning and Community Development

Jack Weiss, Chair

Michael Lilliquist; Gene Knutson

AB20046 1. An Ordinance relating to the 2013 Budget appropriating \$750,000 in available HUD funding for low income housing

“AN ORDINANCE RELATING TO THE 2013 BUDGET RECOGNIZING ADDITIONAL GRANT REVENUE AND APPROPRIATING ADDITIONAL EXPENDITURES OF \$750,000.00 IN THE HOME INVESTMENT PARTNERSHIP GRANT FUND.”

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

AB20047 2. A discussion regarding the concept of opportunity zones

Discussion during committee. Staff will report back to the Planning Committee and present a matrix, (tentatively in September) of: what things are being done, what are recommended, what are viable possibilities for incentives. Information only.

Waterfront/Downtown Development

Terry Bornemann, Chair

Cathy Lehman; Jack Weiss

AB20048 1. Staff presentation regarding the proposed Waterfront District Sub-area Plan and related documents

Presentation made during committee. Information only. Public Hearing scheduled for August 5, 2013.

Lake Whatcom Reservoir and Natural Resources

Cathy Lehman, Chair

Michael Lilliquist; Stan Snapp

AB20049 1. Updates on Squalicum Creek Corridor Projects: Squalicum Creek Re-route (EV-110), James Street Bridge (ER-09), Orchard Street Extension (ES-440), Bay to Baker Trail (PD3003-X)

Update provided during committee. Information only.

AB20050 2. Report regarding the July 8, 2013, Lake Whatcom Policy Group meeting

Report presented during committee. Information only.

Finance and Personnel

Michael Lilliquist, Chair

Gene Knutson; Stan Snapp

AB20051 1. Bid Award for Bill McDonald Parkway Sidewalk Project, Bid #42B-2013, ES-0474

LILLIQUIST / KNUTSON moved to award Bid No. 42B-2013 for Bill McDonald Parkway Sidewalk Project to Faber Construction of Lynden, 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 \$408,036.99. MOTION CARRIED 7-0.

AB20052 2. An Ordinance approving issuance of 2013 Water and Sewer Revenue bonds in the amount not to exceed \$17,000,000

“AN ORDINANCE OF THE CITY OF BELLINGHAM, WASHINGTON, APPROVING CERTAIN ADDITIONS, BETTERMENTS AND IMPROVEMENTS TO THE CITY'S COMBINED WATER AND SEWAGE SYSTEM; AUTHORIZING THE ISSUANCE OF WATER AND SEWER REVENUE BONDS OF THE CITY IN THE AGGREGATE PRINCIPAL AMOUNT OF NOT TO EXCEED \$17,000,000 TO PAY COSTS OF THE IMPROVEMENTS; DELEGATING AUTHORITY TO APPROVE THE METHOD OF SALE FOR AND FINAL TERMS OF THE BONDS; AND RESERVING THE RIGHT TO ISSUE REVENUE BONDS ON A PARITY WITH THE BONDS UPON COMPLIANCE WITH CERTAIN CONDITIONS. “

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

AB20053 3. Business and Occupation Tax exemption discussion

Discussion held during committee

LILLIQUIST / KNUTSON moved to direct staff to bring forward options to modify or eliminate the B&O Tax Exemption. MOTION CARRIED 7-0.

Committee Of The Whole

Seth Fleetwood, Chair

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

AB20054 1. Army Street Project briefing and status

Discussion held during committee. Information only.

AB20032 2. Discussion of a draft ordinance to amend the regulations for public disturbance noise related to construction activities and to discuss conducting a public hearing

FLEETWOOD / SNAPP moved to direct staff to schedule a public hearing. MOTION CARRIED 7-0.

AB20033 3. Discussion regarding the regulation of amateur radio antennas

FLEETWOOD / SNAPP moved to direct staff to add to the Planning & Community Development 2014 work plan. MOTION CARRIED 4-3, BORNEMANN, LEHMAN, SNAPP opposed.

AB20055 4. 2013 State Legislative Review

Presentation made during committee. Information only.

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

None submitted at evening meeting.

6. Old/New business

Council Member Weiss asked about the funding package and safety of Whatcom Creek Bridge. Staff reported that funding options for both Whatcom Creek Bridge and the Boulevard Park Pedestrian Crossing are being studied.

Structural bridge engineers have determined that the bridge is not safe due to rot in the bridge in addition to the damage from the fire.

Council Member Weiss discussed residential parking issues. Staff reported that this is a big issue and because of the workload, this has slipped a bit in priority for the Transportation Commission. Staff will convey that it is a priority of the council.

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:

- Upcoming waterfront presentations and tours. The complete schedule is on the City's web site.
- The City participated in the Bellingham Pride Festival over the weekend.
- The Mayor read a proclamation at the opening of the Whatcom Humane Society facility.
- The Mayor thanked Council Member Lehman for her excellent liaison with the Lake Whatcom Policy Group.

AB20056 2. Mayor's reappointment of Scot Barg and Anne-Marie Faiola to the Bellingham Public Development Authority

SNAPP / LILLIQUIST moved to authorize the Mayor to reappoint Scot Barg, term ending July 21, 2016 and Anne-Marie Faiola, term ending July 31, 2016 to the Bellingham Public Development Authority. MOTION CARRIED 7-0.

AB20057 3. Mayor's reappointment of David Warren to the Bellingham/Whatcom Public Facilities District

BORNEMANN / KNUTSON moved to authorize the Mayor to reappoint David Warren to the Bellingham/Whatcom Public Facilities District, term ending July 31, 2016. MOTION CARRIED 7-0.

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.

AB20058 1. Operations Data Assistant reclassification

“AN ORDINANCE RELATING TO THE 2013 BUDGET RECLASSIFYING ONE POSITION IN THE PUBLIC WORKS DEPARTMENT, STREET FUND, WHERE NO ADDITIONAL APPROPRIATION OR REALLOCATION OF EXPENDITURES IS REQUIRED.”

AB20059 2. Authorization of checks issued for pay period June 21, 2013 through June 27, 2013

AB20060 3. Authorization of checks issued for pay period June 26, 2013 through July 4, 2013

AB20061 4. Authorization of checks issued for payroll June 11, 2013 through June 25, 2013

AB20062 5. Authorization of checks issued for payroll June 26, 2013 through July 10, 2013

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

EXECUTIVE SESSION - Report only

1. Potential Property Acquisition: Staff provided information on the potential acquisition of the Neher Property, a 1.04 acre parcel located at the northwest corner of Marine Drive and Locust Avenue. The city will use the

property to provide public parking and trailhead amenities for the city's Whirlwind Beach Properties. The purchase price is \$288,200.00

SNAPP / BORNEMANN moved to authorize the purchase of said property at a purchase price of \$288,200.00. MOTION CARRIED 7-0.

FINAL CONSIDERATION OF ORDINANCES

AB19957 1. 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 / 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

NAYS: WEISS

ABSTENTIONS:

MOTION CARRIED 6-1 and was thereafter named **Ordinance #2013-07-054**

AB20031 2. 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

BORNEMANN / SNAPP 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 #2013-07-055**

AB20036 3. 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 / 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 #2013-07-056**

AB20038 4. 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 SCHEDULED FOR THIS YEAR, FROM ESTIMATED ENDING UNDESIGNATED RESERVES

KNUTSON / SNAPP 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 #2013-07-057**

ADJOURNMENT

There being no further business, the meeting adjourned at 9:06 p.m.

Seth Fleetwood, Council President

ATTEST: Linda D. Anderson City Clerk Representative

APPROVED: 09/16/2013

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