

RECORD OF PROCEEDING OF CITY COUNCIL

CITY OF BELLINGHAM, WASHINGTON

COUNCIL CHAMBERS, CITY HALL
Monday, August 05, 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, August 12, at 7:00 PM, in City Council Chambers, there will be a public hearing regarding the recent adoption of emergency ordinances regarding medical and recreational use of marijuana. The emergency ordinances specifically created a moratorium on the establishment of facilities producing, processing, and retailing recreational marijuana and also established interim zoning and land use regulations for the cultivation of medical marijuana for personal use and in collective gardens.
- Beginning on August 12, the scheduled Waterfront Committee meetings will be held 10:30 AM to 12:00 PM, and the scheduled Planning and Community Development Committee Meetings will be held during the 1:00 PM to 5:00 PM afternoon committee sessions, through the end of this year.

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

APPROVAL OF MINUTES

None submitted.

15 - MINUTE PUBLIC COMMENT PERIOD

Leonard Lindstrom discussed social issues.

Michael MacKay asked that the council view future plans for the waterfront in a way that will allow an intertidal contiguous corridor for salmon.

Yoshé Revelle spoke on kindness.

Peter Gunn amused those in attendance with candid comments about marketing of the Sister Cities.

PRESENTATION(S)

AB20064 1. A Resolution recognizing John Carter for his service to the City of Bellingham

“A RESOLUTION EXPRESSING APPRECIATION AND HONORING JOHN CARTER FOR HIS SIGNIFICANT CONTRIBUTIONS TO THE CITY AND CITIZENS OF BELLINGHAM.”

KNUTSON / SNAPP moved final approval of **Resolution #2013-11**. MOTION CARRIED 7-0.

PUBLIC HEARING(S)

AB20063 1. Waterfront District Subarea Plan and related documents

Council President Fleetwood opened the public hearing.

Michael MacKay advocated for marine resources along the waterfront and the need to reduce toxic levels with careful cleanup and removal.

Bob Burr would like more opportunities for public input and possibly a survey of Bellingham residents. There are a multitude of things to study in depth. Be guided by your constituents and don't proceed with a subarea plan without an overall plan.

Clayton Petree asked the council to consider: working more with the Port Commission in joint meetings; having more control in the Request for Proposal and development process; clarifying the ASB timeline - it's values and uses; and explain how the city is ensuring that its' costs will be recovered.

Bob Aegerter asked that more attention be paid to habitat restoration, the connectivity between the areas that are restored and additional ideas for the ASB pool other than use as a marina. He cautioned council to take its time in making these important decisions.

Bob Marshall supports a Community Benefits Agreement that contains a living wage zone as part of the development tools on the waterfront.

Stephen Harvey encouraged zoning requiring the highest level of environmental cleanup. The shoreline is a limited resource and a management plan should include habitat connectivity and standards for living wage jobs.

Chris Armstrong said habitat restoration and quality need to be addressed as well as: opportunities to restore the health of Bellingham Bay; the Port and City reclamation of public spaces; regional connectivity of habitat areas; buffer zones and the affects of boat moorage. He feels these decisions are not being made with adequate public input.

Barry Buchanan spoke of the importance of providing living wage jobs combined with a thorough cleanup and how that would provide a greater opportunity for an economic engine in this area.

Dean Tuckerman feels that there is little support for the current plan except by government officials. He said a thorough cleanup is logical and that most of Bellingham supports the Blue Green Waterfront Coalition.

Matt Petryni, Campaign Organizer for ReSources for a Sustainable Community. They support a meaningful and inviting public process; healthy fisheries and people; habitat buffers capable of supporting habitat protection; family wage jobs at the site with clear standards for living wage jobs and alternatives to a marina.

Mark Lowry, Northwest Washington Central Labor Council, Whatcom Skagit and San Juan Counties. He referenced the waterfront documents [*p. 5, agenda packet*] and said there are some specific issues to be addressed and he will be submitting written commentary on those. He noted that one document is noteworthy in its absence: a Community

Benefits Agreement, an agreement with the community that the city is asking to partner, pay for and inherit the net result of all this work. The agreement should contain many elements, not just fair labor standards, adequate environmental cleanup and protection of sensitive business interests that run the risk of being displaced. Mr. Lowry asked that a Community Benefits Agreement be included with the waterfront documents that has minimum enforceable standards as part of the development process.

Wendy Steffensen, Lead Scientist, ReSources advocated for more oral testimony and noted that ReSources is part of the Blue Green Waterfront Coalition. They support living wage jobs, thorough cleanup, interconnected habitat, evaluation plans for habitat and the ASB to determine its' highest and best use and maintain zoning requiring the best cleanup and a Community Benefits Agreement. The planning documents need to be explicit to ensure a healthy, working, vibrant waterfront.

Betsy Pernatto, Co-chair, Whatcom Jobs with Justice, supports comments by their environmental partners and the Blue Green Waterfront Coalition and said the waterfront creates a unique opportunity for living wage jobs and a Community Benefits Agreement.

Kate Blystone, Director, Whatcom Chapter Futurewise would like a study of all the potential uses of the ASB. It needs adequate review and she is concerned that there is no clear idea of the existing habitat or habitat connections on the site. She believes the city should adopt a Community Benefits Agreement before any development. She requested more public hearings and advised the council to take its time.

Brian Pemberton, owner, Northwest Explorations advocated for the charter industry and said that Bellingham has one of the nicest ports in the northwest. The Port provides good jobs and will continue to do so. He advised council to take time, be deliberate and thorough.

Roger VanDyken, owner, San Juan Sailing advocated for a working waterfront and is impressed with the deliberation and public process. He feels the key is balance: parks/working waterfront/mixed uses.

Laurel Felber noted the unique opportunities of the waterfront: complete cleanup and restoration of shoreline; light industrial zoning with strict guidelines (keep buildings attractive and interesting and at a human level - no high rises); no impact on habitat and more direct access along the waterfront.

Judith Akins supports the opportunity for living wage jobs and cleanup. She said, do this thing right by doing a very thorough cleanup before anything else is done.

Laura Leigh Brakke feels that another verbal process might be warranted and suggested: don't change any zoning from recreational to other uses; make it safe for 99% of the people; think outside the box such as building back 200' from ordinary high water; habitat restoration; keep it uniquely Bellingham; don't make plans and get developer bids until the cleanup is finished. This is going to take time and there is no rush - don't let the Port take the lead.

Lori Provence advocated for more joint meetings, a Community Benefits Agreement and a way to, over time, measure return on investment. She feels that the new neighborhood in the new district is not going to overcome the Central Business District. She said, the interests of City and Port are not the same and the City and the Port should have equal roles in the development of this new neighborhood.

Brad Owens, President, Northwest Washington Building and Trades, said there cannot be any shortcuts in the environmental cleanup. He would like to see a Community Benefits Agreement and said it is essential for the city and county to have living wage jobs.

Larry Hildes feels that condos will be empty but with real living wage jobs there is an opportunity to put people to work. He hopes there will be environmentally sustainable jobs and feels this is an opportunity to restore the environment and habitat, and have jobs for people who live here.

Karen Weill is a member of the Blue Green Waterfront Coalition and advocated for living wage jobs, cleanup to the highest possible standards and restoration of shoreline habitat.

Amy Pashov said the shoreline should be paramount and public access is important. She supports non-marine related industries on the waterfront and cited Stanley Park as an example of drawing visitors to the waterfront. Other examples might be a public library or a waterfront that takes advantage of an outdoor concert area. "Dare to dream", she said.

Stefan Pashov would like a continuous unbroken waterfront, complete public access; a world class park and asked that industries be kept away from waterfront. Better maps are needed of the area to provide better scale and features and he would like to see the redevelopment be coordinated and integrated with the Bicycle Trails Improvement Plan. He asked that, other than the Granary building, the old industrial buildings be removed to allow unobstructed views and access.

Alan Stein is opposed to moving forward until the Gateway Pacific Terminal (GPT) coal port issue is resolved. If GPT is approved the waterfront will be cut off by a train track and have constant noise. No bond should be financed until GPT has been denied.

Marian Beddill said the council's obligation is the health and safety of the public. Do not have a "black" heart.

John Blethen recommended reading the visioning statements and noted several concerns that he has including: social/environmental; locking in park property rather than looking at mixed use; the Commercial Street overpass and 200' high buildings that would block views. He would like more certainty in creating green spaces, and green and open spaces should be identified as a backdrop to the South Bay Trail. He recommended putting money into a planning document for the area and that the city continue to pursue the overwater walkway.

Diane Foster believes at least 200 acres should be industrial zoned and with our deep port would help to provide living wage jobs. It should not be privatized or sold - it would be better to lease at least part of it. She is glad that the Granary will be rebuilt and hopes that it will be by a local developer.

Naomi Gibson feels that micro and phyto remediation should be looked into as a cheap and effective way to get toxins out of the environment. She feels the outcome of the GPT issue will make a huge difference and the effects of climate change need to be considered in the long term plan. She agrees that there should be more public comment and would love to see included a celebration of our native heritage in the parks and development that aims to be sustainable. She asked, "are the job opportunities here going to be ones students can stay here for?"

Charles Law hopes there are no high rises and that there will not be obstacles to continuing the bike paths. He would like another open comment period.

Alex Chassey asked: "What should we think of those plans which seem to advocate business as usual? Do more parking spaces and higher buildings really benefit our community in the long term? How many permanent sustainable jobs are acceptable to lose to catering to transient tourism? What will the opinion of our legacy be of a yacht marina when the oil runs out?"

Sarah Cooper Bolts would like another public hearing.

There being no further comments, the public hearing was closed.

A worksession is scheduled for August 12, 2013. Staff requested that council be prepared to inform staff on how they would like materials presented and prepare questions that staff can work on during the council break.

BREAK

Council President Fleetwood called the meeting back to order at 9:31 p.m.

AB20065 2. Bureau of Justice Grant in the amount of \$22,281 for public comment

Public hearing held. No citizens spoke.

KNUTSON / SNAPP moved to approve the Bureau of Justice Grant. MOTION CARRIED 7-0.

REPORTS OF COMMITTEES

Public Works / Public Safety

Stan Snapp, Chair

Terry Bornemann; Gene Knutson

AB20066 1. Pacific Highway-Aldrich Annexation Mitigation Agreement with Fire District 8

SNAPP / KNUTSON moved to direct staff to present an Interlocal agreement for council consideration. MOTION CARRIED 6-1, WEISS opposed.

AB20067 2. Emergency Medical Services (EMS) Contract Proposal

SNAPP / KNUTSON moved to direct staff to proceed with contract negotiations. MOTION CARRIED 7-0.

AB20068 3. Lake Whatcom Water and Sewer District Agreement for Wastewater

Presentation made during committee. Information only.

AB20069 4. An Ordinance relating to the 2013 Budget appropriating \$15,000 in the Street Fund to purchase School Zone Flashing Beacons, from unanticipated grant revenue

“AN ORDINANCE RELATING TO THE 2013 BUDGET INCREASING REVENUE IN THE STREET FUND, PUBLIC WORKS DEPARTMENT TRANSPORTATION OPERATIONS GROUP, AS A RESULT OF A WASHINGTON STATE TRAFFIC SAFETY COMMISSION GRANT TO PROVIDE FOR THE PURCHASE OF SCHOOL ZONE FLASHING BEACONS AND APPROPRIATING \$15,000.00 IN RELATED EXPENDITURES.”

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

Parks and Recreation

Gene Knutson, Chair

Stan Snapp; Terry Bornemann

AB20070 1. Bellingham Railway Museum presentation to Council regarding a proposal for a trolley car tourist attraction along Squalicum Parkway

During committee, council directed staff to prepare a modest feasibility study to look at the possibility of rail and trail in the area and to present the said proposal to the Parks Board.

Finance and Personnel

Michael Lilliquist, Chair

Gene Knutson; Stan Snapp

AB20071 1. Financial Report - 2nd Quarter

Presentation made during committee. Information only.

AB20072 2. Appointment of Interim Finance Director

LILLIQUIST / SNAPP moved to approve the Mayor's appointment of Brian Henshaw as the Interim Finance Director, effective August 10, 2013. MOTION CARRIED 7-0.

Committee Of The Whole

Seth Fleetwood, Chair

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

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

None submitted at evening meeting.

2. Old/New business

None presented.

Executive Session - Report and action only.

1. Potential Litigation: Staff provided information on a potential litigation matter. Direction given. No action taken.
2. Potential Litigation: Staff provided information on a potential litigation matter. Direction given. No action taken.
3. Litigation: *Carlson v. City of Bellingham*: Staff provided information on a litigation matter. Direction given. No action taken.

MAYOR'S REPORT

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

- With regard to the replacement of the Finance Director, the Mayor explained that prior to making any decision on a permanent replacement, the administration will be looking at functions, roles and structure in the event that there can be a potential consolidation of responsibilities.
- The Port Commission will be holding a Public Hearing regarding the waterfront on August 20 at 3:00 p.m.

AB20073 1. Mayor's appointment of Melisa Nelson to the Bellingham Sister Cities Advisory Board

Information only.

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.

AB20074 1. 2013 Budget Ordinance Reclassifying a Police Deputy Chief position back to a Police Lieutenant position

"AN ORDINANCE RELATING TO THE 2013 BUDGET RECLASSIFYING ONE POSITION IN THE POLICE DEPARTMENT, GENERAL FUND, WHERE NO ADDITIONAL APPROPRIATION OR REALLOCATION OF EXPENDITURES IS REQUIRED."

AB20075 2. Reclassification of an Office Assistant II to an Office Assistant III in the Public Works Department

"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."

AB20076 3. Authorization to enter into Ecology Source Control Contract

AB20077 4. Authorization to enter into a contract for an Education Grant with Puget Sound Partnership

AB20078 5. Authorization of checks issued for pay period July 5, 2013 through July 11, 2013

AB20079 6. Authorization of checks issued for pay period July 12, 2013 through July 18, 2013

AB20080 7. Authorization of checks issued for pay period July 19, 2013 through July 25, 2013

AB20081 8. Authorization of checks issued for payroll July 11, 2013 through July 25, 2013

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

FINAL CONSIDERATION OF ORDINANCES

AB20046 1. AN ORDINANCE RELATING TO THE 2013 BUDGET RECOGNIZING ADDITIONAL GRANT REVENUE AND APPROPRIATING ADDITIONAL EXPENDITURES OF \$750,000 IN THE HOME INVESTMENT PARTNERSHIP GRANT FUND

BORNEMANN / 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 #2013-08-058**

AB20052 2. 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 IMPROVEMENTS; DELEGATING AUTHORITY TO APPROVE THE METHOD OF SALE FOR AND FINAL TERMS OF THE BONDS ON A PARITY WITH BONDS UPON COMPLIANCE WITH CERTAIN CONDITIONS.

Changes read into the record:

P. 27, paragraph 5: "Not" added between "have" and "been".

P. 47, (d) "No" added prior to the word "designation" in first sentence. In second sentence, the word "designates" removed and added "does not designate".

SNAPP / 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

NAYS: WEISS

ABSTENTIONS:

MOTION CARRIED 6-1 and was thereafter named **Ordinance #2013-08-059**

AB20058 3. 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.

SNAPP / 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 #2013-08-060**

ADJOURNMENT

There being no further business, the meeting adjourned at 10:31 p.m.

Seth Fleetwood, Council President

ATTEST: Linda D. Anderson City Clerk Representative

APPROVED: 09/16/2013

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