

RECORD OF PROCEEDING OF CITY COUNCIL

CITY OF BELLINGHAM, WASHINGTON

COUNCIL CHAMBERS, CITY HALL

Monday, September 16, 2013, 07:00 PM

Book: 67, Page: 1

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
Michael Lilliquist, Council Member, Sixth Ward
Seth Fleetwood, Council Member, At Large

Excused:

Terry Bornemann
Council Member
Fifth Ward

ANNOUNCEMENT(S)

- On Monday, September 23, 9:00 AM to 12:00 PM, [*Editor's Note: time changed from 9:00 AM to 5:00 PM*] and Monday, September 30, 10:30 AM to 12:00 PM, there will be a Waterfront/Downtown Development Committee worksession regarding the Waterfront District Sub-Area Plan and related documents. These worksessions will be aired live on BTV10, streamed live on the internet, and posted on the city's website for on-demand viewing.
- On Monday, September 30, at 7:00 PM, in City Council Chambers, there will be a public hearing regarding an Ordinance to amend limits for construction noise in residential areas.

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

APPROVAL OF MINUTES

KNUTSON / LEHMAN moved approval of the July 15, 2013 and August 5, 2013 minutes of the regular City Council meeting as submitted. MOTION CARRIED 6-0.

SNAPP / KNUTSON moved approval of the August 12, 2013 minutes of the regular City Council meeting as submitted. MOTION CARRIED 5-0-1, WEISS abstained.

15 - MINUTE PUBLIC COMMENT PERIOD

Leonard Lindstrom discussed social issues.

Yoshe Revelle reminded everyone to do the little things; make a difference

Terry Wechsler addressed AB 20103 (safety improvements at the South Bay Trail/BNSF (Burlington Northern Santa Fe) Main Line intersection at Boulevard Park) and railroad quiet zones. She feels that safety improvements would not cost \$400,000 and that this is really about creating a quiet zone for the public. The reality is, a quiet zone at one intersection doesn't do any good unless you've done everything from Chuckanut to the north end of town, which would cost taxpayers millions of dollars. Under Federal Law, BSNF's contribution is limited to 5% and the State and Federal government does not have any money to help. She opposes paying for a quiet zone at this time. The city should be asking the county, and all the permitting agencies, to consider a portion of the cost as a mitigation cost on the proposed GPT (Gateway Pacific Terminal). If that traffic comes, there will be a bottleneck north of Bellingham that will eventually reach the point where they're going to have to expand infrastructure, possibly as soon as 2-3 years. We don't know how much BNSF would contribute to rebuilding the quiet zone crossing at Boulevard Park if that occurs.

Robert Clark asked the status of the Request for Proposal for PEG Access Television and offered his assistance with regard to community media and the perspective he can provide. He would also like to know if the Council is interested in developing a citizens committee on issues related to PEG Access issues.

Judith Akins addressed AB 20103 (safety improvements at the South Bay Trail/BNSF Main Line intersection at Boulevard Park) and asked Council to delay their decision. Further study is necessary to consider GPT impacts and looking into whether other entities can help pay for the improvements.

PUBLIC HEARING(S)

AB20092 1. Public Hearing and Ordinance regarding Padden Creek Daylighting - 20th Street Permanent Closure

"AN ORDINANCE OF THE CITY OF BELLINGHAM RELATING TO THE PERMANENT CLOSURE OF 20TH STREET FROM WILSON AVENUE TO OLD FAIRHAVEN PARKWAY TO FACILITATE CONSTRUCTION OF THE PADDEN CREEK DAYLIGHTING PROJECT."

Craig Mueller, Project Engineer summarized the ordinance, reviewed background and process to date and described the project, which would permanently close 20th Street. An open house was held on June 4, 2013 to present the design to the community and to solicit comments and feedback. Closure of 20th Street will aid in the Padden Creek Daylighting Project and it meets the goals of the Happy Valley Neighborhood Plan. Staff recommends approval of the closure.

Council President Fleetwood opened the public hearing.

John Rybvzyk has no objection to the closure but did ask for clarification on what will become of 19th Street, as it is very narrow.

Mark McDonald supports the project.

Mr. Mueller clarified that 19th Street will remain a pedestrian trail.

There being no further comments, the public hearing was closed

KNUTSON / SNAPP moved approval for first and second reading. MOTION CARRIED 6-0.

AB20093 2. Public Hearing and Ordinance regarding amendments to incorporate traffic study requirements into BMC 13.70 Multimodal Transportation Concurrency

"AN ORDINANCE OF THE CITY OF BELLINGHAM AMENDING BELLINGHAM MUNICIPAL CODE SECTIONS 13.70.020, 13.70.030 AND 13.70.060 TO ADOPT STANDARDS FOR REQUIRING PROJECT-SPECIFIC TRANSPORTATION IMPACT ANALYSIS AT PRE-APPLICATION STAGE OF PROJECT REVIEW."

Chris Comeau, Transportation Planner explained that this is a proactive action and adds a step that will determine whether a Transportation Impact Analysis (TIA) will be required for a project. He directed council to pages 32-34 of the agenda packet, which outlines the proposed amendments to the code. Staff and the Planning and Development Commission recommend approval.

Council President Fleetwood opened the public hearing.
No citizens spoke and the public hearing was closed.

KNUTSON / LEHMAN moved approval for first and second reading. MOTION CARRIED 6-0.

REPORTS OF COMMITTEES

Public Works / Public Safety

Stan Snapp, Chair

Terry Bornemann; Gene Knutson

AB20066 1. Whatcom County Fire District 8 Interlocal Agreement concerning the Pacific Highway-Aldrich Road Annexation Mitigation

SNAPP / KNUTSON moved to authorize the Mayor to enter into an Interlocal Agreement with Whatcom County Fire District 8 concerning the Pacific Highway-Aldrich Road Annexation Mitigation. MOTION CARRIED 5-1, WEISS opposed.

AB20094 2. Bid Award for 2013 Crack Seal Program rebid, Bid #62B-2013

SNAPP / WEISS moved to award Bid No. 62B-2013 for 2013 Crack Seal Program to Doolittle Construction LLC of Bellevue, 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 \$161,800.00. MOTION CARRIED 6-0.

AB20095 3. Bid Award for R.G. Haley Interim Action construction, organophillic clay, Bid#57B-2013, Project #EC-0018

SNAPP / LEHMAN moved to award Bid No.57B-2013 for Project #EC-0018 R.G. Haley Interim Action Construction Project to Interwest Construction of Burlington, 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 \$81,430.00. MOTION CARRIED 6-0.

AB20125 4. Noise Variance for R.G. Haley Interim Action Construction, Project #EC-0018

SNAPP / KNUTSON moved to approve the noise variance for Project #EC-0018. MOTION CARRIED 6-0.

AB20096 5. Interlocal Agreement with Whatcom County for offender work crew

SNAPP / LEHMAN moved to authorize the Mayor to enter into an Interlocal Agreement with Whatcom County for Work Crew Services. MOTION CARRIED 6-0.

AB20097 6. Fairhaven Parking Task Force update

Presentation made during committee. Information only.

Waterfront/Downtown Development

Terry Bornemann, Chair

Cathy Lehman; Jack Weiss

AB20063 1. Review of Waterfront District Sub-area Plan and related documents

Presentation made during committee. An all-day worksession is scheduled for Monday, September 23, 2013 starting at 9:00 a.m.

Lake Whatcom Reservoir and Natural Resources

Cathy Lehman, Chair

Michael Lilliquist; Stan Snapp

AB20098 1. Washington Conservation Corps End-of-Year Presentation

Presentation made during committee. Information only.

AB20099 2. Interagency Agreement with the Washington State Department of Ecology for funding marine shoreline habitat enhancements and assessment of juvenile salmon use of the marine nearshore

LEHMAN / KNUTSON moved to authorize the Mayor to enter into an Interagency Agreement with Washington State Department of Ecology for habitat restoration activities in Bellingham Bay. MOTION CARRIED 6-0.

AB20100 3. Appropriation of funds from the Department of Ecology for habitat enhancements and assessments in the 2013 budget

“AN ORDINANCE RELATING TO THE 2013 BUDGET INCREASING REVENUE IN THE STREET FUND BY \$610,000.00 AS A RESULT OF AN INTERAGENCY AGREEMENT WITH THE WASHINGTON STATE DEPARTMENT OF ECOLOGY AND APPROPRIATING RELATED EXPENDITURES FOR THREE BELLINGHAM BAY HABITAT RESTORATION PROJECTS IN THE PUBLIC WORKS DEPARTMENT.”

LEHMAN / LILLIQUIST moved approval for first and second reading. MOTION CARRIED 6-0.

Finance and Personnel

Michael Lilliquist, Chair

Gene Knutson; Stan Snapp

AB20101 1. Ordinance increasing revenue and expenditures in the Wastewater Fund from the issuance of Revenue Bonds to pay for improvements to the wastewater system

“AN ORDINANCE RELATING TO THE 2013 BUDGET INCREASING REVENUE IN THE WASTEWATER FUND FROM THE ISSUANCE OF REVENUE BONDS TO PAY FOR THE EXPANSION OF IMPROVEMENTS TO THE WASTEWATER SYSTEM AND APPROPRIATING \$16,039,500.45 IN RELATED EXPENDITURES.”

LILLIQUIST / KNUTSON moved approval for first and second reading. MOTION CARRIED 5-1, WEISS opposed.

Parks and Recreation

Gene Knutson, Chair

Stan Snapp; Terry Bornemann

AB20102 1. Lease between Whatcom Rowing Association and the City of Bellingham for the Bloedel Donovan Park Boathouse

KNUTSON / SNAPP moved to authorize the Mayor to approve a lease with the Whatcom Rowing Association for the Bloedel Donovan Park Boathouse.

LILLIQUIST moved to amend the motion to add an additional requirement to the terms of the lease: to implement cleaning and inspection measures to prevent introduction of aquatic invasive species.

MOTION CARRIED 4-1-1, SNAPP opposed, LEHMAN abstained.

MAIN MOTION CARRIED 6-0.

AB19904 2. Direction on replacement of Whatcom Creek Trail Railroad Avenue Bridge

KNUTSON / LEHMAN moved to direct staff to proceed with funding mechanism as proposed by staff (agenda packet, page 119) except for Transportation Funds, which must be approved by the Transportation Benefit District (TBD).

Council Member Weiss will oppose the motion, specifically because of the Greenway aspect of it (the amount of funding and the lack of a nexus between Greenways and the Whatcom Creek Bridge). However, if it is approved, he would like to see this expedited as soon as possible.

Council Member Snapp will oppose the motion: he does not support the \$250,000 Transportation Funds; \$25,000 Whatcom Falls Park, Heritage Park Improvements; or the \$50,000 Lake Padden Park, Heritage Park Improvements but he does support the project.

Council discussed options for funding, the projects' relevance to Greenways and concerns about using TBD funding.

Ted Carlson, Public Works Director understands from council that this is an important project that should not be delayed. Staff will move forward on design and continue the discussion as part of the 2014 budget process, both with the council and the TBD.

AB20103 3. Council Direction to fund safety improvements at the South Bay Trail/BNSF Main Line intersection at Boulevard Park

KNUTSON / LEHMAN moved to direct staff to proceed with funding mechanism as proposed by staff (agenda packet, page 123) except for Transportation Funds, which must be approved by the Transportation Benefit District (TBD).

Ted Carlson, Public Works Director explained that the BNSF (Burlington Northern Santa Fe) and the City have worked on trying to identify a solution at this location for many years. Working with BNSF on the C Street crossing, the BNSF would like the city to address the Boulevard Park crossing. Mr. Carlson said that, in his opinion, these two crossings should move forward. The Boulevard Park crossing safety concerns are not a new issue. While it is very expensive, the key is that we want to make it safer and we do want to put some safety measures in place that would be viable if the city did pursue a quiet zone. He understand concerns that there are other, larger, rail issues that will be considered in the future and whether mitigation would be appropriate at these sites. Staff has looked at the existing crossings with safety in mind, separate from this process. While it is conceivable that potential mitigation for safety measures will come out of the Environmental Impact Statement *[related to GPT]* he is not comfortable waiting on that. It is likely that if there are improvements at this crossing, the safety measures that are put in now could be relocated and used again.

MOTION CARRIED 6-0.

Committee Of The Whole

Seth Fleetwood, Chair

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

AB20083 1. Memorandum of Agreement with Public Utility District #1 of Whatcom County regarding use of Water Diversion/Intake Facility

Postponed; date to be determined.

AB20084 2. Memorandum of Agreement with City of Lynden regarding use of Water Diversion/Intake Facility

Postponed; date to be determined.

AB20104 3. Army Street Project Draft Concept Development Phase Plan and Project update

Presentation made during committee. Information only.

AB20105 4. City Council appointment to a Committee for Four-year Review of Whatcom Transportation Authority Board composition

FLEETWOOD / LILLIQUIST moved to approve the appointment of Council Member Stan Snapp to the Four-Year Review of the Whatcom Transportation Authority Board Composition. MOTION CARRIED 6-0.

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

None submitted at evening meeting.

6. Old/New business

Council Member Weiss updated the council on the activities of the working group regarding growth/population projects and representing all jurisdictions in the county. Next scheduled meeting will be in December. Cities will review population and employment figures in the fall; there will be a public hearing at the Planning Commission on November 14th; a multi-jurisdictional resolution for 2014 and a county-wide town hall meeting on September 26th.

Council President Fleetwood noted the 50 year celebration of the Alaska Marine Highway and documentary at Pickford Theatre.

Executive Session – Report and action only.

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

- Mayor thanked council for their input on the legislative agenda and recommends adoption of a joint legislative agenda.
- Facilities update has been completed including an assessment of the cost for investment in our facilities maintenance and to look at potential reorganization of service delivery.
- Funds are being allocated in the 2014 budget for tenating the Federal Building with city offices.

AB20106 1. Mayor's appointment of Bill Hasenjaeger and Colin Morris to the Parks and Recreation Advisory Board for Council's information

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.

AB20107 1. 2013 Budget Ordinance reclassifying the Evidence and ID Supervisor to a Sergeant

“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.”

AB20108 2. Bid Award #52B-2013 for ductile iron fittings, couplings, pipe restraints and grip rings

AB20109 3. Bid Award #53B-2013 for various water distribution valves and tapping sleeves

AB20110 4. Bid Award #54B-2013 for Municipal Court Renovations

AB20111 5. *Removed from Consent Agenda*

AB20112 6. Interlocal Agreement between City of Bellingham and Whatcom County regarding emergency repair for Sun House

AB20113 7. Interlocal Purchasing Agreement with Snohomish County

AB20114 8. Ordinance for a Budget Amendment to allow for receipt and spending of a grant from Washington State Traffic Safety Commission in the amount of \$8,450.00

“AN ORDINANCE RELATING TO THE 2013 BUDGET APPROPRIATING AN ADDITIONAL \$8,450.00 IN THE POLICE DEPARTMENT, GENERAL FUND, AS A RESULT OF A GRANT AWARD FROM THE WASHINGTON STATE TRAFFIC SAFETY COMMISSION.”

AB20115 9. Ordinance amending several sections of Title 3 - Personnel

“AN ORDINANCE AMENDING TERMS TO MAKE THEM GENDER NEUTRAL, CORRECTING INTERNAL INCONSISTENCIES WITHIN THE CODE, AND REPEALING OBSOLETE PROVISIONS, AMENDING AND REPEALING NUMEROUS SECTIONS WITHIN TITLE 3 - PERSONNEL.”

AB20116 10. Ordinance amending various sections of the Bellingham Municipal Code to classify, clarify and standardize penalties and to make civil infraction the default penalty

“AN ORDINANCE OF THE CITY OF BELLINGHAM, WASHINGTON AMENDING VARIOUS SECTIONS OF THE BELLINGHAM MUNICIPAL CODE IN ORDER TO CLASSIFY PENALTIES, MAKE CIVIL INFRACTION THE DEFAULT PENALTY, CLARIFY PENALTY PROVISIONS, AND STANDARDIZE PENALTY PROVISIONS.”

AB20117 11. Authorization of checks issued for pay period August 2, 2013 through August 8, 2013.

AB20118 12. Authorization of checks issued for pay period August 9, 2013 through August 15, 2013.

AB20119 13. Authorization of checks issued for pay period August 16, 2013 through August 22, 2013.

AB20120 14. Authorization of checks issued for pay period August 23, 2013 through August 29, 2013.

AB20121 15. Authorization of checks issued for pay period August 30, 2013 through September 5, 2013.

AB20122 16. Authorization of checks issued for payroll July 26, 2013 through August 9, 2013.

AB20123 17. Authorization of checks issued for payroll August 10, 2013 through August 23, 2013.

AB20124 18. Authorization of checks issued for payroll August 24, 2013 through September 10, 2013.

KNUTSON / LEHMAN moved approval of the Consent Agenda in its entirety. MOTION CARRIED 6-0.

[AB20111 removed from the Consent Agenda for separate consideration.]

AB20111 5. Interlocal Agreement between City of Bellingham and Whatcom Council of Governments to help fund the

Whatcom Smart Trips Program

KNUTSON / SNAPP moved to refer to the Public Works Committee for additional discussion, at a time to be determined.
MOTION CARRIED 6-0.

FINAL CONSIDERATION OF ORDINANCES

AB20089 1. AN ORDINANCE RELATING TO THE 2013 BUDGET RECLASSIFYING TWO POSITIONS IN THE POLICE DEPARTMENT, GENERAL FUND, WHERE NO ADDITIONAL APPROPRIATION OR REALLOCATION OF EXPENDITURES IS REQUESTED

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

NAYS:

ABSTENTIONS:

EXCUSED: BORNEMANN

MOTION CARRIED 6-0 and was thereafter named **Ordinance #2013-09-065**

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: 09/30/2013

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