

CITY COUNCIL AGENDA FOLLOW UP: September 30, 2013

Call to Order	
Announcements & Upcoming Meetings: <ul style="list-style-type: none"> On Monday, October 14th, at 7:00 PM, in City Council Chambers, there will be a public hearing regarding a 2013 Water System Plan update for Council approval. <p>Bellingham City Council meets all requirements of the State of Washington Open Meetings Act.</p>	
Pledge Of Allegiance	
Led by Council President Fleetwood.	
Roll Call	
Council Member Lehman excused.	
Approval Of Minutes	APPROVED
SNAPP / KNUTSON moved approval of the September 16, 2013 minutes of the regular City Council meeting as submitted. MOTION CARRIED 5-1-1, LEHMAN excused, BORNEMANN abstained.	
Proclamation	
Mayor Linville read a proclamation, proclaiming October 7, 2013 World Habitat Day in the City of Bellingham and Whatcom County.	
Presentation	
AB20126 1. Presentation by the Department of Ecology to the City for the Wastewater Treatment Plant's outstanding performance	Information only.
Information only.	
15-Minute Public Comment Period	
Public Hearing	
AB20032 1. An Ordinance to amend BMC 10.24.120 (C)(4) relating to construction noise in residential areas <p>“AN ORDINANCE AMENDING BELLINGHAM MUNICIPAL CODE SECTION 10.24.120 TO PROTECT RESIDENTIAL AREAS FROM EVENING NOISE DISTURBANCE BY MODIFYING PERMITTED HOURS FOR CONSTRUCTION RELATED NOISE.”</p> <p>Public hearing held. WEISS / LILLIQUIST moved to postpone to next regular meeting. MOTION FAILED, 3-3, KNUTSON, SNAPP, BORNEMANN opposed. WEISS / LILLIQUIST moved to amend Section (C)(4) throughout to: 9:00 p.m. and 7:00 a.m. on Monday through Saturday and between the hours of 9:00 p.m. and 9:00 a.m. on Sundays and federal holidays. MOTION FAILED, 3-3, KNUTSON, SNAPP, BORNEMANN opposed.</p> <p>No further action was taken by the Council. BMC 10.24.120 (C)(4) remains unchanged.</p>	Public hearing held. No change to BMC 10.24.120 (C)(4)
AB20043 2. Public hearing on a recently adopted emergency ordinance creating interim zoning for the establishment of facilities producing, processing and retailing recreational marijuana. <p>Public hearing held. No action by the Council. Interim zoning will remain in effect until further action is taken.</p>	Public hearing held. No action. Interim zoning remains.

<p><u>Waterfront/Downtown Development</u> Terry Bornemann, Chair Cathy Lehman; Jack Weiss</p>	
<p>AB20063 1. Waterfront District Subarea Plan and related documents</p> <p>Worksession scheduled for Monday, October 7, 2013 at 3:00 p.m.</p>	<p>DIRECTION TO STAFF 10/7 worksession</p>
<p><u>Finance and Personnel</u> Michael Lilliquist, Chair Gene Knutson; Stan Snapp</p>	
<p>AB20127 1. Ordinance to modify the Bellingham Municipal Code establishing the authority and use of accepting donations</p> <p>“AN ORDINANCE OF THE CITY OF BELLINGHAM, WASHINGTON AUTHORIZING ACCEPTANCE OF DONATIONS OF MONEY AND PROPERTY.”</p> <p>LILLIQUIST / KNUTSON moved approval for first and second reading. MOTION CARRIED 6-0.</p>	<p>1st & 2nd APPROVED</p>
<p>AB20128 2. Budget Ordinance accepting donation being given to the Bellingham Fire Department</p> <p>“AN ORDINANCE OF THE CITY OF BELLINGHAM ACCEPTING DONATION TO ASSIST THE FAMILIES OF FIREFIGHTERS KILLED OR DISABLED IN THE LINE OF DUTY.”</p> <p>LILLIQUIST / KNUTSON moved approval for first and second reading. MOTION CARRIED 6-0.</p>	<p>1st & 2nd APPROVED</p>
<p><u>Planning and Community Development</u> Jack Weiss, Chair Michael Lilliquist; Gene Knutson</p>	
<p>AB20129 1. Resolution establishing a schedule for joint City/County review of urban growth areas</p> <p>“A RESOLUTION RELATING TO A SCHEDULE FOR JOINT COUNTY AND CITY REVIEW OF URBAN GROWTH AREAS.”</p> <p>WEISS / LILLIQUIST moved final approval of Resolution #2013-13. MOTION CARRIED 6-0.</p>	<p>Res. 2013-13 APPROVED</p>
<p><u>Public Works / Public Safety</u> Stan Snapp, Chair Terry Bornemann; Gene Knutson</p>	
<p>AB20130 1. Ordinance amending BMC 15.36.020 allowing limited sewer main extensions in the Lake Whatcom Water and Sewer District service area to protect basic public health and environment</p> <p>Direction was provided to staff during committee. Staff will work on language as directed and bring back to council.</p>	<p>DIRECTION TO STAFF</p>
<p><u>Committee Of The Whole</u> Seth Fleetwood, Chair Jack Weiss, Gene Knutson, Cathy Lehman, Stan Snapp, Michael Lilliquist, Terry Bornemann</p>	
<p>1. Approval of City Council Committee and/or Special Meeting minutes</p> <p>None submitted at evening meeting.</p>	
<p>2. Old/New business</p> <p>Council Member Knutson will be out on medical leave for several weeks. He thanked the</p>	

community for their support.	
Executive Session - Report and action only.	
1. Litigation: <i>Laurie Carlson v. City of Bellingham</i> : SNAPP / KNUTSON moved to authorize the Mayor to enter into a settlement agreement with the following terms: dismissal of the lawsuit and resolution of all claims related thereto for the payment of \$40,000.00 MOTION CARRIED 6-0.	APPROVED
2. Potential Litigation: Staff provided information on a potential litigation matter. Direction given. No action taken.	No action.
3. Potential Property Sale: Staff provided information on a potential property sale. Direction given. No action taken.	No action.
Mayor's Report	
<p>1. Standing time for briefings, updates and reports to Council by the Mayor, if needed. Information only.</p> <p>Mayor Linville reported that the Request for Proposal for Establishment and Operation of a PEG Access Cable TV Channel has been published and will take applications until November 2, 2013.</p> <p>Budget worksessions are being scheduled.</p> <p>Mayor Linville briefly reviewed proclamations she has made in the community this year.</p>	
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.	
AB20131 1. Resolution setting the date and time for a Public Hearing before the Hearing Examiner for consideration of a petition to vacate an unnamed right-of-way north of W. Bakerview Road between Pacific Highway and Dover Street	Res. 2013-14 (Consent Agenda)
Res. #2013-14 "A RESOLUTION FIXING THE DATE AND TIME FOR A PUBLIC HEARING TO CONSIDER A PETITION TO VACATE AN UNNAMED RIGHT-OF-WAY GENERALLY LOCATED NORTH OF WEST BAKERVIEW ROAD BETWEEN PACIFIC HIGHWAY AND UNIMPROVED DOVER STREET."	
AB20132 2. Resolution setting the date and time for a Public Hearing before the Hearing Examiner for consideration of a petition to vacate certain right-of-ways within the Waterfront District (Portions of Army Street, Central Avenue, Oak Street and portions of C, D, E and F Street)	Res. 2013-15 (Consent Agenda)
Res. #2013-15 "A RESOLUTION FIXING THE DATE AND TIME FOR A PUBLIC HEARING TO CONSIDER A PETITION TO VACATE CERTAIN RIGHT-OF-WAYS WITHIN THE WATERFRONT DISTRICT."	
AB20133 3. Resolution setting the date and time for a Public Hearing before the Hearing Examiner for consideration of a petition to vacate certain right-of-ways within the Waterfront District (Portion of G Street)	Res. 2013-16 (Consent Agenda)
Res. #2013-16 "A RESOLUTION FIXING THE DATE AND TIME FOR A PUBLIC HEARING TO CONSIDER A PETITION TO VACATE A CERTAIN RIGHT-OF-WAY WITHIN THE WATERFRONT DISTRICT."	
AB20134 4 Resolution setting the date and time for a Public Hearing before the Hearing Examiner for consideration of a petition to vacate certain right-of-ways within the Waterfront District (Portions of West Ivy Street, H Street, Central Avenue, Laurel Street and West Maple Street)	Res. 2013-17 (Consent Agenda)
Res. #2013-17 "A RESOLUTION FIXING THE DATE AND TIME FOR A PUBLIC	

HEARING TO CONSIDER A PETITION TO VACATE CERTAIN RIGHT-OF-WAYS WITHIN THE WATERFRONT DISTRICT.”	
AB20135 5. Budget Ordinance for reclassification of the Resource Conservation Management Specialist position to a Facilities Project Manager in the Public Works Operations Division “AN ORDINANCE RELATING TO THE 2013 BUDGET RECLASSIFYING ONE POSITION IN THE PUBLIC WORKS DEPARTMENT, FACILITIES FUND, WHERE NO ADDITIONAL APPROPRIATION OR REALLOCATION OF FUNDS IS REQUESTED.”	1ST & 2ND (Consent Agenda)
AB20136 6. Budget Ordinance relating to the 2013 budget appropriating \$228,828.00 of expenditures in the General Fund related to the State Department of Commerce and the Federal Department of Energy funds. “AN ORDINANCE RELATING TO THE 2013 BUDGET APPROPRIATING \$228,828.00 OF EXPENDITURES IN THE GENERAL FUND RELATED TO THE STATE DEPARTMENT OF COMMERCE AND FEDERAL DEPARTMENT OF ENERGY FUNDS.”	1ST & 2ND (Consent Agenda)
AB20137 7. Budget Ordinance to amend the 2013 Budget to accept a grant from the Department of Justice “AN ORDINANCE RELATING TO THE 2013 BUDGET APPROPRIATING AN ADDITIONAL \$35,159.00 IN THE POLICE DEPARTMENT, GENERAL FUND, AS A RESULT OF A GRANT AWARD FROM THE DEPARTMENT OF JUSTICE TO PURCHASE SOFTWARE AND THERMAL IMAGERS.”	1ST & 2ND (Consent Agenda)
AB20138 8. Council Member medical leave of absence	(Consent Agenda)
AB20139 9. Authorization of checks issued for pay period September 6, 2013 through September 12, 2013	(Consent Agenda)
AB20140 10. Authorization of checks issued for pay period September 13, 2013 through September 19, 2013	(Consent Agenda)
AB20141 11. Authorization of checks issued for payroll September 11, 2013 through September 25, 2013 SNAPP / KNUTSON moved approval of the Consent Agenda in its entirety. MOTION CARRIED 6-0.	CONSENT AGENDA APPROVED IN ITS ENTIRETY
Final Consideration of Ordinances	
AB20092 1. 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 LILLIQUIST / 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, KNUTSON, LILLIQUIST, SNAPP, WEISS NAYS: ABSTENTIONS: EXCUSED: LEHMAN MOTION CARRIED 6-0-1 and was thereafter named Ordinance #2013-09-066	Ord. 2013-09-066 APPROVED
AB20093 2. 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 LILLIQUIST / 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, KNUTSON, LILLIQUIST, SNAPP, WEISS NAYS: ABSTENTIONS:	Ord. 2013-09-067 APPROVED

<p>EXCUSED: LEHMAN</p>	
<p>MOTION CARRIED 6-0-1 and was thereafter named <u>Ordinance #2013-09-067</u></p> <p>AB20100 3. 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</p> <p>BORNEMANN / LILLIQUIST moved approval for third and final reading. Upon motion, said bill was placed on final passage and approved by the following roll call vote:</p> <p>AYES: BORNEMANN, FLEETWOOD, KNUTSON, LILLIQUIST, SNAPP, WEISS NAYS: ABSTENTIONS: EXCUSED: LEHMAN</p>	<p>Ord. 2013-09-068 APPROVED</p>
<p>MOTION CARRIED 6-0-1 and was thereafter named <u>Ordinance #2013-09-068</u></p> <p>AB20101 4. 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</p> <p>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:</p> <p>AYES: BORNEMANN, FLEETWOOD, KNUTSON, LILLIQUIST, SNAPP, NAYS: WEISS ABSTENTIONS: EXCUSED: LEHMAN</p>	<p>Ord. 2013-09-069 APPROVED</p>
<p>MOTION CARRIED 5-1-1 and was thereafter named <u>Ordinance #2013-09-069</u></p> <p>AB20107 5. 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</p> <p>BORNEMANN / LILLIQUIST moved approval for third and final reading. Upon motion, said bill was placed on final passage and approved by the following roll call vote:</p> <p>AYES: BORNEMANN, FLEETWOOD, KNUTSON, LILLIQUIST, SNAPP, WEISS NAYS: ABSTENTIONS: EXCUSED: LEHMAN</p>	<p>Ord. 2013-09-070 APPROVED</p>
<p>MOTION CARRIED 6-0-1 and was thereafter named <u>Ordinance #2013-09-070</u></p> <p>AB20114 6. 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</p> <p>KNUTSON / WEISS moved approval for third and final reading. Upon motion, said bill was placed on final passage and approved by the following roll call vote:</p> <p>AYES: BORNEMANN, FLEETWOOD, KNUTSON, LILLIQUIST, SNAPP, WEISS NAYS: ABSTENTIONS: EXCUSED: LEHMAN</p> <p>MOTION CARRIED 6-0-1 and was thereafter named <u>Ordinance #2013-09-071</u></p>	<p>Ord. 2013-09-071 APPROVED</p>

<p>AB20115 7. 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</p> <p>SNAPP / WEISS moved approval for third and final reading. Upon motion, said bill was placed on final passage and approved by the following roll call vote:</p> <p>AYES: BORNEMANN, FLEETWOOD, KNUTSON, LILLIQUIST, SNAPP, WEISS NAYS: ABSTENTIONS: EXCUSED: LEHMAN</p> <p>MOTION CARRIED 6-0-1 and was thereafter named <u>Ordinance #2013-09-072</u></p>	<p>Ord. 2013-09-072 APPROVED</p>
<p>AB20116 8. 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</p> <p>SNAPP / WEISS moved approval for third and final reading. Upon motion, said bill was placed on final passage and approved by the following roll call vote:</p> <p>AYES: BORNEMANN, FLEETWOOD, KNUTSON, LILLIQUIST, SNAPP, WEISS NAYS: ABSTENTIONS: EXCUSED: LEHMAN</p> <p>MOTION CARRIED 6-0-1 and was thereafter named <u>Ordinance #2013-09-073</u></p>	<p>Ord. 2013-09-073 APPROVED</p>
<p><u>Adjournment</u></p> <p>There being no further business, the meeting adjourned at 8:33 p.m.</p>	
<p style="text-align: center;">Next City Council Meeting Monday October 14, 2013</p>	