

RECORD OF PROCEEDING OF CITY COUNCIL

CITY OF BELLINGHAM, WASHINGTON

COUNCIL CHAMBERS, CITY HALL

Monday, December 09, 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
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:

Cathy Lehman
Council Member
Third Ward

ANNOUNCEMENT(S)

- On Monday, December 16, at 7:00 PM, in City Council Chambers, there will be a joint public hearing with the Chuckanut Community Forest Park District Board to consider the Proposed sale by the City of Bellingham of a Conservation Easement for the Chuckanut Community Forest (aka Chuckanut Ridge, Fairhaven Highlands, and Hundred Acre Wood) to the Chuckanut Community Forest Park District.
- On Monday, January 6, 2014 the Bellingham City Council will hold its annual reorganization meeting at 1:00 PM in the Mayor's Boardroom. There will be a Swearing in of newly elected officials at 7:00 PM in Council Chambers.

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

APPROVAL OF MINUTES

None submitted.

PRESENTATION(S)

AB20213 1. Presentation regarding C-SPAN's 2013 Cities Tour visit to Bellingham

Information only.

15-MINUTES PUBLIC COMMENT PERIOD

Layne Southcott appreciated all the work council and staff has done on the waterfront plans. There is enough flexibility in the language of the documents that will allow for innovation and would encourage the city to be proactive in permits and establishment of infrastructure so ground breaking can become a reality.

Leonard Lindstrom discussed social issues.

Gaythia Weis asked that the vote on waterfront documents be delayed. She has concerns and questions and feels the documents deserve further work.

Jim Spaich is concerned about the waterfront issues and feels that the city needs to take as much time as needed to develop the best plan possible. His primary concern is to focus on a thorough cleanup of the site, which is a significant issue and must be dealt with. He added, if the property does not lure investment without taxpayer subsidies perhaps leaving it undeveloped, until it becomes more valuable, is a reasonable option.

Robin Dexter reiterated his warning sent earlier in the day to council members, by e-mail, that what the city is signing up for is "Bellwether on steroids". A lot has been overlooked and if the council considers a working waterfront to be waiters and busboys then that's what you're going to get and he will do what he can to prevent that.

Yoshé Revelle explained that he does not say the Pledge of Allegiance to the flag as he considers it worshiping an idol.

J. Cline feels the waterfront mockery has made it undeniable, even to the most ardent advocates of reform within the system, that our public process has become a hollow shell. The waterfront plan is a clear violation of public trust and contract.

Bob Burr would like a report from the Mayor on the findings of the alleged fraud by the Port of Bellingham.

Christopher Grannis does not support the waterfront plans and said that no deal is better than a bad deal.

Terese VanAssche asked that the waterfront vote be postponed as she has concerns about the railroad tracks, access, infrastructure, alleged fraud by the Port, habitat protection, and pollution.

Wendy Harris urged council to vote no on the waterfront plans.

Tip Johnson urged the council to delay the vote on the waterfront plan.

Terry Wechsler would like a healthy, thriving economy but is hearing lots of concern [*waterfront*] so asked that the council postpone the vote in order to talk further about the issues.

Jeff (last name not discernible) said the city has expert staff providing expert input. After eleven years of discussion/planning about the waterfront, we have to get down to business and he urged council to move the waterfront plan forward.

PUBLIC HEARING(S)

AB20214 1. Consideration of an Ordinance to amend the Comprehensive Plan to add narratives and modify the land use designation maps for the Samish, Happy Valley, and Cordata Neighborhoods and amend the Zoning Table for Area 17A of Cordata

"AN ORDINANCE OF THE CITY OF BELLINGHAM RELATING TO BELLINGHAM'S COMPREHENSIVE PLAN, ADDING NEW SUB-AREAS TO THE SAMISH, HAPPY VALLEY, CORDATA NEIGHBORHOOD PLANS, AMENDING EACH COMPREHENSIVE PLAN LAND USE DESIGNATION MAP, AND AMENDING BMC 20.00.045 CORDATA NEIGHBORHOOD TABLE OF ZONING REGULATIONS."

Staff reviewed the process to date and described the proposal. Staff and the Planning and Development Commission recommend approval.

Council President Fleetwood opened the public hearing.

There were no speakers and the public hearing was closed.

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

REPORTS OF COMMITTEES

Council Standing Committee Meetings:

Parks and Recreation

Gene Knutson, Chair

Stan Snapp; Terry Bornemann

AB20215 1. A 2013 Budget Ordinance authorizing use of up to \$75,000 from the Cemetery Cash Endowed Care Reserve to offset declining revenues

“AN ORDINANCE RELATING TO THE 2013 BUDGET AUTHORIZING USE OF UP TO \$75,000.00 FROM THE CEMETERY CASH ENDOWED CARE RESERVE TO MAKE UP FOR REVENUE SHORTFALLS AND COVER CEMETERY OPERATING EXPENDITURES IN 2013.”

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

AB20216 2. Squalicum Creek Park Phase Three construction project bid award, Bid No. 77B-2013

KNUTSON / SNAPP moved to award Bid No. 77B-2013 for Squalicum Creek Park Phase Three project to Strider Construction Company of Bellingham, 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 \$3,174,540.02, which includes WSST. MOTION CARRIED 6-0.

Public Works / Public Safety

Stan Snapp, Chair

Terry Bornemann; Gene Knutson

AB20217 1. 2014 Work Plan Amendments to the Fire District 8 Administrative Services Contract

SNAPP / KNUTSON moved to approve the work plan amendments to the Fire District #8 Administrative Services Contract #2013 - 0030. MOTION CARRIED 6-0.

AB20218 2. Special Purpose Facility Interlocal Lease Agreement

SNAPP / BORNEMANN moved to authorize the Mayor to enter into an Interlocal Lease Agreement for the Exclusive Use of the Special Purpose Facility at the Airport Industrial Park with the Port of Bellingham and Whatcom County. MOTION CARRIED 6-0.

AB20219 3. Emergency Medical Services Interlocal Agreement

Due to concerns about level of services for the citizens of Bellingham, the council members would like to discuss this further with staff.

BORNEMANN / KNUTSON moved to postpone to December 16, 2013 Committee of the Whole worksession. MOTION CARRIED 6-0.

AB20220 4. Ordinance adopting a base rate for 2014 Transportation Impact Fees, per BMC 19.06

“AN ORDINANCE OF THE CITY OF BELLINGHAM, WASHINGTON ADOPTING A TRANSPORTATION IMPACT FEE BASE RATE AND RATE SCHEDULE FOR 2014.”

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

AB20221 5. Public Works Operations Division Update

Update provided during committee. Information only.

Committee Of The Whole

Seth Fleetwood, Chair

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

AB20222 1. A Resolution to commend the Wellness Committee and reaffirm support of the existing Wellness Program

“A RESOLUTION OF THE CITY OF BELLINGHAM, WASHINGTON TO SUPPORT THE WELLNESS PROGRAM, REALIZE BENEFIT COST SAVINGS THROUGH CONTINUED ACHIEVEMENT OF THE AWC WELLCITY AWARD, AND TO COMMEND THE WELLNESS COMMITTEE FOR ITS EFFORTS TO PROMOTE EMPLOYEE HEALTH.”

FLEETWOOD / KNUTSON moved final approval of **Resolution #2013-29**. MOTION CARRIED 6-0.

AB20223 2. Library Update

Update provided during committee. Information only.

AB20224 3. An Interlocal Agreement between Whatcom County, the City of Bellingham, and the Port of Bellingham regarding a Coordinated Approach to Funding and Contracting with Economic Development Service Providers

FLEETWOOD / SNAPP moved to authorize the Mayor to enter into an Interlocal Agreement regarding a Coordinated Approach to Funding and Contracting with Economic Development Service Providers with Whatcom County and the Port of Bellingham. MOTION CARRIED 6-0.

AB20225 4. An Ordinance amending the 2013 Budget transferring proceeds from the sale of 1100 Cornwall Avenue from the Public Development Authority Fund to the Parking Services Fund

“AN ORDINANCE RELATING TO THE 2013 BUDGET TRANSFERRING PROCEEDS FROM THE SALE OF 1100 CORNWALL AVENUE FROM THE PUBLIC DEVELOPMENT AUTHORITY FUND TO THE CITY OF BELLINGHAM PARKING SERVICES FUND.”

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

AB20226 5. Adoption of the City of Bellingham's 2014 Annual Budget

“AN ORDINANCE RELATING TO THE 2014 BUDGET OF THE CITY OF BELLINGHAM PROVIDING FOR THE ADOPTION OF SUCH BUDGET PURSUANT TO THE TERMS OF RCW 35.33.075, AND SETTING THE EFFECTIVE DATE.”

KNUTSON / WEISS moved approval for first and second reading.

SNAPP / LILLIQUIST moved to amend the budget as follows: Transfer \$25,000 from the Federal Building Fund to the Library Fund in order to restore Sunday service at the Library. MOTION CARRIED 6-0.

FLEETWOOD / KNUTSON moved to amend the budget as follows: Transfer \$8,000 from the Public Development Authority Fund and an additional \$15,000 from the Street Fund to the City Council office for salaries and benefits.

MOTION CARRIED 6-0.

MAIN MOTION CARRIED AS AMENDED 6-0.

AB20227 6. An Ordinance amending the 2014 Budget authorizing a restructuring of the \$1,800,000.00 loan from the Natural Resource Protection and Restoration Fund to the Public Facilities District

“AN ORDINANCE RELATING TO THE 2014 BUDGET AUTHORIZING A RESTRUCTURING OF THE \$1,800,000.00 LOAN FROM THE NATURAL RESOURCE PROTECTION AND RESTORATION FUND TO THE BELLINGHAM WHATCOM PUBLIC FACILITIES DISTRICT USED FOR THE CONSTRUCTION OF THE ART AND CHILDREN'S MUSEUM.”

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

AB20196 7. Consideration of Motion to Rescind the vote to approve third and final reading of Ordinance 2013-12-087 vacating an unnamed right-of-way (ROW) located north of West Bakerview Road Between Pacific Highway and unimproved Dover Street due to a processing error

SNAPP / LILLIQUIST moved to rescind the vote approving the final reading of Ordinance #2013-12-087. MOTION CARRIED 6-0.

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

None submitted at evening meeting.

9. Old/New business

None presented.

Executive Session - Report and action only.

1. Labor Relations Update:

A. Staff provided an update on the ratification of the AFSCME 114L (Professional Librarians) bargaining agreement for 2014.

LILLIQUIST / SNAPP moved to approve the agreement with AFSCME 114L with the following terms:

Wages 1.5% January 1, 2014

Benefits No change to City's contribution to medical premiums.

High Deductible Health Plan with Health Savings Account added as a third option for employees to choose among.

MOTION CARRIED 6-0.

B. Staff provided an update on the ratification of the Teamsters 231S (Supervisory and Professional Unit) bargaining agreement for 2014.

SNAPP / BORNEMANN moved to approve the agreement with Teamsters 231 with the following terms:

Term: 1 year

Wages: 1.5% January 1, 2014

0.5% July 1, 2014

Benefits: No change to City's contribution to medical premiums.

MOTION CARRIED 6-0.

2. Potential Litigation: Staff provided information on a potential 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.

AB20228 2. Mayor's reappointment of Charles Berleman to the Civil Service Commission for Council's approval

BORNEMANN / KNUTSON moved to authorize the Mayor's reappointment of Charles Berleman to the Civil Service Commission, term ending January 1, 2019. MOTION CARRIED 6-0.

AB20229 3. Mayor's reappointment of Greg Winter to the Bellingham-Whatcom County Commission Against Domestic Violence for Council's information

Information only.

AB20230 4. Mayor's reappointment of Carolyn Casey and Loni Rahm to the Tourism Commission for Council's information

Information only.

AB20231 5. Mayor's appointment of Patrick McKee to the Mayor's Neighborhood Advisory Commission as the Sunnyland Primary Representative

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.

AB20232 1. 2013 Budget Ordinance Reclassifying one Records Supervisor position to a Police Support Services Specialist

“AN ORDINANCE RELATING TO THE 2013 BUDGET RECLASSIFYING ONE GENERAL FUND POSITION IN THE BELLINGHAM POLICE DEPARTMENT RECORDS GROUP WHERE NO ADDITIONAL APPROPRIATION OR REALLOCATION OF FUNDS IS REQUIRED.”

AB20233 2. An Ordinance amending the 2013 Budget by creating the Waterfront Construction Fund

“AN ORDINANCE RELATING TO THE 2013 BUDGET CREATING THE WATERFRONT CONSTRUCTION FUND TO ACCOUNT FOR REVENUE AND EXPENSES ASSOCIATED WITH THE REDEVELOPMENT OF THE WATERFRONT DISTRICT.”

AB20234 3. Interlocal Agreement for Bellingham Public Library - Whatcom County Rural Library District Mutual Extension of Borrowing Privileges and Services.

AB20235 4. 2014 Interlocal Agreement for Bellingham Public Library - Bellingham Technical College Library Establishment and Maintenance of the BTC Connection

AB20236 5. 2014 Interlocal Agreement for Bellingham Public Library - Western Washington University Library Establishment and Maintenance of the WWU Connection

AB20237 6. 2014 Interlocal Agreement for Bellingham Public Library - Whatcom Community College Library Establishment and Maintenance of the WCC Connection

AB20238 7. Interlocal Agreement with the City of Blaine for use of Bellingham's Vector Waste Transfer Facility

AB20239 8. Interlocal Agreement with the City of Lynden for use of Bellingham's Vector Waste Transfer Facility

AB20240 9. Interlocal Agreement with Whatcom County for use of Bellingham's Vector Waste Transfer Facility

AB20241 10. Interlocal Agreement with the Washington State Department of Transportation for use of Bellingham's Vector Waste Transfer Facility

AB20242 11. Authorization of checks issued for pay period November 8, 2013 through November 14, 2013

AB20243 12. Authorization of checks issued for pay period November 22, 2013 through November 15, 2013

AB20244 13. Authorization of checks issued for payroll November 9, 2013 through November 25, 2013

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

FINAL CONSIDERATION OF ORDINANCES

AB20207 1. AN ORDINANCE RELATING TO THE VACATION OF THE FULL WIDTH OF G STREET BETWEEN THE SOUTHWESTERLY LINE OF ROEDER AVENUE AND THE SOUTHWESTERLY LINE OF WEST CHESTNUT GENERALLY LOCATED WITHIN THE WATERFRONT DISTRICT ALL WITHIN THE CITY OF BELLINGHAM

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, KNUTSON, LILLIQUIST, SNAPP

NAYS: WEISS

EXCUSED: LEHMAN

MOTION CARRIED 5-1-0 and was thereafter named **Ordinance #2013-12-089**

AB20208 2. AN ORDINANCE RELATED TO LAND USE PLANNING AND ZONING, AMENDING THE BELLINGHAM COMPREHENSIVE PLAN, AMENDING THE CBD (CENTRAL BUSINESS DISTRICT) NEIGHBORHOOD PLAN, INCLUDING LAND USE AREAS 2B, 4, 7, 11, 14, 15, 17, 20 AND 21, AND AMENDING THE LAND USE DEVELOPMENT CODE (TITLE 20), FOR THE PURPOSE OF ADOPTING THE WATERFRONT DISTRICT SUB-AREA PLAN AND ASSOCIATED DEVELOPMENT REGULATIONS AND DESIGN STANDARDS

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, KNUTSON, LILLIQUIST, SNAPP

NAYS: WEISS

EXCUSED: LEHMAN

MOTION CARRIED 5-1-0 and was thereafter named **Ordinance #2013-12-090**

AB20210 3. AN ORDINANCE OF THE CITY OF BELLINGHAM, WASHINGTON ESTABLISHING A NEW CHAPTER IN BELLINGHAM MUNICIPAL CODE TITLE 16 - ENVIRONMENT AND CREATING THE WATERFRONT DISTRICT PLANNED ACTION PURSUANT TO THE STATE ENVIRONMENTAL POLICY ACT

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, KNUTSON, SNAPP

NAYS: LILLIQUIST, WEISS

EXCUSED: LEHMAN

MOTION CARRIED 4-2-0 and was thereafter named **Ordinance #2013-12-091**

ADJOURNMENT

There being no further business, the meeting adjourned at 8:37 p.m.

Michael Lilliquist, Council President Pro-Tem for Seth Fleetwood, Council President

ATTEST: Linda D. Anderson City Clerk Representative

APPROVED: 01/13/2014

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