

# **RECORD OF PROCEEDING OF CITY COUNCIL**

## **CITY OF BELLINGHAM, WASHINGTON**

### **COUNCIL CHAMBERS, CITY HALL**

**Monday, December 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  
Terry Bornemann, Council Member, Fifth Ward  
Michael Lilliquist, Council Member, Sixth Ward  
Seth Fleetwood, Council Member, At Large

#### ***Excused:***

### **ANNOUNCEMENT(S)**

- The Bellingham City Council will hold its 2014 Reorganization Meeting, 1:00 PM on Monday, January 6, 2014, in the Mayor's Board Room. Election of Officer and Committee assignments will be voted on at that time.
- The first Regular Meeting will be on Monday, January 6<sup>th</sup>, 7:00 PM in City Council Chambers. There will be a swearing in ceremony for the newly elected officials: Pinky Vargas; Roxanne Murphy; Gene Knutson; Michael Lilliquist and Judge Debra Lev. A short reception will follow and Council will resume its business afterward.
- The next full City Council meeting will be held on January 13<sup>th</sup>. The schedule of City Council Meetings for 2014 is posted on the City's website.

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

### **APPROVAL OF MINUTES**

SNAPP / LEHMANN moved approval of the November 18, 2013 minutes of the regular City Council meeting as submitted. MOTION CARRIED 7-0

### **15 - MINUTE PUBLIC COMMENT PERIOD**

**Leonard Lindstrom** discussed social issues.

**Bob Burr** thanked Council Member Snapp and Council President Fleetwood for their service to the community.

**Carl Weimer** expressed his appreciation to Council Member Snapp and Council President Fleetwood for their service to the community.

**Yoshé Revelle** expressed his thanks to Council Member Snapp and Council President Fleetwood for their service to the community.

### **PRESENTATION(S)**

**AB20245 1.** Resolution honoring Stan Snapp for his public service

“A RESOLUTION HONORING STAN SNAPP FOR HIS PUBLIC SERVICE.”

KNUTSON / LILLIQUIST moved final approval of **Resolution #2013-30**. MOTION CARRIED 7-0.

**AB20246 2.** Resolution honoring Seth Fleetwood for his public service

“A RESOLUTION HONORING SETH FLEETWOOD FOR HIS PUBLIC SERVICE.”

KNUTSON / SNAPP moved final approval of **Resolution #2013-31**. MOTION CARRIED 7-0.

A brief reception was held in the City Hall Lobby.

Council President Fleetwood called the meeting back to order at 8:06 p.m.

### **PUBLIC HEARING(S)**

**AB20247 1.** Joint Public Hearing of the City Council and the Chuckanut Community Forest Park District Board to consider the City's proposed sale of a Conservation Easement to the Park District and related Interlocal Agreement

John Hymas, President, opened the special meeting of the Chuckanut Community Forest Park District Board “Park District”. John Hymas, President; and Commissioners Sue Kaun, Cathy McKenzie, Vincé Biciunas and John Brown present.

Council President Fleetwood opened the Joint Public Hearing of the Bellingham City Council and the Chuckanut Community Forest Park District Board.

Alan Marriner, Assistant City Attorney, City of Bellingham, welcomed the Chuckanut Community Forest Park District Board and introduced the Park District negotiating team: Bob Carmichael and Simi Jain, Attorneys; and Park Board Members Cathy McKenzie and John Brown.

Mr. Marriner explained that when the city purchased the Chuckanut Community Forest property it did not, at that time, identify a source for repayment of the loan. This led to the initiative by the residents of South Bellingham to propose the Park District to make the Greenways Endowment Fund whole. He reviewed the direction by City Council to negotiate an agreement with the Park District. The tentative agreement provides for the city sale of a conservation easement to the Park District for repayment of the loan, plus interest over a ten year period. After full payment, the Park District will dissolve, i.e., cease to exist or risk the city's termination of the conservation easement. The easement allows a long list of nature oriented recreational, scientific and educational uses on the property. The agreement provides that the city will maintain ownership and control over the property and must go through it's park master planning process before developing the property. The master planning process will be subject to the conservation easement.

The Interlocal Agreement provides the terms for the city's sale of the conservation easement to the Park District.

James King, Director, Parks & Recreation Department, City of Bellingham, reviewed the priorities of the Parks Department with regard to the negotiations and recognized that compromises were made by both parties. Parks priorities included:

- the loan be repaid to the Greenways Endowment;
- the interest that the Endowment would earn over the next ten years be paid, as the interest is used to do maintenance in the parks;
- the city retain ownership and management of the land;
- the Parks District stay true to its mission; and
- when the loan is repaid, the Park District be dissolved.

Mr. King affirmed that the Conservation Easement assures that the natural features, functions and values of the property are protected in perpetuity while allowing nature oriented, non-motorized public recreation, scientific and educational uses.

Bob Carmichael, Attorney for the Park District, described the Park District formation and election of the Park District Commissioners who were approved and elected by the citizens of South Bellingham. The Park District has agreed to:

- the payment of \$3.32 million plus interest to the Greenways Endowment Fund
- to dissolve after repayment of the loan.

Mr. Carmichael noted that the easement has a section on a broadly expansive list of uses. And, there is a section on restrictions that specifically identifies things that will be prohibited in the course of using the property. He noted that there is good alignment in these sections. The Park District's mission of preservation of the ecological significance of the property was very important to the Park District in the negotiations, and was the foundation upon which those negotiations were built. There will be a robust master planning process associated with this park as soon as the city has the funding to go forward with the master plan for this park.

Council President Fleetwood opened the public hearing.

**Robin DuPre** spoke in support of the Conservation Easement and Interlocal Agreement.

**Delaine Clizbe** spoke in opposition to the Conservation Easement and Interlocal Agreement.

**Bob Dillman** spoke in support of the Conservation Easement and Interlocal Agreement.

**Dudley Evanson** spoke in support of the Conservation Easement and Interlocal Agreement.

**Stacey Neal** spoke in support of the Conservation Easement and Interlocal Agreement.

**Kim Feringer** spoke in support of the Conservation Easement and Interlocal Agreement.

**Christopher Grannis** spoke in support of the Conservation Easement and Interlocal Agreement.

**Brooks Anderson** spoke in support of the Conservation Easement and Interlocal Agreement.

**Hue Beattie** spoke in support of the Conservation Easement and Interlocal Agreement.

**Dominique Zervas** explained that there were problems with an e-mail that had been sent earlier in the day that did not have complete information. She stated her strong opposition and request that the City vote against this agreement in order to remove the restrictions, which go way beyond what was represented by the Park District.

**Frank James** spoke in support of the Conservation Easement and Interlocal Agreement.

There being no further comments, the public hearing was closed

#### **CITY COUNCIL ACTION:**

BORNEMANN/ LEHMANN moved to authorize the Mayor to enter into an Interlocal Agreement with the Chuckanut Community Forest Park District for repayment of the Greenways Endowment Fund Loan and to execute the Chuckanut Community Forest Conservation Easement.

WEISS / LILLIQUIST moved to amend Section VIII, 7. of the Conservation Easement to insert, "except as provided in the Park Master Plan". MOTION CARRIED 7-0.

WEISS / LILLIQUIST moved to amend Section IV. 1. of the Conservation Easement to insert, "except as provided in the Park Master Plan"; and to delete items 1.a. - 1.t.

Concerns were expressed by both City Council members and Park District commissioners with regard to eliminating all of the uses as described in Section IV.1.a. - 1.t. WEISS withdrew the motion.

SNAPP / LILLIQUIST moved to amend Section IV, #1 and delete item 1.o. "Forest "Zip Lines"". MOTION CARRIED 7-0

MAIN MOTION CARRIED 7-0.

John Hymas, President, Chuckanut Community Forest Park District Board, called their meeting back to order.

**CHUCKANUT COMMUNITY FOREST PARK DISTRICT BOARD ACTION:**

SUE KAUN / CATHY MCKENZIE moved to approve the Interlocal Agreement with the City of Bellingham and execute the Chuckanut Community Forest Conservation Easement as amended by Bellingham City Council. MOTION CARRIED 5-0.

The Park District Board adjourned their special meeting at 9:25 p.m.

BREAK

Council President Fleetwood called the meeting back to order at 9:30 p.m.

**REPORTS OF COMMITTEES**

**Lake Whatcom Reservoir and Natural Resources**

Cathy Lehman, Chair

Michael Lilliquist; Stan Snapp

**AB20248 1.** Report from the December 2, 2013 Lake Whatcom Policy Group Meeting

Report presented during committee. Information only.

**Public Works / Public Safety**

Stan Snapp, Chair

Terry Bornemann; Gene Knutson

**AB20249 1.** Post Point Chlorination Replacement Project Bid Award 82B-2013

SNAPP / KNUTSON moved to award Bid No. 82B-2013 for Post Point Chlorinator Replacement Project to Award Construction of Ferndale, 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 \$368,493.00, which includes WSST. MOTION CARRIED 7-0.

**AB20250 2.** Body-worn camera use

Information provided during committee. Information only.

**AB20251 3.** Police accreditation analysis

Report presented during committee. Information only.

**Committee Of The Whole**

Seth Fleetwood, Chair

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

**AB20252 1.** Termination of Agreement with the Public Development Authority for management of property at 600 W Holly Street

FLEETWOOD / SNAPP moved to authorize the Mayor to execute the Termination of Agreement with the Public Development Authority for management of property at 600 West Holly Street. MOTION CARRIED 7-0.

**AB20219 2.** Emergency Medical Services Interlocal Agreement

Council President Fleetwood reported that there had been lengthy discussion during Committee of the Whole and that there was a mixed recommendation.

KNUTSON / LEHMAN moved approval of the Emergency Medical Services, Interlocal Agreement for Advanced Life Support Services with Whatcom County.

Council and staff members discussed and clarified some details of the agreement.

MOTION CARRIED 4-3, SNAPP, BORNEMANN, WEISS opposed.

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

None submitted at evening meeting.

### 4. Old/New business

The provision for free holiday parking downtown will be discussed at the work session, to be scheduled, on downtown parking issues.

### **Executive Session - Report and action only.**

1. Litigation: Hearing Examiner Appeal of Catholic Housing Services Proposed Mixed Use Project at 1122 Cornwall Avenue: Staff provided information on this litigation matter. Information only. No action taken.

2. Potential Property Acquisition: Staff provided information on the potential acquisition of the Wise Property, two parcels totaling 15.5 acres located along the Horton Road right-of-way just east of Aldrich Road in the Cordata Neighborhood. The city will use the property to: (1) expand Cordata Park and complete the trail/greenway segment between Cordata Park and Cordata Elementary School, (2) provide a site for future wetland mitigation, and (3) provide for city transportation uses related to Horton Road including stormwater and adjustments to the location of the Horton Road right-of-way. The purchase price is \$230,000.00

LILLIQUIST / KNUTSON moved to authorize the purchase of said property at a purchase price of \$230,000.00. MOTION CARRIED 7-0.

3. Potential Litigation: Staff provided information on a potential litigation matter. Information only. No action taken.

4. Litigation: *Shepardson Street Latecomers Dispute, including Appeal to the hearing Examiner.* Staff provided an update on a potential litigation matter.

KNUTSON / BORNEMANN moved to authorize the Mayor to enter into a Settlement Agreement with the following terms: Resolution of all claims related to properties located at 3021 and 3024 Shepardson Street for the payment of \$38,350.00 MOTION CARRIED 7-0.

## **MAYOR'S REPORT**

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

**AB20253 1.** Whatcom County Interlocal Agreement for Offender Work Crew

**AB20254 2.** Interlocal Agreement with the City of Lynden to provide general maintenance services

**AB20255 3.** Authorization of checks issued for payroll November 26, 2013 through December 10, 2013

**AB20256 4.** Authorization of checks issued for pay period November 22, 2013 through December 5, 2013

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

## **FINAL CONSIDERATION OF ORDINANCES**

**AB20215 1.** 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

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, KNUTSON, LEHMAN, LILLIQUIST, SNAPP, WEISS

NAYS:

EXCUSED:

MOTION CARRIED 7-0 and was thereafter named **Ordinance #2013-12-092**

**AB20220 2.** AN ORDINANCE OF THE CITY OF BELLINGHAM, WASHINGTON ADOPTING A TRANSPORTATION IMPACT FEE BASE RATE AND RATE SCHEDULE FOR 2014

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, LEHMAN, LILLIQUIST, SNAPP, WEISS

NAYS:

EXCUSED:

MOTION CARRIED 7-0 and was thereafter named **Ordinance #2013-12-093**

**AB20225 3.** 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

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, LEHMAN, LILLIQUIST, SNAPP, WEISS

NAYS:  
EXCUSED:

MOTION CARRIED 7-0 and was thereafter named **Ordinance #2013-12-094**

**AB20226 4.** 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 / 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, LEHMAN, LILLIQUIST, SNAPP, WEISS  
NAYS:  
EXCUSED:

MOTION CARRIED 7-0 and was thereafter named **Ordinance #2013-12-095**

**AB20227 5.** 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.

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, LEHMAN, LILLIQUIST, SNAPP, WEISS  
NAYS:  
EXCUSED:

MOTION CARRIED 7-0 and was thereafter named **Ordinance #2013-12-096**

**AB20232 6.** 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

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, KNUTSON, LEHMAN, LILLIQUIST, SNAPP, WEISS  
NAYS:  
EXCUSED:

MOTION CARRIED 7-0 and was thereafter named **Ordinance #2013-12-097**

**AB20233 7.** 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.

SNAPP / 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:

AYES: BORNEMANN, FLEETWOOD, KNUTSON, LEHMAN, LILLIQUIST, SNAPP, WEISS  
NAYS:  
EXCUSED:

MOTION CARRIED 7-0 and was thereafter named **Ordinance #2013-12-098**

**ADJOURNMENT**

There being no further business, the meeting adjourned at 10:14 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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