

# **RECORD OF PROCEEDING OF CITY COUNCIL**

## **CITY OF BELLINGHAM, WASHINGTON**

**COUNCIL CHAMBERS, CITY HALL**  
**Monday, January 27, 2014, 07:00 PM**  
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### **REGULAR MEETING**

**Called To Order** The meeting was called to order by Council President Cathy Lehman 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  
Pinky Vargas, Council Member, Fourth Ward  
Terry Bornemann, Council Member, Fifth Ward  
Michael Lilliquist, Council Member, Sixth Ward  
Roxanne Murphy, Council Member, At Large

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

#### **ANNOUNCEMENT(S)**

- On January 28-30, 2014 Council Members Cathy Lehman, Michael Lilliquist, Terry Bornemann, Pinky Vargas and Roxanne Murphy will meet with our State Representatives and attend the Association of Washington Cities City Action Days in Olympia.
- On February 3, 2014 the Lake Whatcom Policy Group Meeting will be held at 9:30 a.m. in the Garden Level Conference Room, 322 N Commercial Street.

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

#### **APPROVAL OF MINUTES**

KNUTSON / WEISS moved approval of the January 13, 2014 minutes of the regular City Council meeting as corrected.  
MOTION CARRIED 7-0.

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

**Laine Wheatley** proposed a resolution urging the Congress of the United States to restore the presumption of a service connection for Agent Orange exposure to United States Veterans who, not only, served 'boots on the ground' but also in the waters and airspace defined by the combat zone of Vietnam.

**Patrick McKee**, Sunnyland Neighborhood Association (SNA), noted that all of the neighborhood plan amendments were processed in 2012-2013 except the SNA Plan amendments. He asked that the Planning and Development Commission schedule a hearing before March 31, 2014 to consider the Sunnyland Neighborhood plan amendments.

**Shannon Wright**, Executive Director, Communitywise Bellingham, asked the Council to review its May 2012 recommendations made jointly with the Mayor to Whatcom County Planning & Development Services on the GPT project, which recommended that the county submit to the GPT applicants a formal request for additional information regarding offsite improvements within Bellingham city limits that may be necessary for GPT to operate. The city letter was in reference to the South Bellingham siding, a new two mile long train track along the Bellingham waterfront from Fairhaven to downtown that would be necessary for GPT to operate and which, would block all current waterfront access along that stretch. The GPT Environmental Impact Statement is very close to beginning and this rail siding is not in its permit application; therefore, the EIS will not assess critical impacts of this siding on nearby businesses, waterfront redevelopment, property values, local air quality, noise levels and potential local taxpayer burden for mitigation of this siding. Whatcom County Code protecting citizens from being burdened by project expenses must be applied, and that has not happened to date. Please revisit your recommendations and perhaps renew them in reference to the County action.

**Matt Petryni**, Campaign Organizer, ReSources for Sustainable Communities voiced their support for the proposed resolution on oil transport. He submitted a resolution with possible additions to the city's resolution or even as a replacement. He asked council members to speak with legislators about the issue during the City Action Days in Olympia. The State Legislature, in addition to Federal Regulators, are considering legislation that would increase safety standards for oil transport through the state. If adopted, the proposed legislation, which is called the Oil Transportation Safety Act would require disclosure of what oil is moving, by what method, how often and where. It also would create a provision that would assess the emergency response capabilities of vulnerable communities like Bellingham to determine ways that we could improve our ability to respond to any kind of accident, explosion or other things of this nature that threaten our community's safety and environment. Council's voice and support of the increased safeguards for our community would be really valuable.

**Hank Bledowski**, Board Member, Sunnyland Neighborhood Association said he was happy to share with his neighbors that the SNA amendment was slated for a hearing in 2013 and the mandate from the City Council to the Planning Department was in effect. However, that promise has been broken as no hearing has been scheduled to date. He hopes the Planning Department is not letting the clock run out so that the process would have to be restarted with a new zoning plan which goes into effect April 1<sup>st</sup>. He also gave a "shout-out" to Interfaith Community Health Center. They just finished a \$3 million expansion, which includes a pharmacy, and was voted #1 nonprofit in Whatcom County.

**Mickey McDiarmid** asked that a hearing before the Planning and Development Commission be scheduled by March 31, 2014 regarding the Sunnyland Neighborhood Plan amendments and the WSDOT property. It is long overdue.

**Claudia DeWees**, business owner in Fred Meyer Shopping Center on Bakerview, submitted a petition, signed by business owners in the shopping center. The petition states their opposition to locating access to a new Costco across from the Fred Meyer Shopping Center on Bakerview Road.

**Wendy Harris** directed her comments to the Parks & Recreation Open Space Plan (PRO Plan). She asked that the plan not move forward until the land and its' wildlife are respected and polices are put in place now, not later. She also hopes the Plan will include wildlife management policies that address human-wildlife conflicts.

**Bill Black** lives in the Silver Beach area and goes to Bloedel Donovan every morning but he is concerned about the pesticide use there. He would love to see Bellingham impose a cosmetic pesticide-free zone in all the parks. He is concerned about exposure for he and his dogs and the silt flow down to the lake. Based on a Public Disclosure Request he said the only spraying in the last three years at Bloedel Donovan, was near the racing shells. He wondered if the park has such a heavy load of toxics from past years that even without any use the last three years there are no dandelions and very little moss leaving a rice-paddy effect with a slow migration of nutrients, including phosphorous, towards Lake Whatcom.

**April Barker**, President, Birchwood Neighborhood Board and a member of the Take Back Birchwood Committee. She acknowledge the quick work of Mayor Linville who responded with a serious call of action. It was quick and it was thorough and the neighborhood is already getting results. She also thanked the Bellingham Police Department and Public Works for their quick response to the safety and cleanup needed. The neighborhood was motivated and the local businesses also came forward. The neighborhood is abuzz in response to the progress and the businesses have taken notice. This long-established neighborhood has been waiting for its turn for services while observing the huge inequity

and level of services of the south side compared to the north. Birchwood has one neighborhood park with no bathrooms and a property purchase at Maplewood and McLeod waiting to be developed with little acknowledgement from the PRO plan. It is understood that the northern neighbors are competing for resources against the waterfront but pushing to develop areas like Van Wyck that hasn't been developed versus servicing 5,000 people in this neighborhood with a park at McLeod and Maplewood is an issue. Please send this back to committee and acknowledge the inequity and level of services on the north side's existing neighborhoods and address it head on. Take action, much like our neighborhood did when you called on us to step up.

**Yoshé Revelle** read a poem and thanked the city for the cedar mulch at Maritime Heritage Park.

## **PRESENTATION(S)**

**AB 20292** "A RESOLUTION HONORING J LYNNE WALKER FOR HER PUBLIC SERVICE TO THE CITY OF BELLINGHAM AND ITS CITIZENS."

Council President Lehman read the resolution into the record.

KNUTSON / WEISS moved approval of **Resolution #2014-04**. MOTION CARRIED 7-0.

### **AB20278 1.** State of the City Address

Mayor Linville presented her State of the City Address recognizing the hard work of staff and the council and noting many of the accomplishments in the past year including the budget, Public Works projects, grants, agreements, parks and the progress in planning for the downtown and waterfront area.

Information only.

## **REPORTS OF COMMITTEES**

### **Council Standing Committee Meetings:**

#### **Finance and Personnel**

Michael Lilliquist, Chair  
Gene Knutson; Terry Bornemann

**AB20279** *Moved to committee of the Whole, Item #2.*

### **AB20280 2.** Budget Appropriation of Two .5 FTEs in the Police Department

"AN ORDINANCE AMENDING THE 2014 BUDGET AND APPROPRIATING AN ADDITIONAL \$57,000.00 IN THE GENERAL FUND TO PROVIDE FOR THE ADDITION OF ONE NEW PART-TIME POSITION IN THE POLICE DEPARTMENT RECORDS GROUP AND ONE NEW PART-TIME POSITION IN POLICE ADMINISTRATION, FROM ESTIMATED ENDING UNDESIGNATED RESERVES."

LILLIQUIST / KNUTSON moved approval for first and second reading. MOTION CARRIED 7-0.

#### **Public Works / Public Safety**

Terry Bornemann, Chair  
Michael Lilliquist; Jack Weiss

### **AB20281 1.** Port Security Grant Program - Fire Boat; Program Update

Update provided during committee. Information only.

**AB20282 2.** Enter into a Contract for the Purchase of Six Fire / Emergency Medical Service Basic Life Support Aid Cars

Discussion during committee. Information only.

**Parks and Recreation**

Roxanne Murphy, Chair  
Pinky Vargas; Jack Weiss

**AB20262 1.** Resolution of the City of Bellingham Adopting an Updated 2014 Parks, Recreation and Open Space Plan

“A RESOLUTION OF THE CITY OF BELLINGHAM, WASHINGTON ADOPTING AN UPDATED 2014 PARKS, RECREATION AND OPEN SPACE PLAN.”

MURPHY / KNUTSON moved final approval of Resolution #2014-02.

WEISS / LILLIQUIST moved to amend the resolution to include establishment of alternatives to the Level of Service options to be included in the 2016 Comprehensive Plan. MOTION CARRIED 7-0.

LILLIQUIST / VARGAS moved to add an additional objective to Section 5.4.1.1 of the Parks & Recreation Open Space Plan. Add: “F. Provide recycling opportunities and facilities at public parks and at points along trails.” MOTION CARRIED 7-0.

WEISS / LILLIQUIST moved, to move development of Van Wyck Park from Priority 2 designation to Priority 1. MOTION FAILED 3-4, KNUTSON, VARGAS, BORNEMANN, MURPHY opposed.

MAIN MOTION CARRIED AS AMENDED 6-1, LILLIQUIST opposed.

**AB20283 2.** Ordinance of the City of Bellingham Relating to the Land Use Planning and Updating Chapter 7 of the Bellingham Comprehensive Plan

“AN ORDINANCE OF THE CITY OF BELLINGHAM RELATING TO LAND USE PLANNING AND UPDATING CHAPTER 7 OF THE BELLINGHAM COMPREHENSIVE PLAN, WITH THE NEW PARKS, RECREATION AND OPEN SPACE PLAN.”

MURPHY / KNUTSON moved approval for first and second reading. MOTION CARRIED 7-0.

**Committee Of The Whole**

Cathy Lehman, Chair  
Jack Weiss, Gene Knutson, Michael Lilliquist, Terry Bornemann, Pinky Vargas, Roxanne Murphy

**AB20284 1.** Resolution Supporting Increased Safety Standards for Rail Tank Cars

“A RESOLUTION SUPPORTING INCREASED SAFETY STANDARDS FOR RAIL TANK CARS THAT TRANSPORT OIL, ETHANOL, AND OTHER FLAMMABLE LIQUIDS THROUGH BELLINGHAM, AND CALLING ON THE FEDERAL U.S. PIPELINE AND HAZARDOUS MATERIALS SAFETY ADMINISTRATION TO ADOPT, AS SOON AS POSSIBLE IN 2014, RULES REQUIRING SAFETY RETROFITTING OF EXISTING RAIL CARS.”

Amendments, as recommended by committee, were read into the record as follows:

4<sup>th</sup> Whereas: add “transportation centers” after recreation sites and replace the word “sewage” with “wastewater”;

5<sup>th</sup> Whereas: delete the words “separate in various” between the words ‘four’ and ‘locations’

11<sup>th</sup> Whereas: replace placeholder “how often” with “daily”

Resolved Paragraph: add “rapid” immediately prior to “implementation” in the first sentence; and add sentence to the paragraph stating: “We further call on federal officials to support and assist local governments in appropriate enhanced emergency response planning and emergency response capacity for rail-tank cars with flammable liquids.

KNUTSON / BORNEMANN moved approval of Resolution as amended during committee.

LILLIQUIST / BORNEMANN moved to further amend the resolution by adding a second 'Resolved Paragraph' stating: "The City of Bellingham supports legislative efforts at the state level to identify communities at particular risk for spills and accidents from added freight traffic carrying crude oil, and to provide the resources for identified communities to adequately mitigate and manage these new or heightened risks. MOTION CARRIED 7-0.

WEISS / BORNEMANN moved to further amend the resolution by striking language in Whereas #15 and replacing it with "the City has recently invested and plans to continue to invest substantially in restoration of nearshore and shoreline habitats, and revitalizing the old Georgia-Pacific site, and both would be adversely impacted by oil spills, train accidents and/or derailments, and increased rail traffic." MOTION CARRIED 7-0.

MAIN MOTION CARRIED 7-0. **Resolution #2014-03** approved as amended.

*Moved from Finance & Personnel Committee.*

**AB20279 2.** Ordinance Repealing the B&O Tax Exception for Nonprofit Religious Healthcare Providers and Adopting Healthcare-Specific Deductions and Exemptions Contained in the Washington State B&O Tax Code

During committee, council gave direction to schedule a Public Hearing on the proposed ordinance. Direction was provided to staff to develop a report on an alternative proposal brought forward by Peace Health St Joseph Hospital and to make the findings of that report available to council prior to the public hearing.

**AB20285 3.** A Briefing on the Initiation of a Rental Registration Program

The Committee of the Whole sent this item to the Planning Committee for further discussion.

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

None submitted at evening meeting.

5. Old/New Business

Council President Lehman noted that Bellingham's Downtown and the Vanishing Ice exhibit at the Museum were featured in a Seattle newspaper.

Council Member Weiss would like to move forward and deal with the Sunnyland Neighborhood/WSDOT plan.

## **MAYOR'S REPORT**

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

**AB20286 2.** Mayor's Appointment of Robert Camandona to the Museum Foundation Board for Council Approval

LILLIQUIST / KNUTSON moved approval of Robert Camandona to the Museum Foundation Board, term ending January 27, 2017. MOTION CARRIED 7-0.

**AB20287 3.** Mayor's Appointment of Tom Weller and Tim Crandall to the Transportation Commission for Council Approval

BORNEMANN / KNUTSON moved approval of Tom Weller, term ending October 24, 2014 and Tim Crandall, term ending May 9, 2014 to the Transportation Commission. MOTION CARRIED 7-0.

## **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.

**AB20288 1.** Close the Squalicum Park / Olympic Fund

“AN ORDINANCE CLOSING THE SQUALICUM PARK / OLYMPIC FUND.”

**AB20289 2.** Authorization of checks issued for January 3, 2014 through January 9, 2014

**AB20290 3.** Authorization of checks issued for January 10, 2014 through January 16, 2014

**AB20291 4.** Authorization of checks issued for payroll December 24, 2013 through January 10, 2014

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

### **FINAL CONSIDERATION OF ORDINANCES**

None.

### **ADJOURNMENT**

There being no further business, the meeting adjourned at 9:01 p.m.

**Cathy Lehman, Council President**

**ATTEST: Linda D. Anderson City Clerk Representative**

**APPROVED: 02/10/2014**

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