

# **RECORD OF PROCEEDING OF CITY COUNCIL**

## **CITY OF BELLINGHAM, WASHINGTON**

**COUNCIL CHAMBERS, CITY HALL**

**Monday, March 10, 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 Saturday, March 15 at 8:30 AM at Woodstock Farms, the City Council will hold a retreat.
- On Monday, March 24 at 12:30 PM, in City Council Chambers, there will be a Transportation Benefit District (TBD) Meeting.
- On Wednesday, March 26 at 6:30 PM, in City Council Chambers, there will be an Annual Lake Whatcom Joint Councils and Commission Meeting.
- On Monday, April 7, at 7:00 PM, in City Council Chambers, there will be a Public Hearing to consider a Proposed Text Amendment to BMC 20.00.100 Lettered Streets Table of Zoning Regulations.

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

#### **APPROVAL OF MINUTES**

None submitted.

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

**Joseph Levy** discussed rental registration.

**David Scherrer** took issue with the inclusion of non-motorized boats in the Aquatic Invasive Species (AIS) Program. He noted that the California-Lake Tahoe Stewardship Program is a good example of a free, educational, stewardship program.

**Rick Kiene** expressed alarm at the amount of jaywalking, and the inherent dangers for pedestrians and motorists throughout the city; bicycles not following the rules of the road and motorists running red lights and feels the police should be given more 'teeth' to help control these dangerous activities.

**Marian Beddill** feels there needs to be more work by government agencies to improve and reduce the amount of phosphorous in Lake Whatcom. She also noted the 21 Goals established in 1992 for the protection of Lake Whatcom and feels that the city is doing poorly in attaining those goals.

## **PRESENTATION(S)**

*Order of presentations rearranged.*

**AB20340 3.** Parliamentary Procedure presentation by Lynden High School FFA

Information only.

**AB20339 2.** Presentation on Downtown Alley Space Options by students from a Design Studio Class at Huxley College, Western Washington University

Information only.

**AB20338 1.** Community Development Advisory Board Presentation

Information only.

## **REPORTS OF COMMITTEES**

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

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

Terry Bornemann, Chair

Michael Lilliquist, Jack Weiss

**AB20330 1.** Ordinance amending Bellingham Municipal Code 15.08 to create a new service classification and rate for Bulk Water Filling Stations

"AN ORDINANCE OF THE CITY OF BELLINGHAM, WASHINGTON AMENDING BELLINGHAM MUNICIPAL CODE 15.08 TO ADOPT A SERVICE CLASSIFICATION AND VOLUMETRIC RATE FOR BULK WATER FILLING STATIONS."

BORNEMANN / WEISS moved approval for first and second reading. MOTION CARRIED 6-0. Council Member Knutson out of Chambers.

**AB20331 2.** Whatcom Falls Water Filtration Plant Pretreatment Update

Information only.

Council Member Knutson returned to Chambers.

**AB20332 3.** Interlocal Agreement between City of Bellingham and Whatcom Council of Governments to help fund the Whatcom Smart Trips Program

Mixed recommendation from committee.

BORNEMANN / KNUTSON moved to authorize the Mayor to execute the Interlocal Agreement for the Whatcom Smart Trips Program with the Whatcom Council of Governments. MOTION CARRIED 6-1, Weiss opposed.

### **Planning**

Jack Weiss, Chair

Roxanne Murphy, Gene Knutson

**AB20333 1.** Consideration of a Lease Agreement of 707 Astor Street with Home Port Learning Center

WEISS / KNUTSON moved to authorize the Mayor to enter into a Lease Agreement for 707 Astor Street with Home Port Learning Center, Inc. MOTION CARRIED 7-0.

### **Finance and Personnel**

Michael Lilliquist, Chair

Gene Knutson, Terry Bornemann

**AB20334 1.** 2013 Year End Financial Review

Presentation made during committee. Information only.

### **Lake Whatcom and Natural Resources**

Pinky Vargas, Chair

Roxanne Murphy, Terry Bornemann

**AB20335 1.** Discussion of draft Joint Resolutions of the Bellingham City Council, Whatcom County Council and the Lake Whatcom Water and Sewer District Setting Lake Whatcom Milestones and inviting Sudden Valley to join the policy group

Council Member Vargas reported that the committee had recommended approval of the two, draft joint resolutions at the Lake Whatcom Joint Councils and Commission meeting scheduled for March 26, 2014.

**AB20346 2.** Report from the March 3, 2014 Lake Whatcom Policy Group Meeting

Report provided during committee. Information only.

### **Committee Of The Whole**

Cathy Lehman, Chair

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

**AB20336 1.** Community Solutions Workgroup – Downtown Health and Safety Presentation

Mayor Linville explained that priorities will be determined later for an action plan that will be discussed with council in the Committee of the Whole and that this is an ongoing, weekly staff workgroup.

Presentation provided during committee. Information only.

**AB20337 2.** Closed Record Hearing and consideration of an Ordinance for Kulshan Community Land Trust (KCLT) to use the Demonstration Program for Innovative Permanently Affordable Homeownership (Program) Code to build three affordable homes

"AN ORDINANCE OF THE CITY OF BELLINGHAM APPROVING A DEMONSTRATION PROGRAM PROPOSAL FOR KULSHAN COMMUNITY LAND TRUST (KCLT) THAT WILL PROVIDE THREE DWELLING UNITS WITH PERMANENTLY AFFORDABLE HOMEOWNERSHIP CONSISTENT WITH CHAPTER 20.27 OF THE BELLINGHAM MUNICIPAL CODE."

Council President Lehman reported that council voted unanimously during the Closed Record Hearing to accept the Findings of Fact, Conclusions of Law and Recommendations of the Hearing Examiner.

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

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

None submitted at evening meeting.

### 4. Old/New Business

A letter is being sent to Governor Inslee and Legislative Leaders from Council President Lehman requesting that the state partner with cities and towns to meet the commitment to provide local communities with strong regulation, law enforcement and public safety protections expected by citizens when voters legalized marijuana.

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

~~1. Labor Relations Update:~~ Evaluation of the Qualifications of an Applicant for Public Employment: The council discussed and evaluated the qualifications of an applicant for permanent employment. Direction given. No action taken.

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

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

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

5. Potential Litigation: Staff provided information on a potential litigation matter. Direction given. No action taken.

6. Potential Litigation: Staff provided information on a potential litigation matter involving the following properties: 2315 Lynn Street and 2512 Lynn Street.

BORNEMANN / WEISS moved to authorize the Legal Department to file civil nuisance actions with respect to these properties. MOTION CARRIED 7-0

### **MAYOR'S REPORT**

*Briefing followed items 2-4.*

#### **AB20341 2.** Mayor's Appointment of Nicholas Kunkel to the Lake Whatcom Watershed Advisory Board

LILLIQUIST / KNUTSON moved to approve the Mayor's appointment of Nicholas Kunkel to the Lake Whatcom Watershed Advisory Board, term ending March 10, 2017. MOTION CARRIED 7-0.

#### **AB20342 3.** Mayor's Reappointment of David Marshak to the Greenways Advisory Committee

WEISS / MURPHY moved to approve the Mayor's reappointment of David Marshak to the Greenways Advisory Committee, term ending February 7, 2017. MOTION CARRIED 7-0.

#### **AB20343 4.** Mayor's Appointment of Thomas Barrett to the Bellingham Public Library Board of Trustees

WEISS / BORNEMANN moved to approve the Mayor's appointment of Thomas Barrett to the Bellingham Public Library Board of Trustees, term ending March 10, 2019. MOTION CARRIED 7-0.

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

Information only.

Mayor Linville briefed the council on the My Downtown & City Center implementation strategies.

### **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.

**AB20344 1.** Budget amendment to allow for receipt and spending of \$19,096 for the 2014 STOP Grant from the Department of Commerce

"AN ORDINANCE AMENDING THE 2014 BUDGET INCREASING GENERAL FUND REVENUE BY \$19,096.00 AS A RESULT OF A DEPARTMENT OF COMMERCE STOP GRANT TO THE POLICE DEPARTMENT AND APPROPRIATING \$19,096.00 IN RELATED EXPENDITURES."

**AB20345 2.** Authorization of checks issued for payroll February 11, 2014 through February 25, 2014

KNUTSON / MURPHY moved to approve the Consent Agenda in its entirety. MOTION CARRIED 7-0.

### **FINAL CONSIDERATION OF ORDINANCES**

**AB20319 1.** AN ORDINANCE AMENDING THE 2014 BUDGET APPROPRIATING AN ADDITIONAL \$223,000.00 IN UNANTICIPATED REVENUE AND \$80,000.00 FROM ESTIMATED ENDING UNRESERVED BALANCE IN THE WATER FUND TO PROVIDE FOR THE AQUATIC INVASIVE SPECIES (AIS) BOAT INSPECTION PROGRAM IN THE PUBLIC WORKS DEPARTMENT.

KNUTSON / LEHMAN 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: KNUTSON, LEHMAN, LILLIQUIST, VARGAS

NAYS: BORNEMANN, MURPHY, WEISS

EXCUSED:

MOTION CARRIED 4-3 and was thereafter named **Ordinance #2014-03-013**

### **ADJOURNMENT**

There being no further business, the meeting adjourned at 8:45 p.m.

**Cathy Lehman, Council President**

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

**APPROVED: 03/24/2014**

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