

## RECORD OF PROCEEDING OF CITY COUNCIL

### CITY OF BELLINGHAM, WASHINGTON

#### COUNCIL CHAMBERS, CITY HALL

Monday, December 07, 2009, 07:00 PM

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#### REGULAR MEETING

**Called To Order** The meeting was called to order by Council President Barry Buchanan who led the Pledge of Allegiance. Mr. Buchanan called for a moment of silence for the four police officers slain in Lakewood, Washington on November 29th, 2009.

#### Roll Call

##### *Present:*

Jack Weiss, Council Member, First Ward  
Gene Knutson, Council Member, Second Ward  
Barry Buchanan, Council Member, Third Ward  
Stan Snapp, Council Member, Fourth Ward  
Terry Bornemann, Council Member, Fifth Ward  
Barbara Ryan, Council Member, Sixth Ward  
Louise Bjornson, Council Member, At Large

##### *Excused:*

#### ANNOUNCEMENT(S)

- On December 14 @ 7:00 PM in the Lobby at City Hall, there will be a reception honoring Louise Bjornson for her years of service to the community on the City Council.

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

#### APPROVAL OF MINUTES

None submitted.

#### 15 - MINUTE PUBLIC COMMENT PERIOD

**Don Almer**, Bellingham Police Officer expressed concern about the budget impacts on the Police Department.

**Carr Lanham**, Bellingham Police Officer expressed concern about the budget impacts on the Police Department and said that Bellingham's ratio of police officers to population is low for comparable Washington cities.

**Chad Cristelli**, Bellingham Police Officer played recordings of police radio calls taken on November 20 and 21<sup>st</sup>.

**Jeff Hinds**, Bellingham Police Officer described the "snapshot" of calls and a fight at Boulevard park.

**Lisa Kaiser**, wife of a Bellingham Police Officer, expressed her concern of the police officers being short of staff and asked for a reallocation of funds for the department.

**Cliff Jennings**, President of Bellingham Police Guild, said the Guild believes the city is approaching a crises in public safety.

Mayor Pike expressed his respect for the work that the Bellingham Police do. He reviewed decisions that have been made with regard to budget concerns for the city and their affect on all departments, including the Police Department.

Public comment period continued after AB 18673.

## **PRESENTATION(S)**

### **AB18673 Resolution #2009-39**

#### **1. RESOLUTION HONORING BARBARA RYAN FOR HER SERVICE**

"A RESOLUTION HONORING BARBARA RYAN FOR HER PUBLIC SERVICE."

**KNUTSON / BORNEMANN** moved final approval of Resolution #2009-39. **MOTION CARRIED 7-0.**

BREAK

Council President Buchanan called the meeting back to order at 8:04 p.m.

## **PUBLIC COMMENT PERIOD** - continued

**Irene Morgan**, representing Bellingham's Friends of the Homeless, spoke on their behalf and expressed her vision that the homeless have a place where they can become contributing members of society.

**Andy Assimus**, pointed out that homelessness is a problem that all citizens have to endure. He encouraged compassion for the homeless and asked council to be part of the solution for homelessness.

**Eugene Humphries**, spoke on issues related to his profession and his duties as a Police Chaplain.

**Gary Vodopich**, feels that the police officers need the support of the Council and the Mayor. He then asked that something be done with renters in single family residential neighborhoods. His neighborhood is being destroyed by renters and he can't get anything done to improve it.

**Steven Clark**, expressed concerns about rental licensing and an inspection program.

**Mike Barnes**, Northwest Rental Owners Association is interested in helping to create alternatives and solutions with regard to a landlord licensing program.

**Yoshé Revelle**, asked that everyone do 'whatever you can' to make our community a better place.

**Vince Crocker, 911 14th Street** took issue with the landlord licensing issue. He said it seems to be taking a complaint based system and changing it to administrative based system, which will put additional burdens on staff.

**Dave Hansen**, spoke in opposition to landlord licensing.

**Charles Law**, expressed concern about having rentals with three or more unrelated in single family neighborhoods and the problems that occur. A specific concern is that, particularly on weekends, there is so much traffic in his neighborhood that an emergency vehicle would not be able to get through.

**Peter Roberts, 1906 Madison Street** President, Eldridge Society History & Preservation, expressed concern about an increase in park facility fees.

**Hugh Klinedinst**, Attorney submitted written comments with regard to the Landlord Licensing Program.

**Abe Jacobson, 2134 Samish Way** is concerned about litter at rental properties. He is open minded about landlord licensing but would like to see less litter.

**Jamie Henefin** feels that landlord licensing will cost the renter more and feels the city is heading in the wrong direction with this proposal.

The public comment period was closed.

**PRESENTATION(S)** - Continued

**AB18674 2. PRESENTATION BY THE AMERICAN PLANNING ASSOCIATION/ PLANNING ASSOCIATION OF WASHINGTON AWARD FOR TRANSPORTATION PLANNING IN WASHINGTON STATE, FOR THE CITY'S MULTI-MODAL TRANSPORTATION CONCURRENCY PROGRAM**

Richard Hart, Chairman, Washington Chapter of the American Planning Association presented the 2009 American Planning Association/Planning Association of Washington award for Transportation Planning in Washington State, for the City's Multi-modal Transportation Concurrency program. City Planners Chris Comeau and Brent Baldwin were recognized. Information only.

**AB18675 3. CITIZEN READINESS FOR POSSIBLE WINTER STORMS & FLOODING: PSE PRESENTATION BY RAY TRYZNKA, MANAGER OF LOCAL GOVERNMENT AND COMMUNITY RELATIONS**

Lynn Murphy, Ray Trzynka and Matt McGraw of Puget Sound Energy presented the company's emergency response focus and structure and their emergency response plan during winter storms and flooding. Information only.

**AB18676 4. PRESENTATION OF THE ENERGY RESOURCE SCARCITY/PEAK OIL (ERSPO) TASK FORCE REPORT\_**

Jim McCabe, Chairman, Energy Resource Scarcity/Peak Oil (ERSPO) Task Force addressed recent energy resource price peak and decline which have been affected by the financial meltdown and global recession, along with the Federal, state and local budget crunch. They recommend: understanding current energy use; having a plan for an ERSPO future; taking action to begin addressing ERSPO and getting the community involved. Information only.

**PUBLIC HEARING(S)**

**AB18677 1. A NEIGHBORHOOD PLAN AMENDMENT AND REZONE REQUESTED BY THE OWNER OF A SINGLE PARCEL IN AREA 21 OF THE CENTRAL BUSINESS DISTRICT NEIGHBORHOOD**

Brian Smart, Planner explained the proposed rezone and text amendment. The Bandell Property was in the South Hill Area 1 and was moved to Area 21, Central Business District (CBD). The Planning Commission and staff recommend denial as the proposal is not consistent with the CBD Neighborhood Plan, the Comprehensive plan goals and policies or the Waterfront Futures Group goals and policies. Additionally, rezoning this single parcel prior to the Master Development Plan is premature and may actually create additional complications for development. Additionally, access is problematic.

Council President Buchanan opened the public hearing.

**Douglas Landsem**, Architect. He said the rezone would put the property back into the South Hill Neighborhood, a smaller development that is not Marine Industrial. They are proposing a smaller project - infill housing in a residential neighborhood and their rezone would not have an effect on the development of the Georgia Pacific site. He said this rezone would give the city staff more control over this site because there would be setbacks, height limits and design review, none of which are required for the industrial zone.

**Jon Sitkin**, Attorney, addressed the access issues that were raised in the staff report. He showed pictures of the original plat and noted that when the railroad area had been conveyed, the property became landlocked. An easement of

necessity was granted to the railroad. Subsequently, after the railroad was abandoned the city obtained that property subject to that implied easement of necessity to access the right-of-way. Configuration, location and design would all be determined during the Development Review Process.

**BORNEMANN / BARBARA RYAN** moved to accept the Planning Commission recommendation and staff recommendation and deny the proposed amendment. **MOTION CARRIED 6-1, KNUTSON opposed.**

## **REPORTS OF COMMITTEES**

### **COUNCIL STANDING COMMITTEE MEETINGS:**

#### **FINANCE & PERSONNEL**

MEMBERS: GENE KNUTSON, CHAIR; LOUISE BJORNSON; STAN SNAPP

#### **AB18622 CB 13577**

##### **1. CITY COUNCIL APPROVAL OF THE 2010 ANNUAL BUDGET ORDINANCE**

“AN ORDINANCE RELATING TO THE 2010 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 / BJORNSON** moved approval for first and second reading. **MOTION CARRIED 7-0.**

#### **PARKS AND RECREATION**

MEMBERS: BARBARA RYAN, CHAIR; LOUISE BJORNSON, TERRY BORNEMANN

#### **AB18678 Resolution #2009-40**

##### **1. A RESOLUTION ADOPTING 2010 ATHLETIC/PARK FACILITY RENTAL FEES**

“A RESOLUTION ESTABLISHING FEES FOR THE USE OF CITY PARKS AND RECREATIONAL FACILITIES.”

**BARBARA RYAN / KNUTSON** moved final approval of Resolution #2009-40. **MOTION CARRIED 7-0.**

#### **PLANNING & COMMUNITY DEVELOPMENT**

MEMBERS: TERRY BORNEMANN, CHAIR; BARBARA RYAN; JACK WEISS; LOUISE BJORNSON

##### **AB18679 1. A WORK SESSION TO DISCUSS REVISED LANGUAGE IN THE DEVELOPMENT AGREEMENT ASSOCIATED WITH THE CORDATA VILLAGE REZONE PROPOSAL.**

**BORNEMANN / WEISS** moved to authorize the Mayor to enter into a Development Agreement with Cordata Investments, LLC. **MOTION CARRIED 7-0.**

#### **AB18680 CB 13578**

##### **2. AN ORDINANCE APPROVING AMENDMENTS TO THE CITY'S SCHOOL IMPACT FEE ORDINANCE, BMC TITLE 19.08**

“AN ORDINANCE OF THE CITY OF BELLINGHAM RELATING TO THE IMPACT OF RESIDENTIAL DEVELOPMENT ON PUBLIC SCHOOL FACILITIES, AMENDING TITLE 19 OF THE BELLINGHAM MUNICIPAL CODE RELATED TO THE IMPOSITION AND COLLECTION OF SCHOOL IMPACT FEES.”

**BORNEMANN / KNUTSON** moved approval for first and second reading. **MOTION CARRIED 6-1, WEISS opposed.**

#### **PUBLIC WORKS / PUBLIC SAFETY**

MEMBERS: LOUISE BJORNSON, CHAIR; GENE KNUTSON; STAN SNAPP

**AB18681 1. BID CONSIDERATION FOR 2009-10 SEWER REPLACEMENTS PROJECT (TRENCHLESS) CITY PROJECT NUMBER EU-150 / BID NUMBER 99B-2009**

**BJORNSON / SNAPP** moved to award Bid No.99B-2009 for 2009-2010 Sewer Replacements Project to Tiger Construction of Everson, 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 \$1,825,780.06 which includes WSST. **MOTION CARRIED 6-1, WEISS opposed.**

**AB18682 2. CLEAN GREEN UPDATE AND ANNUAL REPORT**

**BARBARA RYAN / BJORNSON** moved to direct staff to prepare a resolution with an increase of the Clean Green fee to \$4.00.

**KNUTSON** made a friendly amendment to increase fees in 2010 to \$3.00 and \$4.00 in 2011. **KNUTSON** withdrew the friendly amendment.

**MOTION CARRIED 5-2, BORNEMANN, WEISS opposed.**

**AB18683 Resolution #2009-41**

**3. A RESOLUTION ADOPTING NEW AND UPDATED FIRE DEPARTMENT DEVELOPMENT SERVICES PERMIT, PLAN REVIEW AND INSPECTION FEE SCHEDULE**

“A RESOLUTION ADOPTING NEW AND UPDATED FIRE DEPARTMENT DEVELOPMENT SERVICES PERMIT, PLAN REVIEW AND INSPECTION FEE SCHEDULE.”

**BARBARA RYAN / SNAPP** moved final approval of Resolution 2009-41. **MOTION CARRIED 7-0**

**AB18684 Resolution #2009-42**

**4. A RESOLUTION ADOPTING NEW AND UPDATED FIRE DEPARTMENT OPERATIONAL PERMIT, PLAN REVIEW AND INSPECTION FEE SCHEDULE**

“A RESOLUTION ADOPTING NEW AND UPDATED FIRE DEPARTMENT OPERATIONAL PERMIT, PLAN REVIEW AND INSPECTION FEE SCHEDULE.”

**SNAPP / KNUTSON** moved final approval of Resolution #2009-42. **MOTION CARRIED 7-0.**

**COMMITTEE OF THE WHOLE**

MEMBERS: BARRY BUCHANAN, CHAIR

**AB18685 1. WORK SESSION ON THE TRANSFER OF CITY PROPERTIES TO THE BELLINGHAM PUBLIC DEVELOPMENT AUTHORITY**

Information only.

**AB18686 2. REVIEW OF OPTIONS FOR A PROGRAM OF INCENTIVE ZONING TO REQUIRE AFFORDABLE HOUSING IN NEW RESIDENTIAL HOUSING PROJECTS IN THE CITY OF BELLINGHAM**

**BARBARA RYAN / BORNEMANN** moved to direct the Policy Analyst to do further research, assisted by the Planning Department in the technical aspects of the research. **MOTION CARRIED 7-0.**

**AB18687 3. REVIEWING OF OPTIONS FOR A RENTAL HOUSING LICENSING AND INSPECTION PROGRAM.**

**BORNEMANN / KNUTSON** moved to direct the Policy Analyst to do additional research on licensing tied to self certification with physical inspection happening only when triggered by complaints. **MOTION CARRIED 7-0.**

#### 4. APPROVAL OF CITY COUNCIL COMMITTEE AND/OR SPECIAL MEETING MINUTES

None submitted at evening meeting.

#### 5. OLD/NEW BUSINESS

Council Member Bornemann shared how moving it was to have attended the Candlelight Vigil for the four police officers slain in Lakewood, Washington.

#### **EXECUTIVE SESSION - Report only.**

**1. LITIGATION *PORT OF BELLINGHAM* vs *CITY OF BELLINGHAM*:** An update was provided to council on a pending litigation matter. No action was taken.

**2. POTENTIAL PROPERTY ACQUISITION:** Staff provided information on a potential property acquisition. No action was taken.

**3. *EBENAL GENERAL* vs *CITY OF BELLINGHAM*:** An update was provided to council on a pending litigation matter. No action was taken.

**4. LABOR NEGOTIATIONS - POLICE GUILD CONTRACT RATIFICATION:** City staff provided an update on labor negotiations.

**SNAPP / KNUTSON** moved to approve the agreement with the Police Guild with the following terms:

Term of Agreement: 1 year (2010)

Wages: 0% for 2010

Benefits: No change to health plan

**MOTION CARRIED 7-0**

#### **MAYOR'S REPORT**

##### **AB18688 1. MAYOR'S REAPPOINTMENT OF DANNE NEILL TO THE PLANNING AND DEVELOPMENT COMMISSION**

Information only.

##### **AB18689 2. MAYOR'S APPOINTMENT OF PAM HOLLADAY AND GEOFFREY MIDDAUGH TO THE PARKS AND RECREATION ADVISORY BOARD**

Information only.

##### **AB18690 3. MAYOR'S REAPPOINTMENT OF FAYE HILL TO THE BELLINGHAM PUBLIC LIBRARY BOARD OF TRUSTEES**

**SNAPP / KNUTSON** moved to authorize the Mayor's reappointment of Faye Hill to the Bellingham Public Library Board of Trustees, term ending January 1, 2015. **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. Committee review has taken place during the afternoon session on most of these items. A member of the Council may ask that an item be removed from the Consent Agenda and considered separately.

**AB18691 CB 13579**

**1. BUDGET AMENDMENT TO ALLOW FOR RECEIPT AND SPENDING OF GRANT FUNDS FROM WASHINGTON TRAFFIC SAFETY COMMISSION TOTALING \$10,200**

“AN ORDINANCE RELATING TO THE 2009 BUDGET TO ACCOUNT FOR THE RECEIPT OF A \$10,200.00 GRANT FROM THE WASHINGTON TRAFFIC SAFETY COMMISSION TO THE BELLINGHAM POLICE DEPARTMENT AND APPROPRIATING RELATED EXPENDITURES FOR OVERTIME IN THE GENERAL FUND ASSOCIATED WITH MULTI-JURISDICTIONAL DUI PATROLS.”

**AB18692 CB 13580**

**2. AN ORDINANCE TO CLOSE DEBT SERVICE FUND (233), PW STATE LOAN – WOBURN STREET (1989).**

“AN ORDINANCE RELATING TO THE 2009 BUDGET FOR THE PURPOSES OF CLOSING THE PUBLIC WORKS STATE LOAN - WOBURN STREET FUND (233).”

**AB18693 CB 13581**

**3. AN ORDINANCE TO CLOSE CONSTRUCTION FUND 341, CIVIC FIELD IMPROVEMENTS (2003)**

“AN ORDINANCE RELATING TO THE 2009 BUDGET FOR THE PURPOSES OF CLOSING THE CIVIC FIELD IMPROVEMENT FUND (341).”

**AB18694 CB 13582**

**4. AN ORDINANCE TO CLOSE SPECIAL REVENUE FUND 112, ARTERIAL STREET CONSTRUCTION**

“AN ORDINANCE RELATING TO THE 2009 BUDGET FOR THE PURPOSES OF CLOSING THE ARTERIAL STREET CONSTRUCTION FUND (112).”

**AB18695 CB 13583**

**5. AN ORDINANCE TO CLOSE DEBT SERVICE FUND (234), COMMUNITY ECONOMIC REVITALIZATION BOARD (CERB) 1989**

“AN ORDINANCE RELATING TO THE 2009 BUDGET FOR THE PURPOSES OF CLOSING THE COMMUNITY ECONOMIC REVITALIZATION BOARD (CERB) FUND (234).”

**AB18696 CB 13584**

**6. AN ORDINANCE TO CLOSE ASSESSMENT DEBT FUND (271), #1107 TELEGRAPH / #1108 BARKLEY (1997)**

“AN ORDINANCE RELATING TO THE 2009 BUDGET AUTHORIZING CLOSURE OF THE CONSOLIDATED ASSESSMENT DEBT FUND FOR LID #1107 TELEGRAPH ROAD AND LID #1108 BARKLEY BOULEVARD (271), AND TRANSFER OF ANY REMAINING BALANCE TO THE LID GUARANTY FUND (245).”

**AB18697 CB 13585**

**7. AN ORDINANCE TO CLOSE ASSESSMENT DEBT FUND (264), #1099 BARKLEY BOULEVARD (1994)**

“AN ORDINANCE RELATING TO THE 2009 BUDGET AUTHORIZING CLOSURE OF THE ASSESSMENT DEBT FUND FOR LID #1099 BARKLEY BOULEVARD (264), AND TRANSFER OF ANY REMAINING BALANCE TO THE LID GUARANTY FUND (245).”

**AB18698 8. BID AWARD FOR LANDSCAPE MAINTENANCE BID NUMBER 74B-2009**

**AB18699 9. AUTHORIZATION OF CHECK ISSUE FOR PAYROLL PERIOD OF NOVEMBER 1, 2009 THROUGH NOVEMBER 15, 2009**

**AB18700 10. AUTHORIZATION OF CHECK ISSUE FOR ACCOUNTS PAYABLE FROM NOVEMBER 13, 2009 TO NOVEMBER 20, 2009**

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

**FINAL CONSIDERATION OF ORDINANCES**

**AB18668 1. CB 13576**

**AN ORDINANCE RELATING TO THE 2009 BUDGET TO ACCOUNT FOR THE RECEIPT OF A \$139,762.00 GRANT FROM THE FEDERAL EMERGENCY MANAGEMENT AGENCY DEPARTMENT OF HOMELAND SECURITY TO THE FIRE DEPARTMENT AND APPROPRIATING RELATED EXPENDITURES IN THE GENERAL FUND TO PURCHASE TURNOUT GEAR AND SIX WASHING / EXTRACTOR MACHINES**

**BARBARA RYAN / BJORNSON** 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: BJORNSON, BORNEMANN, BUCHANAN, KNUTSON, BARBARA RYAN, SNAPP, WEISS

NAYS:

ABSTENTIONS:

EXCUSED:

**MOTION CARRIED 7-0** and was thereafter named Ordinance #2009-12-076

**ADJOURNMENT**

There being no further business, the meeting adjourned at 10:51 p.m.

**Barry Buchanan, Council President**

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

**APPROVED: 01/04/2010**

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