

RECORD OF PROCEEDING OF CITY COUNCIL

CITY OF BELLINGHAM, WASHINGTON

COUNCIL CHAMBERS, CITY HALL
Monday, August 04, 2008, 07:00 PM
Book: 62, Page: 1

REGULAR MEETING

Called To Order The meeting was called to order by Council President Barbara Ryan who led the Pledge of Allegiance.

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
Barbara Ryan, Council Member, Sixth Ward
Louise Bjornson, Council Member, At Large

Excused:

Terry Bornemann
Council Member
Fifth Ward

ANNOUNCEMENT(S)

- August 11, 2008, @ 7:00 p.m., City Council Chambers; Public Hearing regarding San Juan/Yew Street Annexation.
- August 11, 2008, @ 7:00 p.m., City Council Chambers; Public Hearing regarding Dewey Valley/Mt. Baker Annexation.

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

APPROVAL OF MINUTES

KNUTSON / SNAPP moved approval of the July 14, 2008 minutes of the regular Council Meeting as submitted. **MOTION CARRIED 6-0.**

SNAPP / WEISS moved approval of the July 21, 2008 minutes of the regular Council Meeting as submitted. **MOTION CARRIED 5-0-1, BJORNSON** abstained due to her absence at that meeting.

15 - MINUTE PUBLIC COMMENT PERIOD

Richard Conoboy, S. 46th Street addressed the definition of family [AB 18081]. He thanked Council Member Weiss for suggesting that the city meet with Western Washington University (WWU) administration in regard to this issue. WWU places 8,000 students or more into the rental market every year and he feels it is important that WWU answer for some of the problems being created here in the city. He feels there are two distinct issues: density and nuisances. Mr. Conoboy said that density is controlled by zoning regulations while controlling nuisances does not control density. Both zoning regulations and enforcement action will have to be reviewed. He also made the following points: he feels that nuisances are enforceable, he does not feel that a square footage

limitation with respect to zoning density is a solution; Campus Coalition cannot help as, in its present form as part of the Health and Wellness Division, it only deals with alcohol issues.

Sandi Bjarnson, 1455 Franklin said her neighborhood does not have room for more infill [AB 18081]. She described several locations in her neighborhood that are problem areas.

Judy Diaz, 34th Street asked the council to uphold the current single family zoning code [AB 18081] and to focus on making the single family zoning code enforceable. Lack of enforcement of the single family code causes erosion of neighborhoods and property values. She explained that the value of their eight year old home was reduced by \$22,335 by the Board of Equalization due to deterioration of the neighborhood. She asked the Council to preserve the integrity of the neighborhoods and the rights of all homeowners by enforcing the single family zoning code and to hold landlords accountable.

Doug Lomas, 2500 Vining Street said that declining values on houses is going to make investment much easier leaving the citizens of Bellingham in the aftermath; the rule of four is inexplicable and should be abandoned [AB 18081]; and he feels it is appropriate that the University share in this disaster.

Curt Wolters, 2140 Wildflower Court said the proposed re-definition to increase the number of unrelated individuals from three to four [AB 18081] opens the door further for rooming houses. In the last four years of owning his home on Wildflower Court, one rental has now increased to six rentals, group dwellings of a similar nature, in this small residential subdivision. The quality of life in their once quiet cul-de-sac has significantly deteriorated because the municipal code has not been enforced. Broadening the definition puts neighborhoods at further risk of being overrun by transient occupants with no roots in the neighborhood and continued undermining of property values by the changing nature of the subdivision.

Rick Chartrand, 3510 Cody Avenue said he is encouraged by the consensus of the council to table the proposed change to the definition of family. Changing the number from three to four unrelated would be a disaster and he believes a holistic approach, rather than piecemeal will be more affective. He urged the council to use city staff to work on this problem and to include citizens who are directly affected in an advisory capacity.

Kenni Merritt, 1304 39th Street addressed the proposed charter amendment to change the term of the city council at-large position from two years to four years (AB 18061). She is opposed to the amendment because:

- the original freeholders' in preparing the charter had a stated goal of "...establish a government more responsive to the people...";
- freeholders established a great concept whereby the city has a staggered and balanced system with the ward representatives having four year terms and one at-large representative having a two year term; thereby electing four council members every other year; and
- by design, if voters are unhappy with a majority of the council, the charter allows the possibility of electing four new council members every other year. The proposed amendment takes that away.

She has volunteered to serve on the committee to prepare the statement in opposition.

Joe Hanson, 2227 Huron Street spoke on behalf of his son, Rob, who is confined to a wheelchair and lives at 2119 Cornwall Avenue. With the reconfiguration of Cornwall Avenue, the city has taken away his son's handicapped spot and moved it to A Street. Mr. Hanson said it is unacceptable to have the spot removed to A Street; it is too far from his son's home and takes away a neighbors parking space. Mr. Hanson suggested, as an alternative, that a pocket parking space be added in front of his son's home.

George Zuk, 1405 Undine Street addressed definition of family [AB 18081]. He described his neighborhood which is zoned single family residential and where he has lived for fourteen years. There are houses that turn over every year and he described one house that has been completely remodeled inside and out, by students, four times in eleven years. At one time there were eight people living in that house and it has created severe parking issues in this neighborhood that was created with narrow streets. He feels that if the city is not going to enforce the code, it won't make much difference to change the number to four and the rental agencies are not concerned because the code is not enforced. He asked, "what can citizens do?" He added that this problem comes from the University and they should be held responsible.

Johnny Grames, 1506 E. Maplewood Avenue shared his thoughts with regard to BTV10 and other media, parking fines and revenue.

Leaf Schumann addressed definition of family [AB 18081]. He feels that any solution has to be practical and fair and that the main problem is noise and parking - not necessarily kids and a certain number of people.

Dan Larnar, Langara Circle addressed definition of family [AB 18081]. He said, the change from three to four unrelated is either disastrous or meaningless. This antiquated ordinance has not been enforced because it is discriminatory; plus the state nondiscrimination law of 2006 requires us to be very careful. He is glad the council is taking an integrated approach to this problem and trying to find comprehensive ways to correct behavior problems, to get control of irresponsible landlords and to find ways in which we can create a more acceptable situation where we're able to do something about neighborhoods that are threatened with deterioration from these causes without running afoul of the law or our constitutional principles.

Leslie Kingholtz also addressed single family zoning [AB 18081] and shared that in her neighborhood a lot of the rental property is being rented to 5-8 people and driving up the cost of housing. When a landlord can get \$200-\$300 per person and pack several [unrelated] people in a house it makes housing unaffordable for the single parent families, people with lower incomes and the elderly.

Council Member Bjornson referenced the situation of Mr. Hanson at 2119 Cornwall Avenue. Mr. Hanson has had this handicapped parking space for many years and it is a hardship to him and his caregivers to move the parking space around the corner onto A Street. She feels that restoring the handicapped parking space for Mr. Hanson is the right thing to do and should be part of the mitigation taking place on Cornwall.

Mayor Pike is familiar with the situation and has consulted with staff. He said the space that Mr. Hanson had was the last space on Cornwall before A Street so they moved the space around the corner on to A Street. There is a concern about moving the parking space again and what that would do in terms of precedent and potential cost down the line. Mayor Pike said the ramp going into the house is problematic and while the city cannot directly fix that, staff is working on connecting Mr. Hanson with some resources that can help to fix the ramp. Mayor Pike will update council at the next meeting.

MAYORS REPORT

Mayor Pike presented a Waterfront update and explained that in June, 2008 the City and Port agreed to identify the Port's proposal for an angled road grid as a preferred alternative for purposes of study for the Environmental Impact Statement along with the study of the existing traditional road grid (Waterfront Connections Proposal). Using a traditional street grid would be efficient, cost-effective and authentic while connecting downtown streets, central civic and arts districts, and business; and would provide views from downtown to the water and preserve the city's history and heritage. This would also provide smaller blocks which would provide a more pedestrian scale and more environmental connections. Both street grid proposals will be fully studied and findings issued for community response and review in September or October 2008.

PRESENTATION(S)

AB18070 1. 2008 NATIONAL NIGHT OUT AGAINST CRIME PROCLAMATION

Mayor Pike read his Mayoral Proclamation, proclaiming Tuesday, August 5, 2008 to be National Night Out Against Crime.

Information only.

AB18071 2. CIGARETTE LITTER PREVENTION MONTH PROCLAMATION

Mayor Pike read his Mayoral Proclamation, proclaiming August, 2008 as Cigarette Litter Prevention Month.

Information only.

PUBLIC HEARING(S)

AB18072 CB 13455

1. AMENDMENT TO THE BELLINGHAM MUNICIPAL CODE TO REQUIRE A MANDATORY PRE-APPLICATION CONFERENCE FOR CERTAIN LAND USE, BUILDING AND GRADING APPLICATIONS

Jeff Thomas, Assistant Director, Planning Department explained that the purpose of this pre-application amendment [AB 18072] is to move towards full implementation of the permit streamlining effort to give greater levels of transparency and certainty to customers during the permit review process. The Planning Department established permit 'bins' [illustration, page 30, agenda packet], which classify permit processing into timelines and criteria:

- Quick Response Permits (fully implemented).
- Standard Permits (fully implemented).
- Major Project Permits; this amendment would enable the Major Project Permits bin to be fully implemented.

Moshē Quinn, Planner II advised that currently the Bellingham Municipal Code (BMC) allows a pre-application as an option. The only mandatory requirement for a pre-application is for a preliminary plat, rezones and co-housing. Requiring a mandatory pre-application conference will allow the city to get the most benefit from the permitting process. The proposal is also consistent with the Comprehensive Plan guiding principals, specifically:

- assured, fair and predictable result and avoid unnecessary delays;
- organize, consolidate and simplify development regulations in the permitting process; and
- develop a system that is easy and more cost effective to administer.

The Planning Commission and staff recommend approval.

Council President Ryan opened the public hearing.

Mary Dickinson, Governmental Affairs Director, Building Industry Association (BIA), 3323 Northwest Avenue. The BIA advocates pre-application conferences to provide clarity, consistency and certainty to both the applicant and regulator. However, the BIA only agrees that pre-applications are a good thing, prior to the issuance of a building permit, if the applicant can exit such a conference with a mutually binding punch list of requirements. The BIA strongly suggests that meetings be recorded or a written record be made from these meetings, providing a safeguard for the applicant. Ms. Dickinson pointed out that the proposed language for BMC 21.10.170(B) indicates that Type I permits are exempted in item 10 but they are not exempted in item 12. She suggested that, for consistency, they be identical.

Mr. Thomas indicated that staff is preparing, and has been using selectively with voluntary pre-application meetings, a new set of forms that record those comments and ideas that come up during the pre-application meeting. These are furnished to the applicants at the conclusion of their session and are included in the city's packet.

Mr. Quinn explained the proposed language in items 10 and 12 of BMC 21.10.170(B):

- "BMC 21.10.170(B)10. Critical area permit (excluding Type I)": this is only for a critical area permit and has nothing to do with a short plat; and
- "BMC 21.10.170(B)12. Preliminary short plat requiring a critical area permit": the city has to ensure that there is land area that can be developed and specifies when a critical area permit is required.

Council Member Bjornson noted the letter from a Planning Commissioner [*page 39, agenda packet*] asking that Parks Department involvement be a requisite part of the permitting process to ensure that trails and easements are not blocked off. She asked how to make sure the Parks Department is involved.

Mr. Quinn said that staff solicits comments from the Parks Department for the pre-application conference so their needs or requirements can be identified.

Mr. Thomas added that one of the key changes in conducting a pre-application meeting is having customers bring materials in advance of the meeting so that all disciplines can review and provide comments for the pre-application meeting.

Council Member Snapp and Council Member Weiss agreed that there should be an internal process that ensures Parks Department involvement on all pre-application meetings.

Council and staff discussed the current pre-application fee, which is a flat fee of about \$600 on major projects. It was agreed that staff would review the fee and bring back to council for consideration taking into account the many different sizes of projects and different scopes of permits within the major project category.

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

There being no further comments, the public hearing was closed.

AB18073 CB 13456

2. AMENDMENT TO THE BELLINGHAM MUNICIPAL CODE TO ESTABLISH PROVISIONS FOR EXPIRING LAND

USE APPLICATIONS

Moshē Quinn, Planner II said the purpose of this proposal is to consider requiring an expiration of a Land Use permit. Inactive projects are accumulating and remain in the Planner's workloads. Currently there is a 120 day timeline for incomplete applications. There is not a process for applications that have been accepted and completed, staff has done their analysis and requested additional information or correction is needed and there is no timeline for when the customer needs to submit that information back to the city. There are currently several projects that have been in the active mode but have had no activity.

The Planning Commission and staff recommend approval.

Council Member Weiss asked if the ordinance, if adopted, would impact the backlog of completed applications with no activity.

Mr. Quinn replied that staff would have to an analysis on each project in the backlog, prepare a finding of fact, indicate whether the project is still active and present that to the director; which would initiate a letter identifying that the customer has 120 days to submit the necessary information.

Council Member Bjornson asked how "substantial" would be determined [*BMC 21.10.190C.*] and if clearing land, for example, would be considered substantial.

Mr. Quinn replied that the expiration date would apply prior to issuing approval for a land use application or approval to develop. This expiration would be for projects that have not received city approval.

Council Member Weiss asked for clarification regarding refund of application fees: Section B shows 20% and Section C shows 50%.

Mr. Quinn explained that Section B at 20% involves an incomplete application while Section C addresses an application that has been completed.

Council President Ryan opened the public hearing.

David Moody, 1211 14th Street said that realistically, staff can ask for reports that defer the process (such as a wetland delineation) that cannot be delivered within the 120 day timeline. He suggested that the ordinance have hardship clauses so that applicants can be accommodated if they are not able to get reviews by outside agencies within the allotted time. He also feels that it is reasonable to ask that applicants get their permit back from the city within 120 days.

Mary Dickinson, Governmental Affairs Director, Building Industry Association (BIA), 3323 Northwest Avenue. Ms. Dickinson noted that Mr. Moody's point was discussed at the Planning Commission and citizens were assured by staff that safeguards have been written into this ordinance if this type of situation occurs.

Mr. Quinn clarified that the city is also under a 120 day timeline to process permits and staff is actively pursuing issuing these permits. When additional information is necessary that would defer the process there is a provision that the Director may extend the timeline. Staff chose to keep the language broad and did not want to detail specific items for granting a waiver because there are many different types of hardships.

Tim Stewart, Planning Director added that the intent is to only expire permits that are dead and aren't moving forward or that are being used as a placeholder.

James Stanford questioned whether the rule should be changed. He asked, if the city is going to allow an exception that would allow the Director to review each application then why change the rule? In his experience as a land use consultant there are two reasons that the rule needs to be changed: professional developers that want to sit on applications so they can be vested and situations where families in an inheritance situation think that a property is vested or has a value that it does not have. He feels the intent is admirable but doesn't solve the problem and it is more important to have the flexibility to help each person resolve their need. He said the more this is regulated, the more flexibility is removed.

There being no further comments, the public hearing was closed.

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

AB18074 CB 13457

3. AMENDMENT TO BELLINGHAM MUNICIPAL CODE SECTION 15.08.040 – SEWER SERVICE CONNECTIONS,

TO ALLOW FOR CONCURRENT PERMIT APPLICATION SUBMITTALS WITH OTHER LAND USE AND BUILDING PERMIT APPLICATIONS

Dick McKinley, Public Works Director explained that this amendment and the following amendment [AB 18075] are quite straightforward. Currently, if you own property in Bellingham and you want to apply for a building permit, the property for which you are applying must abut a sewer main and water main. In some cases, when a builder comes in, they want to be able to have their building plans reviewed at the same time that they are in the process of building the water and sewer lines. This code change would allow builders to apply for the building permits at the same time that they're applying for, and working on, the water and sewer lines. The safeguard for the public would be that while the permit for the building plans would be reviewed, no building permit would be issued until the sewer and/or water lines were completed, inspected and accepted.

Council President Ryan opened the public hearing.

Mary Dickinson, Governmental Affairs Director, Building Industry Association (BIA), 3323 Northwest Avenue noted that her comments apply to both the water and sewer amendments. She said they appreciate the city's flexibility in this area and as the city begins to densify and infill and urban villages become reality this will become very important. While they understand that the Public Works Director needs flexibility in the administration of the codes, they are hopeful that concurrent review will be permitted. The burden of proof still falls on the applicant but safeguards the applicant so that the application will be reviewed in a timely manner.

There being no further comments, the public hearing was closed.

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

AB18075 CB 13458

4. AMENDMENT TO BELLINGHAM MUNICIPAL CODE SECTION 15.08.040 – WATER SERVICE CONNECTIONS, TO ALLOW FOR CONCURRENT PERMIT APPLICATION SUBMITTALS WITH OTHER LAND USE AND BUILDING PERMIT APPLICATIONS

Council President Ryan opened the public hearing.

There were no comments from the public and the public hearing was closed.

BUCHANAN / WEISS moved approval for first and second reading. **MOTION CARRIED 6-0.**

AB18076 CB 13459

5. A PUBLIC HEARING TO CONSIDER A REQUEST FROM PROPERTY OWNERS TO ANNEX APPROXIMATELY 635 ACRES IDENTIFIED AS THE EAST BAKERVIEW-JAMES STREET (KING MOUNTAIN) ANNEXATION

Greg Aucutt, Senior Planner displayed a map of the area showing the acreage surrounded on the south, west and east by city limits. The property owners submitted their petition when the project was initiated (2006). There are currently about 500 dwelling units in the area with a capacity, under the current zoning, for about 700 more. Issues with regard to providing city services include: major road improvement needs; three new police officers and 4 firefighters that would serve this area and areas in the north that have been proposed for annexation, portions of the airport annexation proposal and Dewey Valley area proposal. There are no existing parks or trails, however, the City does own 6.4 acres on King Mountain. Staff has submitted two alternatives for financial assumptions and reminded council that these forecasts are based on assumptions and are not budgets. Depending on the way the area develops and the requirements that are in place, the financial picture can be quite different.

Mr. Aucutt described the potential benefits which include:

- Existing water and sewer extension and urban levels of development
- Strong potential and interest for urban village site
- Identified in Comprehensive Plan
- Annexing prevents low-density development to occur
- Would create a new neighborhood that could be master-planned

The “cost” of not annexing includes:

- County responsible for urban level road improvements; no neighborhood park.
- No urban village in the area; pressure to extend city utilities
- 1,250 people in the Urban Growth Area (UGA) use city services; buildout at about 2,700

- No permit or impact fees on development in UGA

Staff recommends approval.

Council Member Weiss inquired about the proposed effective date of January 3 and why that was chosen.

Mr. Aucutt replied that the Finance Department has indicated that January 3 works best in terms of the work that staff will need to do to let the state know about the change in circumstances, jurisdiction, billing purposes, tax receipts and so forth. This would also give city departments time to work with the county to change jurisdictions on property records and take a census of the area.

Council President Ryan opened the public hearing.

Steve LaCocq, 1275 East Bakerview Road Chair of Bakerview/James Annexation Committee. He reported a broad base of support from their committee and urged council's support. This is a very strategic location for increased density for a workforce with access to the Sunset and Irongate areas. Retail, shopping and medical services are nearby in addition to Whatcom Community College and entertainment (mall/theaters). This is a key area to build infrastructure for the future and is supported by its' citizens.

R.E. Stannard, 4328 Frances Avenue feels this annexation should only apply to the area south of Bakerview. The city is not on three sides on the area north of Bakerview and the area changes character at that point and serves as a buffer to urban sprawl to the north.

He had several questions/requests:

- Would like a list of the signatures from the annexation petition. He noted that annexation petitions do not require support by a majority of homeowners living in the area. Owners of large and valuable landholdings have a much louder voice at the petition stage.
- Does the council or the staff have data on the support or opposition of resident homeowners in the area to be annexed? Could that be broken down on the area south of Bakerview and the area north of Bakerview?
- Is it true that development homes in the area typically have small print covenants signing away the right to oppose annexation?
- How many residents of the area, who actually have a choice, were in support?
- If the council does grant the annexation, does it retain the power to adjust proposed zoning densities for the area as a whole, or selected parts, of the area? For example, could it decide to keep the area north of Bakerview in minimum density while infill proceeds and until economic mortgage and housing crises stabilize and need is clear?
- Could it revise projected plans for expanding north into the county to postpone development north of Bakerview, which is not surrounded by the city?

Kathy LaCocq, 1275 E. Bakerview Road spoke in support of the annexation.

Mary Ann Filippini, 4020 James Street Road spoke in support of the annexation.

Paul Troutman, 632 Montgomery Road spoke in support of the annexation.

Rob LaCocq, 5142 Byers Road, Ferndale owns 2 acres on Telegraph Road and would like to see better police and fire protection for his storage business and feels that services need to be extended to this area.

Mark Robinson, 300 East Kellogg Road, President, King Mountain Church, supports annexation.

David Moody, 1211 14th Street spoke in support of annexation.

Roger Almskaar, 223 South State Street has worked with the neighborhood annexation committee. The committee and he would like to get a copy of the financial scenario. He briefly reviewed the relationship between finance and sprawl. He said there is no way to meet the projected population goals without annexing some of these areas and feels that the population growth forecast is quite conservative.

Deane Sandell, 4148 Cougar Road supports annexation and added that if the city is inclined to limit that area (which he does not support) he asked that Bakerview Road not be considered.

There being no further comments, the public hearing was closed.

Council Member Weiss asked:

- What will happen to Fire Station #3 if this annexation goes through?
- Will established businesses in the area such as Bakerview Nursery, Cascade Cuts and others remain as legal, nonconforming?

Mr. Aucutt replied that Fire Station #3 is for sale and that the established businesses would remain as legal, nonconforming.

Council Member Weiss explained that he had many more questions and it was the consensus of the council to have a worksession prior to a final vote.

KNUTSON / BUCHANAN moved approval for first and second reading and directed staff to schedule a worksession prior to Third and Final Consideration.

MOTION CARRIED 6-0.

BREAK

Council President Barbara Ryan called the meeting back to order at 10:01 p.m.

REPORTS OF COMMITTEES

LAKE WHATCOM RESERVOIR COMMITTEE

MEMBERS: STAN SNAPP, CHAIR; GENE KNUTSON, BARRY BUCHANAN

AB18077 1. COUNCIL WORKSESSION AND PANEL PRESENTATION ON A PROPOSED RE-CONVEYANCE OF LANDS FROM THE WASHINGTON STATE DEPARTMENT OF NATURAL RESOURCES TO WHATCOM COUNTY

Council Member Snapp reported that presentations were made during committee by: Michael McFarland, Whatcom County Parks Director; David Wallin, Huxley College; Tom Pradum, Treasurer, Audubon Society.

Council President Barbara Ryan noted that the draft recommendation will be submitted at a later date.

Information only.

PARKS AND RECREATION

MEMBERS: LOUISE BJORNSON, CHAIR; JACK WEISS, STAN SNAPP

AB18078 1. LEASE BETWEEN BELLINGHAM TECHNICAL COLLEGE AND THE CITY OF BELLINGHAM FOR MARITIME HERITAGE CENTER EDUCATIONAL BUILDING, STORAGE ANNEX AND HATCHERY POOLS.

BJORNSON / WEISS moved to authorize the Mayor to enter into a lease with Bellingham Technical College for five-years with two 2-year extensions. **MOTION CARRIED 6-0.**

PUBLIC WORKS / PUBLIC SAFETY

MEMBERS: BARRY BUCHANAN, CHAIR; STAN SNAPP; LOUISE BJORNSON

AB18079 1. UPDATE ON MERGER DISCUSSION WITH THE LAKE WHATCOM WATER & SEWER DISTRICT (LWWSD)

Council Member Buchanan reported that the Public Works Director had briefed council during committee and discussions are moving forward.

Information only.

COMMITTEE OF THE WHOLE

MEMBERS: BARBARA RYAN, CHAIR

AB18080 1. CONSIDERATION OF ASSIGNMENT OF RESEARCH TASK TO COUNCIL POLICY ANALYST

REGARDING COMMERCIAL USE OF PHOSPHORUS DISHWASHING DETERGENT

BUCHANAN / KNUTSON moved to approve a research assignment for the Council Policy Analyst regarding commercial use of phosphorus dishwashing detergents. **MOTION CARRIED 6-0.**

AB18081 2. STAFF UPDATE ON DEFINITION OF FAMILY IN BMC 20.08.020(F)(1)

It was the consensus of the council that this proposal needs additional information.

Council Member Weiss presented six categories that he would like to be looked at in a comprehensive way:

1. Look at Title 20 codes and create infractions instead of criminal prosecutions.
2. Look at landlord licensing and an accountability program increasing quality of rentals in the community as well as being able to track overcrowding situations.
3. Look at the definition of family and to either keep it the way it is, add to it, eliminate it or come up with another type of mechanism - such as a square footage per person program.
4. Upgrade Litter Control Officer (already done) so enforcement opportunities are better.
5. Look at upgrades to the city's nuisance ordinances.
6. Initiate discussions with the University to allow the University to understand city and neighborhood concerns about the impacts of increased enrollment on the community and what we would hope that the University would do in a cooperative manner with the city.

Council President Barbara Ryan noted that Mark Gardener, Policy Analyst is working on this proposal.

WEISS / KNUTSON moved to not initiate consideration of amending the Definition of Family - BMC 20.08.020(f)(1). **MOTION CARRIED 6-0.**

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

None submitted at evening meeting.

4. OLD/NEW BUSINESS

None presented.

EXECUTIVE SESSION – Report only

1. LITIGATION: *Belleau Woods, LLC v. City of Bellingham*: City staff provided an update regarding the above captioned litigation matter. Information only. No action was taken.

2. POTENTIAL PROPERTY ACQUISITION: City staff provided information regarding the potential conveyance from Whatcom County of an approximately 7.51 acre parcel of real property adjacent to the real property purchased in 2007 in the Cordata area for a north end park.

WEISS / BUCHANAN moved to authorize the City to accept conveyance of a 7.51 acre parcel of real property from Whatcom County for open space. **MOTION CARRIED 6-0.**

MAYOR'S REPORT

AB18082 1. MAYOR'S APPOINTMENT OF HOWARD HEPPNER TO THE BELLINGHAM-WHATCOM COUNTY HOUSING AUTHORITIES BOARD

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. 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.

AB18083 1. FUEL SUCTION PUMPS UPGRADE BID # 93-2008

AB18084 2. BID AWARD FOR TYTON JOINT DUCTILE IRON PIPE # 88B-2008

AB18085 3. AUTHORIZATION OF CHECK ISSUE FOR ACCOUNTS PAYABLE FROM JULY 11, 2008 TO JULY 18, 2008.

AB18086 4. AUTHORIZATION OF CHECK ISSUE FOR ACCOUNTS PAYABLE FROM JULY 18, 2008 TO JULY 25, 2008.

AB18087 5. AUTHORIZATION OF CHECK ISSUE FOR PAYROLL FROM JULY 1, 2008 TO JULY 15, 2008.

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

FINAL CONSIDERATION OF ORDINANCES

AB18063 1. CB 13453

AN ORDINANCE RELATING TO THE 2008 BUDGET APPROPRIATING AN ADDITIONAL \$3,000.00 IN THE GENERAL FUND FROM UNANTICIPATED WASHINGTON TRAFFIC SAFETY COMMISSION REVENUE, TO BE USED FOR OVERTIME DUI EMPHASIS PATROLS

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

NAYS:

ABSTENTIONS:

EXCUSED: BORNEMANN

MOTION CARRIED 6-0 and was thereafter named Ordinance #2008-08-077

AB18064 2. CB 13454

AN ORDINANCE RELATING TO THE CITY'S PETTY CASH AND REVOLVING FUNDS; INCREASING THE POLICE DEPARTMENT'S PETTY CASH AUTHORITY IN THE ASSET FORFEITURE/DRUG ENFORCEMENT FUND FROM \$10,000 TO \$20,000

BJORNSON / BUCHANAN 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, BUCHANAN, KNUTSON, BARBARA RYAN, SNAPP, WEISS

NAYS:

ABSTENTIONS:

EXCUSED: BORNEMANN

MOTION CARRIED 6-0 and was thereafter named Ordinance #2008-08-078

ADJOURNMENT

There being no further business, the meeting adjourned at 10:23 p.m. **Barbara Ryan, Council President**

ATTEST: Linda D. Anderson City Clerk Representative

APPROVED: 09/08/2008

