



City of Bellingham

City Council Regular Meeting Minutes

February 7, 2022, 7:00 PM

Mayor: Seth Fleetwood
Council Members: Hannah Stone, Hollie Huthman,
Daniel Hammill, Edwin H. "Skip" Williams, Lisa Anderson,
Michael Lilliquist and Kristina Michele Martens
Legislative Assistant: Nalini Margaitis

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<https://cob.org/council>

All meetings are held in the City Hall Council Chambers at
210 Lottie Street, Bellingham, WA, unless otherwise noted.
Please note the doors to City Hall unlock at 6:30 PM.

Call to Order

The meeting was called to order by Council President Stone at 7:00 p.m.

Announcements & Upcoming Meetings:

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

- 1. On February 28, 2022 at 7:00 PM, there will be a public hearing on the proposed resolution of the Bellingham City Council providing for the City to relinquish a general utility easement retained within vacated "I" street west of Holly Street as described in Ordinance 7484. The retained easement encumbers a portion of the property commonly known as 1215 W Holly Street, Bellingham, Washington, APN 380225 4714070 0000. The basis for the proposed relinquishment is that said easement is surplus to the City's needs and is not required for providing existing or future public utility services**

Roll Call

Present:

Council President Hannah Stone, First Ward
Council Member Hollie Huthman, Second Ward
Council Member Daniel Hammill, Third Ward
Council Member Edwin H. "Skip" Williams, Fourth Ward
Council Member Lisa Anderson, Fifth Ward
Council Member Michael Lilliquist, Sixth Ward
Council Member Kristina Michele Martens, At-Large

Public Hearing

- 23251 1. Public Hearing to Consider an Ordinance Modifying the Process Used to Docket Proposed Amendments to the Bellingham Comprehensive Plan p. 7**

Greg Aucutt, Planning and Community Development, provided a presentation on the proposed amendments to the Bellingham Comprehensive Plan. The current process, established a decade ago, is to hold two public hearings (one to the Planning Commission, and one to the City Council) prior to being able to be placed on the docket. The proposed change is to streamline the process for creating the list or “docket” of proposed comprehensive plan amendments. The proposed change would require review by the City Council only. This change would remove the Planning Commission from the docketing process. This change would shorten the docket review process by months. It would reduce the time commitment required of City staff significantly. Staff would have more time to review the merits of the proposals in depth, including environmental review. Meetings by the Planning Commission and City Council would be on the actual merits of the proposal, reducing by half the number of meetings a member of the public would need to attend.

Council President Stone opened the Public Hearing.

Ken Domorod was the sole public speaker during the Public Hearing.

Council member Stone closed the Public Hearing.

Daniel Hammill / Michael Lilliquist moved for first and second reading.

MOTION CARRIED 7-0.

Mayor's Report

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

- 23252 1. Mayor's Appointment of Julie Mellick to the Civil Service Commission (Approval) p. 22**

Mayor Fleetwood appointed **Julie Mellick** to her partial first term on the Civil Service Commission, which will expire on January 1, 2027, at which time she may be reappointed.

Daniel Hammill / Hollie Huthman moved to recommend approval.

MOTION CARRIED 7-0.

23253 2. Mayor's Appointments of Mike McAuley and Russell Whidbee to the Planning and Development Commission (Approval) p. 25

Mayor Fleetwood appointed **Mike McAuley** and **Russell Whidbee** to the Planning and Development Commission. McAuley was appointed to his first partial term, which will expire on January 11, 2025, at which time he may be reappointed. Whidbee was appointed to his first term, which will expire on January 24, 2026, at which time he may be reappointed.

Lisa Anderson / Daniel Hammill moved to recommend approval.

MOTION CARRIED 7-0.

Mayor Seth Fleetwood shared that Dolly Simplot, former Librarian at the Bellingham Public Library, has passed away. Mayor Seth Fleetwood shared that there are public feedback opportunities for the Climate Action Fund. Two virtual public feedback forums are scheduled this month via Zoom: February 17, 2022 at 7:00PM and February 23, 2022 at 7:00PM. Each session will include presentations by Mayor Fleetwood and Seth Vidana, Climate and Energy Manager. Public comments are also accepted on the Engage Bellingham website. Check the City's website for more information on the public forums: www.cob.org.

Fire Chief, **Bill Hewlett**, requested that **Mayor Fleetwood** share that the Fire Department has distributed over 8,000 COVID-19 at-home test kits in partnership with Unity Care. They are currently out of test kits, but once more become available, the City will provide this information on various media outlets, including social media.

COVID-19 Update

Erika Lautenbach and **Dr. Greg Thompson** provided a presentation on the current trends of COVID-19. Overall, while case rates and hospitalizations remain elevated, they are starting to see declines in the case numbers. However, deaths continue to rise.

Presentation only.

The following are heard in both Committee sessions and Regular Meeting in order below:

Council Standing Committee Meetings:

Public Works and Natural Resources 10:00 AM

- 23255 1. Proposed Grant of Telecommunications Franchise to Wholesail Networks, LLC p. 31**

Michael Lilliquist / Lisa Anderson moved to approve the Wholesail franchise agreement as presented.

MOTION CARRIED 7-0.

- 23254 2. Bid Award for Mount Baker Theatre Marquee - Electronic Message Centers, BID #59B-2021 p. 45**

Michael Lilliquist / Hollie Huthman moved to award **Bid No. 59B-2021** for **Mount Baker Theater Marquee – Electronic Message Centers** to **The Sign Post, Inc. of Bellingham, WA** 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 **\$73,002.62**, which includes any applicable WSST.

MOTION CARRIED 6-0-1.

Abstained: Daniel Hammill

Planning 10:30 AM

- 23256 1. Staff Presentation Regarding the "Buildable Lands" Program Methodology p. 50**

Greg Aucutt and **Chris Behee** provided a presentation regarding the "Buildable Lands" program methodology.

Presentation during Committee.

Information Only.

Climate Action 1:00 PM

- 23257 1. Presentation on Issues and Policies for a Just Transition to a Clean Energy Workforce p. 61**

Presentation during Committee on issues and policies for a Just Transition to a Clean Energy Workforce.

Kristina Michele Martens / Daniel Hammill moved that the Chair of the Climate Action Committee work directly with Trevor Smith, Karl DeJong and Mark Riker to come up with topics for the next City Council meeting on February 28, 2022.

MOTION CARRIED 7-0.

Committee Of The Whole 2:00 PM

- 23258 1. An Ordinance Amending the 2021-2022 Biennial Budget Increasing Revenues and Expenditures, as well as Adding and Increasing Positions p. 151**

Forrest Longman, Deputy Finance Director, provided a presentation on the proposed amendments to the 2021-2022 biennial budget The ordinance amends the 2021-2022 Biennial Budget to add \$4,794,200 of expense, \$60,000 of revenue, and 1.7 full time equivalent (FTE) positions.

Presentation during Committee.

Hannah Stone / Edwin H. "Skip" Williams moved for first and second reading.

MOTION CARRIED 6-0.

Abstained: Daniel Hammill

- 23259 2. Bellingham City Council Rules of Procedure p. 157**

Several issues were raised by City Council during the reorganization meeting on January 3, 2022. The Council voted to modify its Rules of Procedure.

Presentation from FairVote Washington during Committee.

Modifications A-E:

Modification A

Modifying Rule of Procedure, Section 13 to require the use of Ranked Choice Voting to fill Council vacancies

Replace Paragraphs 4 through 6 of the Nomination Process in Section 13 of the City Council Rules of Procedure with the following paragraphs:

4. City Council will use ranked-choice voting (RCV) to help identify the top candidate for filling a City Council vacancy. Under RCV, City Council members will rank the nominated candidates in order of preference. The City Clerk will then do a roll call where each Council member will announce his/her ranking of the nominated candidates, and the City Clerk shall tally the results.

5. If a candidate wins a majority of first-preference votes, he or she is declared the top candidate. If no candidate wins a majority of first-preference votes, the candidate with the fewest first-preference votes is eliminated. First-preference votes cast for the failed candidate are eliminated, lifting the second-preference choices indicated on those ballots. The City Clerk conducts a new tally to determine whether any candidate has won a majority of the adjusted votes. The process is repeated until a candidate wins an outright majority.

6. Once a candidate wins an outright majority of votes under RCV, City Council must then appoint the top candidate to fill the vacancy by a majority vote. If the top candidate does not receive a majority vote, City Council may adjourn to executive session to further discuss the qualifications of the candidates before repeating the RCV process in open session until a top candidate receives a majority vote by City Council to fill the vacancy.

Hannah Stone / Hollie Huthman moved approval of modification A.

MOTION CARRIED 7-0

Modification B

Modifying Rule of Procedure, Exhibit A, Section 8 a. to add *profanity* to the list of behaviors that, if disruptive, are prohibited at a Council meeting:

Disorderly speech or action; name-calling or personal attacks; obscene or indecent remarks; profanity; and derogatory comments on personalities

Hannah Stone / Skip Williams moved approval of modification B.

MOTION CARRIED 7-0

Modification C

Clarifying Rule of Procedure, Exhibit A, Section 9 by deleting “or Section 9”.

Hannah Stone / Michael Lilliquist moved approval of modification C.

MOTION CARRIED 7-0

Modification D

Modifying the Rules of Procedure to limit when Council members can abstain from a vote.

No action was taken on modification D.

Modification E

Modifying Rule of Procedure, Section 5 B. to exempt Council members who are appointed as an ex-officio board member for the Whatcom Transit Authority or other governmental entity from the prohibition of serving as an officer of the board during the ex-officio assignment.

When a Council member is appointed as an ex-officio board member for a non-profit entity, that member shall not become an officer of the board during the ex-officio assignment. This prohibition shall not apply to a Council members appointed as ex-officio board members for the Whatcom Transit Authority or other governmental entities.

Hannah Stone / Michael Lilliquist moved approval of modification E.

MOTION CARRIED 7-0

3. Approval of Minutes

Daniel Hammill / Hollie Huthman moved approval of the January 24, 2022 minutes of the regular City Council meeting as submitted.

MOTION CARRIED 7-0.

4. Old/New Business

City Council reconsidered its decision to reject all bids on the Mill Avenue Overlay Project.

Pursuant to Rules of Procedure Section 3(A)(5), a motion for reconsideration can be made only at the same meeting the vote to be reconsidered was taken or at the next succeeding regular Council meeting. The contract specs of this specific contract require action on award of a contract within 45 days of the bid opening, unless there is a written agreement to extend the timeline by the contractor. The 45 day window of this contract closed on February 3. Confirmation from Tiger Construction to extend the deadline for the award was received in writing via email.

Hannah Stone / Michael Lilliquist moved to reconsider the decision on Agenda Bill 23238 to reject all ten bids of the Mill Avenue Overlay Project ES556, **Bid No. 52B-2021** and instead to award the contract to **Tiger Construction** as the responsible bidder who submitted the lowest responsible bid of **\$1,173,445.98** including any applicable WSST.

MOTION CARRIED 7-0.

Michael Lilliquist/Lisa Anderson moved that staff continue with further exploration of possible utility tax on fossil fuels, in addition to the property tax mechanism that is already being investigated.

MOTION CARRIED 6-0-1

Abstained: Skip Williams

Executive Session 3:30 PM

**1. Litigation: Bornstein v. City of Bellingham and Port of Bellingham
(Kraham, approx. 15 min)**

Staff provided information on a litigation matter.

Action: Entertain a motion to authorize the City to participate in mediation.

Daniel Hammill / Skip Williams moved to authorize the City to participate in mediation.

MOTION CARRIED 7-0

**2. Labor Relations: Discuss Collective Bargaining Strategy
(Monahan, approx. 15 min)**

Staff provided information on a labor relations matter. For information and discussion.

No action taken.

**3. Potential Property Acquisition
(Marriner, approx. 5 min)**

Staff provided information on a potential property acquisition. For information and discussion.

No action taken.

**4. Potential Litigation
(Kraham, approx. 15 min)**

Staff provided information on a potential litigation matter. For information and discussion.

No action taken.

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.

- 23260 1. An Ordinance Creating a New Fund to Account for the Bellingham Whatcom Tourism Promotion Area p. 190**

- 23261 2. **2022 Washington State Department of Transportation Bridge Inspection Agreement** p. 193
- 23262 3. **Authorization of Payroll Labor Cost Payments Dated January 01, 2022 to January 15, 2022** p. 203
- 23263 4. **Authorization of A/P Transactions Issued January 14, 2022 through January 20, 2022** p. 204

Daniel Hammill / Hollie Huthman moved approval of the Consent Agenda in its entirety.

MOTION CARRIED 7-0.

Final Consideration of Ordinances

- 23137 1. **An Ordinance Regarding Public Parking; Amending Bellingham Municipal Code Chapters 2.44, 11.33 and 11.36** p. 205

On 1/24/2022, Council amended the ordinance to extend the deadline to respond to citations for parking meters or overtime infractions from 15 days to 30 days. Pursuant to state law and court rules, it precludes the city from extending that 15 day response deadline to 30 days.

The first sentence of 11.33.230(D) is revised to read as follows: If the person committing a parking infraction fails to respond as directed on the citation within 15 days, the civil penalty shall increase by a late fee of \$25.00.

Hannah Stone / Lisa Anderson moved to revoke the previous amendment to the ordinance and to go back to the 15-day deadline to respond to citations for parking meters or overtime infractions.

MOTION CARRIED 6-0-1.

Abstained: Daniel Hammill

Edwin H. "Skip" Williams / Hollie Huthman 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: Stone, Huthman, Williams, Anderson, Lilliquist, Martens

NAYS: Hammill

EXCUSED: (None)

