



Whatcom County

COUNTY COURTHOUSE
311 Grand Avenue, Ste
#105
Bellingham, WA
98225-4038
(360) 778-5010

Council Action Summary - Final

Council

Barbara Brenner
Rud Browne
Barry Buchanan
Tyler Byrd
Todd Donovan
Carol Frazey
Satpal Sidhu

Tuesday, January 15, 2019

7:00 PM

Council Chambers

AGENDA REVISED 1/11 & 1/15 - SEE REVISION NOTICES

CALL TO ORDER

Council Chair Rud Browne called the meeting to order at 7:00 p.m. in the Council Chambers, 311 Grand Avenue, Bellingham, Washington.

FLAG SALUTE

ROLL CALL

Present: 7 - Brenner, Rud Browne, Buchanan, Byrd, Todd Donovan, Frazey, and Sidhu

Absent: 0

ANNOUNCEMENTS

SPECIAL ORDER OF BUSINESS

1. [AB2019-054](#) Approval of special standing meeting dates for 2019

APPROVED BY CONSENT

Aye: 7 - Brenner, Browne, Buchanan, Byrd, Donovan, Frazey, and Sidhu

Nay: 0

Absent: 0

MINUTES CONSENT

1. [MIN2019-001](#) Special Committee of the Whole (AM) for December 4, 2018

APPROVED BY CONSENT

Aye: 7 - Brenner, Browne, Buchanan, Byrd, Donovan, Frazey, and Sidhu

Nay: 0

Absent: 0

2. [MIN2019-002](#) Committee of the Whole for December 4, 2018

APPROVED BY CONSENT

Aye: 7 - Brenner, Browne, Buchanan, Byrd, Donovan, Frazey, and Sidhu

Nay: 0

Absent: 0

3. [MIN2019-003](#) Special Committee of the Whole (PM) for December 4, 2018

APPROVED BY CONSENT

Aye: 7 - Brenner, Browne, Buchanan, Byrd, Donovan, Frazey, and Sidhu

Nay: 0

Absent: 0

4. [MIN2019-004](#) County Council for December 4, 2018

APPROVED BY CONSENT

Aye: 7 - Brenner, Browne, Buchanan, Byrd, Donovan, Frazey, and Sidhu

Nay: 0

Absent: 0

PUBLIC HEARINGS

1. [AB2019-039](#) Ordinance adopting amendments to Whatcom County Code Title 17, Flood Damage Prevention

ADOPTED

Aye: 7 - Brenner, Browne, Buchanan, Byrd, Donovan, Frazey, and Sidhu

Nay: 0

Absent: 0

Enactment No: ORD 2019-005

2. [AB2019-042](#) Ordinance amending Whatcom County Code 16.20, Whatcom County Shellfish Protection Districts

ADOPTED

Aye: 7 - Brenner, Browne, Buchanan, Byrd, Donovan, Frazey, and Sidhu

Nay: 0

Absent: 0

Enactment No: ORD 2019-006

OPEN SESSION (20 MINUTES)

CONSENT AGENDA

(From Council Finance and Administrative Services Committee)

1. [AB2019-001](#) Request authorization for the County Executive to enter into a contract amendment between Whatcom County and Pioneer Human Services to increase funding by \$85,527 for the operation of City Gate, a permanent, supportive housing program for homeless individuals for a total contract amount of \$456,939

Indexes: Health and Safety

AUTHORIZED BY CONSENT

Aye: 7 - Brenner, Browne, Buchanan, Byrd, Donovan, Frazey, and Sidhu

Nay: 0

Absent: 0

2. [AB2019-004](#) Request authorization for the County Executive to enter into a contract amendment between Whatcom County and Michael Bobbink for hearing examiner services

AUTHORIZED BY CONSENT

Aye: 7 - Brenner, Browne, Buchanan, Byrd, Donovan, Frazey, and Sidhu

Nay: 0

Absent: 0

3. [AB2019-007](#) Request authorization for the County Executive to enter into a contract between Whatcom County and the Whatcom Council on Aging to staff and operate the Bellingham Senior Activity Center in the amount of \$123,748

Indexes: Senior Services

AUTHORIZED BY CONSENT

Aye: 7 - Brenner, Browne, Buchanan, Byrd, Donovan, Frazey, and Sidhu

Nay: 0

Absent: 0

- 4. [AB2019-010](#) Request authorization for the County Executive to enter into a contract between Whatcom County and Opportunity Council to fund operating costs and Leasing Specialist services to support the Federal Sponsor Based Rental Assistance Program, in the amount of \$69,490

Indexes: Health and Safety

AUTHORIZED BY CONSENT

Aye: 7 - Brenner, Browne, Buchanan, Byrd, Donovan, Frazey, and Sidhu

Nay: 0

Absent: 0

- 5. [AB2019-014](#) Request authorization for the County Executive to enter into an interlocal agreement between Whatcom County and the City of Blaine to staff and operate the Blaine Senior Activity Center in the amount of \$123,748

Indexes: Senior Services

AUTHORIZED BY CONSENT

Aye: 7 - Brenner, Browne, Buchanan, Byrd, Donovan, Frazey, and Sidhu

Nay: 0

Absent: 0

- 6. [AB2019-015](#) Request authorization for the County Executive to enter into an interlocal agreement between Whatcom County and the City of Lynden to staff and operate the Lynden Senior Activity Center in the amount of \$123,748

Indexes: Senior Services

AUTHORIZED BY CONSENT

Aye: 7 - Brenner, Browne, Buchanan, Byrd, Donovan, Frazey, and Sidhu

Nay: 0

Absent: 0

- 7. [AB2019-016](#) Request authorization for the County Executive to enter into a contract between Whatcom County and the Jet Oldsters of Ferndale to staff and operate the Ferndale Senior Activity Center in the amount of \$123,748

Indexes: Senior Services

AUTHORIZED BY CONSENT

Aye: 7 - Brenner, Browne, Buchanan, Byrd, Donovan, Frazey, and Sidhu

Nay: 0

Absent: 0

- 8. [AB2019-017](#) Request authorization for the County Executive to enter into a contract between Whatcom County and Daniel A. Swedlow, Summit Law Group, to provide legal services for matters related to collective bargaining, in the amount of \$300/hour to a maximum of \$35,000 annually through December 31, 2020.

Indexes: Administration and Personnel; Collective Bargaining

AUTHORIZED BY CONSENT

Aye: 7 - Brenner, Browne, Buchanan, Byrd, Donovan, Frazey, and Sidhu

Nay: 0

Absent: 0

- 9. [AB2019-019](#) Request authorization for the County Executive to enter into a contract between Whatcom County and the Jet Oldsters Association of Ferndale to provide custodial services and supervision for public rentals at the Ferndale Senior Center in exchange for reimbursement of 75% of Ferndale Senior Activity Center rental fees.

Indexes: Senior Services

AUTHORIZED BY CONSENT

Aye: 7 - Brenner, Browne, Buchanan, Byrd, Donovan, Frazey, and Sidhu

Nay: 0

Absent: 0

OTHER ITEMS

(From Council Finance and Administrative Services Committee)

- 1. [AB2019-008](#) Request authorization for the County Executive to enter into an interagency agreement between Whatcom County and Washington State Department of Health to outline a joint plan of responsibility which delineates the responsibilities for the regulation of public water systems

Indexes: Health and Safety

AUTHORIZED

Aye: 7 - Brenner, Browne, Buchanan, Byrd, Donovan, Frazey, and Sidhu

Nay: 0

Absent: 0

2. [AB2019-009](#) Request authorization for the County Executive to enter into an interlocal agreement between Whatcom County and Washington State Health Care Authority to support Medicaid related outreach and linkage activities performed by the Health Department to Washington State residents who live within Whatcom County

Indexes: Health and Safety

AUTHORIZED

Aye: 7 - Brenner, Browne, Buchanan, Byrd, Donovan, Frazey, and Sidhu

Nay: 0

Absent: 0

3. [AB2019-011](#) Request authorization for the County Executive to enter into a restated interlocal agreement between Whatcom County and North Sound Behavioral Health Administrative Services Organization and four other Counties within our region to operate as a regional Behavioral Health Administrative Services Organization under the requirements established by the Washington State Health Care Authority

Indexes: Health and Safety

AUTHORIZED

Aye: 7 - Brenner, Browne, Buchanan, Byrd, Donovan, Frazey, and Sidhu

Nay: 0

Absent: 0

4. [AB2019-030](#) Resolution to set public hearing to sell tax-title property by public auction

APPROVED

Aye: 7 - Brenner, Browne, Buchanan, Byrd, Donovan, Frazey, and Sidhu

Nay: 0

Absent: 0

Enactment No: RES 2019-001

5. [AB2019-046](#) Ordinance amending Whatcom County Code (WCC) Chapter 2.78, Solid Waste Advisory Committee

SUBSTITUTE AMENDED AND ADOPTED

Aye: 7 - Brenner, Browne, Buchanan, Byrd, Donovan, Frazey, and Sidhu

Nay: 0

Absent: 0

Enactment No: ORD 2019-007

6. [AB2019-067](#) Ordinance amending Whatcom County Code 2.03, Boards and Commissions

ADOPTED

Aye: 7 - Brenner, Browne, Buchanan, Byrd, Donovan, Frazey, and Sidhu

Nay: 0

Absent: 0

Enactment No: ORD 2019-008

(From Council Criminal Justice and Public Safety Committee)

7. [AB2019-041](#) Ordinance amending Whatcom County Code 2.46, Incarceration Prevention and Reduction Task Force, and repealing Whatcom County Code 2.19, Law and Justice Council

ADOPTED AS AMENDED

Aye: 7 - Brenner, Browne, Buchanan, Byrd, Donovan, Frazey, and Sidhu

Nay: 0

Absent: 0

Enactment No: ORD 2019-009

8. [AB2019-043](#) Discussion of proposed ordinance repealing and replacing Whatcom County Code 1.28, Standards for Correctional Facilities

(From Council Planning and Development Committee)

9. [AB2019-002](#) Resolution amending the 2018 docket of proposed comprehensive plan and development regulation amendments by adding proposed changes relating to drinking water

Indexes: Comprehensive Plan Amendment; Water Services; Water Resources; Building / Construction; Utilities; Growth Management Act

APPROVED

Aye: 7 - Brenner, Browne, Buchanan, Byrd, Donovan, Frazey, and Sidhu

Nay: 0

Absent: 0

Enactment No: RES 2019-002

(No Committee Assignment)

- 10. [AB2019-003](#) Request approval of the Economic Development Investment (EDI) Board’s recommendation for funding of the Port of Bellingham’s fund request for a loan of \$166,666.67 and grant of \$83,333.33 for the Walsh Marine Building project

Indexes: Economic Development; Revenue & Finance

APPROVED BY CONSENT

Aye: 6 - Brenner, Browne, Buchanan, Byrd, Frazey, and Sidhu

Nay: 0

Absent: 0

Abstain: 1 - Donovan

COUNCIL APPOINTMENTS TO BOARDS, COMMISSIONS, AND COMMITTEES

- 1. [AB2019-047](#) Appointment to fill vacancy on the North Lynden Watershed Improvement District Board of Directors, partial term through December 2019.
Applicant: Kevin Engelsma
APPOINTED
- 2. [AB2019-050](#) Appointment to fill vacancies on the Birch Bay Watershed Aquatic Resources Management Advisory Committee - 2 Vacancies, 4 year terms - Applicants: Patrick Alesse, Jonathan Hall, Sandra Lahn, Steven Roy; Appointments made by the Whatcom County Council acting as the Whatcom County Flood Control Zone Board of Supervisors
APPOINTED
- 3. [AB2019-053](#) Appointment to fill vacancies on Sumas/Everson/Nooksack Flood Control Sub-Zone Advisory Committee - Applicant: Kyle Christensen- Whatcom County Council acting as Whatcom County Flood Control Zone Board of

Supervisors

APPOINTED

- 4. [AB2019-055](#) Appointments to fill vacancies on the Whatcom County Board of Equalization - Applicants: Wes VanDeMark, David Simpson, Sonja Merk, Tammy Valenti

APPOINTED

- 5. [AB2019-056](#) Appointments to the Horticulture Pest and Disease Board - Applicants: Melissa Bedlington-Kleindel, Allen Brown

APPOINTED

- 6. [AB2019-057](#) Appointment to fill vacancies on the Incarceration Prevention and Reduction Task Force - 2 vacancies representing Concerned Citizens - partial terms ending 1/31/2020, and one ending 1/31/2022: Applicants: Arlene Feld, Heather Flaherty, Erin Fortenberry, Evan Freedman, David Goldman, Jeff Hindman, Hollie Huthman, Barry MacHale

APPOINTED

- 7. [AB2019-058](#) Appointment to fill vacancies on the Lummi Island Ferry Advisory Committee - Applicants: Charles Bailey, Rhayme Blake, Judy Olsen

APPOINTED

- 8. [AB2019-060](#) Appointment to fill vacancies on the Noxious Weed Control Board - Applicants: Patricia Lenssen and L. Alan Yoder

APPOINTED

- 9. [AB2019-061](#) Appointments to fill vacancy on Whatcom County Planning Commission - Applicants: William Dominic Mocerri, James Markarian

APPOINTED

- 10. [AB2019-063](#) Appointment to fill vacancies on the Whatcom County Solid Waste Advisory Committee - Applicant - Lisa Friend

APPOINTED

- 11. [AB2019-065](#) Appointments to fill vacancies on the Surface Mining Advisory Committee - Applicants: Brent Cowden, Ryan Devries, Dustin Gleaves

APPOINTED

INTRODUCTION ITEMS

- 1. [AB2019-018](#) Ordinance adopting various minor amendments to Whatcom County Code Titles 20 (Zoning), 21 (Land Division Regulations), and 22 (Land Use and Development Procedures), making corrections, updates, and clarifications **WITHDRAWN**

Enactment No: ORD 2019-013

- 2. [AB2019-021](#) Ordinance granting Deer Creek Water Association a franchise and the right, privilege, and authority thereunder to locate, set, erect, lay, construct, extend, support, attach, connect, maintain, repair, replace, enlarge, operate and use facilities in, upon, over, under, along, across and through the franchise area to allow for the provision of water services

Indexes: Franchise; Water Services; Utilities; Roads & Bridges

INTRODUCED FOR PUBLIC HEARING

Aye: 7 - Brenner, Browne, Buchanan, Byrd, Donovan, Frazey, and Sidhu

Nay: 0

Absent: 0

- 3. [AB2019-033](#) Ordinance amending the 2019-2020 Whatcom County Budget, request no. 1, in the amount of \$778,500

INTRODUCED

Aye: 7 - Brenner, Browne, Buchanan, Byrd, Donovan, Frazey, and Sidhu

Nay: 0

Absent: 0

Enactment No: ORD 2019-011

- 4. [AB2019-036](#) Ordinance amending Whatcom County Code 2.108, Bellingham-Whatcom County Commission Against Domestic Violence, expanding the scope of the Commission and referring to interlocal agreement with the City of Bellingham

Indexes: Boards and Commissions

INTRODUCED

Aye: 7 - Brenner, Browne, Buchanan, Byrd, Donovan, Frazey, and Sidhu

Nay: 0

Absent: 0

Enactment No: ORD 2019-012

- 5. [AB2019-040](#) Ordinance amending Whatcom County Code Chapter 2.128, Business and Commerce Advisory Committee, to add one additional member

INTRODUCED

Aye: 7 - Brenner, Browne, Buchanan, Byrd, Donovan, Frazey, and Sidhu

Nay: 0

Absent: 0

- 6. [AB2019-064](#) Ordinance imposing an interim moratorium on the acceptance and processing of applications and permits for new or expanded facilities in the Cherry Point UGA, the primary purpose of which would be the shipment of unrefined fossil fuels not to be processed at Cherry Point

INTRODUCED FOR PUBLIC HEARING

Aye: 5 - Browne, Buchanan, Donovan, Frazey, and Sidhu

Nay: 2 - Brenner, and Byrd

Absent: 0

Enactment No: ORD 2019-010

- 7. [AB2019-034](#) Resolution amending the 2019 Flood Control Zone District and Subzones Budget, request no. 1, in the amount of \$35,000 (Council acting as the Whatcom County Flood Control Zone District Board of Supervisors)

INTRODUCED

Aye: 7 - Brenner, Browne, Buchanan, Byrd, Donovan, Frazey, and Sidhu

Nay: 0

Absent: 0

Enactment No: RES 2019-006

- 8. [AB2019-032](#) Resolution to sell tax-title property by public auction

INTRODUCED FOR PUBLIC HEARING

Aye: 7 - Brenner, Browne, Buchanan, Byrd, Donovan, Frazey, and Sidhu

Nay: 0

Absent: 0

Enactment No: RES 2019-003

**COMMITTEE REPORTS, OTHER ITEMS, AND COUNCILMEMBER
UPDATES**

ADJOURN