WHATCOM COUNTY COUNCIL **Regular County Council Meeting**

May 7, 2019

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.

ROLL CALL

Barbara Brenner, Rud Browne, Barry Buchanan, Tyler Byrd, Todd Present: Donovan, Carol Frazey, and Satpal Sidhu.

Absent:

None.

FLAG SALUTE

ANNOUNCEMENTS

PUBLIC HEARINGS

ORDINANCE GRANTING GLENHAVEN LAKES CLUB INC. A AB2019-167 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

Browne opened the public hearing, and hearing no one, closed the public hearing.

Donovan moved to hold in Council until after consultation with legal counsel and to keep the public record open.

The motion was seconded.

Councilmembers discussed holding for more information.

(inaudible) Surratt, Glenhaven Lakes Water Association Water Manager, answered questions on the size of the water association.

46

The motion carried by the following vote:

53

Brenner, Browne, Buchanan, Byrd, Donovan, Frazey, and Sidhu (7)

Aves: None (0) Nays:

WHATCOM COUNTY COMPREHENSIVE **PLAN** 2. AB2019-223 AMENDMENTS CONCERNING THE LUMMI ISLAND FERRY; THE PROPOSAL WOULD MODIFY A POLICY RELATING TO FERRY LEVEL OF SERVICE AND DELETE A POLICY RELATING TO A FERRY FEASIBILITY STUDY

12

16 17

15

18 19 20

21 22 23

24

25

31 32 33

30

34 35 36

42 43 44

41

46 47 48

45

53

(RECOMMENDED MOTION: FORWARD FOR CONCURRENT REVIEW. THIS ORDINANCE CANNOT BE ADOPTED THIS EVENING. THE COUNCIL MUST CONSIDER INITIATED COMPREHENSIVE PLAN AMENDMENTS CONCURRENTLY SO THAT THE CUMULATIVE EFFECT OF THE VARIOUS PROPOSALS CAN BE EVALUATED. ALL PROPOSED AMENDMENTS WILL BE SCHEDULED TOGETHER FOR FINAL ADOPTION AT A LATER DATE.)

Browne opened the public hearing, and the following person spoke:

Rhayma Blake, Lummi Island Ferry Advisory Committee, stated the committee recommends forwarding for concurrent review.

Hearing no one else, Browne closed the public hearing.

Donovan moved to forward for concurrent review.

The motion was seconded.

The motion carried by the following vote:

Ayes: Brenner, Browne, Buchanan, Byrd, Donovan, Frazey, and Sidhu (7)

Nays: None (0)

ORDINANCE **AMENDING** THE **WHATCOM COUNTY** 3. AB2019-248 UNIFIED FEE SCHEDULE TO INCLUDE LANGUAGE REGARDING REDUCING RECIDIVISM, JOB LOSS, AND EDUCATION DISRUPTION CAUSED BY LOW IN **OTHER** INCOME COUNTY RESIDENTS **SERVING** JAIL TIME JURISDICTIONS BY ALLOWING THEM TO CONTINUE TO ATTEND SCHOOL OR WORK IF THE OFFENSE ALLOWS FOR DAY RELEASE IN WHATCOM COUNTY

Browne opened the public hearing, and hearing no one, closed the public hearing.

Byrd moved to adopt the ordinance.

The motion was seconded.

Browne gave a staff report.

The motion carried by the following vote:

Ayes: Brenner, Browne, Buchanan, Byrd, Donovan, Frazey, and Sidhu (7)

Nays: None (0)

OPEN SESSION

The following people spoke:

- Bob Burr spoke about declaring a climate emergency.
- Dana Briggs spoke about declaring a climate emergency.
- Bob Gay spoke about the public participation plan (AB2019-255) regarding the Cherry Point proposed amendment.
- Rod Roth spoke about the public participation plan (AB2019-255) regarding the Cherry Point proposed amendment.
- Miguel Edmondson spoke about the proposed ordinance to require apprentices in County contracts.

- Luis Ergon spoke about the proposed ordinance to require apprentices in County contracts.
- James Demerest spoke about the proposed ordinance to require apprentices in County contracts.
- Ken (inaudible) spoke about the proposed annexation of the Alderwood community.
- Chris Watrobka spoke about the public participation plan (AB2019-255) regarding the Cherry Point proposed amendment.
- Patrick Alesse spoke about protecting the environment.
- Max Perry spoke about water issues and access to information.

Councilmembers spoke about the City of Bellingham sharing information regarding annexation plans.

OTHER ITEMS

1. AB2019-267 REQUEST AUTHORIZATION FOR THE COUNTY EXECUTIVE TO ENTER INTO AN AGREEMENT BETWEEN WHATCOM COUNTY AND COMPASS HEALTH AND T-MOBILE WEST LLC FOR THIRD AMENDMENT TO SITE EASEMENT WITH OPTIONS

Byrd reported for the Council Finance and Administrative Services Committee and **moved** to approve the request.

The motion carried by the following vote:

Ayes: Brenner, Browne, Buchanan, Byrd, Donovan, Frazey, and Sidhu (7)

Nays: None (0)

2. AB2019-250 REQUEST AUTHORIZATION FOR THE COUNTY EXECUTIVE TO ENTER IN TO A COOPERATIVE AGREEMENT WITH THE US ARMY CORPS OF ENGINEERS FOR REPAIRS TO THE TWIN VIEW LEVEE ALONG THE LEFT BANK OF THE NOOKSACK RIVER NEAR THE TOWN OF EVERSON IN THE AMOUNT OF \$357,500 (COUNCIL ACTING AS THE WHATCOM COUNTY FLOOD CONTROL ZONE DISTRICT BOARD OF SUPERVISORS)

Byrd reported for the Council Finance and Administrative Services Committee and **moved** to approve the request.

The motion carried by the following vote:

Ayes: Brenner, Browne, Buchanan, Byrd, Donovan, Frazey, and Sidhu (7)

Nays: None (0)

3. AB2019-211 REQUEST AUTHORIZATION FOR THE COUNTY EXECUTIVE TO ENTER INTO AN INTERLOCAL AGREEMENT BETWEEN WHATCOM COUNTY AND NORTH SOUND BEHAVIORAL HEALTH ORGANIZATION TO PROVIDE MATCH FUNDS FOR CONTINUING THE PROJECTS FOR ASSISTANCE IN TRANSITION FROM HOMELESSNESS (PATH) FEDERAL GRANT ACTIVITIES IN WHATCOM COUNTY, IN THE AMOUNT OF \$75,469

Byrd reported for the Council Finance and Administrative Services Committee and **moved** to approve the request.

Councilmembers praised Health Department staff for bringing forward the information requested.

The motion carried by the following vote:

Ayes: Brenner, Browne, Buchanan, Byrd, Donovan, Frazey, and Sidhu (7)

Nays: None (0)

4. AB2019-254 REQUEST AUTHORIZATION FOR THE COUNTY EXECUTIVE TO AWARD BID #19-25 AND ENTER INTO A CONTRACT BETWEEN WHATCOM COUNTY AND COWDEN, INC., FOR THE SUPPLY OF CRUSHED AGGREGATE TO BE STOCKPILED AT VARIOUS WHATCOM COUNTY PIT SITES INCLUDING POINT ROBERTS, LUMMI ISLAND AND WHATCOM COUNTY'S ABEL PIT AND USED BY THE PUBLIC WORKS-MAINTENANCE AND OPERATIONS DIVISION FOR THE ANNUAL CHIP SEALING PROGRAM; ADDITIONALLY, WORK SHALL INCLUDE HAULING OF DITCHING WASTE MATERIAL FROM POINT ROBERTS TO WHATCOM COUNTY MAINLAND, IN THE AMOUNT OF \$843,248.00

Byrd reported for the Council Finance and Administrative Services Committee and **moved** to approve the request.

The motion carried by the following vote:

Ayes: Brenner, Browne, Buchanan, Byrd, Donovan, Frazey, and Sidhu (7)

Nays: None (0)

5. AB2019-273 REQUEST APPROVAL OF THE ECONOMIC DEVELOPMENT INVESTMENT (EDI) BOARD'S RECOMMENDATIONS FOR FUNDING OF THE PORT OF BELLINGHAM'S REQUEST FOR A GRANT IN THE AMOUNT OF \$750,000, AND OF THE WHATCOM COUNTY SHERIFF'S REQUEST FOR A GRANT IN THE AMOUNT OF \$515,000

Byrd reported for the Council Finance and Administrative Services Committee.

Donovan moved to approve the request.

The motion was seconded.

Don Goldberg and Gina Stark, Port of Bellingham, reported on the project and answered questions.

Councilmembers discussed whether the rural broadband project is the best use of EDI funds, the importance of the Sheriff's Office project, adding infrastructure where private companies already have infrastructure, the EDI scoring mechanism, extending broadband internet service to the farthest area in east county, and for profit businesses that also provide a social benefit to the community.

Buchanan moved to amend the motion and to vote on the two items separately.

The motion to amend the motion was seconded.

The motion carried by the following vote:

Ayes: Brenner, Browne, Buchanan, Byrd, Donovan, Frazey, and Sidhu (7)

Nays: None (0)

Councilmembers and Port officials continued to discuss the location of the broadband infrastructure project, partnering with local internet providers, and working with the Public Utility District (PUD).

Browne moved to ask that the Port project add additional infrastructure in the form of Leg 4 from Kendall to Sumas through Nooksack and Leg 5 from Bellingham to Ferndale to Lummi. The motion was not seconded.

Donovan moved to approve the request for the Port of Bellingham project.

The motion was seconded.

The motion carried by the following vote:

Ayes: Brenner, Browne, Buchanan, Byrd, Donovan, Frazey, and Sidhu (7)

Nays: None (0)

Donovan moved to approve the request for the Sheriff's Office project.

The motion was seconded.

Jeff Parks, Sheriff's Office, answered questions on timeliness, the failing infrastructure, hiring a project manager to ensure the appropriate equipment is included, working with partnerships, first steps in the phased project, eligibility for federal grant funds, reaching out to British Columbia officials for interoperability, and whether it's appropriate to use EDI funds on the Sheriff's Office project.

The motion carried by the following vote:

Ayes: Brenner, Browne, Buchanan, Donovan, Frazey, and Sidhu (6)

Navs: Byrd (1)

6. AB2019-262 RESOLUTION IN THE MATTER OF CONSIDERING VACATION OF SAFSTEN ROAD

Brenner reported for the Public Works And Health Committee and **moved** to approve the resolution.

The motion carried by the following vote:

Ayes: Brenner, Browne, Buchanan, Byrd, Donovan, Frazey, and Sidhu (7)

Nays: None (0)

7. AB2019-266 CONSIDERATION OF CITIZEN APPEAL OF ADDRESS CHANGE DUE TO ROAD NAMING REQUIREMENT

Brenner reported for the Public Works and Health Committee.

Frank S. Tapley stated emergency services can find his location without any problem and the requirement to rename roads is obsolete.

Donovan moved to accept the appeal and approve the request to not change the address of Mr. Tapley's residence.

The motion was seconded.

10

19 20 21

22 23 24

25 26 27

28 29 30

31

32

33

34

35 36 37

39 40 41

42

38

47

48

49

50

51

52 53

The motion carried by the following vote:

Ayes: Brenner, Browne, Buchanan, Byrd, Donovan, Frazey, and Sidhu (7)

Nays: None (0)

REOUEST COUNTY COUNCIL REVIEW AND APPROVAL OF AB2019-255 **PARTICIPATION** PLAN FOR WHATCOM COUNTY THE PUBLIC COMPREHENSIVE PLAN AND DEVELOPMENT REGULATIONS (THIS PLAN WILL GUIDE **PUBLIC PARTICIPATION EFFORTS** RELATING TO COMPREHENSIVE PLAN AND DEVELOPMENT REGULATION AMENDMENTS)

Byrd reported for the Planning and Development Committee and moved to approve the substitute request.

Donovan moved to amend to remove the Repeal of the Cherry Point Amendment from the public participation plan.

The motion to amend was seconded.

The motion to amend carried by the following vote:

Brenner, Browne, Buchanan, Byrd, Donovan, Frazey, and Sidhu (7) Ayes:

Nays: None (0)

The motion to approve the substitute as amended carried by the following vote: Brenner, Browne, Buchanan, Byrd, Donovan, Frazey, and Sidhu (7)

Aves: None (0) Nays:

COUNCIL APPOINTMENTS TO BOARDS, COMMISSIONS, AND COMMITTEES

1. AB2019-200 APPOINTMENT TO THE SOLID WASTE **ADVISORY** REPRESENTATIVE, **BUSINESS/INDUSTRY** PARTIAL COMMITTEE, ENDING 1/31/2020, APPLICANT: RODD PEMBLE (COMMITTEE PROVIDES ONGOING PUBLIC INPUT AND ADVISE TO WHATCOM COUNTY ON SOLID **WASTE MANAGEMENT ISSUES)**

Brenner moved to appoint Rodd Pemble.

The motion was seconded.

The motion carried by the following vote:

Brenner, Browne, Buchanan, Donovan, Frazey, and Sidhu (6)

None (0) Navs:

Absent: Byrd (out of the room) (1)

2. AB2019-235 **APPOINTMENT** TO THE WILDLIFE **ADVISORY** COMMITTEE, APPLICANT: TREVOR DELGADO (COMMITTEE ADVISES THE WHATCOM COUNTY PLANNING AND DEVELOPMENT SERVICES DEPARTMENT STAFF AND THE WHATCOM COUNTY COUNCIL ON THE VALUE OF WILDLIFE AND HABITAT MANAGEMENT ISSUES AS THEY RELATE TO THE WHATCOM **COUNTY COMPREHENSIVE PLAN)**

Donovan moved to appoint Trevor Delgado.

The motion was seconded.

The motion was seconded.

The motion carried by the following vote:

Ayes: Brenner, Browne, Buchanan, Donovan, Frazey, and Sidhu (6)

Navs: None (0)

Nays: None (0)
Absent: Byrd (out of the room) (1)

3. AB2019-240 APPOINTMENT TO THE SURFACE MINING ADVISORY COMMITTEE, REPRESENTING FORESTRY, APPLICANT: AUBREY STARGELL (COMMITTEE ADVISES THE WHATCOM COUNTY PLANNING AND DEVELOPMENT SERVICES DEPARTMENT AND THE WHATCOM COUNTY COUNCIL ON IMPLEMENTING A SURFACE MINING REGULATORY PROGRAM CONSISTENT WITH THE COMPREHENSIVE PLAN)

Brenner moved to appoint Aubrey Stargell.

The motion was seconded.

The motion carried by the following vote:

Ayes: Brenner, Browne, Buchanan, Donovan, Frazey, and Sidhu (6)

Nays: None (0)

Absent: Byrd (out of the room) (1)

4. AB2019-242 APPOINTMENT TO FILL ONE VACANCY ON THE BUSINESS AND COMMERCE ADVISORY COMMITTEE, REPRESENTING FOR-PROFIT, APPLICANTS: MR. DANA WEBER, MS. VALERI WADE, AND SARAH ROTHENBUHLER (NO TWO APPOINTED MEMBERS MAY REPRESENT OR BE EMPLOYED BY THE SAME COMPANY OR ORGANIZATION)

Councilmembers discussed whether or not to consider a representative from a non-profit agency.

Donovan moved to nominate all applicants.

The motion to nominate and consider all applicants carried by the following vote:

Ayes: Buchanan, Donovan, Frazey, and Sidhu (4)

Nays: Brenner, Browne, and Byrd (3)

Buchanan voted for Ingram.

Frazey voted for Wade.

Brenner voted for Rothenbuhler.

Browne voted for Rothenbuhler.

Donovan voted for Ingram.

Byrd voted for Rothenbuhler.

Sidhu voted for Rothenbuhler.

> 5 6

INTRODUCTION ITEMS

7 8

The motion was seconded.

285.

9 10

11

12 13

14 15

16 17

18

19

20 21

22 23 24

25

26 27 28

29 30 31

32 33 34

35

36

37

43 44 45

46

42

47 48 49

Buchanan moved to accept Introduction Items one through seven.

Councilmembers discussed the next steps for the last Introduction Item, AB2019-

Buchanan withdrew item seven.

The motion to introduce items one through six carried by the following vote:

Brenner, Browne, Buchanan, Byrd, Donovan, Frazey, and Sidhu (7)

Nays: None (0)

ORDINANCE AMENDING WHATCOM COUNTY CODE TO AB2019-249 1. RESTRUCTURE THE PUBLIC HEALTH ADVISORY BOARD

- ORDINANCE AMENDING THE 2019 WHATCOM COUNTY BUDGET, REQUEST NO. 7, IN THE AMOUNT OF \$907,787
- ORDINANCE AMENDING THE PROJECT BUDGET FOR THE AB2019-265 3. PUBLIC SAFETY RADIO SYSTEM FUND, REQUEST NO. 1
- RECEIPT OF APPLICATION FOR THE BUSINESS AND 4. AB2019-261 ADVISORY COMMITTEE, REPRESENTING HEALTH COMMERCE INDUSTRY, APPLICANT: DEBBIE AHL (COMMITTEE ADVISES THE WHATCOM COUNTY COUNCIL ON ISSUES THAT COULD IMPACT LOCAL BUSINESSES, INDUSTRY, OR ECONOMIC DEVELOPMENT; APPLICATION DEADLINE FOR THIS VACANCY IS 10:00 A.M. MAY 14, 2019)
- RECEIPT OF APPLICATIONS FOR THE SURFACE MINING 5. AB2019-268 ADVISORY COMMITTEE, APPLICANTS: LESLIE DEMPSEY (REPRESENTING CITIZEN WHO LIVES IN CLOSE PROXIMITY TO ACTIVE MINING OR MINERAL OVERLAY AREA), HARVILL FREELAND AND SCOTT HULSE (CIVIL OR GEO-TECHNICAL ENGINEER WITH NO DIRECT OR INDIRECT FINANCIAL BUSINESS TIES TO THE INDUSTRY), BRAD DAVIS (SURFACE MINING MATERIAL USER) (THIS COMMITTEE ADVISES THE WHATCOM COUNTY PLANNING AND DEVELOPMENT SERVICES DEPARTMENT AND THE WHATCOM IMPLEMENTING A SURFACE MINING REGULATORY COUNTY COUNCIL ON PROGRAM CONSISTENT WITH THE COMPREHENSIVE PLAN; APPLICATION **DEADLINE FOR THESE VACANCIES IS 10 A.M. MAY 14, 2019)**
- OF RECEIPT APPLICATION FOR THE **FORESTRY** 6. AB2019-272 **FOREST PRODUCT MANUFACTURER** ADVISORY COMMITTEE, REPRESENTATIVE, TERM ENDING 1/31/2023, APPLICANT: ERIC JACOBY (COMMITTEE PROVIDES REVIEW AND RECOMMENDATIONS TO THE WHATCOM COUNTY COUNCIL ON ISSUES THAT AFFECT THE FORESTRY INDUSTRY; APPLICATION DEADLINE FOR THIS VACANCY IS 10A.M. MAY 14, 2019)

7. AB2019-285 ORDINANCE AMENDING WHATCOM COUNTY CODE TITLE 3, REQUIRING THAT PUBLIC FUNDS USED FOR CONSTRUCTION PROJECTS DO DOUBLE DUTY BY ALSO PROVIDING APPRENTICES WITH JOB TRAINING HOURS TO MEET THE REQUIREMENTS NECESSARY TO BECOME THE NEXT GENERATION OF SKILLED TRADES PERSONS

Donovan moved to accept the item for Introduction.

The motion was seconded.

Councilmembers discussed which committee should be assigned review and discussion of this item.

Browne moved to amend the motion to accept and to assign the item to the Finance and Administrative Services Committee.

The motion was seconded.

The motion to assign to the Finance and Administrative Service Committee carried by the following vote:

Ayes: Browne, Donovan, Frazey, and Sidhu (4)

Nays: Buchanan, Byrd, and Brenner (3)

Councilmembers discussed the process for assigning items to committee.

Brenner moved to reconsider. The motion was not seconded.

The motion to accept the item for Introduction failed by the following vote:

Ayes:

Browne, Donovan, and Frazey (3)

Nays:

Brenner, Byrd, and Buchanan (3)

Abstains:

Sidhu (1)

Donovan moved to accept the Introduction Item with no committee assignment.

The motion was seconded.

The motion carried by the following vote:

Ayes: B

Brenner, Browne, Buchanan, Donovan, Frazey, and Sidhu (6)

Nays: Byrd (1)

COMMITTEE REPORTS, OTHER ITEMS, AND COUNCILMEMBER UPDATES

Committee chairs gave committee reports.

Councilmembers gave updates on recent activities and upcoming events.

<u>ADJOURN</u>

ATTEST:

The meeting adjourned at 9:36 p.m.

Dana Brown-Davis Council Clerk

Jill Nixon, Minutes Transcription

The County Council approved these minutes on May 21, 2019.

WHATCOM COUNTY COUNCIL WHATCOM COUNTY, WASHINGTON

Rud Browne, Council Chair