WHATCOM COUNTY COUNCIL Regular County Council Meeting

June 18, 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

Present:

Barbara Brenner, Rud Browne, Tyler Byrd, Todd Donovan, Carol

Frazey, and Satpal Sidhu.

Absent:

Barry Buchanan.

FLAG SALUTE

ANNOUNCEMENTS

MINUTES CONSENT

Brenner moved to approve the Minutes Consent items.

The motion was seconded.

The motion carried by the following vote:

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

Nays: None (0)
Absent: Buchanan (1)

- 1. MIN2019-042 SPECIAL COMMITTEE OF THE WHOLE AM FOR JUNE 4, 2019
- 2. MIN2019-043 SPECIAL COMMITTEE OF THE WHOLE PM FOR JUNE 4, 2019
- 3. MIN2019-044 REGULAR COUNTY COUNCIL FOR JUNE 4, 2019

SPECIAL PRESENTATION

1. AB2019-354 ANNUAL REPORT ON BEHAVIORAL HEALTH PROGRAM FUND

Chris Phillips, Behavioral Health Advisory Committee Chair, reported on the expenditures of the behavioral health fund, including background information about the fund, successful programs, and next steps.

PUBLIC HEARINGS

1. AB2019-363 COUNCIL SEEKS PUBLIC COMMENT ON TASK 3 (STAKEHOLDER ENGAGEMENT) OF THE PROPOSED CONTRACT WITH TRANSPO GROUP USA, INC., RELATED TO THE WHATCOM COUNTY ADA PLAN FOR PUBLIC RIGHTS-OF-WAY (RELATED PROPOSED CONTRACT FILED UNDER AB2019-319)

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

Kyann Flint stated anyone has the potential for becoming a member of the disabled community, and the contract needs to involve the disabled community throughout the process.

Daman Wandke, AbiliTrek, stated the public input allowed in the contract is minimal. There needs to be more input on the plan before it is published.

James Christianson stated the contractor seems knowledgeable about ADA issues. Pedestrians need more visual cues at pedestrian-activated light crossings.

Candice Styer stated features that people think make the environment accessible may not actually do so. There needs to be more consideration of and planning around barriers. Recruit as many people with disabilities as possible to participate in the process.

Bob Burr stated the County needs to hire a researcher who can engage in research and write plans on County issues rather than hire a contractor.

Mark Challendar stated he is a member of the County's ADA Advisory Committee and worked with staff when interviewing consultants. He described the scope of the contract and answered questions about the required qualifications of the contractor.

Harley Draven spoke about her volunteer work as an ADA advocate. More people in the community need to be involved.

Ashanti Monts-Tréviska stated there isn't enough support for the disabled community. There needs to be better visual cues in traffic, bus lines, and bicycle lanes.

Hearing no one else, Browne closed the public hearing.

Jon Hutchings, Public Works Department Director, gave a staff report and introduced members of the Public Works staff team who will be working on the project. They will create an open and inclusive process to develop ADA infrastructure.

Jim Karcher, Public Works Department, answered questions on a similar process happening with the City of Bellingham and required qualifications for someone to do this work.

2. AB2019-322 ORDINANCE AMENDING WHATCOM COUNTY CHARTER SECTIONS 4.20 (QUALIFICATIONS) AND 6.90 (ILLEGAL CONTRACTS)

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

Bob Burr stated the changes are necessary.

 Hearing no one else, Browne closed the public hearing.

Donovan moved to adopt the ordinance.

The motion was seconded.

Donovan moved to amend to delete the gender pronouns and replace with "their."

Councilmembers discussed appropriate grammar and whether the Council vote needs to be unanimous with all seven councilmembers.

Karen Frakes, Prosecutor's Office, answered questions.

Donovan withdrew his motions.

The Council concurred to hold in Council for a meeting in which no councilmembers will be absent.

3. AB2019-308 ORDINANCE SUSPENDING WHATCOM COUNTY CODE 1.28 TO UPDATE THE CORRECTIONAL FACILITIES OPERATIONAL STANDARDS

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

Bob Burr stated create a focus group of former jail inmates to comment on the current inhumane policies and procedures.

Hearing no one else, Browne closed the public hearing.

Byrd moved to adopt the ordinance.

The motion was seconded.

Karen Frakes, Prosecutor's Office, answered questions.

Councilmembers discussed rules suspension due to overcrowding.

Donovan moved to amend to add language, "Be It Further Ordained that The Sheriff's Office will provide public access to these current policies and procedures."

The motion to amend was seconded.

The motion to amend carried by the following vote:

Aves: Brenner, Browne, Byrd, Donovan, Frazey, and Sidhu (6)

Nays: None (0) Absent: Buchanan (1)

The motion to adopt as amended carried by the following vote: **Ayes:** Brenner, Browne, Byrd, Donovan, Frazey, and Sidhu (6)

Nays: None (0) Absent: Buchanan (1)

OPEN SESSION

The following people spoke:

- Dana Briggs spoke about declaring a climate emergency.
- Bob Burr spoke about declaring a climate emergency.
- Manny (no last name given) spoke about the ordinance imposing an interim moratorium on new or expanded facilities in the Cherry Point UGA, regarding the shipment of unrefined fossil fuels at Cherry Point AB2019-339.
- Jan Dietzgen submitted information (on file) and spoke about passing a resolution to welcome refugees.
- Lane McElvoy spoke about the ordinance imposing an interim moratorium on new or expanded facilities in the Cherry Point UGA, regarding the shipment of unrefined fossil fuels at Cherry Point AB2019-339.
- Colleen Curtis submitted information (on file) and spoke about passing a resolution to welcome refugees.
- Judy Wilson, Laborer's 292, spoke about the ordinance imposing an interim moratorium on new or expanded facilities in the Cherry Point UGA, regarding the shipment of unrefined fossil fuels at Cherry Point AB2019-339.
- Eddy Ury, ReSources for Sustainable Communities Program Manager, spoke about the ordinance imposing an interim moratorium on new or expanded facilities in the Cherry Point UGA, regarding the shipment of unrefined fossil fuels at Cherry Point (AB2019-339) and the resolution forwarding Cascadia Law Group's recommendations for Cherry Point UGA Comprehensive Plan and Zoning Code Amendments (AB2019-358).
- Tim Johnson, Phillips 66 Refinery Public Affairs Officer, spoke about the ordinance imposing an interim moratorium on new or expanded facilities in the Cherry Point UGA, regarding the shipment of unrefined fossil fuels at Cherry Point (AB2019-339) and the resolution forwarding Cascadia Law Group's recommendations for Cherry Point UGA Comprehensive Plan and Zoning Code Amendments (AB2019-358).
- Cameron Charvay, Laborer's Local 292, spoke about the ordinance imposing an interim moratorium on new or expanded facilities in the Cherry Point UGA, regarding the shipment of unrefined fossil fuels at Cherry Point (AB2019-339) and the resolution forwarding Cascadia Law Group's recommendations for Cherry Point UGA Comprehensive Plan and Zoning Code Amendments (AB2019-358).
- Theresa (no last name given), Laborer's Local 292, spoke about the ordinance imposing an interim moratorium on new or expanded facilities in the Cherry Point UGA, regarding the shipment of unrefined fossil fuels at Cherry Point (AB2019-339) and the resolution forwarding Cascadia Law Group's recommendations for Cherry Point UGA Comprehensive Plan and Zoning Code Amendments (AB2019-358).
- Hanna Holt, Laborer's Local 292, spoke about the ordinance imposing an interim moratorium on new or expanded facilities in the Cherry Point UGA, regarding the shipment of unrefined fossil fuels at Cherry Point (AB2019-339) and the resolution forwarding Cascadia Law Group's recommendations for Cherry Point UGA Comprehensive Plan and Zoning Code Amendments (AB2019-358).
- Rod Roth, Laborer's Local 292, spoke about the ordinance imposing an interim moratorium on new or expanded facilities in the Cherry Point UGA, regarding the shipment of unrefined fossil fuels at Cherry Point (AB2019-339) and the resolution forwarding Cascadia Law Group's recommendations for

- Cherry Point UGA Comprehensive Plan and Zoning Code Amendments (AB2019-358).
- James Christianson spoke about the need for captioning services in all local public places to accommodate the deaf community.
- Marcus Dee spoke about the ordinance imposing an interim moratorium on new or expanded facilities in the Cherry Point UGA, regarding the shipment of unrefined fossil fuels at Cherry Point (AB2019-339) and open carry gun laws at public events in Washington state.
- Alex Ramel spoke about the resolution forwarding Cascadia Law Group's recommendations for Cherry Point UGA Comprehensive Plan and Zoning Code Amendments (AB2019-358).

Sidhu reported for the Council Finance and Administrative Services Committee and **moved** to approve Consent Agenda items one through six.

The motion carried by the following vote:

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

Nays: None (0) Absent: Buchanan (1)

CONSENT AGENDA

Aves:

- 1. AB2019-336 REQUEST AUTHORIZATION FOR THE COUNTY EXECUTIVE TO ENTER INTO A CONTRACT AMENDMENT BETWEEN WHATCOM COUNTY AND CATHOLIC COMMUNITY SERVICES TO ADD \$25,000 IN FUNDING FOR HOUSING CASE MANAGEMENT AND \$3,325 IN SUBSEQUENT INDIRECT COSTS TO REPLACE THE RECENT LOSS OF FUNDING CATHOLIC COMMUNITY SERVICES INCURRED AT A COMPARABLE AMOUNT
- 2. AB2019-342 REQUEST AUTHORIZATION FOR THE COUNTY EXECUTIVE TO ENTER INTO A CONTRACT BETWEEN WHATCOM COUNTY AND WHATCOM CENTER FOR EARLY LEARNING TO PROVIDE CHILD DEVELOPMENT SERVICES, IN AN ESTIMATED AMOUNT OF \$128,400
- 3. AB2019-350 REQUEST AUTHORIZATION FOR THE COUNTY EXECUTIVE TO ENTER INTO A CONTRACT BETWEEN WHATCOM COUNTY AND OPPORTUNITY COUNCIL FOR CHILD DEVELOPMENT SERVICES, IN THE ESTIMATED AMOUNT OF \$66,120
- 4. AB2019-352 REQUEST AUTHORIZATION FOR THE COUNTY EXECUTIVE TO ENTER INTO A CONTRACT BETWEEN WHATCOM COUNTY AND THE OPPORTUNITY COUNCIL TO PROVIDE FUNDING FOR THE SINGLE ENTRY ACCESS TO SERVICES (SEAS) PROGRAM, IN THE AMOUNT OF \$80,149
- 5. AB2019-353 REQUEST AUTHORIZATION FOR THE COUNTY EXECUTIVE TO ENTER INTO AN AGREEMENT BETWEEN WHATCOM COUNTY AND PIONEER HUMAN SERVICES TO LEASE THE BEHAVIORAL HEALTH TRIAGE CENTER, IN THE AMOUNT OF \$10,056
- 6. AB2019-357 REQUEST AUTHORIZATION FOR THE COUNTY EXECUTIVE TO ENTER INTO A CONTRACT BETWEEN WHATCOM COUNTY AND COMMUNITIES IN SCHOOLS TO PROVIDE STUDENT SUPPORT SERVICES IN THE

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BELLINGHAM, BLAINE AND FERNDALE SCHOOL DISTRICTS, IN THE AMOUNT OF \$136,000

AB2019-334 REQUEST FOR AUTHORIZATION FOR THE COUNTY EXECUTIVE 1. TO ENTER INTO A COMMERCIAL LEASE AGREEMENT BETWEEN WHATCOM COUNTY AND CORNWALL CENTER INC FOR USE OF THE PARKING LOT AT THE BELLINGHAM SENIOR ACTIVITY CENTER IN THE TOTAL AMOUNT OF \$118,260 OVER FIVE YEARS WITH COST SHARING FROM THE CITY OF BELLINGHAM AND WHATCOM COUNCIL ON AGING

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

The motion carried by the following vote:

Brenner, Browne, Byrd, Donovan, Frazey, and Sidhu (6) Aves:

None (0) Nays: **Absent:** Buchanan (1)

AB2019-335 REQUEST FOR AUTHORIZATION FOR THE COUNTY EXECUTIVE TO ENTER INTO AN INTERLOCAL AGREEMENT BETWEEN WHATCOM COUNTY AND THE CITY OF BELLINGHAM TO ALLOW FOR COST SHARING OF THE PARKING LOT LEASE AT THE BELLINGHAM SENIOR ACTIVITY CENTER IN THE AMOUNT OF \$78,879 OVER FIVE YEARS

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

The motion carried by the following vote:

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

None (0) Nays: **Absent:** Buchanan (1)

AB2019-338 REQUEST AUTHORIZATION FOR THE COUNTY EXECUTIVE TO 3. ENTER INTO A CONTRACT AMENDMENT BETWEEN WHATCOM COUNTY AND CASCADE CONNECTIONS TO PROVIDE SERVICES TO INDIVIDUALS WITH DEVELOPMENTAL DISABILITIES FOR AN ADDITIONAL YEAR IN THE ESTIMATED AMOUNT OF \$1,145,600 FOR AN ESTIMATED TOTAL AMENDED CONTRACT AMOUNT OF \$3,093,326

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

The motion carried by the following vote:

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

Nays: None (0) Absent: Buchanan (1)

AB2019-343 REQUEST AUTHORIZATION FOR THE COUNTY EXECUTIVE TO 4. ENTER INTO A CONTRACT AMENDMENT BETWEEN WHATCOM COUNTY AND WORK OPPORTUNITIES TO PROVIDE SERVICES TO INDIVIDUALS WITH

DEVELOPMENTAL DISABILITIES FOR AN ADDITIONAL YEAR IN AN ESTIMATED AMOUNT OF \$478,800 FOR AN ESTIMATED TOTAL AMENDED CONTRACT AMOUNT OF \$1,564,161

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

The motion carried by the following vote:

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

None (0) Navs: **Absent:** Buchanan (1)

AB2019-344 REQUEST AUTHORIZATION FOR THE COUNTY EXECUTIVE TO 5. ENTER INTO A CONTRACT AMENDMENT BETWEEN WHATCOM COUNTY AND PROVIDE SUPPORTED EMPLOYMENT TO **SERVICES** INDIVIDUALS WITH DEVELOPMENTAL DISABILITIES FOR AN ADDITIONAL YEAR IN THE ESTIMATED AMOUNT OF \$923,125 FOR AN ESTIMATED TOTAL AMENDED CONTRACT AMOUNT OF \$3,404,224

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

The motion carried by the following vote:

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

Nays: None (0) **Absent:** Buchanan (1)

AB2019-345 REOUEST AUTHORIZATION FOR THE COUNTY EXECUTIVE TO 6. ENTER INTO A CONTRACT BETWEEN WHATCOM COUNTY AND WASHINGTON **VOCATIONAL SERVICES TO PROVIDE EMPLOYMENT OR COMMUNITY** TO **INDIVIDUALS** WITH **DEVELOPMENTAL SERVICES** INCLUSION **DISABILITIES, IN AN ESTIMATED AMOUNT OF \$191,225**

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

The motion carried by the following vote:

Brenner, Browne, Byrd, Donovan, Frazey, and Sidhu (6) Aves:

Nays: None (0) **Absent:** Buchanan (1)

AB2019-321 ORDINANCE AMENDING THE 2019 WHATCOM COUNTY BUDGET, 7. REQUEST NO. 8, IN THE AMOUNT OF \$508,163

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Sidhu reported for the Council Finance and Administrative Services Committee and **moved** to adopt the ordinance.

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The motion carried by the following vote:

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

Nays: None (0) **Absent:** Buchanan (1)

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8. AB2019-320 RESOLUTION AMENDING THE 2019 FLOOD CONTROL ZONE DISTRICT AND SUBZONES BUDGET, REQUEST NO. 3, IN THE AMOUNT OF \$1,560,000 (COUNCIL ACTING AS THE WHATCOM COUNTY FLOOD CONTROL ZONE DISTRICT BOARD OF SUPERVISORS)

Sidhu reported for the Council Finance and Administrative Services Committee and **moved** to approve the resolution.

Jon Hutchings, Public Works Department Director, answered questions about whether the properties have had appraisals.

The motion carried by the following vote:

Ayes: Brenner, Browne, Donovan, Frazey, and Sidhu (5)

Nays: Byrd (1)
Absent: Buchanan (1)

9. AB2019-358 RESOLUTION FORWARDING CASCADIA LAW GROUP'S RECOMMENDATIONS FOR CHERRY POINT UGA COMPREHENSIVE PLAN AND ZONING CODE AMENDMENTS

Browne reported for the Special Committee of the Whole meeting and **moved** to forward to the Planning Department staff and legal counsel.

Councilmembers discussed whether it's necessary to approve another motion to send to staff.

Browne withdrew the motion.

Mark Personius, Planning and Development Services Department Director, stated his goal is to bring it back to Council on July 9.

10. AB2019-319 REQUEST AUTHORIZATION FOR THE COUNTY EXECUTIVE TO ENTER INTO A CONTRACT BETWEEN WHATCOM COUNTY AND TRANSPO GROUP USA, INC., TO DEVELOP THE ADA COMPLIANCE FOR PUBLIC RIGHTS OF WAY IN THE AMOUNT OF \$145,251.99

Sidhu moved to approve the request.

The motion was seconded.

Jon Hutchings, Public Works Department Director, answered questions about involving more people in the ADA community, whether the County could hire staff to do this work, and councilmember membership on the County's ADA Advisory Committee.

Browne moved to amend the scope of work "Hold ten hours of outreach, including two 2-hour sessions in Bellingham, one 1-hour session each in Birch Bay, East County, and Sudden Valley, advertised to the community...more."

The motion was seconded.

Karen Frakes, Prosecutor's Office, answered questions on the bid process and a major change requiring that it be re-bid.

 Councilmembers and staff discussed considering the limited abilities of senior citizens, the Council's role in writing contracts, the possibility of creating a change order or amending the contract after it's signed, and staff fulfilling additional requests for outreach.

Browne withdrew his motion.

The motion carried by the following vote:

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

Nays: None (0)
Absent: Buchanan (1)

INTRODUCTION ITEMS

Brenner moved to accept Introduction items one through four.

The motion was seconded.

Dana Brown-Davis, Clerk of the Council, answered questions.

Councilmembers and staff discussed the schedule for AB2019-339.

The motion carried by the following vote:

Ayes: Browne, Byrd, Donovan, Frazey, and Sidhu (5)

Nays: Brenner (1) Absent: Buchanan (1)

- 1. AB2019-316 ORDINANCE AMENDING WCC CHAPTERS 20.51 AND 20.71 PERTAINING TO TREE REMOVAL PERMIT PROCEDURES, AND CHAPTER 23.10 UPDATING THE REFERENCED CRITICAL AREAS ORDINANCE IN THE SHORELINE MANAGEMENT PROGRAM
- 2. AB2019-339 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
- 3. AB2019-340 ORDINANCE ADOPTING INTERIM ZONING REGULATIONS FOR THE SITING, ESTABLISHMENT, AND OPERATION OF TEMPORARY HOMELESS FACILITIES
- 4. AB2019-347 ORDINANCE GRANTING NORTHWEST 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

COMMITTEE REPORTS, OTHER ITEMS, AND COUNCILMEMBER UPDATES

Committee Chairs reported on committee discussions.

Councilmembers gave updates on recent activities and upcoming events.

ADJOURN

The meeting adjourned at 9:25 p.m.

The County Council approved these minutes on July 9, 2019.

ATTEST:

Dana Brown-Davis, Council Clerk

Jill Nixon, Mmutes, Transcription

WHATCOM COUNTY, WASHINGTON

Rud Browne, Council Chair