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WHATCOM COUNTY COUNCIL  
**Regular County Council Meeting**

July 23, 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, Barry Buchanan, Tyler Byrd, Todd Donovan, Carol Frazey, and Satpal Sidhu.  
**Absent:** None.

**FLAG SALUTE**

**ANNOUNCEMENTS**

**OTHER ITEMS**

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

Browne stated this item will be held to a special meeting on July 30.

**MINUTES CONSENT**

*Brenner moved* to approve the Minutes Consent items.

The motion was seconded.

The motion carried by the following vote:

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

**Nays:** None (0)

- 1. MIN2019-048 SURFACE WATER WORK SESSION FOR MAY 14, 2019**
- 2. MIN2019-049 SPECIAL COMMITTEE OF THE WHOLE FOR JULY 9, 2019**
- 3. MIN2019-050 COUNTY COUNCIL FOR JULY 9, 2019**
- 4. MIN2019-051 HEALTH BOARD FOR JUNE 11, 2019**
- 5. MIN2019-052 SURFACE WATER WORK SESSION FOR JUNE 25, 2019**

1  
2 **PUBLIC HEARINGS**  
3

4 **3. AB2019-383 ORDINANCE AMENDING WHATCOM COUNTY CODE CHAPTER**  
5 **11.32, BOATING AND SWIMMING, SPECIAL RESTRICTIONS, RELATING TO**  
6 **TWO-STROKE ENGINE POWERED WATERCRAFT**  
7

8 Councilmembers discussed a committee discussion on aquatic invasive species in  
9 wake boats.  
10

11 **1. AB2019-347 ORDINANCE GRANTING NORTHWEST WATER ASSOCIATION A**  
12 **FRANCHISE AND THE RIGHT, PRIVILEGE, AND AUTHORITY THEREUNDER TO**  
13 **LOCATE, SET, ERECT, LAY, CONSTRUCT, EXTEND, SUPPORT, ATTACH,**  
14 **CONNECT, MAINTAIN, REPAIR, REPLACE, ENLARGE, OPERATE AND USE**  
15 **FACILITIES IN, UPON, OVER, UNDER, ALONG, ACROSS AND THROUGH THE**  
16 **FRANCHISE AREA TO ALLOW FOR THE PROVISION OF WATER SERVICES**  
17

18 Browne opened the public hearing, and hearing no one, closed the public hearing.  
19

20 ***Buchanan moved*** to adopt the ordinance.  
21

22 The motion was seconded.  
23

24 Councilmembers discussed making sure that people in the districts are protected.  
25

26 The motion carried by the following vote:

27 **Ayes:** Browne, Buchanan, Byrd, Donovan, Frazey, and Sidhu (6)

28 **Nays:** None (0)

29 **Abstains:** Brenner (1)  
30

31 **2. AB2019-377 ORDINANCE AMENDING WHATCOM COUNTY CODE CHAPTER**  
32 **16.30 ENTITLED "LAKE WHATCOM STORMWATER UTILITY FUNDING**  
33 **MECHANISM"**  
34

35 Browne opened the public hearing, and the following people spoke:  
36

37 Art Hyatt stated the County and City have not reversed the degradation of Lake  
38 Whatcom. The lack of progress is the fault of the County and City.  
39

40 Krista Rome, ReSources, stated they support the utility rate structure. The County  
41 and City need to spend more money on prevention than on treatment.  
42

43 Laura Weiss stated she supports the utility rate structure. They must focus on  
44 prevention, which will be much cheaper, rather than on treatment.  
45

46 Mike Kaufman stated he supports the utility rate structure. There even needs to be  
47 a toll on anyone who travels into the watershed.  
48

49 Pat Alesse stated he supports the stormwater utility, which should be based on the  
50 property square footage. They also need to charge the fee of the federal government.  
51

52 Bill LaFreniere stated the concern should be with contamination from sewage  
53 treatment overflows and faulty septic tanks. The contamination is coming from upstream.

1  
2 Hearing no one else, Browne closed the public hearing.

3  
4 **Donovan moved** to adopt the ordinance.

5  
6 The motion was seconded.

7  
8 Councilmembers discussed allowing property owners to create a net gain in the  
9 watershed and be exempt from the fee as an incentive, County recreational opportunities in  
10 the watershed as a cause of more contamination, complying with the total maximum daily  
11 load (TMDL) requirements, the equity of the fee structure, fees versus taxes, the equity of  
12 the homeowner incentive program (HIP), and making sure there is enough time to discuss  
13 the issues that come to the Council.

14  
15 The motion carried by the following vote:

16 **Ayes:** Browne, Buchanan, Donovan, Frazey, and Sidhu (5)

17 **Nays:** Brenner and Byrd (2)

18  
19 **3. AB2019-383 ORDINANCE AMENDING WHATCOM COUNTY CODE CHAPTER**  
20 **11.32, BOATING AND SWIMMING, SPECIAL RESTRICTIONS, RELATING TO**  
21 **TWO-STROKE ENGINE POWERED WATERCRAFT**

22  
23 Browne opened the public hearing, and the following people spoke:

24  
25 David Mauro stated they would like the same protections granted to residents on  
26 Lake Whatcom.

27  
28 Gary Baker stated he supports not allowing anything that causes pollution. Phase in  
29 the restriction or include a senior exemption to allow people time to transition.

30  
31 James Willson submitted and read from a handout (*on file*) and stated he supports  
32 the ordinance.

33  
34 Eric McHenry stated he would like the restrictions to be phased in.

35  
36 Paul Joostens stated gasoline evaporates out of the drinking water. Phase in  
37 restrictions to the end of next season to allow for time to educate the boaters.

38  
39 Becky O'Brien-Willson stated she supports the ordinance. Lake Samish should have  
40 the same protections as Lake Whatcom.

41  
42 Hearing no one else, Browne stated the public record will be left open to take  
43 additional comments until the special meeting on July 31.

44  
45 **Donovan moved** to refer to committee and the next evening Council meeting on  
46 August 7.

47  
48 The motion was seconded.

49  
50 Councilmembers discussed how much longer to wait until they address the ordinance  
51 again, issues with wake boards, and having a meeting with the community.

1 The motion carried by the following vote:

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

3 **Nays:** None (0)

4  
5  
6 **OPEN SESSION**

7  
8 The following people spoke:

- 9 • Jan (*inaudible*) spoke about approving a resolution to protect refugees.
- 10 • Milt Kreiger spoke about voting locally on tough national issues such as
- 11 protecting refugees.
- 12 • Colleen Curtis spoke about protecting refugees.
- 13 • Kathy Sabel spoke about the Watershed Management Board work plan.
- 14 • Mike Kaufman spoke about Cascadia Law Group's recommendations for
- 15 proposed Cherry Point Urban Growth Area (UGA) Comprehensive Plan and
- 16 zoning code amendments (AB2019-387).
- 17 • Molly Crocker spoke about watershed management planning.
- 18 • Tiffany Hough, Laborer's Local 292, spoke about Cascadia Law Group's
- 19 recommendations for proposed Cherry Point Urban Growth Area (UGA)
- 20 Comprehensive Plan and zoning code amendments (AB2019-387).
- 21 • Bob Gay spoke about Cascadia Law Group's recommendations for proposed
- 22 Cherry Point Urban Growth Area (UGA) Comprehensive Plan and zoning code
- 23 amendments (AB2019-387).
- 24 • Trevor Smith spoke about Cascadia Law Group's recommendations for
- 25 proposed Cherry Point Urban Growth Area (UGA) Comprehensive Plan and
- 26 zoning code amendments (AB2019-387).
- 27 • Matthew Hefner, Certified Electrical Workers of Washington and International
- 28 Brotherhood of Electrical Workers, stated they are opposed to proposed
- 29 changes to the Cherry Point Urban Growth Area (UGA) Comprehensive Plan
- 30 and zoning code amendments (AB2019-387).
- 31 • Patricia Neil, Laborer's Local 292 Member, spoke about proposed changes to
- 32 the Cherry Point Urban Growth Area (UGA) Comprehensive Plan and zoning
- 33 code amendments (AB2019-387).
- 34 • Max Perry spoke about the history and work of the water resources inventory
- 35 area (WRIA) 1 Planning Unit.
- 36 • Bill LaFreniere spoke about creating a steel mill in the Cherry Point Urban
- 37 Growth Area (UGA) (AB2019-387).
- 38 • Rich Devoe spoke about impacts from wake board and other boating setback
- 39 requirements (AB2019-306).
- 40 • Dave Mauro spoke about creating a no-wake zone in Lake Samish.
- 41 • Carol Perry spoke about the Watershed Management Board, Management
- 42 Team, and WRIA 1 Planning Unit meetings.
- 43 • Eric McHenry spoke about a community meeting at Lake Samish and the
- 44 various boating issues.
- 45 • James Willson spoke about boating restrictions and dock damage at Lake
- 46 Samish.

47  
48  
49 **OTHER ITEMS**

- 50  
51 **1. AB2019-376 ORDINANCE AMENDING THE PROJECT BUDGET FOR THE**
- 52 **AGATE HEIGHTS/ESTATE BAY LANE STORM WATER IMPROVEMENTS FUND,**
- 53 **REQUEST NO. 3**

1  
2 **Sidhu** reported for the Council Finance and Administrative Services Committee and  
3 **moved** to adopt the ordinance

4  
5 The motion carried by the following vote:

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

7 **Nays:** None (0)

8  
9 **2. AB2019-378 ORDINANCE AMENDING THE 2019 WHATCOM COUNTY**  
10 **BUDGET, REQUEST NO. 9, IN THE AMOUNT OF \$282,122**

11  
12 **Sidhu** reported for the Council Finance and Administrative Services Committee and  
13 **moved** to adopt the ordinance.

14  
15 The motion carried by the following vote:

16 **Ayes:** Browne, Buchanan, Donovan, Frazey, and Sidhu (5)

17 **Nays:** Brenner and Byrd (2)

18  
19 **3. AB2019-386 REQUEST AUTHORIZATION FOR THE COUNTY EXECUTIVE TO**  
20 **ENTER INTO AN INTERLOCAL AGREEMENT BETWEEN WHATCOM COUNTY**  
21 **AND WASHINGTON STATE DEPARTMENT OF COMMERCE FOR RESOURCES TO**  
22 **ASSIST PEOPLE WHO ARE EXPERIENCING HOMELESSNESS TO OBTAIN AND**  
23 **MAINTAIN HOUSING STABILITY, IN THE AMOUNT OF \$4,257,257**

24  
25 **Sidhu** reported for the Council Finance and Administrative Services Committee and  
26 **moved** to approve the request.

27  
28 The motion carried by the following vote:

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

30 **Nays:** None (0)

31  
32 **4. AB2019-380 RESOLUTION AMENDING THE 2019 FLOOD CONTROL ZONE**  
33 **DISTRICT AND SUBZONES BUDGET, REQUEST NO. 4, IN THE AMOUNT OF**  
34 **\$218,000 (COUNCIL ACTING AS THE FLOOD CONTROL ZONE DISTRICT**  
35 **BOARD OF SUPERVISORS)**

36  
37 **Sidhu** reported for the Council Finance and Administrative Services Committee and  
38 **moved** to approve the resolution.

39  
40 The motion carried by the following vote:

41 **Ayes:** Browne, Buchanan, Donovan, Frazey, and Sidhu (5)

42 **Nays:** Brenner and Byrd (1)

43  
44 *(Clerk's Note: Council continued discussion of this item, including a reconsideration*  
45 *of the vote, at the end of the meeting.)*

46  
47 **5. AB2019-391 REQUEST AUTHORIZATION FOR THE COUNTY EXECUTIVE TO**  
48 **ENTER INTO A CONTRACT AMENDMENT BETWEEN WHATCOM COUNTY AND**  
49 **KPFF CONSULTING ENGINEERS, INC TO INCREASE THE ORIGINAL**  
50 **CONTRACT AMOUNT OF \$322,119 BY \$729,344 FOR A NEW AMOUNT NOT TO**  
51 **EXCEED \$1,051,463**

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

3  
4 The motion carried by the following vote:

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

6 **Nays:** None (0)

- 7  
8 **6. AB2019-393 REQUEST AUTHORIZATION FOR THE COUNTY EXECUTIVE TO**  
9 **ENTER INTO A CONTRACT AMENDMENT BETWEEN WHATCOM COUNTY AND**  
10 **OPPORTUNITY COUNCIL TO DELIVER HOUSING AND ESSENTIAL NEEDS**  
11 **(HEN) AND UTILITY ASSISTANCE TO ELIGIBLE RECIPIENTS IN THE AMOUNT**  
12 **OF \$1,429,113 FOR A TOTAL AMENDED CONTRACT AMOUNT OF**  
13 **\$2,629,463.50**

14  
15 **Sidhu** reported for the Council Finance and Administrative Services Committee and  
16 **moved** to approve the request.

17  
18 The motion carried by the following vote:

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

20 **Nays:** None (0)

- 21  
22 **7. AB2019-402 RESOLUTION AMENDING THE HOMELESS STRATEGIES**  
23 **WORKGROUP TO EXPAND ITS MEMBERSHIP AND PURPOSE**

24  
25 **Brenner** reported for the Council Public Works and Health Committee and **moved** to  
26 approve the substitute resolution.

27  
28 The motion carried by the following vote:

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

30 **Nays:** None (0)

- 31  
32 **8. AB2019-389 ORDINANCE AMENDING WHATCOM COUNTY CODE 2.46.020**  
33 **AND 2.46.030 TO REVISE THE WHATCOM COUNTY INCARCERATION**  
34 **PREVENTION AND REDUCTION TASK FORCE PURPOSE AND FUNCTION**

35  
36 **Buchanan** reported for the Council Criminal Justice and Public Safety Committee  
37 and **moved** to adopt the ordinance as amended in committee, "G. ...evidence-based and/or  
38 other strategies...."

39  
40 The motion carried by the following vote:

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

42 **Nays:** None (0)

- 43  
44 **10. AB2019-316 ORDINANCE AMENDING WCC CHAPTERS 20.51 AND 20.71**  
45 **PERTAINING TO TREE REMOVAL PERMIT PROCEDURES, AND CHAPTER 23.10**  
46 **UPDATING THE REFERENCED CRITICAL AREAS ORDINANCE IN THE**  
47 **SHORELINE MANAGEMENT PROGRAM**

48  
49 **Buchanan moved** to adopt the ordinance.

50  
51 The motion was seconded.

52

1 Mark Personius, Planning and Development Services Department Director, answered  
2 questions about hazard tree and tree canopy removal in watersheds.  
3

4 The motion carried by the following vote:

5 **Ayes:** Browne, Buchanan, Byrd, Frazey, and Sidhu (5)

6 **Nays:** None (0)

7 **Abstains:** Brenner and Donovan (2)  
8

9 **11. AB2019-322 ORDINANCE AMENDING WHATCOM COUNTY CHARTER**  
10 **SECTIONS 4.20 (QUALIFICATIONS) AND 6.90 (ILLEGAL CONTRACTS)**

11 *Sidhu moved* to adopt the ordinance.  
12

13 The motion was seconded.  
14

15 Karen Frakes, Prosecutor's Office, answered questions.  
16

17 Councilmembers and staff discussed who determines whether language is moot or  
18 obsolete and ensuring gender-neutral language.  
19

20 *Donovan moved* to amend Section 4.20 "her or his appointment" and Section 6.90  
21 "her or his such action."  
22

23 The motion to amend was seconded.  
24

25 The motion to amend carried by the following vote:

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

27 **Nays:** None (0)  
28

29 The motion to approve as amended carried by the following vote:

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

31 **Nays:** None (0)  
32  
33

34 **INTRODUCTION ITEMS**  
35

36 *Buchanan moved* to accept the Introduction Items.  
37

38 The motion was seconded.  
39

40 The motion carried by the following vote:

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

42 **Nays:** None (0)  
43  
44

45 **1. AB2019-399 ORDINANCE AMENDING ORDINANCE 81-6, WHICH**  
46 **ESTABLISHED THE COMMUNITY DEVELOPMENT FUND, SECOND REQUEST**

47 **2. AB2019-400 ORDINANCE AMENDING THE 2019 WHATCOM COUNTY**  
48 **BUDGET, REQUEST NO. 10, IN THE AMOUNT OF \$2,650,000**  
49  
50  
51  
52

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

2  
3 Council chairs reported on committee discussions.

4  
5 Browne submitted a letter from the Council regarding a 10-Minute Walk Planning  
6 Grant and Technical Assistance (*on file*).

7  
8 ***Sidhu moved*** to approve the letter.

9  
10 The motion was seconded.

11  
12 The motion carried by the following vote:

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

14 **Nays:** None (0)

15  
16 Councilmembers discussed the Homeless Strategies Workgroup and allowing  
17 churches to have a permit to house homeless people and creating a pre-permit process.

18  
19  
20 **OTHER ITEMS**

21  
22 **4. AB2019-380 RESOLUTION AMENDING THE 2019 FLOOD CONTROL ZONE**  
23 **DISTRICT AND SUBZONES BUDGET, REQUEST NO. 4, IN THE AMOUNT OF**  
24 **\$218,000 (COUNCIL ACTING AS THE FLOOD CONTROL ZONE DISTRICT**  
25 **BOARD OF SUPERVISORS)**

26  
27 ***Buchanan moved*** to reconsider the vote.

28  
29 The motion to reconsider was seconded.

30  
31 The motion carried by the following vote:

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

33 **Nays:** None (0)

34  
35 Buchanan restated the motion to approve the resolution.

36  
37 Councilmembers discussed funding to develop the fee role.

38  
39 The motion to approve the resolution carried by the following vote:

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

41 **Nays:** None (0)

42 **Abstains:** Byrd (1)

43  
44  
45 **COMMITTEE REPORTS, OTHER ITEMS, AND COUNCILMEMBER UPDATES**

46  
47 Councilmembers gave updates on recent activities and upcoming events.



1 **ADJOURN**

2  
3 The meeting adjourned at 9:45 p.m.

4  
5 The County Council approved these minutes on September 10, 2019.

6  
7  
8 ATTEST:

9  
10  
11  
12  
13  
14 Dana Brown-Davis, Council Clerk

15  
16  
17  
18  
19 Jill Nixon, Minutes Transcription

WHATCOM COUNTY COUNCIL  
WHATCOM COUNTY, WASHINGTON

Rud Browne, Council Chair

TODD DONOVAN