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WHATCOM COUNTY COUNCIL
Regular County Council Meeting

June 4, 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

MINUTES CONSENT

Donovan moved to approve Minutes Consent items one and two.

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. MIN2019-040 COMMITTEE OF THE WHOLE FOR MAY 21, 2019

2. MIN2019-041 REGULAR COUNTY COUNCIL FOR MAY 21, 2019

PUBLIC HEARINGS

1. AB2019-277 RESOLUTION AUTHORIZING THE SALE OF SURPLUS PERSONAL PROPERTY PURSUANT TO WCC 1.10

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

Buchanan moved to approve the resolution.

The motion was seconded.

1 The following staff answered questions:

- 2 • Tyler Schroeder, Executive's Office
- 3 • Jon Hutchings, Public Works Department Director

4
5 Councilmembers and staff discussed the need for more information on the age and
6 condition of the property to determine whether or not they really need to be replaced.

7
8 The motion carried by the following vote:

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

10 **Nays:** Brenner (1)

11
12 **2. AB2019-278 ORDINANCE ESTABLISHING A SPEED LIMIT FOR SEVERAL**
13 **ROADS IN THE BENNETT DRIVE AREA**

14
15 Jason Ardt, Public Works Department, gave a staff report on the speed limit
16 ordinances and answered questions on the average actual speed limit people are driving and
17 codifying the speed limit at 25 miles per hour.

18
19 Browne opened the public hearing, and the following person spoke:

20
21 Ken Domorod stated this area will be annexed into Bellingham soon.

22
23 Hearing no one else, Browne closed the public hearing.

24
25 ***Byrd moved*** to adopt the ordinance.

26
27 The motion was seconded.

28
29 The motion carried by the following vote:

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

31 **Nays:** None (0)

32
33 **3. AB2019-288 ORDINANCE ESTABLISHING A SPEED LIMIT FOR DELTA LINE**
34 **ROAD**

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

37
38 Max Perry stated he would like more information on the specific location.

39
40 Hearing no one else, Browne closed the public hearing.

41
42 Jason Ardt, Public Works Department, gave a staff report on the location for this
43 ordinance and the next ordinance regarding Northwest Road.

44
45 Joe Rutan, Public Works Department, answered questions on the location.

46
47 ***Donovan moved*** to adopt the ordinance.

48
49 The motion was seconded.

50
51 The motion carried by the following vote:

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

53 **Nays:** None (0)

1
2 **4. AB2019-289 ORDINANCE ESTABLISHING A SPEED LIMIT FOR SEVERAL**
3 **ROADS IN THE NORTHWEST DRIVE AREA**

4
5 Browne opened the public hearing, and hearing no one, closed the public hearing.

6
7 ***Brenner moved*** to adopt the ordinance.

8
9 The motion was seconded.

10
11 The motion carried by the following vote:

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

13 **Nays:** None (0)

14
15 **5. AB2019-306 ORDINANCE AMENDING WHATCOM COUNTY CODE CHAPTERS**
16 **11.16, 11.20, AND 11.32 TO PROTECT LAKE SAMISH WATER QUALITY AND**
17 **SHORELINE PROPERTIES**

18
19 Browne opened the public hearing, and the following people spoke:

20
21 James Willson described the purpose of the ordinance and stated he supports the
22 ordinance.

23
24 Mary Hess spoke about shoreline erosion, dock damage, and water quality problems
25 due to wake boats, and stated she supports the ordinance.

26
27 Jerry Johnson stated he supports the ordinance. He spoke about educating the
28 public and homeowners about the no-wake zone and increasing Sheriff presence.

29
30 Mike Hess spoke about concerns with wake boats on the lake and stated he supports
31 the ordinance.

32
33 Penny Jewett spoke about wake sizes, aquatic invasive species (AIS), and education
34 and stated she supports the ordinance.

35
36 Dave Manro spoke about the expense of maintaining his property due to damage
37 from wake boats and dangers to people from the power of the wakes, and stated he
38 supports the ordinance.

39
40 Art Baddorf stated he supports the ordinance and spoke about the impacts to his
41 property and about AIS.

42
43 Kathy Ploeger spoke about the impacts from wake boats on her property and stated
44 she supports the ordinance.

45
46 Mirida Scully spoke about damage to her property, AIS, and safety, and stated she
47 supports the ordinance.

48
49 Burt Newbry stated he supports the ordinance and spoke about significant shoreline
50 erosion at his property.
51

1 Becky O’Brine Willson stated she supports the ordinance and spoke about getting the
2 same protections as those who live on Lake Whatcom, water quality, AIS, safety, and
3 property damage.

4
5 Hearing no one else, Browne closed the public hearing.

6
7 **Buchanan moved** to adopt the ordinance.

8
9 The motion was seconded.

10
11 Donovan submitted a substitute Exhibit A, section 11.32.032 and stated this section
12 was mistakenly left out of the Council packet.

13
14 Karen Frakes, Prosecutor’s Office, stated they will have to have a second public
15 hearing on the section left out of the Council packet for adequate public notice.

16
17 **Donovan moved** to amend to strike the last Ordained section and stated they can
18 move forward on the first two sections. He will bring forward another ordinance amending
19 Section 11.32.

20
21 The motion was seconded.

22
23 Jon Hutchings, Public Works Department Director, answered questions.

24
25 Councilmembers discussed the rights of people who live at Lake Samish, the
26 possibility of prohibiting wake boats completely and the status of aquatic invasive species
27 inspections.

28
29 Browne moved to hold in Council and include a prohibition for wake boats. The
30 motion was not seconded.

31
32 The motion to amend carried by the following vote:

33 **Ayes:** Brenner, Browne, Buchanan, Byrd, Donovan, Frazey, and Sidhu (7)
34 **Nays:** None (0)

35
36 The motion to adopt as amended carried by the following vote:

37 **Ayes:** Brenner, Browne, Buchanan, Byrd, Donovan, Frazey, and Sidhu (7)
38 **Nays:** None (0)

39
40 Councilmembers and staff discussed the possibility of also banning two-stroke engine
41 boats.

42
43
44 **OPEN SESSION**

45
46 The following people spoke:

- 47 • Daman Wandke, AbiliTrek spoke on a contract between Whatcom County and
48 Transpo Group USA, Inc., to develop the Whatcom County ADA Transition
49 Plan (AB2019-319)
- 50 • Bob Burr spoke about declaring a climate emergency
- 51 • Mary Hess spoke about water quality and boat use and restrictions on Lake
52 Whatcom
- 53 • Mike Hess spoke about the aquatic invasive species (AIS) program

- 1 • Ken Domorod spoke about the County Council's involvement in the
2 annexation proposal from the City of Bellingham
- 3 • Max Perry spoke about the ordinance amending Whatcom County Code Title
4 3, requiring that public funds used for construction projects also provide
5 apprentices with job training (AB2019-285)
- 6 • Carol Perry spoke about the ordinance amending Whatcom County Code Title
7 3, requiring that public funds used for construction projects also provide
8 apprentices with job training (AB2019-285) and drought contingency planning
9

10 **CONSENT AGENDA**

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

13 Browne withdrew item two.

14 The motion to approve Consent Agenda items one and three through six carried by
15 the following vote:

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

17 **Nays:** None (0)

- 18 **1. AB2019-300 REQUEST AUTHORIZATION FOR THE COUNTY EXECUTIVE TO**
19 **ENTER INTO A CONTRACT BETWEEN WHATCOM COUNTY AND CATHOLIC**
20 **COMMUNITY SERVICES TO PROVIDE FUNDING FOR RESIDENT SUPPORT**
21 **SERVICES AT FRANCIS PLACE, IN THE AMOUNT OF \$288,916**
- 22 **2. AB2019-319 REQUEST AUTHORIZATION FOR THE COUNTY EXECUTIVE TO**
23 **ENTER INTO A CONTRACT BETWEEN WHATCOM COUNTY AND TRANSP**
24 **GROUP USA, INC., TO DEVELOP THE WHATCOM COUNTY ADA TRANSITION**
25 **PLAN, IN THE AMOUNT OF \$145,251.99**

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

28 **Browne moved** to hold for two weeks for a public hearing to give the members of
29 the Americans with Disabilities Act (ADA) community time to testify to the Council and
30 satisfy that they're being well represented.

31 The motion was seconded.

32 Jon Hutchings, Public Works Department Director, gave a staff report and answered
33 questions.

34 Councilmembers and staff discussed running items like this through the County ADA
35 Committee; gathering more information from the community and individuals with expertise
36 in the issues; the County's requirements from federal regulations; and the scope of work for
37 Transpo Group.

38 **Browne amended his motion and moved** to hold in Council for two weeks for a
39 public hearing on the proposed scope of work related to the Whatcom County ADA transition
40 plan.

1 The motion was seconded.

2
3 Councilmembers continued to discuss the possibility of holding a public hearing on
4 the contract.

5
6 **Browne amended and restated a motion** to hold in Council for two weeks for a
7 public hearing on Task 3 in the proposed scope of work regarding stakeholder engagement
8 and scope of work related to the Whatcom County ADA public roads transition plan.

9
10 The amended 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 **3. AB2019-327 REQUEST AUTHORIZATION FOR THE COUNTY EXECUTIVE TO**
17 **ENTER INTO A RESIDENTIAL LEASE AGREEMENT BETWEEN WHATCOM**
18 **COUNTY AND TENANT EMELIA WILSON FOR THE APARTMENT AT 5236**
19 **NIELSON AVENUE, LOCATED ABOVE THE TENNANT LAKE INTERPRETIVE**
20 **CENTER, IN THE AMOUNT OF \$945 PER MONTH**
- 21
22 **4. AB2019-328 REQUEST AUTHORIZATION FOR THE COUNTY EXECUTIVE TO**
23 **ENTER IN TO A CONTRACT BETWEEN WHATCOM COUNTY AND UNIQUE**
24 **PLACES LLC TO PERFORM GIS MAPPING, ANALYSIS AND OUTREACH**
25 **MATERIALS DEVELOPMENT FOR THE PURCHASE OF DEVELOPMENT RIGHTS**
26 **PROGRAM, IN THE AMOUNT OF \$43,000**
- 27
28 **5. AB2019-330 REQUEST AUTHORIZATION FOR THE COUNTY EXECUTIVE TO**
29 **ENTER INTO A 2 YEAR AGREEMENT BETWEEN WHATCOM COUNTY AND WEST**
30 **PUBLISHING FOR ONLINE DATABASE AND SOFTWARE SUBSCRIPTIONS**
- 31
32 **6. AB2019-311 REQUEST AUTHORIZATION FOR THE COUNTY EXECUTIVE TO**
33 **AWARD BID #19-37 AND ENTER INTO A SUBSEQUENT CONTRACT BETWEEN**
34 **WHATCOM COUNTY AND HERRON VALLEY, INC. DBA BAYSIDE SERVICES,**
35 **FOR THE ANNUAL STREET SWEEPING AND CLEANING SERVICES OF THE**
36 **LAKE WHATCOM AND LAKE SAMISH WATERSHED AREAS, IN THE AMOUNT**
37 **OF \$75,000**

38
39
40 **OTHER ITEMS**

- 41
42 **1. AB2019-310 REQUEST AUTHORIZATION FOR THE COUNTY EXECUTIVE TO**
43 **ENTER INTO A 35 YEAR LEASE AGREEMENT BETWEEN WHATCOM COUNTY**
44 **AND WHATCOM COUNTY SEARCH AND RESCUE COUNCIL, TO PROVIDE FOR**
45 **THE WHATCOM COUNTY SEARCH AND RESCUE USAGE OF REAL PROPERTY**
46 **TO HOUSE THEIR OPERATION IN FURTHERANCE OF THEIR PUBLIC SERVICE,**
47 **FOR THE ANNUAL AMOUNT OF \$1.00**

48
49 **Sidhu** reported for the Council Finance and Administrative Services Committee and
50 **moved** to approve the request.

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

7
8 **AB2019-331 DISCUSSION OF CRISIS STABILIZATION FACILITY OPERATIONAL**
9 **ISSUES**

10
11 ***Buchanan moved*** to concur with the administration to move forward with 32-bed
12 triage facility construction.

13
14 The motion carried by the following vote:

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

16 **Nays:** None (0)

17
18 ***Buchanan moved*** to order the furnishings for the crisis stabilization facility to utilize
19 the North Sound Behavioral Health Organization dedication of \$104,880 to commit and
20 expend the grant dollars related to the purchase of equipment.

21
22 The motion carried by the following vote:

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

24 **Nays:** None (0)

25
26
27 **OTHER ITEMS**

28
29 **2. AB2019-307 RESOLUTION REGARDING REDUCING INCARCERATION OF**
30 **YOUNG ADULTS (COUNCIL ACTING AS THE HEALTH BOARD)**

31
32 ***Buchanan*** reported on the Intergovernmental Policy Group and ***moved*** to approve
33 the resolution.

34
35 The motion was seconded.

36
37 The motion carried by the following vote:

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

39 **Nays:** None (0)

40
41
42 **EXECUTIVE APPOINTMENTS TO BOARDS, COMMISSIONS, AND COMMITTEES**

43
44 **1. AB2019-329 REQUEST CONFIRMATION OF THE COUNTY EXECUTIVE'S**
45 **APPOINTMENT OF SONJA MAX TO THE BICYCLE/PEDESTRIAN ADVISORY**
46 **COMMITTEE**

47
48 ***Frazey moved*** to confirm the request.

49
50 The motion was seconded.

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 **2. AB2019-333 REQUEST CONFIRMATION OF THE COUNTY EXECUTIVE'S**
6 **APPOINTMENT OF ARISSIA OWEN TURNER TO THE WHATCOM COUNTY**
7 **DEVELOPMENTAL DISABILITIES BOARD**

8
9 *Donovan moved* to confirm the request.

10
11 The motion was seconded.

12
13 The motion carried by the following vote:

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

15 **Nays:** None (0)

16
17
18 **INTRODUCTION ITEMS**

19
20 *Brenner moved* to accept the Introduction Items.

21
22 The motion was seconded.

23
24 The motion carried by the following vote:

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

26 **Nays:** None (0)

27
28 **1. AB2019-308 ORDINANCE SUSPENDING WHATCOM COUNTY CODE 1.28 TO**
29 **UPDATE THE CORRECTIONAL FACILITIES OPERATIONAL STANDARDS**

30
31 **2. AB2019-321 ORDINANCE AMENDING THE 2019 WHATCOM COUNTY BUDGET,**
32 **REQUEST NO. 8, IN THE AMOUNT OF \$508,163**

33
34 **3. AB2019-322 ORDINANCE AMENDING WHATCOM COUNTY CHARTER**
35 **SECTIONS 4.20 (QUALIFICATIONS) AND 6.90 (ILLEGAL CONTRACTS)**

36
37 **4. AB2019-320 RESOLUTION AMENDING THE 2019 FLOOD CONTROL ZONE**
38 **DISTRICT AND SUBZONES BUDGET, REQUEST NO. 3, IN THE AMOUNT OF**
39 **\$1,560,000 (COUNCIL ACTING AS THE WHATCOM COUNTY FLOOD CONTROL**
40 **ZONE DISTRICT BOARD OF SUPERVISORS)**

41
42
43 **COMMITTEE REPORTS, OTHER ITEMS, AND COUNCILMEMBER UPDATES**

44
45 Committee Chairs reported on committee discussions.

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

1 **ADJOURN**

2
3 The meeting adjourned at 10:05 p.m.

4
5 The County Council approved these minutes on June 18, 2019.

6
7
8 ATTEST

WHATCOM COUNTY COUNCIL
WHATCOM COUNTY, WASHINGTON

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14 Dana Brown-Davis, Council Clerk

15
16
17
18
19 Rud Browne, Council Chair

Jill Nixon, Minutes Transcription