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WHATCOM COUNTY COUNCIL  
**Regular County Council Meeting**

August 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**

**Present:** Barbara Brenner, Rud Browne, Barry Buchanan, Tyler Byrd, Todd Donovan, Carol Frazey, and Satpal Sidhu.  
**Absent:** None.

**FLAG SALUTE**

**ANNOUNCEMENTS**

**MINUTES CONSENT**

**1. MIN2019-053 SURFACE WATER WORK SESSION FOR JULY 16, 2019**

*Donovan moved* to approve the Minutes.

The motion was seconded.

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:

- Greg Ericson spoke about AB2019-383, ordinance amending Whatcom County Code Chapter 11.32, Boating and Swimming, Special Restrictions, relating to two-stroke engine powered watercraft and AB2019-358, the resolution forwarding Cascadia Law Group's recommendations for Cherry Point UGA Comprehensive Plan and Zoning Code Amendments.
- Dave Morrow spoke about a 300-foot safety buffer enacted on Lake Samish.
- Kathy Sable spoke about public notice of the agenda for the Watershed Management Team and getting the public more involved, and answered questions.
- Dana Riggs spoke about Substitute House Bill 1406 regarding affordable housing and about the resolution forwarding Cascadia Law Group's recommendations for Cherry Point UGA Comprehensive Plan and Zoning Code Amendments (AB2019-358).

- 1 • Joy Gilfilen spoke jail planning and AB2019-432, the resolution adopting a
- 2 statement of public health, safety, and justice facility planning principles for
- 3 Whatcom County.
- 4 • Carol Perry spoke about watershed planning and about jail planning and
- 5 AB2019-432, the resolution adopting a statement of public health, safety, and
- 6 justice facility planning principles for Whatcom County.
- 7 • Karen Steen spoke about jail planning and AB2019-432, the resolution
- 8 adopting a statement of public health, safety, and justice facility planning
- 9 principles for Whatcom County.

10  
 11 The following people spoke about the resolution forwarding Cascadia Law Group’s  
 12 recommendations for Cherry Point UGA Comprehensive Plan and Zoning Code Amendments  
 13 (AB2019-358):

- 14 • Hannah Holt
- 15 • William Holt
- 16 • Todd Taylor, Plumbers and Steamfitters Local 26 Business Agent
- 17 • Nick Bueler
- 18 • Alex Ramel
- 19 • Trevor Smith
- 20 • Tim Johnson, Phillips 66 Refinery

21  
 22  
 23 **CONSENT AGENDA**

24  
 25 *Sidhu* reported for the Finance and Administrative Services Committee and *moved*  
 26 to approve Consent Agenda items one through five.

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 **1. AB2019-404 REQUEST AUTHORIZATION FOR THE COUNTY EXECUTIVE TO**
- 33 **ENTER INTO AN INTERLOCAL AGREEMENT BETWEEN WHATCOM COUNTY**
- 34 **AND WASHINGTON STATE DEPARTMENT OF ECOLOGY FOR TECHNICAL**
- 35 **ASSISTANCE AND OUTREACH TO SMALL BUSINESSES IN AN EFFORT TO**
- 36 **PREVENT POLLUTION AND PROTECT PUGET SOUND WATER QUALITY, IN**
- 37 **THE AMOUNT OF \$258,705**
- 38
- 39 **2. AB2019-407 REQUEST AUTHORIZATION FOR THE COUNTY EXECUTIVE TO**
- 40 **ENTER INTO AN INTERAGENCY AGREEMENT BETWEEN WHATCOM COUNTY**
- 41 **AND WASHINGTON STATE DEPARTMENT OF COMMERCE TO RECEIVE STATE**
- 42 **FUNDS FOR CONDUCTING WORK RELATING TO THE NEW REVIEW AND**
- 43 **EVALUATION (BUILDABLE LANDS) PROGRAM REQUIREMENTS OF STATE**
- 44 **LAW, IN THE AMOUNT OF \$450,000**
- 45
- 46 **3. AB2019-408 REQUEST AUTHORIZATION FOR THE COUNTY EXECUTIVE TO**
- 47 **ENTER INTO A CONTRACT AMENDMENT BETWEEN WHATCOM COUNTY AND**
- 48 **COMMUNITY ATTRIBUTES INC TO PROVIDE PROFESSIONAL SERVICES**
- 49 **RELATING TO THE REVIEW AND EVALUATION (BUILDABLE LANDS)**
- 50 **PROGRAM REQUIREMENTS OF THE GROWTH MANAGEMENT ACT IN THE**
- 51 **AMOUNT OF \$135,000**
- 52

1 4. AB2019-412 REQUEST AUTHORIZATION FOR THE COUNTY EXECUTIVE TO  
2 ENTER INTO AN INTERLOCAL AGREEMENT BETWEEN WHATCOM COUNTY  
3 AND WASHINGTON STATE DEPARTMENT OF ECOLOGY FOR THE COMMUNITY  
4 LITTER CLEANUP PROGRAM, IN THE AMOUNT OF \$67,000  
5

6 5. AB2019-420 REQUEST AUTHORIZATION FOR THE COUNTY EXECUTIVE TO  
7 ENTER INTO AN INTERLOCAL AGREEMENT BETWEEN WHATCOM COUNTY  
8 AND WASHINGTON STATE DEPARTMENT OF ECOLOGY FOR SOLID WASTE  
9 MANAGEMENT COMPLIANCE AND LITTER AND/OR ILLEGAL DUMPING  
10 ENFORCEMENT ACTIVITIES, IN THE AMOUNT OF \$109,209.50  
11

12 **OTHER ITEMS**

13  
14  
15 1. AB2019-383 ORDINANCE AMENDING WHATCOM COUNTY CODE CHAPTER  
16 11.32, BOATING AND SWIMMING, SPECIAL RESTRICTIONS, RELATING TO  
17 TWO-STROKE ENGINE POWERED WATERCRAFT  
18

19 *Donovan* reported for the Natural Resources Committee and *moved* to adopt the  
20 substitute ordinance.  
21

22 Councilmembers discussed the possibility of counting the number of older two-stroke  
23 engines that use Lake Samish.  
24

25 The motion carried by the following vote:

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

27 **Nays:** None (0)

28 **Abstains:** Byrd (1)  
29

30 2. AB2019-424 REVIEW AND APPROVE SCOPING DOCUMENT FOR THE 2020  
31 SHORELINE MANAGEMENT PLAN PERIODIC UPDATE 2020  
32

33 *Donovan* reported for the Natural Resources Committee and stated this item is held  
34 in committee.  
35

36 3. AB2019-409 REQUEST AUTHORIZATION FOR THE COUNTY EXECUTIVE TO  
37 ENTER INTO A LOCAL AGENCY AGREEMENT BETWEEN WHATCOM COUNTY  
38 AND WASHINGTON STATE DEPARTMENT OF TRANSPORTATION (WSDOT)  
39 FOR THE LUMMI ISLAND TERMINAL PRESERVATION PROJECT IN THE  
40 AMOUNT OF \$820,000  
41

42 *Sidhu* reported for the Finance and Administrative Services Committee and *moved*  
43 to approve the request.  
44

45 The motion carried by the following vote:

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

47 **Nays:** None (0)  
48

49 4. AB2019-410 REQUEST AUTHORIZATION FOR THE COUNTY EXECUTIVE TO  
50 ENTER INTO A LOCAL AGENCY AGREEMENT BETWEEN WHATCOM COUNTY  
51 AND WASHINGTON STATE DEPARTMENT OF TRANSPORTATION (WSDOT)  
52 FOR THE LUMMI ISLAND BREAKWATER REPLACEMENT IN THE AMOUNT OF  
53 \$80,000

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

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 **5. AB2019-416 REQUEST AUTHORIZATION FOR THE COUNTY EXECUTIVE TO**  
10 **ENTER INTO A LOCAL AGENCY AGREEMENT BETWEEN WHATCOM COUNTY**  
11 **AND WASHINGTON STATE DEPARTMENT OF TRANSPORTATION (WSDOT) TO**  
12 **OBLIGATE FEDERAL CONSTRUCTION FUNDS FOR THE BIRCH BAY DRIVE**  
13 **AND PEDESTRIAN FACILITY PROJECT, IN THE AMOUNT OF \$1,861,272**

14  
15 **Sidhu** reported for the Finance and Administrative Services Committee and ***moved***  
16 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 **6. AB2019-415 REQUEST AUTHORIZATION FOR THE COUNTY EXECUTIVE TO**  
23 **ENTER INTO CONTRACT AMENDMENT NO. 1 TO BGC ENGINEERING INC.**  
24 **CONTRACT FOR SERVICES FOR GLACIER-GALLUP CREEKS ALLUVIAL FAN**  
25 **RESTORATION FEASIBILITY AND ALTERNATIVES ANALYSIS IN THE AMOUNT**  
26 **OF \$163,300 (COUNCIL ACTING AS THE WHATCOM COUNTY FLOOD**  
27 **CONTROL ZONE DISTRICT BOARD OF SUPERVISORS)**

28  
29 **Sidhu** reported for the Finance and Administrative Services Committee and ***moved***  
30 to approve the request.

31  
32 The motion carried by the following vote:

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

34 **Nays:** None (0)

- 35  
36 **7. AB2019-399 ORDINANCE AMENDING ORDINANCE 81-6, WHICH**  
37 **ESTABLISHED THE COMMUNITY DEVELOPMENT FUND, SECOND REQUEST**

38  
39 **Sidhu** reported for the Finance and Administrative Services Committee and ***moved***  
40 to adopt the ordinance.

41  
42 The motion carried by the following vote:

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

44 **Nays:** None (0)

- 45  
46 **8. AB2019-400 ORDINANCE AMENDING THE 2019 WHATCOM COUNTY BUDGET,**  
47 **REQUEST NO. 10, IN THE AMOUNT OF \$2,650,000**

48  
49 **Sidhu** reported for the Finance and Administrative Services Committee and ***moved***  
50 to adopt the ordinance.

51  
52 Councilmembers discussed the use of economic development funds in a way that will  
53 bring employers to Blaine.

1  
2 The motion carried by the following vote:

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

4 **Nays:** None (0)  
5

6 **9. AB2019-406 REQUEST AUTHORIZATION FOR THE COUNTY EXECUTIVE TO**  
7 **ENTER INTO A CONTRACT BETWEEN WHATCOM COUNTY AND THE**  
8 **BELLINGHAM FIRE DEPARTMENT FOR COMMUNITY PARAMEDIC SERVICES,**  
9 **IN THE AMOUNT OF \$321,055**

10  
11 *Sidhu* reported for the Finance and Administrative Services Committee and *moved*  
12 to approve the request.  
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 **10. AB2019-413 REQUEST AUTHORIZATION FOR THE COUNTY EXECUTIVE TO**  
19 **ENTER INTO AN INTERLOCAL AGREEMENT BETWEEN WHATCOM COUNTY**  
20 **AND WASHINGTON STATE DEPARTMENT OF ECOLOGY FOR OPERATION OF**  
21 **MODERATE RISK WASTE FACILITIES, IN THE AMOUNT OF \$196,103.50**  
22

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

26 The motion carried by the following vote:

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

28 **Nays:** None (0)  
29

30 **11. AB2019-423 REQUEST AUTHORIZATION FOR THE COUNTY EXECUTIVE TO**  
31 **ENTER INTO AN INTERLOCAL LOAN AND GRANT AGREEMENT BETWEEN**  
32 **WHATCOM COUNTY AND THE CITY OF BLAINE IN THE AMOUNT OF**  
33 **\$2,650,000**  
34

35 *Sidhu* reported for the Finance and Administrative Services Committee and *moved*  
36 to approve the request.  
37

38 The motion carried by the following vote:

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

40 **Nays:** None (0)  
41

42 **12. AB2019-426 REQUEST AUTHORIZATION FOR THE COUNTY EXECUTIVE TO**  
43 **ENTER INTO A CONTRACT BETWEEN WHATCOM COUNTY AND FIRE DISTRICT**  
44 **NO. 7 TO PROVIDE MOBILE INTEGRATED HEALTH SERVICES THROUGH THE**  
45 **COMMUNITY PARAMEDIC SERVICES PROGRAM, IN THE AMOUNT OF**  
46 **\$407,130**  
47

48 *Sidhu* reported for the Finance and Administrative Services Committee and *moved*  
49 to approve the request.  
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 **13. AB2019-421 REQUEST APPROVAL OF THE ECONOMIC DEVELOPMENT**  
3 **INVESTMENT (EDI) BOARD'S RECOMMENDATION FOR FUNDING OF THE**  
4 **CITY OF BLAINE'S REQUEST FOR A LOAN IN THE AMOUNT OF \$1,766,666**  
5 **AND A GRANT IN THE AMOUNT OF \$883,333**  
6

7 *Sidhu* reported for the Finance and Administrative Services Committee and *moved*  
8 to approve the request.  
9

10 The motion carried by the following vote:

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

12 **Nays:** None (0)  
13

14 **14. AB2019-422 REQUEST APPROVAL OF THE ECONOMIC DEVELOPMENT**  
15 **INVESTMENT (EDI) BOARD'S RECOMMENDATION FOR FUNDING OF THE**  
16 **BELLINGHAM HOUSING AUTHORITY'S REQUEST FOR A LOAN IN THE**  
17 **AMOUNT OF \$600,275**  
18

19 *Sidhu* reported for the Finance and Administrative Services Committee and *moved*  
20 to approve the request.  
21

22 Councilmembers spoke about the need for affordable housing and creating  
23 commercial space at the site.  
24

25 The motion carried by the following vote:

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

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

29 **15. AB2019-430 RESOLUTION ACKNOWLEDGING RECEIPT OF A CITIZEN**  
30 **PETITION TO FORM A NO SHOOTING ZONE IN THE DRAYTON HARBOR AREA**  
31 **OF WHATCOM COUNTY**  
32

33 This item was withdrawn from the agenda.  
34

35 **16. AB2019-431 RESOLUTION ESTABLISHING THE COUNCIL'S INTENT TO**  
36 **CONDUCT A HEARING ON A PROPOSAL TO CREATE A NO SHOOTING ZONE IN**  
37 **DRAYTON HARBOR, AS REQUESTED BY THE CITY OF BLAINE**  
38

39 *Brenner* reported for the Public Works and Health Committee and *moved* to  
40 approve the resolution.  
41

42 Councilmembers discussed next steps and whether the proposal will result in better  
43 public safety.  
44

45 The motion carried by the following vote:

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

47 **Nays:** Byrd (1)  
48

49 **17. AB2019-427 AMENDMENTS TO THE (CWSP) COORDINATED WATER SUPPLY**  
50 **PLAN ADDRESSING TIMELY, REASONABLE AND TRANSPARENCY**  
51

52 *Brenner* reported for the Public Works and Health Committee and *moved* to  
53 approve the amendments.

1  
2 Councilmembers spoke about the integrity of the people who run the water districts  
3 in managing on behalf of their service area.  
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 **18. AB2019-432 RESOLUTION ADOPTING A STATEMENT OF PUBLIC HEALTH,**  
10 **SAFETY, AND JUSTICE FACILITY PLANNING PRINCIPLES FOR WHATCOM**  
11 **COUNTY**  
12

13 **Buchanan** reported for the Criminal Justice and Public Safety Committee and  
14 **moved** to approve the resolution.  
15

16 Councilmembers discussed correcting scrivener's errors.  
17

18 **Donovan moved** to amend item 9, "...or expanded to include a crisis triage facility  
19 operations...."  
20

21 The motion was seconded.  
22

23 The motion to amend carried by the following vote:

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

25 **Nays:** None (0)  
26

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

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

29 **Nays:** None (0)  
30

31 **COMMITTEE REPORTS, OTHER ITEMS, AND COUNCILMEMBER UPDATES**  
32

33 **Buchanan moved** that the County Council support the Executive's decision to award  
34 the bid for the construction of the Crisis Stabilization Facility, with the understanding that  
35 the Council intent will be supportive of the concept of a future budget supplemental of \$1  
36 million to be transferred to the project based budget to provide the needed contingency  
37 funds for the project.  
38

39 The motion was seconded.  
40

41 Councilmembers discussed delaying until there is certain funding for operational  
42 expenses and construction costs are lower due to a recession, creating a ten-year capital  
43 project budget, and their ability to hire staff for the facility.  
44

45 The motion carried by the following vote:

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

47 **Nays:** Byrd (1)

48 **Abstains:** Byrd (1)  
49  
50  
51

1 **OTHER ITEMS**

2  
3 **19. AB2019-358 RESOLUTION FORWARDING CASCADIA LAW GROUP'S**  
4 **RECOMMENDATIONS FOR CHERRY POINT UGA COMPREHENSIVE PLAN AND**  
5 **ZONING CODE AMENDMENTS**  
6

7 **Donovan moved** to accept the August 5, 2019 version of the Comprehensive Plan  
8 changes.  
9

10 The motion was seconded

11 The motion carried by the following vote:

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

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

14  
15 **Donovan moved** to approve the revised alternate resolution with one amendment  
16 to the last resolved statement, "...one or more additional meetings in August or September  
17 the fall."  
18

19 The motion was seconded.

20 The motion carried by the following vote:

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

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

23  
24  
25  
26  
27 **COUNCIL APPOINTMENTS TO BOARDS, COMMISSIONS, AND COMMITTEES**

28  
29 **1. AB2019-429 APPOINTMENT TO THE HOMELESS STRATEGIES WORKGROUP,**  
30 **REPRESENTING A HOMELESS ADVOCATE**

31 Buchanan nominated all applicants.

32 Browne voted for Jennifer Mansfield.

33 Frazey voted for Markis Stidham.

34 Brenner voted for Stidham.

35 Byrd voted for Stidham.

36 Sidhu voted for Stidham.

37 Donovan voted for Stidham.

38 Buchanan voted for Stidham.

39 The Council appointed Markis Stidham.  
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1 **INTRODUCTION ITEMS**

- 2  
3 1. **AB2019-419 ORDINANCE AMENDING THE 2019 WHATCOM COUNTY BUDGET,**  
4 **REQUEST NO. 11, IN THE AMOUNT OF \$986,542**

5  
6 ***Brenner moved*** to accept the Introduction Item.

7  
8 The motion was seconded.

9  
10 The motion carried by the following vote:

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

12 **Nays:** None (0)

13  
14  
15 **COMMITTEE REPORTS, OTHER ITEMS, AND COUNCILMEMBER UPDATES**

16  
17 Committee chairs reported on committee discussions.

18  
19 Councilmembers gave updates on recent activities and upcoming events.

20  
21  
22 **ADJOURN**

23  
24 The meeting adjourned at 8:41 p.m.

25  
26 The County Council approved these minutes on September 10, 2019.

27  
28  
29 ATTEST:

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32  
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34  
35 Dana Brown-Davis, Council Clerk

36  
37  
38  
39  
40 Jill Nixon, Minutes Transcription

WHATCOM COUNTY COUNCIL  
WHATCOM COUNTY, WASHINGTON

Rud Browne, Council Chair

TODD DONOVAN