

Whatcom County Council

**COUNTY COURTHOUSE
311 Grand Avenue, Ste #105
Bellingham, WA 98225-4038
(360) 778-5010**



Council Action Summary - Final

Tuesday, July 9, 2019

7 PM

Council Chambers

COUNCILMEMBERS

Barbara Brenner
Rud Browne
Barry Buchanan
Tyler Byrd
Todd Donovan
Carol Frazey
Satpal Sidhu

CLERK OF THE COUNCIL

Dana Brown-Davis, C.M.C.

COUNTY COUNCIL

CALL TO ORDER

ROLL CALL

Present: 6 - Barbara Brenner, Rud Browne, Barry Buchanan, Todd Donovan, Carol Frazey, and Satpal Sidhu

Absent: 1 - Tyler Byrd

FLAG SALUTE

ANNOUNCEMENTS

MINUTES CONSENT

1. [MIN2019-045](#) Draft Special Committee of the Whole AM for June 18, 2019

APPROVED BY CONSENT

Aye: 6 - Brenner, Browne, Buchanan, Donovan, Frazey, and Sidhu

Nay: 0

Absent: 1 - Byrd

2. [MIN2019-046](#) Draft Special Committee of the Whole PM for June 18, 2019

APPROVED BY CONSENT

Aye: 6 - Brenner, Browne, Buchanan, Donovan, Frazey, and Sidhu

Nay: 0

Absent: 1 - Byrd

3. [MIN2019-047](#) Draft County Council for June 18, 2019

APPROVED BY CONSENT

Aye: 6 - Brenner, Browne, Buchanan, Donovan, Frazey, and Sidhu

Nay: 0

Absent: 1 - Byrd

PUBLIC HEARINGS

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

Vote: 6-0, Byrd absent

HELD IN COUNCIL

Aye: 6 - Brenner, Browne, Buchanan, Donovan, Frazey, and Sidhu

Nay: 0

Absent: 1 - Byrd

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

Vote: 5-1, Brenner opposed, Byrd absent, **Ordinance 2019-049**

ADOPTED

Aye: 5 - Browne, Buchanan, Donovan, Frazey, and Sidhu

Nay: 1 - Brenner

Absent: 1 - Byrd

Enactment No: ORD 2019-049

3. [AB2019-340](#) Ordinance adopting interim zoning regulations for the siting, establishment, and operation of temporary homeless facilities

Vote: 6-0, Byrd absent

HELD IN COUNCIL

Aye: 6 - Brenner, Browne, Buchanan, Donovan, Frazey, and Sidhu

Nay: 0

Absent: 1 - Byrd

OPEN SESSION (20 MINUTES)

OTHER ITEMS

(From Council Finance and Administrative Services Committee)

1. [AB2019-369](#) Request authorization for the County Executive to enter into an interlocal agreement between Whatcom County and Washington State Department of Social and Health Services for a long-term working capital advance in an amount of up to \$300,000

AUTHORIZED

Aye: 6 - Brenner, Browne, Buchanan, Donovan, Frazey, and Sidhu

Nay: 0

Absent: 1 - Byrd

2. [AB2019-372](#) Request authorization for the County Executive to enter into an interlocal agreement between Whatcom County and Washington State Department of Social and Health

Services, Developmental Disabilities Administration for a coordinated and comprehensive program of services for persons with developmental disabilities, in the amount of \$3,678,521

AUTHORIZED

Aye: 6 - Brenner, Browne, Buchanan, Donovan, Frazey, and Sidhu

Nay: 0

Absent: 1 - Byrd

3. [AB2019-381](#) Request authorization for the County Executive to enter into an Interlocal agreement between Whatcom County and Skagit County for participation in the Youth Marijuana Prevention and Education Program, in the amount of \$28,000

AUTHORIZED

Aye: 6 - Brenner, Browne, Buchanan, Donovan, Frazey, and Sidhu

Nay: 0

Absent: 1 - Byrd

4. [AB2019-382](#) Request authorization for the County Executive to enter into an interlocal agreement between Whatcom County and Washington State Department of Children, Youth and Families to outline general terms and conditions of agreements between the agencies

AUTHORIZED

Aye: 6 - Brenner, Browne, Buchanan, Donovan, Frazey, and Sidhu

Nay: 0

Absent: 1 - Byrd

5. [AB2019-313](#) Request authorization for the County Executive to enter into an interlocal agreement between Whatcom County and the Lummi Nation for repair of the Lummi (Red) River Levee (Council acting as the Whatcom County Flood Control Zone District Board of Supervisors)

AUTHORIZED

Aye: 6 - Brenner, Browne, Buchanan, Donovan, Frazey, and Sidhu

Nay: 0

Absent: 1 - Byrd

6. [AB2019-385](#) Resolution authorizing an application to the Brian Abbott Fish Barrier Removal Board for North Fork Road/Kenney Creek fish passage project, CRP No. 919007

Vote: 6-0, Byrd absent, **Resolution 2019-032**

APPROVED

Aye: 6 - Brenner, Browne, Buchanan, Donovan, Frazey, and Sidhu

Nay: 0

Absent: 1 - Byrd

Enactment No: RES 2019-032

7. [AB2019-370](#) Request authorization for the County Executive to award Bid #19-39 and enter into a subsequent contract between Whatcom County and Lake Union Drydock Company for the annual drydocking, repair and maintenance of the Whatcom Chief ferry, in the amount of \$555,219

AUTHORIZED

Aye: 6 - Brenner, Browne, Buchanan, Donovan, Frazey, and Sidhu

Nay: 0

Absent: 1 - Byrd

(No Committee Assignment)

8. [AB2019-021](#) Ordinance granting Deer Creek 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

Vote: 5-0, Brenner abstained and Byrd absent, **Ordinance 2019-050**

ADOPTED

Aye: 5 - Browne, Buchanan, Donovan, Frazey, and Sidhu

Nay: 0

Absent: 1 - Byrd

Abstain: 1 - Brenner

Enactment No: ORD 2019-050

9. [AB2019-167](#) Ordinance granting Glenhaven Lakes Club Inc. 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

Vote: 5-0, Brenner abstained and Byrd absent, **Ordinance 2019-051**

ADOPTED

Aye: 5 - Browne, Buchanan, Donovan, Frazey, and Sidhu

Nay: 0

Absent: 1 - Byrd

Abstain: 1 - Brenner

Enactment No: ORD 2019-051

EXECUTIVE APPOINTMENTS TO BOARDS, COMMISSIONS, AND COMMITTEES

1. [AB2019-374](#) Request confirmation of County Executive's appointment of Josh Peterson to the Behavioral Health Advisory Committee

CONFIRMED

Aye: 6 - Brenner, Browne, Buchanan, Donovan, Frazey, and Sidhu

Nay: 0

Absent: 1 - Byrd

2. [AB2019-375](#) Request confirmation of the County Executive's appointment of Marshall Gartenlaub to the Northwest Senior Services Board

CONFIRMED

Aye: 6 - Brenner, Browne, Buchanan, Donovan, Frazey, and Sidhu

Nay: 0

Absent: 1 - Byrd

INTRODUCTION ITEMS

1. [AB2019-366](#) Ordinance granting Comcast Cable Communications Management, LLC, a non-exclusive franchise for the provision of cable services

INTRODUCED FOR PUBLIC HEARING

Aye: 6 - Brenner, Browne, Buchanan, Donovan, Frazey, and Sidhu

Nay: 0

Absent: 1 - Byrd

2. [AB2019-368](#) Ordinance granting WaveDivision I, LLC, a non-exclusive franchise for the provision of cable services

INTRODUCED FOR PUBLIC HEARING

Aye: 6 - Brenner, Browne, Buchanan, Donovan, Frazey, and Sidhu

Nay: 0

Absent: 1 - Byrd

3. [AB2019-376](#) Ordinance amending the project budget for the Agate Heights/Estate Bay Lane Storm Water Improvements Fund, request no. 3

INTRODUCED

Aye: 6 - Brenner, Browne, Buchanan, Donovan, Frazey, and Sidhu

Nay: 0

Absent: 1 - Byrd

4. [AB2019-377](#) Ordinance amending Whatcom County Code Chapter 16.30 entitled "Lake Whatcom Stormwater Utility Funding Mechanism"

INTRODUCED FOR PUBLIC HEARING

Aye: 6 - Brenner, Browne, Buchanan, Donovan, Frazey, and Sidhu

Nay: 0

Absent: 1 - Byrd

5. [AB2019-378](#) Ordinance amending the 2019 Whatcom County Budget, request no. 9, in the amount of \$282,122

INTRODUCED

Aye: 6 - Brenner, Browne, Buchanan, Donovan, Frazey, and Sidhu

Nay: 0

Absent: 1 - Byrd

6. [AB2019-383](#) Ordinance amending Whatcom County Code 11.32 to protect Lake Samish water quality

SUBSTITUTE INTRODUCED FOR PUBLIC HEARING

Aye: 6 - Brenner, Browne, Buchanan, Donovan, Frazey, and Sidhu

Nay: 0

Absent: 1 - Byrd

7. [AB2019-389](#) Ordinance amending Whatcom County Code 2.46.020 and 2.46.030 to revise the Whatcom County Incarceration Prevention and Reduction Task Force purpose and function

INTRODUCED

Aye: 6 - Brenner, Browne, Buchanan, Donovan, Frazey, and Sidhu

Nay: 0

Absent: 1 - Byrd

8. [AB2019-380](#) Resolution amending the 2019 Flood Control Zone District and Subzones Budget,

request no. 4, in the amount of \$218,000 (Council acting as the Flood Control Zone District Board of Supervisors)

INTRODUCED

Aye: 6 - Brenner, Browne, Buchanan, Donovan, Frazey, and Sidhu

Nay: 0

Absent: 1 - Byrd

9. [AB2019-379](#) Resolution vacating Safsten Road

INTRODUCED FOR PUBLIC HEARING

Aye: 6 - Brenner, Browne, Buchanan, Donovan, Frazey, and Sidhu

Nay: 0

Absent: 1 - Byrd

COMMITTEE REPORTS, OTHER ITEMS, AND COUNCILMEMBER UPDATES

ADJOURN