

P.H. Parks
62a

WHATCOM COUNTY COUNCIL
Regular County Council Meeting

February 9, 2016

CALL TO ORDER

Council Chair Barry Buchanan called the meeting to order at 7:00 p.m. in the Council Chambers, 311 Grand Avenue, Bellingham, Washington.

ROLL CALL

Present: Barbara Brenner, Ken Mann, Satpal Sidhu, Carl Weimer, Todd Donovan, Rud Browne and Barry Buchanan.
Absent: None.

FLAG SALUTE

ANNOUNCEMENTS

Browne stated they recently lost Harriet Spanel, who was a great member of the community. A service is planned this Saturday.

Buchanan reported for the Committee of the Whole on the **briefing, discussion, and preliminary Council direction on urban growth areas, which are addressed in Comprehensive Plan Chapter 2, Land Use (including discussion on Sudden Valley) (AB2016-047B).**

PUBLIC HEARINGS

1. RESOLUTION ADOPTING THE 2016 COMPREHENSIVE PARKS, RECREATION, AND OPEN SPACE PLAN (AB2016-062A)

Mike McFarlane, Parks and Recreation Department Director, gave a staff report.

Brenner asked if this went through the Planning Commission during the County Comprehensive Plan process. McFarlane stated it was brought to the Planning Commission as it was being finalized in 2013, not in the County Comprehensive Plan process.

Sidhu stated the Council has not had enough time to look at the plan. McFarlane stated this plan has come before the Council a number of times during the past couple of years. The Council Office has copies, and it has been posted on the website.

Donovan asked if they are meeting the public process requirements. McFarlane described the public process the plan has gone through.

Sidhu asked Mr. McFarlane to respond to recent comments from Jack Petree. McFarlane stated he isn't asking that this plan be adopted as part of the County's Comprehensive Plan. It is a departmental planning document. There is a different process

1 it must go through. Mr. Petree talks about the 1989 Parks and Recreation Comprehensive
2 Plan, which has not been valid since 1994.

3
4 Buchanan opened the public hearing, and the following people spoke:

5
6 Linda Twitchell, Building Industry Association of Whatcom County, stated this plan
7 has not had any recent public process. Population projections are wrong. There is a lack of
8 affordable housing in Whatcom County, but the Parks Plan recommends impact fees and a
9 third real estate excise tax (REET) for more park land. The plan also recommends that the
10 voters increase taxes for more parks. Reconsider the level of service. Don't raise taxes for
11 more park land.

12
13 Patrick Alesse stated people come to Whatcom County for its open spaces. He
14 supports parks.

15
16 Wendy Harris stated she doesn't support the plan, but she supports parks in general.
17 Don't sacrifice transparency and accountability by not including the plan in the County
18 Comprehensive Plan. The County must do better at protecting wildlife and habitat. More
19 analysis on sensitive areas and migration corridors is necessary. Establish buffers that
20 separate people from animals.

21
22 Carol Perry stated Whatcom County has many parks. This plan hasn't had enough
23 time. They need a jail before they need parks.

24
25 Hearing no one else, Buchanan closed the public hearing.

26
27 **Weimer moved** to approve the resolution. The motion was seconded.

28
29 Brenner stated this was put on the agenda at the last minute and the deadline is
30 soon. Don't pass this resolution tonight. Send it to the Planning Commission. It should be
31 part of the County Comprehensive Plan. She won't support it.

32
33 Mann stated this item is scheduled for approval in two weeks. McFarlane stated
34 they're waiting for the rest of the State Environmental Protection Act (SEPA) comments.

35
36 Mann asked if the Council can make changes in two weeks. McFarlane stated it can.
37 The last time the Parks Plan came to the Council, the Council asked that it include language
38 from the Recreation Chapter of the County Comprehensive Plan, which they have included.
39 The Parks Plan has been complete for a while, but they had to wait for the County
40 Comprehensive Plan update.

41
42 Brenner stated the process must be different. The Council should have had more
43 time to work on the Park Plan before the March deadline.

44
45 Donovan stated Mr. McFarlane has been to the Council with this document. It may
46 not have been since 2013, but the plan hasn't changed since then. McFarlane stated that's
47 correct. The document had a tremendous amount of public process.

48
49 **Weimer withdrew** his motion. He supports the plan. It has recently been before
50 the Planning Commission, which worked on it with the County Comprehensive Plan. Most of
51 the public input was a while ago, but it hasn't changed much.

1 Sidhu stated there is a deadline, but this plan can change at any time. He asked if
2 they can take new input from the public and bring it back the next few months. McFarlane
3 stated they can do that. Any changes the Council makes to Chapter 9 of the County
4 Comprehensive Plan should be reflected in the Parks Plan. Any grants received will come to
5 the Council for approval. This plan will make the County eligible for those grants. The
6 County will make application for specific projects.

7
8 Retroactivity has to do with State approval. It allows the County to make a grant
9 application after property is acquired. It doesn't have to do anything with the County plan.

10
11 Brenner stated the deadline bothers her. If they closed on a purchase last year,
12 they should just add it as an amendment instead of going through the Parks Plan.
13 McFarlane stated they added it to the plan at the time, as they were in the process of
14 making the acquisition. They didn't make application for the grant funding because they
15 weren't in a grant cycle.

16
17 Weimer stated they can ask to retroactively fund things if they are already eligible,
18 but they can't retroactively ask to be eligible. Passing the plan makes the County eligible.
19 If the County then buys property when it is eligible, it could perhaps retroactively ask for
20 funding. McFarlane stated that's correct. The plan makes them eligible for submitting grant
21 applications, not for retroactivity.

22
23 Mann stated they have two weeks before they have to vote on it.
24
25

26 **MINUTES CONSENT**

27
28 ***Brenner moved*** to approve the Minutes Consent items. The motion was seconded.
29

30 The motion carried by the following vote:

31 **Ayes:** Brenner, Mann, Sidhu, Browne, Buchanan, and Weimer (6)

32 **Nays:** None (0)

33 **Abstains:** Donovan (1)
34

35 **1. SURFACE WATER WORK SESSION FOR SEPTEMBER 22, 2015**

36 **2. REGULAR COUNTY COUNCIL FOR SEPTEMBER 29, 2015**

37 **3. BOARD OF HEALTH FOR OCTOBER 6, 2015**

38 **4. SURFACE WATER WORK SESSION FOR OCTOBER 20, 2015**

39 **5. SPECIAL COMMITTEE OF THE WHOLE FOR OCTOBER 27, 2015**

40 **6. REGULAR COUNTY COUNCIL FOR OCTOBER 27, 2015**

41 **7. REGULAR COUNTY COUNCIL FOR NOVEMBER 24, 2015**
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50 **PUBLIC HEARINGS**

51
52 **2. ORDINANCE REGARDING TEMPORARY INSTALLATION OF STOP SIGNS ON**
53 **NORTH LAKE SAMISH ROAD NO. 107 (AB2016-064)**

1 Jon Hutchings, Public Works Department Director, introduced the project.

2
3 James Lee, Public Works Department, gave a staff report.

4
5 Weimer asked if there is a liquid gas pipeline attached to the underside of the bridge.
6 Lee stated they will address it as part of the replacement project.

7
8 Buchanan opened the public hearing, and the following people spoke:

9
10 Donald Goodman stated the ordinance precludes the possibility of repairing the
11 bridge. He described the history of the bridge. Don't preclude the opportunity to repair the
12 bridge. He submitted a handout (*on file*) suggesting language changes to consider bridge
13 repair options.

14
15 Hutchings stated staff would be fine with Mr. Goodman's language change.

16
17 Lee stated the ordinance does not exclude alternative options.

18
19 Peter Holcomb submitted and read from his testimony (*on file*). He stated the
20 detour will create wear and tear on West Lake Samish Road. There's no room for trucks.
21 In the summer, cars are crossing that bridge constantly. There is no room for semi-trucks
22 to maneuver on the road. Many bicyclists and tour groups use the road. He's afraid the
23 County will never remove the one-way direction.

24
25 Becky O-Brien-Olsen stated this is an opportunity to fix the traffic congestion at the
26 park. Create a turn-around at the park. Additional logging and gravel trucks will further
27 damage the road. If that happens, get federal money to repair the road.

28
29 Hearing no one else, Buchanan closed the public hearing.

30
31 Hutchings stated staff is committed to engaging the neighbors. They want a
32 community solution to this traffic situation. There is no question the one lane closure will
33 create traffic congestion. There are other, more expensive alternatives that would be
34 interim repairs and would affect the County's ability to bring in outside money. The remedy
35 has yet to be resolved. James Lee will continue to work on it.

36
37 Brenner asked what to do with the big trucks and how they can create load
38 restrictions. Hutchings stated they will install signage and have a detour for trucks. Those
39 are appropriate ideas.

40
41 Mann asked when they will know if other funding is available. Lee stated the next
42 call for Bridge Replacement Advisory Committee (BRAC) funds is in the Spring of 2018. The
43 plan tonight is to deal with the load restriction issue. They have budgeted funds for design
44 for replacement using local funds in time for applying for the BRAC funds. A design plan will
45 put the County in a good position to receive funds. There will be some time before
46 implementing one of the options.

47
48 Mann asked if the repairs could be done this summer. Lee stated it is a project that
49 could be put together without too much difficulty. At this time, they're only asking for the
50 stop sign authority. They will be inspecting the bridge more often. If conditions change,
51 the department will look at options.

1 Hutchings stated he intends to have a conversation with the Council about final
2 options and costs of a long-term versus short-term solution when there is a preliminary
3 design and cost.

4
5 Councilmembers and staff discussed whether interim bridge repairs will prevent the
6 County from receiving grant funds for a bridge replacement, the cost of repairs versus
7 replacement, the specific language and location of signage for the road restrictions, how
8 long it will take to make a decision on repair or replacement, and finding an appropriate
9 detour route for large truck traffic.

10
11 **Mann moved** to adopt the ordinance with an amendment, "BE IT FURTHER
12 ORDAINED that when the construction repair or replacement of the North Lake Samish Road
13 Bridge No. 107 replacement is completed, the stop signs will be removed." The motion was
14 seconded.

15
16 The motion to adopt with the amendment carried by the following vote:

17 **Ayes:** Brenner, Mann, Sidhu, Browne, Buchanan, Weimer and Donovan (7)

18 **Nays:** None (0)

19
20
21 **OPEN SESSION**

22
23 The following people spoke:

- 24 • Max Perry spoke about removing gravel from the Nooksack River and about
- 25 the Resource Lands Chapter of the draft Comprehensive Plan (AB2016-047H).
- 26 • Wendy Harris spoke about the draft Comprehensive Plan (AB2016-047) and
- 27 its lack of influence on reality and actual practices.
- 28 • Patrick Alesse spoke about the cost of housing.

29
30
31 **CONSENT AGENDA**

32
33 **Browne** reported for the Finance and Administrative Services Committee and
34 **moved** to approve Consent Agenda items two and three. Item one is held in committee

35
36 The motion to approve Consent Agenda items two and three carried by the following
37 vote:

38 **Ayes:** Brenner, Mann, Sidhu, Browne, Buchanan, Weimer and Donovan (7)

39 **Nays:** None (0)

- 40
41 **1. RESOLUTION SETTING HEARING AND NOTICE OF HEARING ON THE SALE OF**
42 **COUNTY TAX TITLE PROPERTY BY NEGOTIATION - REQUEST NO. TR2016-01**
43 **(AB2016-073)**
- 44
45 **2. REQUEST AUTHORIZATION FOR THE COUNTY EXECUTIVE TO ENTER INTO A**
46 **CONTRACT AMENDMENT BETWEEN WHATCOM COUNTY AND SHEARER**
47 **DESIGN, LLC, FOR PROFESSIONAL ENGINEERING SUPPORT DURING THE**
48 **BIDDING AND CONSTRUCTION PHASE FOR THE SOUTH PASS ROAD / SAAR**
49 **CREEK BRIDGE NO. 212 REPLACEMENT AND UPDATING THE HOURLY RATES**
50 **TO 2016 RATES, IN THE AMOUNT OF \$29,944.80 (AB2016-074)**
- 51
52 **3. REQUEST AUTHORIZATION FOR THE COUNTY EXECUTIVE TO ENTER INTO A**
53 **CONTRACT FOR SERVICES AGREEMENT BETWEEN WHATCOM COUNTY AND**

1 **WHATCOM FAMILY & COMMUNITY NETWORK FOR PROVIDING EVIDENCE-**
2 **BASED PROGRAMMING TO REDUCE RISK FOR SUBSTANCE USE AND POOR**
3 **MENTAL HEALTH, IN THE AMOUNT OF \$65,000 (AB2016-075)**
4
5

6 **OTHER ITEMS**
7

- 8 **1. REQUEST AUTHORIZATION FOR THE COUNTY EXECUTIVE TO ENTER**
9 **INTO AN AMENDED LEASE AGREEMENT BETWEEN WHATCOM COUNTY**
10 **AND WHATCOM SPORTS AND RECREATION FOR THE USE OF**
11 **NORTHWEST SOCCER PARK TO INCLUDE NAMING RIGHTS TO**
12 **RECOGNIZE A MAJOR DONOR AND ASSUMPTION OF THE ADJOINING**
13 **IMPROVEMENTS AND AREA LEASED TO THE BOYS AND GIRLS CLUB**
14 **(AB2016-055)**
15

16 *Browne* reported for the Finance and Administrative Services Committee and
17 *moved* to approve the request. The councilmembers appreciate Phillips 66 for their support
18 of the Boys and Girls Club.
19

20 The motion carried by the following vote:

21 **Ayes:** Brenner, Mann, Sidhu, Browne, Buchanan, Weimer and Donovan (7)

22 **Nays:** None (0)
23

- 24 **2. ORDINANCE AMENDING THE 2016 WHATCOM COUNTY BUDGET,**
25 **FOURTH REQUEST, IN THE AMOUNT OF \$700,000 (AB2016-065)**
26

27 *Browne* reported for the Finance and Administrative Services Committee and
28 *moved* to adopt the ordinance.
29

30 The motion carried by the following vote:

31 **Ayes:** Brenner, Mann, Sidhu, Browne, Buchanan, Weimer and Donovan (7)

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

- 34 **3. ORDINANCE AMENDING THE INITIAL EAST WHATCOM REGIONAL**
35 **RESOURCE CENTER PROJECT BUDGET (AMENDMENT NO. 7 TO**
36 **ORDINANCE 2008-025), IN THE AMOUNT OF \$1,050,000 (AB2016-**
37 **066)**
38

39 *Browne* reported for the Finance and Administrative Services Committee and
40 *moved* to adopt the ordinance.
41

42 The motion carried by the following vote:

43 **Ayes:** Brenner, Mann, Sidhu, Browne, Buchanan, Weimer and Donovan (7)

44 **Nays:** None (0)
45
46

47 **COUNCIL APPOINTMENTS TO BOARDS, COMMISSIONS, AND COMMITTEES**
48

- 49 **1. ANNUAL APPOINTMENTS TO VARIOUS BOARDS AND COMMISSIONS**
50 **(AB2015-367)**
51

1 **Brenner moved** to appoint David Ramirez to the Whatcom Family Community
2 Network by acclamation. The motion was seconded.

3
4 The motion carried by the following vote:

5 **Ayes:** Brenner, Mann, Sidhu, Browne, Buchanan, Weimer and Donovan (7)

6 **Nays:** None (0)

7
8 **Brenner moved** to appoint the Fred Likkel to the Portage Bay Shellfish Protection
9 District Advisory Committee by acclamation. The motion was seconded.

10
11 The motion carried by the following vote:

12 **Ayes:** Brenner, Mann, Sidhu, Browne, Buchanan, Weimer and Donovan (7)

13 **Nays:** None (0)

14
15
16 **EXECUTIVE APPOINTMENTS TO BOARDS, COMMISSIONS, AND COMMITTEES**

17
18 **1. REQUEST CONFIRMATION OF THE COUNTY EXECUTIVE'S APPOINTMENT OF**
19 **LINDA HUGHES TO THE POINT ROBERTS COMMUNITY ADVISORY**
20 **COMMITTEE (AB2016-081)**

21
22 **Sidhu moved** to confirm the appointment. The motion was seconded.

23
24 The motion carried by the following vote:

25 **Ayes:** Brenner, Mann, Sidhu, Browne, Buchanan, Weimer and Donovan (7)

26 **Nays:** None (0)

27
28 **2. REQUEST CONFIRMATION OF THE COUNTY EXECUTIVE'S APPOINTMENT OF**
29 **KEN LARSON AND AARON PERZIGIAN TO THE DEVELOPMENTAL**
30 **DISABILITIES BOARD (AB2016-082)**

31
32 **Donovan moved** to confirm the appointments. The motion was seconded.

33
34 The motion carried by the following vote:

35 **Ayes:** Brenner, Mann, Sidhu, Browne, Buchanan, Weimer and Donovan (7)

36 **Nays:** None (0)

37
38
39 **INTRODUCTION ITEMS**

40
41 **Mann moved** to accept introduction items one through seven. The motion was
42 seconded.

43
44 The motion carried by the following vote:

45 **Ayes:** Brenner, Mann, Sidhu, Browne, Buchanan, Weimer and Donovan (7)

46 **Nays:** None (0)

47
48 **1. RESOLUTION ADOPTING A STATEMENT OF INCARCERATION PREVENTION,**
49 **CRIMINAL JUSTICE, AND JAIL PLANNING PRINCIPLES FOR WHATCOM**
50 **COUNTY'S CRIMINAL JUSTICE AND BEHAVIORAL HEALTH SYSTEMS**
51 **(AB2016-072)**

- 1 2. ORDINANCE AMENDING THE 2016 WHATCOM COUNTY BUDGET, FIFTH
2 REQUEST, IN THE AMOUNT OF \$5,241,772 (AB2016-083)
3
4 3. ORDINANCE AUTHORIZING THE INSTALLATION OF STOP SIGNS ON ROADS
5 WITHIN THE WHATCOM COUNTY (AB2016-084)
6
7 4. ORDINANCE ESTABLISHING SPEED LIMITS ON CERTAIN COUNTY ROADS
8 (AB2016-085)
9
10 5. ORDINANCE AMENDING ORDINANCE NO. 2010-040 TO AUTHORIZE
11 ADDITIONAL CAPITAL PROJECTS FOR WHICH UNEXPENDED BOND
12 PROCEEDS MAY BE USED BY THE COUNTY (AB2016-086)
13
14 6. RESOLUTION TO SELL TAX TITLE PROPERTY BY NEGOTIATION – REQUEST
15 NO. TR2016-01 (AB2016-073A)
16
17 7. RESOLUTION REQUESTING THE COMMITTEE ON GEOGRAPHIC NAMES
18 RECOMMEND TO THE BOARD ON GEOGRAPHIC NAMES, WHEN THE TIME IS
19 APPROPRIATE, THAT THE LANDFORM AT THE MOUTH OF TERRELL CREEK BE
20 EVERMORE KNOWN AS WOLF BAUER POINT (AB2016-088)
21
22

23 **COMMITTEE REPORTS, OTHER ITEMS, AND COUNCILMEMBER UPDATES**
24

25 Weimer reported for the Natural Resources Committee on the **briefing and**
26 **discussion on Comprehensive Plan Chapter 8, Resource Lands (focus on the**
27 **Forestry and Mineral Resource Lands sections) (AB2016-047H).**
28

29 (From Public Works, Health, and Safety Committee)
30

- 31 2. **PRESENTATION BY PUBLIC WORKS TO GO OVER THE ALTERNATIVES**
32 **ANALYSIS RECENTLY COMPLETED FOR THE SLATER ROAD/JORDAN CREEK**
33 **FISH PASSAGE PROJECT (AB2016-077)**
34

35 **Brenner** reported for the Committee and **moved** to approve the Public Works
36 Department moving forward with the preparation of plans, specifications, and cost estimates
37 for a full bridge replacement project using full road closure during construction.
38

39 The motion carried by the following vote:

40 **Ayes:** Brenner, Mann, Sidhu, Browne, Buchanan, Weimer and Donovan (7)

41 **Nays:** None (0)
42

43 Brenner reported for the Public Works, Health, and Safety Committee on all the
44 items scheduled in committee.
45

46 Brenner stated she would like to have a discussion with the Public Works Department
47 about possibly naming a road after Loretta Lynn at the request of a citizen.
48

49 Tyler Schroeder, Executive's Office, stated he will follow up with the citizen.
50

51 Mann reported for the Incarceration Prevention and Reduction Task Force and stated
52 the phase one report will be presented in two weeks at the Public Works Committee.
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ADJOURN

The meeting adjourned at 8:51 p.m.

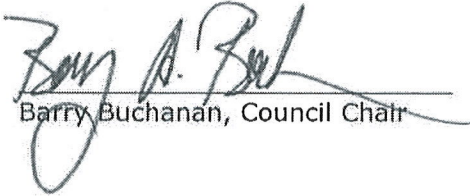
The County Council approved these minutes on March 8, 2016.

ATTEST:

WHATCOM COUNTY COUNCIL
WHATCOM COUNTY, WASHINGTON

A circular official seal of the Whatcom County Council is partially visible behind the signature. The seal contains the text "WHATCOM COUNTY COUNCIL" and "STATE OF WASHINGTON".

Dana Brown-Davis, Council Clerk

A handwritten signature in black ink, appearing to read "Barry Buchanan", is written over a horizontal line.

Barry Buchanan, Council Chair

A handwritten signature in black ink is written over a horizontal line. The signature is somewhat stylized.

Jill Nixon, Minutes Transcription