

Whatcom County Council

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



Action Summary

Tuesday, December 3, 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: 7 - Barbara Brenner, Rud Browne, Barry Buchanan, Tyler Byrd, Todd Donovan, Carol Frazey, and Satpal Sidhu

Absent: None

FLAG SALUTE

ANNOUNCEMENTS

MINUTES CONSENT

1. [MIN2019-118](#) Committee of the Whole AM for November 6, 2019

APPROVED BY CONSENT

Aye: 7 - Brenner, Browne, Buchanan, Byrd, Donovan, Frazey, and Sidhu

Nay: 0

Absent: 0

2. [MIN2019-119](#) Committee of the Whole PM for November 6, 2019

APPROVED BY CONSENT

Aye: 7 - Brenner, Browne, Buchanan, Byrd, Donovan, Frazey, and Sidhu

Nay: 0

Absent: 0

3. [MIN2019-120](#) Special Committee of the Whole for November 6, 2019

APPROVED BY CONSENT

Aye: 7 - Brenner, Browne, Buchanan, Byrd, Donovan, Frazey, and Sidhu

Nay: 0

Absent: 0

4. [MIN2019-121](#) Regular County Council for November 6, 2019

APPROVED BY CONSENT

Aye: 7 - Brenner, Browne, Buchanan, Byrd, Donovan, Frazey, and Sidhu

Nay: 0

Absent: 0

5. [MIN2019-122](#) Surface Water Work Session for November 12, 2019

APPROVED BY CONSENT

Aye: 7 - Brenner, Browne, Buchanan, Byrd, Donovan, Frazey, and Sidhu

Nay: 0

Absent: 0

6. [MIN2019-123](#) Special Council Meeting (Kendall) for October 29, 2019

APPROVED BY CONSENT

Aye: 7 - Brenner, Browne, Buchanan, Byrd, Donovan, Frazey, and Sidhu

Nay: 0

Absent: 0

7. [MIN2019-126](#) Committee of the Whole - Executive Session for November 19, 2019

APPROVED BY CONSENT

Aye: 7 - Brenner, Browne, Buchanan, Byrd, Donovan, Frazey, and Sidhu

Nay: 0

Absent: 0

PUBLIC HEARINGS

1. [AB2019-583](#) Resolution to sell tax-title property by public auction

APPROVED

Aye: 7 - Brenner, Browne, Buchanan, Byrd, Donovan, Frazey, and Sidhu

Nay: 0

Absent: 0

Enactment No: RES 2019-062

2. [AB2019-597](#) 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

ADOPTED

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

Nay: 2 - Brenner, and Byrd

Absent: 0

Enactment No: ORD 2019-083

3. [AB2019-606](#) Ordinance limiting 2020 property tax levy

WITHDRAWN

4. [AB2019-607](#) Ordinance limiting the 2020 General Fund tax levy

ADOPTED

Aye: 4 - Browne, Buchanan, Frazey, and Sidhu

Nay: 2 - Brenner, and Byrd

Absent: 0

Abstain: 1 - Donovan

Enactment No: ORD 2019-084

OPEN SESSION (20 MINUTES)

CONSENT AGENDA

(From Council Finance and Administrative Services Committee)

1. [AB2019-598](#) Request authorization for the County Executive to enter into a contract amendment between Whatcom County and Lydia Place to provide case management and support services to individuals experiencing homelessness, in the amount of \$32,860 for a total amended contract amount of \$213,770

AUTHORIZED BY CONSENT

Aye: 7 - Brenner, Browne, Buchanan, Byrd, Donovan, Frazey, and Sidhu

Nay: 0

Absent: 0

2. [AB2019-599](#) Request authorization for the County Executive to enter into a contract between Whatcom County and Bellingham Whatcom County Tourism, in the amount of \$290,000, for the purposes of tourism marketing and operations

AUTHORIZED BY CONSENT

Aye: 7 - Brenner, Browne, Buchanan, Byrd, Donovan, Frazey, and Sidhu

Nay: 0

Absent: 0

3. [AB2019-602](#) Request authorization for the County Executive to enter into a contract between Whatcom County and Status Electrical Automation Systems to provide Security Electronics and DVMS System Support & Maintenance, in the amount of \$43,314.53

AUTHORIZED BY CONSENT

Aye: 7 - Brenner, Browne, Buchanan, Byrd, Donovan, Frazey, and Sidhu

Nay: 0

Absent: 0

4. [AB2019-613](#) Request authorization for the County Executive to enter into a Collective Bargaining Agreement between Whatcom County and General Teamsters' Local Union 231 Corrections Deputies and Sergeants for the period January 1, 2019 through December 31, 2020

AUTHORIZED BY CONSENT

Aye: 7 - Brenner, Browne, Buchanan, Byrd, Donovan, Frazey, and Sidhu

Nay: 0

Absent: 0

5. [AB2019-617](#) Request authorization for the County Executive to enter into a contract between Whatcom County and Summit Food Service to furnish food to inmates at the Whatcom County Jail in the amount of \$540,750.00

AUTHORIZED BY CONSENT

Aye: 7 - Brenner, Browne, Buchanan, Byrd, Donovan, Frazey, and Sidhu

Nay: 0

Absent: 0

6. [AB2019-618](#) Request authorization for the County Executive to enter into a contract between Whatcom County and Summit Food Service for Commissary Services to inmates at the Whatcom County Jail

AUTHORIZED BY CONSENT

Aye: 7 - Brenner, Browne, Buchanan, Byrd, Donovan, Frazey, and Sidhu

Nay: 0

Absent: 0

7. [AB2019-620](#) Request authorization for the County Executive to enter into a contract between Whatcom County and Birch Bay Chamber of Commerce in support of the Birch Bay Visitor Center operations and promotion of annual multi-day events designed to encourage tourism in the amount of \$100,000

AUTHORIZED BY CONSENT

Aye: 7 - Brenner, Browne, Buchanan, Byrd, Donovan, Frazey, and Sidhu

Nay: 0

Absent: 0

8. [AB2019-621](#) Request authorization for the County Executive to enter into a contract between Whatcom County and Mount Baker Foothills Chamber of Commerce in support of the Visitor Center operations in the amount of \$100,000

AUTHORIZED BY CONSENT

Aye: 7 - Brenner, Browne, Buchanan, Byrd, Donovan, Frazey, and Sidhu

Nay: 0

Absent: 0

9. [AB2019-629](#) Request approval for the County Executive to enter into a contract for the purchase, delivery, and installation of a modular building for the Point Roberts Transfer Station, in the amount of \$65,179.75

AUTHORIZED BY CONSENT

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

Nay: 2 - Brenner, and Byrd

Absent: 0

OTHER ITEMS

(From Council Finance and Administrative Services Committee)

1. [AB2019-611](#) Request authorization for the County Executive to enter into an agreement between Whatcom County and Trantech Engineering, in the amount of \$45,000

AUTHORIZED

Aye: 7 - Brenner, Browne, Buchanan, Byrd, Donovan, Frazey, and Sidhu

Nay: 0

Absent: 0

2. [AB2019-612](#) Request authorization for the County Executive to enter into an agreement between Whatcom County and Sargent Engineers, Inc., in the amount of \$45,000

AUTHORIZED

Aye: 7 - Brenner, Browne, Buchanan, Byrd, Donovan, Frazey, and Sidhu

Nay: 0

Absent: 0

3. [AB2019-625](#) Request authorization for the County Executive to sign an attorney engagement and contingency fee agreement between Whatcom County and Keller Rohrback L.L.P.

AUTHORIZED

Aye: 7 - Brenner, Browne, Buchanan, Byrd, Donovan, Frazey, and Sidhu

Nay: 0

Absent: 0

4. [AB2019-601](#) Request authorization for the County Executive to enter into an interlocal agreement between Whatcom County Flood Control Zone District and Whatcom Conservation District to provide outreach and cost-share to support the Pollution Identification and Correction Program (PIC), in the amount of \$55,000 (Council acting as the Whatcom County Flood Control Zone District Board of Supervisors)

AUTHORIZED

Aye: 7 - Brenner, Browne, Buchanan, Byrd, Donovan, Frazey, and Sidhu

Nay: 0

Absent: 0

5. [AB2019-590](#) Ordinance amending the 2019 Whatcom County Budget, request no. 15, in the amount of \$49,400

ADOPTED

Aye: 7 - Brenner, Browne, Buchanan, Byrd, Donovan, Frazey, and Sidhu

Nay: 0

Absent: 0

Enactment No: ORD 2019-085

6. [AB2019-592](#) Ordinance establishing the Prox Lock Control Panel Replacement Fund and establishing a project based budget for the Prox Lock Control Panel Replacement Project

ADOPTED

Aye: 7 - Brenner, Browne, Buchanan, Byrd, Donovan, Frazey, and Sidhu

Nay: 0

Absent: 0

Enactment No: ORD 2019-086

7. [AB2019-619](#) Request authorization for the County Executive to enter into an Interlocal Agreement between Whatcom County and Kittitas County for the Housing of Inmates

AUTHORIZED

Aye: 7 - Brenner, Browne, Buchanan, Byrd, Donovan, Frazey, and Sidhu

Nay: 0

Absent: 0

8. [AB2019-622](#) Request authorization for the County Executive to enter into an Interlocal Agreement between Whatcom County and the Cities of Bellingham, Blaine, Everson, Ferndale, Lynden and Sumas for the purpose of implementing a countywide wayfinding and gateway feature placement program

AUTHORIZED

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

Nay: 1 - Byrd

Absent: 0

9. [AB2019-623](#) Request approval of the Economic Development Investment (EDI) Board's recommendation for additional funding in the amount of \$500,000 and establishment of a \$2.2-million revolving loan fund for the Housing Affordability Through the Workforce Program (HATWF)

APPROVED REQUEST

Aye: 7 - Brenner, Browne, Buchanan, Byrd, Donovan, Frazey, and Sidhu

Nay: 0

Absent: 0

11. [AB2019-626](#) Request authorization for the County Executive to enter into a contract between Whatcom County and North West Regional Council to provide Nursing Services at the Whatcom County Jail and Juvenile Detention in the amount of \$1,456,501.11

AUTHORIZED

Aye: 7 - Brenner, Browne, Buchanan, Byrd, Donovan, Frazey, and Sidhu

Nay: 0

Absent: 0

12. [AB2019-591](#) Ordinance amending the 2020 Whatcom County Budget, request no. 2, in the amount of \$343,000

ADOPTED

Aye: 7 - Brenner, Browne, Buchanan, Byrd, Donovan, Frazey, and Sidhu

Nay: 0

Absent: 0

Enactment No: ORD 2019-087

10. [AB2019-616](#) Request authorization for the County Executive to enter into a contract between Whatcom County and Michael Bobbink for hearing examiner services

AUTHORIZED

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

Nay: 1 - Byrd

Absent: 0

(From Council Criminal Justice and Public Safety Committee)

13. [AB2019-530](#) Resolution establishing a Stakeholder Advisory Committee for the Public Health, Safety, and Justice Facility Needs Assessment

APPROVED

Aye: 7 - Brenner, Browne, Buchanan, Byrd, Donovan, Frazey, and Sidhu

Nay: 0

Absent: 0

Enactment No: RES 2019-063

- [AB2019-633](#) Discussion regarding potential loss of childcare spaces in Whatcom County

Frazey moved to recommend to the full Council to request that the administration pursue options to work with the City of Bellingham and the City of Ferndale to maintain licensed childcare slots currently operating in Whatcom County and that the effort includes a budget supplemental proposal.

The motion carried by the following vote:

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

Nay: 0

Abstain: 2 - Brenner, Byrd

(No Committee Assignment)

14. [AB2019-565](#) Ordinance amending the 2020 Whatcom County Budget, Request No. 1, in the amount of \$19,206,192

ADOPTED

Aye: 7 - Brenner, Browne, Buchanan, Byrd, Donovan, Frazey, and Sidhu

Nay: 0

Absent: 0

Enactment No: ORD 2019-088

15. [AB2019-472](#) Ordinance amending Whatcom County Code 9.32, Unlawful Discharge of Firearms, to establish a no shooting zone in the Drayton Harbor area of Whatcom County

HELD IN COUNCIL

Aye: 5 - Brenner, Browne, Buchanan, Byrd, and Sidhu

Nay: 2 - Donovan, and Frazey

Absent: 0

16. [AB2019-634](#) Resolution respectfully requesting that the Whatcom County Prosecutor ask the Washington State Attorney General for an update on Opinion Docket No. 19-04-03

APPROVED

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

Nay: 2 - Brenner, and Byrd

Absent: 0

Enactment No: RES 2019-064

EXECUTIVE APPOINTMENTS TO BOARDS, COMMISSIONS, AND COMMITTEES

1. [AB2019-624](#) Request confirmation of the County Executive's appointment of Jon Maberry and Kendall Whitney to the Whatcom County Food System Committee

CONFIRMED

Aye: 7 - Brenner, Browne, Buchanan, Byrd, Donovan, Frazey, and Sidhu

Nay: 0

Absent: 0

(From Committee of the Whole - Executive Session)

- [AB2019-603](#) Discussion regarding a potential property acquisition for the Flood Control Zone District [Discussion of this item may take place in executive session (closed to the public) pursuant to RCW 42.30.110(1)(b)]

Donovan moved To authorize the County Executive, acting on behalf of the Whatcom County Flood Control Zone District Board of Supervisors, to exercise option agreement and move forward with and complete acquisition of the property as discussed in Executive Session. The motion was seconded.

The motion carried by the following vote:

Aye: 7 - Brenner, Browne, Buchanan, Byrd, Donovan, Frazey, Sidhu

Nay: 0

- [AB2019-628](#) Update on negotiations and planning strategy discussion regarding collective bargaining [Discussion of this item may take place in executive session (closed to the public) pursuant to RCW 42.30.140(4)(a)]

Buchanan moved to authorize the County Executive to enter into a Collective Bargaining Agreement between Whatcom County and the Whatcom County Deputy Sheriff's Guild effective January 1, 2020 through December 31, 2021 following ratification of the Agreement by the Whatcom County Deputy Sheriff's Guild.

The motion was seconded.

The motion carried by the following vote:

Aye: 7 - Brenner, Browne, Buchanan, Byrd, Donovan, Frazey, Sidhu

Nay: 0

INTRODUCTION ITEMS

1. [AB2019-480](#) Ordinance amending Whatcom County Code Chapters 11.16 and 11.20 to protect Lake Samish shoreline properties and Lake Samish water recreation

INTRODUCED FOR PUBLIC HEARING

Aye: 7 - Brenner, Browne, Buchanan, Byrd, Donovan, Frazey, and Sidhu

Nay: 0

Absent: 0

2. [AB2019-614](#) Ordinance amending Whatcom County Code, 16.30, Lake Whatcom Stormwater Utility Funding Mechanism, changing the date for collection of Capital Facility Charges from January 1, 2020 to January 1, 2021

INTRODUCED FOR PUBLIC HEARING

Aye: 7 - Brenner, Browne, Buchanan, Byrd, Donovan, Frazey, and Sidhu

Nay: 0

Absent: 0

COMMITTEE REPORTS, OTHER ITEMS, AND COUNCILMEMBER UPDATES

Brenner moved to initiate a review of the charges at the Point Roberts solid waste facility. Byrd Seconded the motion.

The motion failed by the following vote:

Aye: 4 - Browne, Buchanan, Donovan, Frazey

Nay: 2 - Brenner, Byrd

Abstain: 1 - Sidhu

ADJOURN