WHATCOM COUNTY COUNCIL Regular County Council Meeting

February 12, 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, Todd Donovan, Carol

Frazey, and Satpal Sidhu.

Absent: Tyler Byrd.

FLAG SALUTE

ANNOUNCEMENTS

Brenner moved to hold everything on the agenda for two weeks, except the public hearings and the resolution requesting that the County Executive provide staff resources and funding to coordinate with Whatcom County cities, social service agencies, and other providers to provide sufficient shelter capacity during cold weather periods and coordinate issuing hotel/motel accommodation vouchers (AB2019-138).

Councilmembers discussed holding meetings during inclement weather.

The motion was seconded.

The motion failed by the following vote:

Ayes: Brenner(1)

Nays: Browne, Buchanan, Donovan, Frazey, and Sidhu (5)

Absent: Byrd (1)

MINUTES CONSENT

Brenner moved to approve Minutes Consent items one through ten, including the scrivener's corrections to items one and six.

The motion was seconded.

The motion carried by the following vote:

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

Nays: None (0) Absent: Byrd (1)

1. MIN2019-007 COMMITTEE OF THE WHOLE FOR JANUARY 15, 2019

3. AB2019-074 ORDINANCE ESTABLISHING A TEMPORARY SPEED LIMIT CHANGE FOR BIRCH BAY DRIVE

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

Brenner moved to adopt the ordinance.

The motion was seconded.

The motion carried by the following vote:

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

Nays: None (0) Absent: Byrd (1)

4. AB2019-075 ORDINANCE ESTABLISHING TEMPORARY ONE-WAY TRAFFIC ON BIRCH BAY DRIVE

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

Brenner moved to adopt the ordinance.

The motion was seconded.

The motion carried by the following vote:

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

Nays: None (0) Absent: Byrd (1)

5. AB2019-076 ORDINANCE AUTHORIZING THE TEMPORARY RE-OPENING OF COTTONWOOD DRIVE AT MORGAN DRIVE TO VEHICULAR TRAFFIC

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

Anna Ferraro submitted handouts and stated she is opposed to the reopening of Cottonwood Drive for safety issues.

Al Ferraro stated he is opposed to reopening Cottonwood Drive for safety issues.

Hearing no one else, Browne closed the public hearing.

Joe Rutan, Public Works Department, gave a staff report and answered questions about why the road was closed originally, whether the road is still unsafe, and setting a deadline for closing the road.

Sidhu moved to amend the ordinance to set a 90-day deadline for the closure of Cottonwood Drive.

Browne suggested a friendly amendment to set the deadline to May 31, 2019.

Sidhu accepted the friendly amendment.

The motion to amend was seconded.

The motion carried by the following vote:

Ayes: Browne, Buchanan, Frazey, and Sidhu (4)

Nays: Brenner and Donovan (2)

Absent: Byrd (1)

Sidhu moved to adopt the ordinance as amended.

The motion was seconded.

The motion to adopt as amended failed by the following vote:

Ayes: Browne, Buchanan, and Sidhu (3)
Nays: Frazey, Brenner, and Donovan (3)

Absent: Byrd (1)

OPEN SESSION

The following people spoke about homeless shelter issues during inclement weather:

- Dana Briggs
- Amy Glasser
- Eddy Ury
- Krista Rome
- Jennifer Mansfield submitted handouts
- Trevor Smith
- Eleanor Hines

The following person spoke about other issues:

• Eleanor Hines, ReSources for Sustainable Connections, spoke about a resolution protecting the local Orca population.

The following staff answered questions:

- Tyler Schroeder, Executive's Office
- · Karen Frakes, Prosecutor's Office

Councilmembers and staff discussed existing efforts being made by local agencies to house the homeless during inclement weather, gaps in service, potential solutions to house everyone, County facilities that may be opened for shelter, the role of the Health Department, and purchasing procedures.

Brenner moved to open the courthouse to unhoused individuals who need to get out of the weather until the crisis weather dissipates.

The motion was seconded.

Councilmembers continued to discuss potential solutions to house everyone and County facilities that may be opened for shelter.

Browne suggested a friendly amendment to open the Garden Room of the Civic Center Building instead of the Courthouse.

Brenner accepted the friendly amendment and restated the motion to open the Garden Room of the Civic Center Building tonight.

Brenner withdrew her motion from the table in lieu of adding it to the proposed resolution.

(See next discussion of Other Items 17 for continued discussion of the motion.)

OTHER ITEMS

17. AB2019-138 RESOLUTION REQUESTING THAT THE COUNTY EXECUTIVE PROVIDE STAFF RESOURCES AND FUNDING TO COORDINATE WITH WHATCOM COUNTY CITIES, SOCIAL SERVICES AGENCIES, AND OTHER PROVIDERS TO PROVIDE SUFFICIENT SHELTER CAPACITY DURING COLD WEATHER PERIODS AND COORDINATE ISSUING HOTEL/MOTEL ACCOMMODATION VOUCHERS

Sidhu moved to amend line 30, that the County should open the Garden Room of the Civic Center Building as soon as possible to accommodate homeless people during the inclement weather, including overflow from current shelters. The motion was not seconded.

Brenner moved to open the Garden Room immediately to accept overflow of homeless people. The motion was not seconded.

Tyler Schroeder, Executive's Office, answered questions.

Jim Peterson, HomesNow President, spoke about services provided by HomesNow and answered questions.

Councilmembers and staff discussed capacity at the various existing shelters in the community, the best process for housing people tonight, and being specific about the individuals not served by the existing shelters.

Brenner moved to amend to add additional language, "Therefore be it resolved, that the Council respectfully requests the County Executive to include the Civic Center Garden Room or another appropriate location downtown in the severe weather shelter inventory, ideally to be staffed by volunteers or as contracted by the County as needed."

The motion to amend was seconded.

The motion to amend carried by the following vote:

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

Nays: None (0) Absent: Byrd (1)

Sidhu moved to approve the resolution as amended.

The motion was seconded.

Councilmembers and staff continued to discuss best options for sheltering individuals and expanding the voucher program.

Buchanan moved to amend to add additional language, "Be it further resolved that the County Council respectfully requests the County Executive to expand the existing hotel/motel voucher program currently in effect by the County."

The motion to amend was seconded.

The motion to amend carried by the following vote:

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

Nays: None (0) Absent: Byrd (1)

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

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

Nays: None (0) Absent: Byrd (1)

CONSENT AGENDA

Sidhu reported for the Finance and Administrative Services Committee and **moved** to approve Consent Agenda items one through seven and nine. Item eight is withdrawn from the agenda.

The motion carried by the following vote:

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

Nays: None (0) Absent: Byrd (1)

- 1. AB2019-026 REQUEST AUTHORIZATION FOR THE COUNTY EXECUTIVE TO ENTER INTO A CONTRACT BETWEEN WHATCOM COUNTY AND BIRCH BAY CHAMBER OF COMMERCE TO PAY FOR THE OPERATIONS OF THE BIRCH BAY VISITOR CENTER AND TO SUPPORT THE MARKETING OF MULTI-DAY EVENTS, IN THE AMOUNT OF \$100,000
- 2. AB2019-104 REQUEST AUTHORIZATION FOR THE COUNTY EXECUTIVE TO ENTER INTO AMENDMENT NO. 3 TO WHATCOM COUNTY CONTRACT NO. 201802006 BETWEEN WHATCOM COUNTY AND FCS GROUP FOR THE AMENDED AMOUNT OF \$34,560
- 3. AB2019-111 REQUEST AUTHORIZATION FOR THE COUNTY EXECUTIVE TO ENTER INTO AN INTERLOCAL BETWEEN WHATCOM COUNTY AND LUMMI NATION TO CONDUCT NATURAL RESOURCE MONITORING AND IMPACT MITIGATION IN THE AMOUNT OF \$120,000
- 4. AB2019-112 REQUEST AUTHORIZATION FOR THE COUNTY EXECUTIVE TO ENTER INTO A CONTRACT BETWEEN WHATCOM COUNTY AND HERRERA ENVIRONMENTAL CONSULTANTS FOR SWIFT CREEK SEDIMENT MANAGEMENT ACTION PLAN IMPLEMENTATION
- 5. AB2019-116 REQUEST AUTHORIZATION FOR THE COUNTY EXECUTIVE TO ENTER INTO AN INTERLOCAL AGREEMENT BETWEEN WHATCOM COUNTY AND WASHINGTON STATE DEPARTMENT OF CHILDREN, YOUTH & FAMILIES

6. AB2019-117 REQUEST AUTHORIZATION FOR THE COUNTY EXECUTIVE TO ENTER INTO AN INTERLOCAL AGREEMENT BETWEEN WHATCOM COUNTY AND NORTH SOUND BEHAVIORAL HEALTH ORGANIZATION TO SUPPORT SUBSTANCE ABUSE PREVENTION AND MENTAL HEALTH PROMOTION PROGRAMS IN WHATCOM COUNTY, IN THE AMOUNT OF \$83,438

7. AB2019-119 REQUEST AUTHORIZATION FOR THE COUNTY EXECUTIVE TO ENTER INTO A CONTRACT BETWEEN WHATCOM COUNTY AND WHATCOM CONSERVATION DISTRICT TO PROVIDE A ROBUST COMMUNITY WILDFIRE RISK REDUCTION PROGRAM THAT CONSISTS OF OUTREACH, EDUCATION AND TECHNICAL ASSISTANCE TO THE WHATCOM COUNTY COMMUNITIES MOST AT RISK FROM WILDFIRE IN WHATCOM COUNTY

8. AB2019-123 RESOLUTION IN THE MATTER OF THE SALE OF SURPLUS PERSONAL PROPERTY AND SETTING A DATE FOR PUBLIC HEARING THEREON PURSUANT TO WCC 1.10

9. AB2019-125 REQUEST AUTHORIZATION FOR THE COUNTY EXECUTIVE TO ENTER INTO AN INTERLOCAL BETWEEN WHATCOM COUNTY AND BELLINGHAM TECHNICAL COLLEGE AND THE CITY OF BELLINGHAM FOR THE ADMINISTRATION OF THE EMT-PARAMEDIC TRAINING PROGRAM IN THE AMOUNT OF \$56,000

OTHER ITEMS

10. AB2019-087 REQUEST AUTHORIZATION FOR THE COUNTY EXECUTIVE TO ENTER INTO AN EDI INTERLOCAL LOAN AND GRANT AGREEMENT BETWEEN WHATCOM COUNTY AND PORT OF BELLINGHAM IN THE AMOUNT OF \$250,000

 ${\it Sidhu}$ reported for the Finance and Administrative Services Committee and ${\it moved}$ to approve the request.

The motion carried by the following vote:

 Ayes: Brenner, Browne, Donovan, Frazey, and Sidhu (5)

 Nays: None (0)
Absent: Byrd (1)
Abstains: Donovan (1)

11. AB2019-105 REQUEST AUTHORIZATION FOR THE COUNTY EXECUTIVE TO ENTER INTO AN INTERLOCAL AGREEMENT BETWEEN WHATCOM COUNTY FLOOD CONTROL ZONE AND THE CITY OF BELLINGHAM FOR MANAGEMENT AND OPERATION OF THE JOINT CITY-COUNTY AQUATIC INVASIVE SPECIES (AIS) BOAT INSPECTION PROGRAM AT LAKES WHATCOM AND SAMISH, IN THE AMOUNT OF \$123,000 (COUNCIL ACTING AS THE WHATCOM COUNTY FLOOD CONTROL ZONE DISTRICT BOARD OF SUPERVISORS)

 ${\it Sidhu}$ reported for the Finance and Administrative Services Committee and ${\it moved}$ to approve the request.

The motion carried by the following vote:

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

Nays: None (0) Absent: Byrd (1)

12. AB2019-107 REQUEST AUTHORIZATION FOR THE COUNTY EXECUTIVE TO ENTER IN TO A COOPERATIVE AGREEMENT BETWEEN THE UNITED STATES OF AMERICA ARMY CORPS OF ENGINEERS AND WHATCOM COUNTY FLOOD CONTROL ZONE DISTRICT FOR REHABILITATION OF A NON-FEDERAL FLOOD CONTROL WORK IN THE AMOUNT OF \$453,100 (COUNCIL ACTING AS THE WHATCOM COUNTY FLOOD CONTROL ZONE DISTRICT BOARD OF SUPERVISORS)

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

The motion carried by the following vote:

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

Nays: None (0) Absent: Byrd (1)

13. AB2019-115 REQUEST AUTHORIZATION FOR THE COUNTY EXECUTIVE TO ENTER INTO A CONTRACT BETWEEN WHATCOM COUNTY FLOOD CONTROL ZONE DISTRICT AND EXACT SCIENTIFIC SERVICES TO PROVIDE WATER QUALITY ANALYTICAL TESTING SERVICES, IN THE AMOUNT OF \$90,000 (COUNCIL ACTING AS THE WHATCOM COUNTY FLOOD CONTROL ZONE DISTRICT BOARD OF SUPERVISORS)

 ${\it Sidhu}$ reported for the Finance and Administrative Services Committee and ${\it moved}$ to approve the request.

The motion carried by the following vote:

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

Nays: None (0) Absent: Byrd (1)

14. AB2019-133 RESOLUTION REQUESTING SUPPORT FOR WASHINGTON STATE HOUSE AND SENATE BILLS RELATED TO: POLLUTION PREVENTION; INCREASING HABITAT AND FISH ABUNDANCE; PROTECTION OF SOUTHERN RESIDENT ORCA WHALES FROM VESSELS; AND IMPROVING THE SAFETY OF OIL TRANSPORTATION

Sidhu moved to approve the resolution.

The motion was seconded.

Brenner moved to hold in Council for two weeks.

The motion to hold was seconded.

Councilmembers discussed allowing councilmembers time to read the materials related to the resolution before approving it.

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(Clerk's Note: See discussion of this item later in the meeting, under the section Committee Reports, Other Items, and Councilmember Updates.)

INTRODUCTION ITEMS

Buchanan moved to accept Introduction Items one through eight and ten. Item nine is withdrawn from the agenda.

The motion was seconded.

The motion carried by the following vote:

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

Nays: **Absent:** Byrd (1)

- 1. AB2019-027 ORDINANCE AMENDING WHATCOM COUNTY CODE 6.04 (ANIMAL CONTROL), CHAPTER 6.04.020 (DEFINITIONS) AND 6.04.031 (ADMINISTRATION AND ENFORCEMENT)
- ORDINANCE PROPOSING MODIFICATIONS TO WHATCOM AB2019-103 COUNTY CODE 2.27A, AQUATIC INVASIVE SPECIES (AIS)
- 3. AB2019-106 ORDINANCE AMENDING THE UNIFIED FEE SCHEDULE TO ACCOMMODATE CHANGES TO WHATCOM COUNTY CODE 2.27A, AQUATIC INVASIVE SPECIES
- AB2019-121 ORDINANCE AMENDING WHATCOM COUNTY CODE SECTION 1.14 CORRECTING CERTAIN PRECINCT BOUNDARY LINES AND PRECINCT MAPS
- 5. AB2019-124 ORDINANCE AMENDING THE 2019 WHATCOM COUNTY BUDGET, REQUEST NO. 2, IN THE AMOUNT OF \$4,901,742
- 6. AB2019-128 ORDINANCE AMENDING COURTHOUSE BUILDING ENVELOPE PROJECT BUDGET (AS ESTABLISHED THROUGH ORDINANCE 2014-085) THIRD REQUEST, IN THE AMOUNT OF \$4,700,000 FOR A TOTAL PROJECT **BUDGET OF \$7,377,809**
- 7. RECEIPT OF APPLICATION FOR THE WHATCOM COUNTY AB2019-127 PLANNING COMMISSION, APPLICANT: BOB BURR (COMMITTEE ASSISTS THE PLANNING AND DEVELOPMENT SERVICES DEPARTMENT IN CARRYING OUT ITS DUTIES, WHICH INCLUDE HELPING TO PREPARE AND EXECUTE THE COMPREHENSIVE PLAN AND MAKING RECOMMENDATIONS FOR ADOPTION OF OFFICIAL CONTROLS AND/OR AMENDMENTS) (APPLICATION DEADLINE FOR ANY OTHER APPLICANTS IS 10:00 A.M. FEBRUARY 19, 2019)
- 8. AB2019-129 **APPLICATION** RECEIPT OF **FOR** THE SUMAS/EVERSON/NOOKSACK FLOOD CONTROL SUB-ZONE ADVISORY COMMITTEE - APPLICANT: LARRY MADES (THE COMMITTEE IS AN INTEGRAL PART OF THE PROGRAM REVIEWING THE COMPREHENSIVE PLAN FOR

FLOOD CONTROL) (APPLICATION FOR DEADLINE FOR ANY OTHER APPLICANTS IS 10 A.M. FEBRUARY 19, 2019)

- 9. AB2019-131 RESOLUTION AUTHORIZING THE SALE OF SURPLUS PERSONAL PROPERTY PURSUANT TO WCC 1.10
- 10. AB2019-126 RESOLUTION AMENDING THE 2019 FLOOD CONTROL ZONE DISTRICT AND SUBZONES BUDGET, REQUEST NO. 2, IN THE AMOUNT OF \$90,659 (COUNCIL ACTING AS THE WHATCOM COUNTY FLOOD CONTROL ZONE DISTRICT BOARD OF SUPERVISORS)

COMMITTEE REPORTS, OTHER ITEMS, AND COUNCILMEMBER UPDATES

Committee Chairs gave committee reports.

Councilmembers gave updates on recent activities and upcoming events.

Karen Frakes, Prosecutor's Office, answered questions on and councilmembers discussed the process for requesting an opinion from the State Attorney General.

ADJOURN

ATTEST

The meeting adjourned at 9:33 p.m.

The County Council approved these minutes on February 26, 2019.

WHATCOM COUNTY COUNCIL
WHATCOM COUNTY, WASHINGTON

Rud Browne, Council Chair

Jill Nixon, Minutes Transcription

HATCO

Brown-Davis, Council Clerk