

CLERK OF THE COUNCIL

Dana Brown-Davis, C.M.C.

COUNTY COURTHOUSE

311 Grand Avenue, Suite #105
Bellingham, WA 98225-4038
(360) 778-5010



COUNCILMEMBERS

Timothy Ballew II
Barbara Brenner
Rud Browne
Barry Buchanan
Todd Donovan
Tyler Byrd
Satpal Sidhu

**WHATCOM COUNTY COUNCIL
COUNCIL AGENDA
FOR JULY 10, 2018**

**MEMBERS OF OUR COMMUNITY WHO REQUIRE
SPECIAL ASSISTANCE TO PARTICIPATE IN OUR
MEETINGS ARE ASKED TO CONTACT OUR OFFICE AT
LEAST 96 HOURS IN ADVANCE**

**AS A COURTESY TO ALL MEETING ATTENDEES,
CELLULAR PHONE USE IS PROHIBITED IN
THE COUNCIL CHAMBERS**

**ACCESSIBLE PARKING IS AVAILABLE NEAR THE
COURTHOUSE SOUTH ENTRANCE**

**OUR REGULAR COUNCIL MEETINGS CAN BE VIEWED LIVE AT
<https://www.youtube.com/user/WhatcomCountyGov>
AND ARE ALSO BROADCAST ON BTV10 (COMCAST CHANNEL 10)
AT 7 P.M. ON THE TWO WEDNESDAYS FOLLOWING EACH
TUESDAY EVENING COUNCIL MEETING**

PLEASE VISIT US AT WWW.CO.WHATCOM.WA.US FOR THE FOLLOWING:

**COUNCIL MEETING AUDIO AND VIDEO
COUNCIL OFFICE EMAIL POLICY
CURRENT COUNCIL AGENDA
CURRENT COUNCIL PACKET
PUBLIC NOTICES
1979 - 2018 ORDINANCES
1979 - 2018 RESOLUTIONS
1984 - 2018 COMMITTEE MINUTES
1979 - 2018 COUNCIL MINUTES**

TODAY'S SCHEDULE:

9:30 A.M. – SPECIAL COMMITTEE OF THE WHOLE

11 A.M. – FINANCE AND ADMINISTRATIVE SERVICES COMMITTEE

1 P.M. – COMMITTEE OF THE WHOLE

1:15 P.M. – PUBLIC WORKS AND HEALTH COMMITTEE

**IMMEDIATELY FOLLOWING PUBLIC WORKS AND HEALTH COMMITTEE
(NO LATER THAN 2:45 P.M.) –
CRIMINAL JUSTICE AND PUBLIC SAFETY**

**IMMEDIATELY FOLLOWING CRIMINAL JUSTICE AND PUBLIC SAFETY COMMITTEE
(NO LATER THAN 3:15 P.M.) -
SPECIAL COMMITTEE OF THE WHOLE**

IN ACCORDANCE WITH WHATCOM COUNTY CODE SECTIONS 2.02.040 AND 2.02.060, THE FOLLOWING RULES SHALL APPLY DURING ALL COUNCIL AND COUNCIL COMMITTEE MEETINGS:

Section 2.02.040 Meetings – General rules.

...

E. All council and council committee meetings shall be conducted pursuant to The American Institute of Parliamentarians Standard Code of Parliamentary Procedure, latest edition, except when in conflict with the standing rules of the council.

L. During an open session or public hearing, audience members will be given three minutes to address the council.

M. Cell phones shall be silenced and cell phone conversations shall be prohibited within the confines of the council chambers during meetings.

N. Placards, signs, applause, or other distractions shall not be allowed in the council chambers without the consent of the council chair.

O. Any person making personal, impertinent, or slanderous remarks, or who becomes boisterous, while attending a council or council committee meeting may be requested to leave the meeting and may be forthwith, by the presiding officer, barred from further audience before the council during that meeting.

2.02.060 Meetings – Decorum of debate.

A. Any councilmember desiring to speak shall first be recognized by the chair, and shall confine his or her remarks to the specific subject under consideration or to be considered. The councilmember who has proposed a motion or the committee member who has presented a report shall be allowed the first opportunity to explain the motion or report, and usually is allowed to speak last on it. No member or small group of members shall be permitted to monopolize the discussion on a question. If a member has already spoken and other members wish to speak, they should be recognized in preference to the member who has already spoken on a question.

B. Councilmembers shall address each other as "councilmember" and the council chair shall be addressed as "chair."

C. Staff members, presenters, and the general public shall be addressed as Mr., Mrs., Ms., or by their official or honorary title.

D. When two or more councilmembers desire to speak at the same time, the chair shall name the member who shall have the floor.

E. When a councilmember is speaking, no other member shall hold discourse which may interrupt the speaker except to raise a point of order. The chair should insist that every member be attentive to the business before the assembly.

F. Councilmembers shall have time to explain any motion they intend to make. All motions will begin with the words, "I move" and must receive a second prior to being put to a vote.

G. When it appears that all councilmembers who wish to speak have done so, the chair shall inquire, "Is there any further discussion?" If there is not, the question is put to a vote.

H. To bring a question to immediate vote, a councilmember may move to close debate. If more than one motion is pending, the motion to close debate should specify the pending motions to which it applies (main motion, motion to amend, etc.). The motion to close debate cannot interrupt a speaker, is not debatable, and requires an affirmative vote by two-thirds of the councilmembers in attendance. The motion to close debate should be used in moderation, as members cannot be expected to maintain interest in an organization if they are frequently denied the right to participate in its deliberations.

COUNCIL COMMITTEE SCHEDULES

Special Committee of the Whole
9:30 a.m. Tuesday, July 10, 2018
Council Chambers, 311 Grand Avenue

Committee Discussion

1. Discussion of preliminary draft Comprehensive Plan and zoning amendments – Cherry Point (AB2018-076D)
Pages 1 - 13
2. Discussion of proposed interim ordinance relating to zoning regulations for siting, establishment, and operation of temporary homeless facilities (ordinance scheduled for introduction this evening) (AB2018-182A)
Pages 14 - 24

Other Business

FINANCE AND ADMINISTRATIVE SERVICES COMMITTEE

Members: Rud Browne, Tyler Byrd, Satpal Sidhu
11 a.m. Tuesday, July 10, 2018
Council Chambers, 311 Grand Avenue

County Executive's Report

Committee Discussion and Recommendation to Council

1. Resolution authorizing the allocation of REET I funding to support the construction of a multi-use building expansion at the East Whatcom Regional Resource Center (from May 8) (AB2018-131)
Pages 25 - 37

Council "Consent Agenda" Items

1. Request authorization for the County Executive to award Bid #18-36 and enter into a contract between Whatcom County and Foss Maritime Company for the annual drydocking, repair, and maintenance of the Whatcom Chief Ferry, in the amount of \$581,511.80 (AB2018-203)
Pages 38 - 40
2. Request authorization for the County Executive to enter into a contract between Whatcom County and PUD #1 of Whatcom County to provide funding through the EDI Program for the Grandview/I-5/Northgate/Delta Tech Fire System supply pipeline project as a loan in the amount of \$800,000 and a grant in the amount of \$800,000, for a total contract amount of \$1,600,000 (AB2018-204)
Pages 41 - 64
3. Request authorization for the County Executive to enter into a contract between Whatcom County and Opportunity Council to support the 22 North Housing Development construction project's expanded scope which supports the critical features designed to enhance and sustain the housing construction (such as improved security camera coverage, enhanced site access features and more durable solid surfaces), in the amount of \$100,000 (AB2018-205)
Pages 65 - 78

Other Business

COMMITTEE OF THE WHOLE
1 p.m. Tuesday, July 10, 2018
Council Conference Room, 311 Grand Avenue

Committee Discussion

1. Discussion with Senior Deputy Prosecutor Karen Frakes regarding pending litigation, Hirst et al v. Whatcom County, GMHB Case No. 12-2-0013 (AB2018-018)
[Discussion of this item may take place in executive session (closed to the public) pursuant to RCW42.30.110 (1) (i)]
No Paper

Other Business

PUBLIC WORKS AND HEALTH COMMITTEE

Members: Tim Ballew, Barbara Brenner, Barry Buchanan
1:15 p.m. Tuesday, July 10, 2018
Council Chambers, 311 Grand Avenue

Special Presentations

1. Presentation by Whatcom Conservation District on Firewise Program (AB2018-089)
Pages 79 - 81
2. Presentation on Whatcom County's Syringe Services Program (AB2018-212)
Pages 82 - 90

Committee Discussion and Recommendation to Council

1. Discussion and selection of one County-owned site for Safe Storage Now PNW storage locker pilot project (AB2018-139)
Pages 91 - 94

Other Business

CRIMINAL JUSTICE AND PUBLIC SAFETY COMMITTEE

Members: Barry Buchanan, Tyler Byrd, Satpal Sidhu
Immediately Following Public Works and Health Committee (no later than 2:45 p.m.)
Tuesday, July 10, 2018
Council Chambers, 311 Grand Avenue

Special Presentation

1. Report from Juvenile Court (AB2018-066)
Page 95

Other Business

SPECIAL COMMITTEE OF THE WHOLE

Immediately Following Criminal Justice and Public Safety Committee (no later than 3:15 p.m.)
Tuesday, July 10, 2018
Council Chambers, 311 Grand Avenue

Special Presentation

1. Presentation of Incarceration Prevention and Reduction Task Force 2018 Annual Report (AB2018-181)
Pages 96 - 122

Committee Discussion

1. Discussion of meeting procedures and techniques for improving meeting efficiencies and productivity (AB2018-163A)
Page 123

Other Business

COUNCIL AGENDA

REGULAR COUNCIL MEETING
7 p.m. Tuesday, July 10, 2018
Council Chambers, 311 Grand Avenue

CALL TO ORDER
ROLL CALL
FLAG SALUTE
ANNOUNCEMENTS

If you will be handing out paperwork to councilmembers, please give one copy to the clerk for our office files. Thank you.

MINUTES CONSENT

1. Surface Water Work Session for May 15, 2018
Pages 124 - 126
2. Special Committee of the Whole for May 22, 2018
Pages 127 - 132
3. Special County Council Meeting for May 29, 2018
Pages 133 - 135
4. Special Committee of the Whole (AM) for June 19, 2018
Pages 136 - 137
5. Committee of the Whole for June 19, 2018
Pages 138 - 139
6. Special Committee of the Whole (PM) for June 19, 2018
Pages 140 - 142
7. Regular County Council for June 19, 2018
Pages 143 - 154
8. Board of Health for June 26, 2018
Pages 155 - 156

PUBLIC HEARING

Audience members who wish to address the council during a public hearing are asked to sign up at the back of the room before the meeting begins. The council chair will ask those who have signed up to form a line at the podium. Each speaker should state his or her name for the record and will be given three minutes to address the council. Council staff will keep track of time limits and inform speakers when they have thirty seconds left to conclude their comments. When a large group of individuals supports the same position on an issue, we encourage the selection of one or two representatives to speak on behalf of the entire group.

1. Ordinance establishing parking restrictions within ten feet of U.S. mailboxes on all county roads (AB2018-200)
Pages 157 - 159

OPEN SESSION (20 MINUTES)

During open session, audience members can speak to the council on any issue not scheduled for public hearing. Each speaker should state his or her name for the record and will be given three minutes to address the council. Council staff will keep track of time limits and inform speakers when they have thirty seconds left to conclude their comments.

CONSENT AGENDA

Items under this section of the agenda may be considered in a single motion. Councilmembers have received and studied background material on all items. Committee review has taken place on these items, as indicated. Any member of the public, administrative staff, or council may ask that an item be considered separately.

(From Finance and Administrative Services Committee)

1. Request authorization for the County Executive to award Bid #18-36 and enter into a contract between Whatcom County and Foss Maritime Company for the annual drydocking, repair, and maintenance of the Whatcom Chief Ferry, in the amount of \$581,511.80 (AB2018-203)
Pages 38 - 40

2. Request authorization for the County Executive to enter into a contract between Whatcom County and PUD #1 of Whatcom County to provide funding through the EDI Program for the Grandview/1-5/Northgate/Delta Tech Fire System supply pipeline project as a loan in the amount of \$800,000 and a grant in the amount of \$800,000, for a total contract amount of \$1,600,000 (AB2018-204)
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3. Request authorization for the County Executive to enter into a contract between Whatcom County and Opportunity Council to support the 22 North Housing Development construction project's expanded scope which supports the critical features designed to enhance and sustain the housing construction (such as improved security camera coverage, enhanced site access features and more durable solid surfaces), in the amount of \$100,000 (AB2018-205)
Pages 65 - 78

OTHER ITEMS

(From Finance and Administrative Services Committee)

1. Resolution authorizing the allocation of REET I funding to support the construction of a multi-use building expansion at the East Whatcom Regional Resource Center (from May 8) (AB2018-131)
Pages 25 - 37

(From Public Works and Health Committee)

2. Council to select one County-owned site for Safe Storage Now PNW storage locker pilot project (AB2018-139)
Pages 91 - 94

(No Committee Assignment)

3. Request to appoint a Law Library Trustee for the Whatcom County Law Library Board (AB2018-207)
Pages 160 - 162
4. Request to authorize the County Executive to sign the Class Action Opt-In Notice Form in Kane County, Utah, v. United States (AB2018-202)
Pages 163 - 173

COUNCIL APPOINTMENTS TO BOARDS, COMMISSIONS, AND COMMITTEES

Per Whatcom County Code 2.03.060 and 100.02.080, applications for council-appointed and FCZD board of supervisor-appointed citizen boards, commissions, and committees may be accepted until 10:00 a.m. on Tuesday of the week prior to the regularly scheduled council meeting at which nominations and possible vote to appoint are scheduled to occur.

1. Appointments to the Whatcom County Business and Commerce Advisory Committee, 13 vacancies (committee advises the Whatcom County Council on issues, including regulations and policies that could impact local businesses, industry, or economic development) (AB2018-132B)
Pages 174 - 302

EXECUTIVE APPOINTMENTS TO BOARDS, COMMISSIONS, AND COMMITTEES

Per Whatcom County Code 2.03.070(B), the council must confirm or reject executive appointments within 30 days of submission to the council. County code deems the appointee confirmed if council does not take action within this time.

1. Request confirmation of the County Executive's appointment of Dana Weber to the Whatcom County Lodging Tax Advisory Committee (AB2018-206)
Pages 303 - 304

INTRODUCTION ITEMS

Council action will not be taken. The council may accept these items for introduction (no action) in a single motion. Changes, in terms of committee assignment for example, may be made at this time.

1. Ordinance adopting interim zoning regulations for siting, establishment, and operation of temporary homeless facilities (AB2018-182A)
Pages 14 - 24
2. Ordinance establishing the Swift Creek Sediment Management Fund and establishing a budget for the Swift Creek Sediment Management Fund (AB2018-208)
Pages 305 - 309

3. Ordinance amending the Whatcom County Budget, ninth request, in the amount of \$2,014,284 (AB2018-209)
Pages 310 - 324
4. Receipt of application for the Whatcom County Lummi Island Ferry Advisory Committee, applicant: Nancy Ging (committee provides review and recommendations to the Whatcom County Council and Executive on issues that affect the ongoing operations and infrastructure of ferry service to Lummi Island) (application deadline for any other applicants is 10 a.m. July 17, 2018) (AB2018-210)
Pages 325 - 328

COMMITTEE REPORTS, OTHER ITEMS, AND COUNCILMEMBER UPDATES

ADJOURN

The next regular council meeting is scheduled for 7 p.m. July 24, 2018, in the County Council Chambers, 311 Grand Avenue.