

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 MAY 22, 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

UPCOMING MEETINGS AND EVENTS:

MAY 29, 2018

1:30 P.M. – COUNCIL BUDGET RETREAT
GARDEN LEVEL CONFERENCE ROOM, 322 N. COMMERCIAL STREET

7 P.M. – COUNCIL CRIMINAL JUSTICE AND PUBLIC SAFETY COMMITTEE LISTENING TOUR
FERNDAL LIBRARY, 2125 MAIN STREET, FERNDAL

TODAY'S SCHEDULE:

9:30 A.M. – COMMITTEE OF THE WHOLE

9:45 A.M. – FINANCE AND ADMINISTRATIVE SERVICES COMMITTEE

12:15 P.M. – PUBLIC WORKS AND HEALTH COMMITTEE

1 P.M. - CRIMINAL JUSTICE AND PUBLIC SAFETY COMMITTEE

IMMEDIATELY FOLLOWING CRIMINAL JUSTICE AND PUBLIC SAFETY (NO LATER THAN 2 P.M.)
PLANNING AND DEVELOPMENT COMMITTEE

IMMEDIATELY FOLLOWING PLANNING AND DEVELOPMENT (NO LATER THAN 3 P.M.)
SPECIAL COMMITTEE OF THE WHOLE

COUNCIL COMMITTEE SCHEDULES

COMMITTEE OF THE WHOLE

9:30 a.m. Tuesday, May 22, 2018

Council Conference Room, 311 Grand Avenue

Committee Discussion

1. Discussion with Senior Deputy Prosecutor Christopher Quinn regarding pending litigation involving claims against corrections deputies acting within their official duties (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

FINANCE AND ADMINISTRATIVE SERVICES COMMITTEE

Members: Rud Browne, Tyler Byrd, Satpal Sidhu

9:45 a.m. Tuesday, May 22, 2018

Council Chambers, 311 Grand Avenue

County Executive's Report

Special Presentation

1. Annual presentation from the Commission Against Domestic Violence (AB2018-143)
Pages 1 - 16
2. Quarterly report from Finance Manager Brad Bennett (AB2018-066)
Page 17

Committee Discussion and Recommendations to Council

1. Ordinance amending the Whatcom County Budget, seventh request, in the amount of \$1,861,232 (AB2018-150)
Pages 18 - 60
2. Ordinance establishing the Mental Health and Developmental Disabilities Special Revenue Fund (AB2018-151)
Pages 61 - 63
3. Ordinance closing the Potter Road – South Fork Bridge No. 148 Replacement Project Fund 342 (AB2018-152)
Pages 64 - 66
4. Ordinance closing the 2015 County Roadway Safety Program Fund 355 (AB2018-153)
Pages 67 - 69
5. Ordinance closing the Cedar Hills/Euclid Storm Water Improvements Project Fund 367 (AB2018-154)
Pages 70 - 72
6. Request approval for the County Executive to authorize the purchase, using Washington State Contract #00816, of a replacement lowboy trailer from vendor Pape Machinery, Inc., in the amount of \$89,526.76 (from May 8) (AB2018-144)
Pages 73 - 75

Council "Consent Agenda" Items

1. Request authorization for the County Executive to enter into a contract amendment between Whatcom County and Northwest Youth Services to add additional funding for rental assistance to help support youth in the Transitional Living Program at Francis Place, in the amount of \$36,990, for a total amended contract amount of \$442,652 (AB2018-156)
Pages 76 – 85
2. Request authorization for the County Executive to enter into a grant agreement between Whatcom County and the Washington Department of Ecology to receive funding for operation of a fixed toxics facility used for the proper disposal and recycling of moderate risk wastes and rural waste oil and antifreeze collection stations, in the amount of \$196,714.64 (AB2018-157)
Pages 86 - 107
3. Request authorization for the County Executive to enter into a grant agreement between Whatcom County and the Washington Department of Ecology to receive funding for solid waste compliance management and littering and illegal dumping enforcement services, in the amount of \$134,811.14 (AB2018-158)
Pages 108 - 129
4. Request authorization for the County Executive to enter into a 5 year lease agreement, with two 5-year lease renewal options, between Whatcom County and the Port of Bellingham for use of the property located at 3720 Williamson Way in the monthly amount in years 1 and 2 of \$1,288.98 and in years 3 through 5, the amount of \$1,353.43 (AB2018-159)
Pages 130 - 152

Other Business

PUBLIC WORKS AND HEALTH COMMITTEE

Members: Tim Ballew, Barbara Brenner, Barry Buchanan

12:15 p.m. Tuesday, May 22, 2018

Council Chambers, 311 Grand Avenue

Committee Discussion

1. Discussion regarding amendments to Whatcom County Code 8.11, Solid Waste Recycling and Collection District, and 8.10, Solid Waste Residential Recycling Collection, regarding Solid Waste Collection in Point Roberts (AB2018-146A)
Pages 153 - 168

CRIMINAL JUSTICE AND PUBLIC SAFETY COMMITTEE

Members: Barry Buchanan, Tyler Byrd, Satpal Sidhu

1 p.m. Tuesday, May 22, 2018

Council Chambers, 311 Grand Avenue

Committee Discussion

1. Update on jail alternatives from City of Bellingham Court Administrator Darlene Peterson (AB2018-161)
Page 169
2. Discussion of options for conducting a statistically significant community survey (AB2018-087)
Pages 170 - 171

Other Business

PLANNING AND DEVELOPMENT COMMITTEE

Members: Barbara Brenner, Tyler Byrd, Todd Donovan

Immediately Following Criminal Justice and Public Safety Committee (no later than 2 p.m.)

Tuesday, May 22, 2018

Council Chambers, 311 Grand Avenue

Committee Discussion and Recommendation to Council

1. Discussion and direction from Council on potential Whatcom County Code amendments and projects to help people who are experiencing homelessness (AB2018-072B)
Pages 172 - 197

Other Business

SPECIAL COMMITTEE OF THE WHOLE

Immediately Following Planning and Development Committee (no later than 3 p.m.)

Tuesday, May 22, 2018

Council Chambers, 311 Grand Avenue

Committee Discussion

1. Discussion of proposed ordinance adopting amendments to Whatcom County Code Title 2 Administration and Personnel; Title 9 Public Peace, Morals and Welfare; Title 15, Building and Construction; Title 16 Environment; Title 20 Zoning; Title 21 Land Division Regulations; Title 23 Shoreline Management Program; Title 24 Health; and creating a new Title 22 Land Use and Development Procedures; to relocate and revise procedures for land use and development related project permits and legislative actions (AB2018-056)
Pages 198 - 328

Committee Discussion and Recommendations to Council

1. Ordinance establishing Whatcom County Code Chapter 2.126, creating the Whatcom County Business and Commerce Advisory Committee (AB2018-132A)
Pages 329 - 332
2. Direction on Comprehensive Plan amendments requested by Council through Resolution 2018-015 relating to the Cherry Point Urban Growth Area (from May 8) (AB2018-076C)
Pages 333 - 338

Other Business

COUNCIL AGENDA

REGULAR COUNCIL MEETING

7 p.m. Tuesday, May 22, 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.

PUBLIC HEARINGS

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 a 25 mph speed limit on certain Birch Bay area roads (AB2018-137)
Pages 339 - 346
2. Ordinance creating a "Golf Cart Zone" on certain roads in the Birch Bay area (AB2018-125)
Pages 347 - 354
3. Ordinance amending Whatcom County Code 15.04, Building Codes, regarding fee for appeals to County Council (AB2018-142)
Pages 355 - 359

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 enter into a contract amendment between Whatcom County and Northwest Youth Services to add additional funding for rental assistance to help support youth in the Transitional Living Program at Francis Place, in the amount of \$36,990, for a total amended contract amount of \$442,652 (AB2018-156)
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Pages 130 - 152

OTHER ITEMS

(From Finance and Administrative Services Committee)

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Pages 73 - 75

(From Planning and Development Committee)

7. Discussion and direction from Council on potential Whatcom County Code amendments and projects to help people who are experiencing homelessness (AB2018-072B)
Pages 172 - 197

(From Special Committee of the Whole)

8. Ordinance establishing Whatcom County Code Chapter 2.126, creating the Whatcom County Business and Commerce Advisory Committee (AB2018-132A)
Pages 329 - 332
9. Direction on Comprehensive Plan amendments requested by Council through Resolution 2018-015 relating to the Cherry Point Urban Growth Area (from May 8) (AB2018-076C)
Pages 333 - 338

(No Committee Assignment)

10. Appointment of one councilmember to serve on the Whatcom County Lake Whatcom Stormwater Utility Advisory Committee as a non-voting representative (AB2018-140A)

Pages 360 - 361

11. Resolution amending Resolution 2017-045 to revise County Council meeting date schedule for 2018 (AB2018-162)

Pages 362 - 363

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. Appointment to the Whatcom County Planning Commission, partial term ending January 31, 2021, representing District 1, applicants: Tony Freeland, Kimberley Lund (from May 8) (AB2018-133)

Pages 364 - 374

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 amending Whatcom County Code 3.08, Purchasing System (AB2018-160)

Pages 375 – 380

2. Ordinance establishing Whatcom County Code 1.32, adopting rules regarding compliance with Chapter 42.56 RCW, Public Records Act (AB2018-155)

Pages 381 - 385

COMMITTEE REPORTS, OTHER ITEMS, AND COUNCILMEMBER UPDATES

ADJOURN

The next regular council meeting is scheduled for 7 p.m. June 5, 2018, in the County Council Chambers, 311 Grand Avenue.

CLERK OF THE COUNCIL
Dana Brown-Davis, C.M.C.

COUNTY COURTHOUSE
311 Grand Avenue, Suite #105
Bellingham, WA 98225-4038
(360) 676-6690



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

WHATCOM COUNTY COUNCIL

AGENDA REVISION NOTICE FOR MAY 22, 2018

(DISTRIBUTED AT 3:45 P.M. ON MAY 17, 2018)


THE FOLLOWING ITEM HAS BEEN ADDED TO FINANCE AND ADMINISTRATIVE SERVICES COMMITTEE AND COUNCIL:

Request authorization for the County Executive to enter into a contract amendment (amendment no. 2) between Whatcom County and the County Road Administration Board (CRAB) to allow the County to receive additional Rural Arterial Program (RAP) grant funding for the East Smith Road Pavement Rehabilitation Project (Everson-Goshen Road to SR-542) (AB2018-164)*

*Item will be scheduled under Committee Discussion and Recommendations to Council at Committee and Other Items at Council.

WHATCOM COUNTY COUNCIL AGENDA BILL

NO. AB2018-164

CLEARANCES	Initial	Date	Date Received in Council Office	Agenda Date	Assigned to:
Originator: Cody Swan	<i>CS</i>	2018-05-17		5/22/2018	Finance/Council
Division Head: Joe Rutan, P.E.	<i>JPK FOR J. RUTAN</i>	5.17.18			
Dept. Head: Jon Hutchings	<i>JH</i>	<i>5/18/18</i>			
Prosecutor: Daniel Gibson	<i>DG</i>	05/17/18			
Purchasing/Budget: Brad Bennett	<i>BB</i>	5/17/18			
Executive: Jack Louws	<i>JL</i>	5/17/18			

TITLE OF DOCUMENT:

East Smith Road Pavement Rehabilitation, Everson-Goshen to SR-542; CRP No. 916006

ATTACHMENTS:

1. Memo
2. Contract Information Sheet
3. Rural Arterial Program (RAP) - Project Agreement for Construction Proposal, Amendment No. 1; three (3) originals
4. Project Narrative

SEPA review required? () Yes (x) NO
 SEPA review completed? () Yes (x) NO

Should Clerk schedule a hearing? () Yes (x) NO
 Requested Date:

SUMMARY STATEMENT OR LEGAL NOTICE LANGUAGE: (If this item is an ordinance or requires a public hearing, you must provide the language for use in the required public notice. Be specific and cite RCW or WCC as appropriate. Be clear in explaining the intent of the action.)

Public Works respectfully requests that the County Council authorize the County Executive to enter into Amendment Number 2 with CRAB in order to receive additional RAP grant funding for the East Smith Road Pavement Rehabilitation project.

Please return **all three (3)** originals of the Amendment Number 2-RAP Agreements to our office for further processing. We will return one (1) fully executed original to you once they are signed by CRAB.

COMMITTEE ACTION:

COUNCIL ACTION:

Related County Contract #:

Related File Numbers:

Ordinance or Resolution Number:

Please Note: Once adopted and signed, ordinances and resolutions are available for viewing and printing on the County's website at: www.co.whatcom.wa.us/council.

Jon Hutchings
Director



Joseph P. Rutan, P. E.
County Engineer/Assistant Director
322 N. Commercial Street, Ste 301
Bellingham, WA 98225-4042
Phone: (360) 778-6210
Fax: (360) 778-6211

MEMORANDUM

RECEIVED

MAY 17 2018

To: The Honorable Jack Louws, Whatcom County Executive and
The Honorable Whatcom County Council

Through: Jon Hutchings, Director *JH*

From: Joseph P. Rutan, P.E., County Engineer/Assistant Director *JPK FOR JOE RUTAN*
Cody Swan, Project Engineer *CS*

Date: May 17, 2018

Re: East Smith Road Pavement Rehabilitation, Everson-Goshen Road to SR-542
CRP No. 916006
Rural Arterial Program (RAP) Funding Contract-Amendment No. 2

JACK LOUWS
COUNTY EXECUTIVE

Enclosed for your review and signature are three (3) originals of a contract between the County Road Administration Board (CRAB) and Whatcom County.

Requested Action

Public Works respectfully requests that the County Council authorize the County Executive to enter into Amendment Number 2 with CRAB in order to receive additional RAP grant funding for the East Smith Road Pavement Rehabilitation project.

Please return **all three (3)** originals of the Amendment Number 2-RAP Agreements to our office for further processing. We will return one (1) fully executed original to you once they are signed by CRAB.

Project Background

This agreement allows Rural Arterial Trust Account (RATA) funds to be used for the design and construction of the East Smith Road Pavement Rehabilitation project (from Everson-Goshen Road to SR-542).

Funding Amount and Source

Whatcom County has been awarded an additional **\$156,270** in RATA funds for a total of **\$1,000,000** for this project. Total anticipated project costs (design and construction) will be approximately **\$1,500,000** resulting in a local contribution of approximately \$500,000 coming from the Road Fund. This project is not listed on the 2018 Annual Construction Program. It is anticipated for construction 2020.

Please contact Cody Swan at extension 6265 if you have any questions or concerns regarding the terms of this agreement.

**WHATCOM COUNTY CONTRACT
INFORMATION SHEET**

Whatcom County Contract No.
201706003-2

Originating Department:	Public Works
Division/Program: <i>(i.e. Dept. Division and Program)</i>	Design and Construction
Contract or Grant Administrator:	James P. Karcher, PE-Engineering Manager
Contractor's / Agency Name:	Washington State – County Road Administration Board
Is this a New Contract? If not, is this an Amendment or Renewal to an Existing Contract? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> If Amendment or Renewal, (per WCC 3.08.100 (a)) Original Contract #: <u>201706003</u>	
Does contract require Council Approval? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> If No, include WCC: _____ (see Whatcom County Codes 3.06.010, 3.08.090 and 3.08.100)	
Is this a grant agreement? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> If yes, grantor agency contract number(s): <u>RAP 3717-01</u> CFDA#: _____	
Is this contract grant funded? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> If yes, Whatcom County grant contract number(s): <u>201706003</u>	
Is this contract the result of a RFP or Bid process? Contract _____ Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> If yes, RFP and Bid number(s): _____ Cost Center: _____	
Is this agreement excluded from E-Verify? No <input type="checkbox"/> Yes <input checked="" type="checkbox"/> If no, include Attachment D Contractor Declaration form.	
If YES, indicate exclusion(s) below: <input type="checkbox"/> Professional services agreement for certified/licensed professional. <input type="checkbox"/> Contract work is for less than \$100,000. <input type="checkbox"/> Contract for Commercial off the shelf items (COTS). <input type="checkbox"/> Contract work is for less than 120 days. <input type="checkbox"/> Work related subcontract less than \$25,000. <input checked="" type="checkbox"/> Interlocal Agreement (between Governments). <input type="checkbox"/> Public Works - Local Agency/Federally Funded FHWA.	
Contract Amount:(sum of original contract amount and any prior amendments): \$ <u>843,730 (RATA funds)</u> This Amendment Amount: \$ <u>156,270</u> Total Amended Amount: \$ <u>1,000,000</u>	Council approval required for; all property leases, contracts or bid awards exceeding \$40,000 , and professional service contract amendments that have an increase greater than \$10,000 or 10% of contract amount, whichever is greater, except when: 1. Exercising an option contained in a contract previously approved by the council. 2. Contract is for design, construction, r-o-w acquisition, professional services, or other capital costs approved by council in a capital budget appropriation ordinance. 3. Bid or award is for supplies or equipment included approved in the budget. 4. Contract is for manufacturer's technical support and hardware maintenance of electronic systems and/or technical support and software maintenance from the developer of proprietary software currently used by Whatcom County.
Summary of Scope: Whatcom County has been awarded an additional \$156,270 for a total of \$1,000,000 in Rural Arterial Trust Account (RATA) Funds by the Washington State County Road Administration Board through an amendment to a grant from the Rural Arterial Program. Whatcom County will utilize these funds for the pavement rehabilitation of East Smith Road between Everson-Goshen Road and SR-542, a distance of approximately 3.25 miles in length.	
Term of Contract:	Completion of Project Expiration Date: N/A

Contract Routing:	1. Prepared by: <u>CJS</u>	Date: <u>2018-05-17</u>
	2. Attorney signoff: <u>Daniel L. Gibson</u> <i>DL</i>	Date: <u>05/17/18</u>
	3. AS Finance reviewed: <u>Abennett</u>	Date: <u>5/17/18</u>
	4. IT reviewed (if IT related): _____	Date: _____
	5. Contractor signed: _____	Date: _____
	6. Submitted to Exec.: _____	Date: <u>5-17-18</u>
	7. Council approved (if necessary): _____	Date: _____
	8. Executive signed: _____	Date: _____
	9. Original to Council: _____	Date: _____

STATE OF WASHINGTON - COUNTY ROAD ADMINISTRATION BOARD

RURAL ARTERIAL PROGRAM
PROJECT AGREEMENT FOR CONSTRUCTION PROPOSAL

AMENDMENT NO. 2

Submitting County: Whatcom

Project Number: 3717-01

Date Approved: 04/27/2017

Road Number(s)	Road Name(s)	BMP(s)	EMP(s)	Segment #
55080	East Smith Road	4.980	8.230	1

This is Amendment No. 2 to the above described Project Agreement, between the County of Whatcom, hereinafter the "County" and the State of Washington County Road Administration Board, hereinafter the "CRABoard."

WHEREAS, the COUNTY and CRABoard desire to amend the original Project Agreement to allow an increase in RATA funding under the conditions described in WAC 136-161-070.

NOW, THEREFORE, pursuant to chapter 36.79 RCW and in consideration of the terms, conditions, covenants, and performance contained herein, or attached and incorporated and made a part hereof,

IT IS MUTUALLY AGREED AS FOLLOWS:

1. The following new language is added as section 16 to the Project Agreement:

RATA funding is increased to \$1,000,000 per CRABoard approval dated April 19, 2018.

2. All other terms and conditions of the original Project Agreement shall remain in full force and effect except as modified by this Amendment No. 2.

IN WITNESS WHEREOF, the PARTIES hereto have executed this AMENDMENT No. 2 as of the PARTY's date last signed below.

COUNTY ROAD ADMINISTRATION BOARD:

Whatcom COUNTY:

By: _____

By: _____

Date: _____

Jack Louws
County Executive

Date: _____

Approved as to form:
Daniel L. Gibson 05/17/18
Daniel L. Gibson Date
Chief Civil Deputy Prosecutor