

WHATCOM COUNTY COUNCIL AGENDA FOR MARCH 16, 2010



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 to enable us to make necessary arrangements.

As a courtesy to all meeting attendees, cellular phone use is prohibited in the Council Chambers.

Accessible parking for disabled persons is available near the Courthouse south entrance.

Please visit us at [Hwww.co.whatcom.wa.usH](http://www.co.whatcom.wa.us) for the following:

- Council Office Email Policy
- Current Council Agenda
- Current Council Packet
- Public Notices
- 1994 - 2010 Ordinances
- 1994 - 2010 Resolutions
- 2001 - 2010 Committee Minutes
- 2001 - 2010 Council Minutes

UPCOMING MEETINGS AND EVENTS:

March 23, 2010

Councilmembers to tour proposed and completed flood hazard management and salmon recovery projects along the Nooksack River, 9:30 a.m. departure from the Civic Center Building

March 30, 2010

Regular council and committee meetings, Council Chambers

April 13, 2010

Regular council and committee meetings, Council Chambers

April 20, 2010

Health Committee, 9:00 a.m., Civic Center Building
Surface Water Work Session, 10:30 a.m., Civic Center Building
Joint Lake Management Committee meeting, City Council Chambers
(evening meeting, time to be announced)

April 27, 2010

Regular council and committee meetings, Council Chambers

COMMITTEE SCHEDULES

COUNCIL NATURAL RESOURCES COMMITTEE
Members: Bill Knutzen, Ward Nelson, Carl Weimer

9:30 a.m. Tuesday, March 16, 2010
Council Chambers, 311 Grand Avenue

AGENDA

Special Presentation

1. Presentation of the Energy Resource Scarcity/Peak Oil Task Force report (AB2010-098) (1.07 MB)

Committee Discussion

1. Discussion regarding rental of property owned by the Whatcom County Flood Control Zone District (AB2010-125) (18 KB) **(Council acting as the Whatcom County Flood Control Zone District Board of Supervisors)**
2. Discussion regarding proposed changes to US Army Corp of Engineers levee vegetation policies (AB2010-126)(57 KB)

Other Business

COUNCIL FINANCE AND ADMINISTRATIVE SERVICES COMMITTEE
Members: Kathy Kershner, Ken Mann, Carl Weimer

11:00 a.m. Tuesday, March 16, 2010
Council Chambers, 311 Grand Avenue

AGENDA

Special Presentation

1. Presentation by Tom Dorr, Western Washington University Center for Economic Vitality (AB2010-117) (15 KB)

Council "Consent Agenda" Items

1. Request approval for the County Executive to enter into a contract between Whatcom County and ACS-Enterprise Solutions for an upgrade of the auditor's office recording system to allow for map images on the internet, in the amount of \$24,000 (AB2010-127) (255 KB)
2. Request approval for the County Executive to enter into a contract between Whatcom County and Carletti Architects for the final design services for the Hovander Maintenance facility, in the amount of \$53,025 (AB2010-128) (285 KB)

3. Request approval for the County Executive to enter into a contract between Whatcom County and Ferndale School District for the provision of behavioral health services within the district, in the amount of \$82,500 (AB2010-129) (253 KB)
4. Request approval for the County Executive to enter into a contract between Whatcom County and Bellingham School District for the provision of behavioral health services within the district, in the amount of \$82,500 (AB2010-130) (285 KB)
5. Request approval for the County Executive to enter into a contract between Whatcom County and Cantrell Counseling for the provision of mental health treatment services to Whatcom County residents who have no other readily available source of funding (AB2010-131) (251 KB)
6. Request approval for the County Executive to enter into a Notice of Grant Agreement between Whatcom County, Washington State Department of Ecology, and US Fish and Wildlife Service for the southern portion of Lily Point Marine Park (AB2010-132) (322 KB)
7. Request approval for the County Executive to enter into a lease agreement between Whatcom County and Freedom 2000 (dba Cando Recycling and Disposal) for operation of the Point Roberts Landfill facility, in the amount of \$750.00 per month (AB2010-133) (259 KB)
8. Request approval for the County Executive to enter into an interagency agreement between Whatcom County and Washington State Parks and Recreation Commission for reimbursement of costs related to FEMA project on Fragrance Road (Larrabee State Park), in the estimated amount of \$36,460.80 (AB2010-135) (122 KB)
9. Request approval for the County Executive to enter into an amendment to the Interlocal Agreement with the City of Bellingham for operation of the Lakeway yard waste facility in the amended amount of \$55,000, for a total amended amount of \$185,000 (AB2010-136) (95 KB)
10. Request approval for the County Executive to purchase from vendor OM Workspace through KCDA contract, additional cubicles and moving services to relocate Public Works Engineering workstations from Unity Street to the Civic Center Building, in the amount of \$39,385.95 (AB2010-137) (59 KB)
11. Request approval for the County Executive to accept all bids for annual supply of rock, gravel and soil for use as needed for various county maintenance projects, and select the appropriate vendor as dictated by the special circumstances of each particular job, in an amount to exceed \$35,000 (AB2010-138) (93 KB)

Committee Discussion

1. Discussion regarding proposed amendments to Whatcom County Code 2.02, County Council, and 2.03, Boards and Commissions (AB2010-143) (196 KB)

Other Business

**SPECIAL COMMITTEE OF THE WHOLE
Immediately Following Finance and Administrative Services Committee**

**Tuesday, March 16, 2010
Council Conference Room, 311 Grand Avenue**

AGENDA

1. Consideration of motion to dismiss filed by Whatcom County regarding Administrative Appeal of Hearing Examiner decision on APL 2009-0023, filed by Wesley Mussio (AB2010-052)
[Discussion of this item may take place in executive session (closed to the public) pursuant to RCW42.30.110(1)(i)]
2. Discussion with legal counsel regarding UGA appeal issues (AB2010-018)
[Discussion of this item may take place in executive session (closed to the public) pursuant to RCW42.30.110(1)(i)]
3. Discussion with Assistant Chief Civil Deputy Prosecutor Daniel Gibson regarding pending litigation (AB2010-018)
[Discussion of this item may take place in executive session (closed to the public) pursuant to RCW42.30.110(1)(i)]

**COUNCIL PHOTO - 2:30 P.M.
COUNCIL CHAMBERS**

**PLANNING AND DEVELOPMENT COMMITTEE
Members: Barbara Brenner, Bill Knutzen, Ken Mann**

**3:00 p.m. Tuesday, March 16, 2010
Council Chambers, 311 Grand Avenue**

AGENDA

Committee Discussion and Recommendations to Council

1. Consideration of Hearing Examiner's recommended approval of a planned unit development, filed by Mayflower Equities, Inc. for "Monterey Heights" (PUD2007-0001), Preliminary Long Subdivision (LSS2005-0004) (AB2010-122) (471 KB)
2. Resolution initiating Comprehensive Plan and Zoning amendments for 2010 (AB2010-113A) (131 KB)

Committee Discussion

1. Ordinance amending the Whatcom County Code, Title 20, to clarify and revise the definition and standards of home occupations (AB2010-047) (196 KB) (from 1/26 and 2/9)

Other Business

COUNCIL AGENDA

**REGULAR COUNCIL MEETING
7:00 p.m. Tuesday, March 16, 2010**

Council Chambers, 311 Grand Avenue

AGENDA

CALL TO ORDER

ROLL CALL

FLAG SALUTE

ANNOUNCEMENTS

1. Consideration of motion to dismiss filed by Whatcom County regarding Administrative Appeal of Hearing Examiner decision on APL 2009-0023, filed by Wesley Mussio (AB2010-052)

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

MINUTES CONSENT (348 KB)

1. Committee of the Whole for January 26, 2010
2. Regular County Council for January 26, 2010
3. Special Committee of the Whole for February 2, 2010
4. Committee of the Whole for February 9, 2010
5. Regular County Council for February 9, 2010
6. Board of Health for March 2, 2010

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 and address 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 wrap up their comments.

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 and address 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 wrap up 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. Emergency ordinance (Ordinance 2010-015) imposing a moratorium on the acceptance of new applications for Wind Energy Systems (WES) greater than 500 kilowatts, or multiple WES per parcel with a cumulative rated output above 100 kilowatts, and declaring an emergency (AB2010-116) (36 KB) **(Please note: This ordinance was adopted at the February 23, 2010, council meeting)**

2. Ordinance amending the Whatcom County Code, Title 20, for the purposes of clarifying and revising the definition and standards of accessory apartments and second cooking facilities throughout the Code (AB2010-048) (206 KB) (from February 23)

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 approval for the County Executive to enter into a contract between Whatcom County and ACS-Enterprise Solutions for an upgrade of the auditor's office recording system to allow for map images on the internet, in the amount of \$24,000 (AB2010-127) (255 KB)
2. Request approval for the County Executive to enter into a contract between Whatcom County and Carletti Architects for the final design services for the Hovander Maintenance facility, in the amount of \$53,025 (AB2010-128) (285 KB)
3. Request approval for the County Executive to enter into a contract between Whatcom County and Ferndale School District for the provision of behavioral health services within the district, in the amount of \$82,500 (AB2010-129) (253 KB)
4. Request approval for the County Executive to enter into a contract between Whatcom County and Bellingham School District for the provision of behavioral health services within the district, in the amount of \$82,500 (AB2010-130) (285 KB)
5. Request approval for the County Executive to enter into a contract between Whatcom County and Cantrell Counseling for the provision of mental health treatment services to Whatcom County residents who have no other readily available source of funding (AB2010-131) (251 KB)
6. Request approval for the County Executive to enter into a Notice of Grant Agreement between Whatcom County, Washington State Department of Ecology, and US Fish and Wildlife Service for the southern portion of Lily Point Marine Park (AB2010-132) (322 KB)
7. Request approval for the County Executive to enter into a lease agreement between Whatcom County and Freedom 2000 (dba Cando Recycling and Disposal) for operation of the Point Roberts Landfill facility, in the amount of \$750.00 per month (AB2010-133) (259 KB)
8. Request approval for the County Executive to enter into an interagency agreement between Whatcom County and Washington State Parks and Recreation Commission for reimbursement of costs related to FEMA project on Fragrance Road (Larrabee State Park), in the estimated amount of \$36,460.80 (AB2010-135) (122 KB)

9. Request approval for the County Executive to enter into an amendment to the Interlocal Agreement with the City of Bellingham for operation of the Lakeway yard waste facility in the amended amount of \$55,000, for a total amended amount of \$185,000 (AB2010-136) (95 KB)
10. Request approval for the County Executive to purchase from vendor OM Workspace through KCDA contract, additional cubicles and moving services to relocate Public Works Engineering workstations from Unity Street to the Civic Center Building, in the amount of \$39,385.95 (AB2010-137) (59 KB)
11. Request approval for the County Executive to accept all bids for annual supply of rock, gravel and soil for use as needed for various county maintenance projects, and select the appropriate vendor as dictated by the special circumstances of each particular job, in an amount to exceed \$35,000 (AB2010-138) (93 KB)

OTHER ITEMS

(From Planning and Development Committee)

1. Consideration of Hearing Examiner's recommended approval of a planned unit development, filed by Mayflower Equities, Inc. for "Monterey Heights" (PUD2007-0001), Preliminary Long Subdivision (LSS2005-0004) (AB2010-122) (471 KB)
2. Resolution initiating Comprehensive Plan and Zoning amendments for 2010 (AB2010-113A) (131 KB)

(No committee assignment)

3. Appointment to fill a Whatcom County Planning Commission District 2 vacancy (partial term ending 12/31/2012) – applicants nominated at the February 23, 2010, Council meeting are: Richard Banel, Donald Knutzen, Mary Kay Robinson, Mary Beth Teigrob, Scott Thompson, and Terry Shiley (AB2010-053) (260 KB)
4. Confirmation of the County Executive's appointment of John Steensma to the Purchase of Development Rights Oversight Committee (AB2010-139) (45 KB)
5. Report on procurement activities and expenses incurred under authority of three (3) proclamations of emergency (written report only) (AB2010-140) (93 KB)

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. Resolution adopting the Whatcom County Comprehensive Solid & Hazardous Waste Management Plan (AB2010-141) (3.48 MB) (hearing to be scheduled)

2. Resolution vacating a portion of Portal Way (AB2009-406A) (432 KB)
(hearing to be scheduled)
3. Ordinance amending the 2010 Whatcom County Budget, eighth request,
in the amount of \$462,943 (AB2010-142) (295 KB)

OTHER BUSINESS

REPORTS AND OTHER ITEMS FROM COUNCILMEMBERS

ADJOURN

The next regular council meetings are scheduled for 7:00 p.m. Tuesdays, March 30 and April 13, 2010, in the Council Chambers, 311 Grand Avenue.

UPCOMING MEETINGS AND EVENTS (PLEASE CALL TO CONFIRM):

March 23, 2010	-Councilmembers to tour proposed and completed flood hazard management and salmon recovery projects along the Nooksack River, 9:30 a.m. departure from the Civic Center Building
March 30, 2010	-Regular council and committee meetings, Council Chambers
April 13, 2010	-Regular council and committee meetings, Council Chambers
April 20, 2010	-Health Committee, 9:00 a.m., Civic Center Building -Surface Water Work Session, 10:30 a.m., Civic Center Building -Joint Lake Management Committee meeting, City Council Chambers (evening meeting, time to be announced)
April 27, 2010	-Regular council and committee meetings, Council Chambers
May 11, 2010	-Regular council and committee meetings, Council Chambers
May 18, 2010	-Surface Water Work Session, 10:30 a.m., Civic Center Building
May 25, 2010	-Regular council and committee meetings, Council Chambers
May 31, 2010	HOLIDAY