

WHATCOM COUNTY COUNCIL AGENDA FOR JANUARY 12, 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 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:

January 18, 2010
HOLIDAY - OFFICE CLOSED

January 19, 2010
Surface Water Work Session, 10:30 a.m., Civic Center Building

January 26, 2010
Regular council and committee meetings, Council Chambers

February 1, 2010
Joint Lake Whatcom Planning Working Group, 9:30 a.m., Civic Center

February 9, 2010
Regular council and committee meetings

February 15, 2010
HOLIDAY - OFFICE CLOSED

February 23, 2010
Regular council and committee meetings

CLERK OF THE COUNCIL
Dana Brown-Davis, C.M.C.
COUNTY COURTHOUSE
311 Grand Avenue, Suite #105
Bellingham, WA 98225-4038



COUNCILMEMBERS
Barbara E. Brenner
Sam Crawford
Kathy Kershner
Bill Knutzen
Ken Mann
L. Ward Nelson
Carl Weimer

WHATCOM COUNTY COUNCIL

COUNCIL COMMITTEE OF THE WHOLE

5:30 p.m. Tuesday, January 12, 2010
Council Committee Room, 311 Grand Avenue

AGENDA

SPECIAL ORDER OF BUSINESS

- | | <u>Pages</u> |
|---|--------------|
| 1. Annual Reorganization of the Whatcom County Council (AB2010-021) | <u>1 - 9</u> |

OTHER ITEMS

- | | |
|--|-----------------|
| 1. Discussion with Chief Civil Deputy Prosecutor Randall Watts 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)] | <u>No Paper</u> |
| 2. Update and discussion regarding Lummi Island Ferry dock negotiations (AB2010-018)
[Discussion of this item may take place in executive session (closed to the public) pursuant to RCW42.30.110 (1)(i)] | <u>No Paper</u> |

Other Business



WHATCOM COUNTY COUNCIL

COUNCIL AGENDA

REGULAR COUNCIL MEETING
7:00 p.m. Tuesday, January 12, 2010

Council Chambers, 311 Grand Avenue

AGENDA

Pages

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. Regular County Council for November 10, 2009 | <u>10 - 30</u> |
| 2. Special Committee of the Whole for November 24, 2009 | <u>31 - 37</u> |
| 3. Regular County Council for November 24, 2009 | <u>38 - 69</u> |
| 4. Board of Health for December 1, 2009 | <u>70 - 71</u> |
| 5. Committee of the Whole for December 8, 2009 | <u>72 - 72</u> |

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. Resolution regarding a petition for the vacation of a portion of Edwards Drive, filed by David Duncan, et al (AB2009-260A) | <u>73 - 89</u> |
|---|-----------------------|

2. Resolution authorizing the sale of Whatcom County surplus property by public auction pursuant to WCC 1.10 (AB2009-475A) **90 - 93**
3. Ordinance amending, on an interim basis, Whatcom County Code 20.80.735 to modify the dates of seasonal restrictions on clearing activities and issuance of development permits within the Water Resource Special Management Areas (AB2009-314A) **94 - 103**

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. Any member of the public, administrative staff, or council may ask that an item be considered separately.

1. Request approval for the County Executive to enter into a contract between Whatcom County and Brown and Caldwell Environmental Engineers & Consultants for Lake Whatcom phosphorus and bacteria TMDL assistance, in the amount of \$329,204 (AB2010-035) **104 - 123**
2. Request approval for the County Executive to enter into an MOU between Whatcom County and Washington State University to continue the joint sharing of costs for a faculty position for Whatcom County Extension, in 2010 in the amount of \$83,542 (AB2010-036) **124 - 129**
3. Request approval for the County Executive to enter into a contract between Whatcom County and Sustainable Connections for provision of Green Building and Resource Conservation Outreach services in 2010, in the amount of \$20,000 (AB2010-037) **130 - 142**
4. Request approval for the County Executive to enter into a contract between Whatcom County and Bellingham Food Bank for the collection, warehousing, and distribution of food to local food banks, in the amount of \$50,000 (AB2010-038) **143 - 154**
5. Request approval for the County Executive to enter into a contract between Whatcom County and Whatcom Volunteer Center for the provision of volunteer services, in the amount of \$35,000 (AB2010-039) **155 - 167**
6. Request approval for the County Executive to enter into a residential lease agreement between Whatcom County and Chelsea and Marcos Garcia for the lease of 5305 Nielsen Ave in Hovander Homestead Park, in the amount of \$795 per month (AB2010-040) **168 - 176**
7. Request authorization for the County Executive to accept Sun Life Stop-Loss Policy for insurance protection for the self-insured medical plan in 2010 (AB2010-041) **177 - 207**
8. Request approval for the County Executive to enter into a lease agreement between Whatcom County and the Whatcom Humane Society for the purposes of providing animal control and shelter services at 1661 Baker Creek Place, in the amount of \$10 per annum (AB2010-042) **208 - 215**

9. Request approval for the County Executive to enter into a contract between Whatcom County and Compu-tech, Inc. for the completion of WENET Phase I development by implementing the WWU Police Service Point, in the amount of \$74,300 (AB2010-043) **216 - 229**

OTHER ITEMS

(No committee assignment)

1. Request confirmation of the County Executive's new appointments and year end re-appointments to the boards and committees (AB2010-044) **230 - 243**
2. Appointments to fill vacancies on the Whatcom County Planning Commission (AB2009-386B) **244 - 292**
3. Discussion related to the County Executive's veto of Ordinance 2009-074 and the possible affect on levy rates (AB2009-435) **No Paper**

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 repealing Whatcom County Code 2.125, Utilities Planning and Advisory Committee (AB2010-045) **On File**
2. Ordinance prohibiting the illegal and illicit discharge of hazardous materials and non-stormwater runoff to the County's Municipal Separate Storm Sewer System (MS4) (AB2009-320D) (hearing to be scheduled) **On File**
3. Ordinance amending WCC Title 20.80.636, 20.80.734, and 20.04.076 regarding stormwater management requirements, general review thresholds, and NPDES Phase II boundaries (AB2010-046) (hearing to be scheduled) **On File**
4. Ordinance amending the Whatcom County Code, Title 20, to clarify and revise the definition and standards of home occupations (AB2010-047) **On File**
5. Ordinance clarifying and revising the definition and standards of accessory apartments and second cooking facilities within Whatcom County's zoning code, Title 20 (AB2010-048) **On File**
6. Ordinance clarifying the applicability of Agricultural Protection Overlay (APO) by including the area of adjoining road rights-of-way in the calculations of parcel acreage for APO zone (AB2010-049) **On File**

7. Request for public hearing, as required by the State Auditors office, on the results of the Performance Audit Report (AB2010-050) (hearing to be scheduled)

On File

8. Ordinance amending the 2010 Whatcom County Budget, fifth request, in the amount of \$599,233 (AB2010-051)

On File

OTHER BUSINESS

REPORTS AND OTHER ITEMS FROM COUNCILMEMBERS

ADJOURN

The next regular council meetings are scheduled for 7:00 p.m. Tuesdays, January 26 and February 9, 2010, in the Council Chambers, 311 Grand Avenue.

UPCOMING MEETINGS AND EVENTS (PLEASE CALL TO CONFIRM):

January 18, 2010	Holiday – Office Closed
January 19, 2010	Surface Water Work Session, 10:30 a.m., Civic Center Building
January 26, 2010	Regular council and committee meetings
February 1, 2010	Joint Lake Whatcom Policy Working Group, 9:30 a.m., Civic Center
February 9, 2010	Regular council and committee meetings
February 15, 2010	Holiday – Office Closed
February 23, 2010	Regular council and committee meetings

WHATCOM COUNTY COUNCIL ACTION TAKEN

December 8, 2009

ANNOUNCEMENTS

1. Discussion with Chief Civil Deputy Prosecutor Randy Watts regarding pending litigation (AB2009-018) **Discussed**

SPECIAL PRESENTATIONS

1. Special presentation by the County Executive to Chuck Antholt, Agricultural Advisory Committee and Rod Erickson, Purchase of Development Rights Oversight Committee, for their outstanding contributions to the community (AB2009-017) **Presented**
2. Barbara Brenner presented plaques to the outgoing councilmembers **Presented**

MINUTES CONSENT

1. Special Committee of the Whole for November 10, 2009 **Approved 6-0**
2. Committee of the Whole for November 10, 2009 **Approved 6-0**
3. Regular County Council for November 10, 2009 **Pulled**

OPEN SESSION

PUBLIC HEARINGS

1. Resolution adopting a 2010 budget for the Birch Bay Watershed and Aquatic Resources Management District (AB2009-451) (**Council acting as the Whatcom County Flood Control District Board of Supervisors**) **Approved 6-0, Res#2009-071**

CONSENT AGENDA

1. Request approval for the County Executive to enter into an interlocal agreement between Whatcom County and the Whatcom County Flood Control Zone District for the 2009-2010 Marietta Acquisition Project (AB2009-459) (**this agreement must be approved by the County Council and the Council acting as the Whatcom County Flood Control District Board of Supervisors**) **Approved 6-0**
2. Request approval for the County Executive to enter into a grant agreement with the Washington State Military Department and execute purchase agreements and construction contracts for project implementation for a Hazard Mitigation Grant Program for acquisition of flood damaged properties in Marietta, in the amount of \$343,090 (AB2009-460) **Approved 6-0**

3. Request approval for the County Executive to enter into a contract renewal between Whatcom County and Burlington Environmental LLC to operate the Moderate Risk Waste Facility (Disposal of Toxics) at 3505 Airport Drive, in the amount of \$1,125,000 (AB2009-461) **Approved 6-0**
4. Request approval for the County Executive to enter into a contract between Whatcom County and Whatcom Alliance for Healthcare Access for health insurance and Care Connection services, in the amount of \$50,000 (AB2009-462) **Approved 6-0**
5. Request approval and authorization for the County Executive to enter into a contract amendment for extension of the term of services with Reisner Distributor, Inc., in the amount of \$400,000 (contract amount amended to \$800,000) for the purposes of providing a card lock fueling system for fleet vehicles (contract to be extended from January 1, 2010 through December 31, 2011) (AB2009-463) **Approved 6-0**
6. Request approval for the County Executive to enter into a contract amendment between Whatcom County and Wellman & Zuck Construction LLC for the "Demolition of Eleven Buildings at Bay Horizon Park" and extension of the contract from November 17, 2009, to December 31, 2009, in the amended amount of \$39,339.25 (for a total contract amount of \$266,066.28 (AB2009-464) **Approved 6-0**
7. Request approval for the County Executive to enter into a professional services agreement between Whatcom County and Catholic Community Services Recovery Center for the provision of substance abuse evaluation and services under the Chemical Dependency Disposition Alternative program, in an amount not to exceed \$30,000 (AB2009-465) **Approved 6-0**
8. Request authorization for the County Executive to enter into a consultant agreement between Whatcom County and David Evans & Associates for the final design phase to replace the Potter Road S. Fork Bridge #148, CRP #998027, in the amount of \$533,343 (AB2009-466) **Approved 6-0**

WHATCOM COUNTY COUNCIL ACTION TAKEN

December 8, 2009

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9. Request approval for the County Executive to enter into a contract between Whatcom County and sole source vendor ACS Enterprise Solutions for software development services related to the Assessor/Treasurer system, in the amount of \$22,800 (AB2009-467)
Approved 6-0
 10. Request approval for the County Executive to enter into a contract for services between Whatcom County and Wilson Engineering LLC for the Lake Samish Comprehensive Stormwater Plan, in the amount of \$109,946 (AB2009-468)
Approved 6-0
 11. Request approval for the County Executive to enter into a contract for consultant services between Whatcom County and Anchor QEA, LLC in support of riparian condition and function assessment including GIS services and products for coastal areas from Point Whitehorn north to the Canadian border, in the amount of \$29,997 (AB2009-469)
Approved 6-0
 12. Request approval for the County Executive to enter into an interlocal agreement between Whatcom County, City of Bellingham and Lake Whatcom Water and Sewer District for cost sharing for tasks related to the existing Lake Whatcom Tributary Monitoring project between the County, City and District, in the amount of \$349,514 (AB2009-470)
Approved 6-0
 13. Request approval for the County Executive to award bid #09-82 and enter into a contract between Whatcom County and low bidder, Award Construction, Inc. for installation of two biodiesel tanks and wireless camera conversion at Central Shop, in the amount of \$150,791.13 (AB2009-471)
Approved 6-0
 14. Request authorization for the Executive to approve the purchase of the annual 2010 supply of guardrail from vendor, Coral Sales, utilizing Washington State Contract, in the amount of approximately \$50,000 (AB2009-472)
Approved 6-0
 15. Request authorization for the Executive to approve the purchase of radios and related equipment for the Sheriff's vehicles from vendors, Motorola and Day Wireless, utilizing Washington State Contract, in the amount of approximately \$60,000 (AB2009-473)
Approved 6-0
 16. Request authorization for the Executive to approve the purchase of autobody repair services in 2010 from vendor CEI Group with Gitt's Autobody of Ferndale, utilizing Washington State Contract, in the amount of approximately \$35,000 (AB2009-474)
Approved 6-0
 17. Resolution authorizing the sale of surplus property by public auction and the setting of a date for public hearing (AB2009-475)
Approved 6-0, Res#2009-072
 18. Request approval for the County Executive to enter into a contract between Whatcom County and Whatcom Counseling and Psychiatric Clinic for jail mental health professional services, in the amount of \$104,618 (AB2009-476)
Approved 6-0
 19. Request approval for the County Executive to enter into a contract between Whatcom County and Whatcom Counseling and Psychiatric Clinic for mental health peer support services, in the amount of \$75,000 (AB2009-477)
Approved 6-0
 20. Request approval for the County Executive to enter into a contract between Whatcom County and Whatcom Counseling and Psychiatric Clinic for Shelter Plus Care housing implementation services, in the amended amount of \$54,431 for a total contract amount of \$95,254.20 (AB2009-478)
Approved 6-0
 21. Request approval for the County Executive to authorize allocation of 2060 Low Income Housing Repair and Retention funding and enter into a contract between Whatcom County and Sean Humphrey House for flooring replacement at the house, in the amount of \$9,018 (AB2009-479)
Approved 6-0
 22. Request approval for the County Executive to authorize allocation of 2060 Low Income Housing Repair and Retention funding and enter into a contract between Whatcom County and Sun Community Services for new appliances and interior painting at Sun House, in the amount of \$3,060 (AB2009-480)
Approved 6-0
 23. Request approval for the County Executive to enter into a contract amendment between Whatcom County and Geneva Consulting for continued Phase IV implementation of the WRIA 1 Watershed Management Program, in the amended amount of \$37,500 for a total contract amount of \$63,900 (AB2009-481)
Approved 6-0
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WHATCOM COUNTY COUNCIL ACTION TAKEN

December 8, 2009

24. Request approval for the County Executive to enter into a contract amendment between Whatcom County and the Northwest Economic Council for assistance with the oversight of the EDI fund and expanded outreach to the business community, in the amended amount of \$100,000, for a total contract of \$140,500 (AB2009-482) **Approved 6-0**
 25. Request approval for the County Executive to enter into a contract between Whatcom County and Sun Community Services for emergency shelter services at Sun House and transitional housing services at Gladstone House, in the amount of \$127,000 (AB2009-483) **Approved 6-0**
 26. Request approval for the County Executive to enter into a contract between Whatcom County and Opportunity Council for Whatcom County Service Center Administrative Services, in the amount of \$586,501 (AB2009-484) **Approved 6-0**
 27. Request approval for the County Executive to authorize allocation of 2060 Low Income Housing Repair and Retention funding and enter into a contract between Whatcom County and YWCA for replacement of a walkway and stairs at Larrabee Residence, in the amount of \$5,632 (AB2009-485) **Approved 6-0**
 28. Request approval for the County Executive to authorize allocation of 2060 Low Income Housing Repair and Retention funding and enter into a contract between Whatcom County and Opportunity Council for emergency home repairs, in the amount of \$65,000 (AB2009-486) **Approved 6-0**
 29. Resolution ordering the cancellation of uncollectable accounts receivable for parking violations more than a year old (AB2009-487) **Approved 6-0, Res#2009-073**
 30. Resolution ordering the cancellation of unredeemed warrants more than a year old (AB2009-488) **Approved 6-0, Res#2009-074**
 31. Request approval for the County Executive to enter into a contract between Whatcom County and the Whatcom Center for Early Learning to provide parent-to-parent support coordination, events, and activities for families of children with developmental disabilities and delays, in the amount of \$34,429 (AB2009-489) **Approved 6-0**
 32. Request approval for the County Executive to enter into a contract between Whatcom County and Pioneer Human Services for jail re-entry specialist services, in the amount of \$106,000 (AB2009-490) **Approved 6-0**
 33. Request approval for the County Executive to enter into a contract between Whatcom County and Bellingham Whatcom Chamber of Commerce and Industry for advertising and promotion of the Ski to Sea Festival, in the amount of \$29,000 (AB2009-491) **Approved 6-0**
 34. Request approval for the County Executive to enter into a contract between Whatcom County and the Mt. Baker Foothills Chamber of Commerce for funding to promote tourism, in the amount of \$62,000 (AB2009-492) **Approved 6-0**
 35. Request approval for the County Executive to enter into a contract between Whatcom County and Bellingham Whatcom County Tourism to provide services to promote tourism in Whatcom County, in the amount of \$165,600 (AB2009-493) **Approved 6-0**
 36. Request authorization for the County Executive to enter into a contract with Ron Wright & Associates/Architects, PS, for architectural design services for the Mental Health Triage Center at the Whatcom County Jail Work Center, in the amount \$30,120 (AB2009-496) **Approved 6-0**
 37. Request authorization for the County Executive to change vendors from IKON to Copiers Northwest for the County's supply of Canon copiers (AB2009-497) **Approved 6-0**
 38. Request authorization for the County Executive to enter into a contract with K-Engineers, Inc. for electrical engineering services for the computer room UPS and generator, in the amount of \$22,500 (AB2009-498) **Approved 6-0**
 39. Request authorization for the County Executive to enter into a contract with AMX International for J.D. Edwards system support, in the amount of \$35,000 (AB2009-499) **Approved 6-0**
 40. Request authorization for the County Executive to enter into contract addendum #3 with Whatcom Counseling and Psychiatric Clinic for Jail psychiatric services (AB2009-500) **Approved 6-0**
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WHATCOM COUNTY COUNCIL ACTION TAKEN

December 8, 2009

OTHER ITEMS

1. Ordinance amending the 2009 Whatcom County Budget, thirteenth request, in the amount of \$594,099 (AB2009-448) **Adopted 6-0**
Ord#2009-083
2. Ordinance amending the 2010 Whatcom County Budget, fourth request, in the amount of \$6,247,026 (AB2009-449) **Adopted 5-1**
Brenner Opposed, Ord#2009-084
3. Ordinance requesting the repeal of WCC 6.04.050, Sections A & F, that allow for the purchase of a multi-dog license (AB2009-450)
Failed 3-3, Nelson, Brenner,
Crawford Opposed
4. Request ratification of December 8, 2009 – December 31, 2011 Deputy Sheriff's Guild Collective Bargaining Agreement (AB2009-457)
Approved 6-0
5. Resolution amending Resolution 2008-077 (the 2009 – 2010 Unrepresented Resolution) to be effective January 1, 2010 (AB2009-458)
Approved 6-0, Res#2009-075
6. Resolution approving the sale of an easement by Whatcom County to Burlington Northern Santa Fe Railroad Company (AB2009-494)
Approved 6-0, Res#2009-076
7. ~~Consideration of Hearing Examiner's recommended approval of Development Agreement prepared by Birch Bay Bible Community Church and Whatcom County Planning & Development Services, in consultation with the Washington State Department of Ecology and the U.S. Army Corps of Engineers related to CUP2007-0003 (AB2009-454) Resolution approving the development agreement between Whatcom County and Birch Bay Bible Community Church as recommended by the Hearing Examiner (AB2009-454)~~
Approved 6-0, Res #2009-077
8. Ordinance amending WCC 20.94, "Enforcement & Penalties" to cease issuing citations and instead issue administrative civil penalties (AB2009-447) **Amended & Adopted 6-0,**
Ord #2009-085

9. Request confirmation of the County Executive's appointments and year end re-appointments to boards, commissions and committees (AB2009-495) **Confirmed 6-0**
10. Council appointments to various boards, commissions, and committees in preparation for the year 2010 (AB2009-386)
Vacancies Appointed
11. Year end appointments to fill vacancies on the Whatcom County Flood Control Zone District Advisory Committee (AB2009-386A) **(Council acting as the Flood Control Zone District Board of Supervisors).**
Vacancies Appointed
12. Nominations and possible appointment to fill the District 1, Position B, vacancy on the Whatcom County Council (AB2009-456)
County Executive to Appoint
13. Resolution approving recommendations on seven applications for classification, reclassification, or amending existing applications for open space current use assessments for lands located within the City of Bellingham (AB2009-455)
Amended & Approved 5-1,
Weimer opposed, Res #2009-078

INTRODUCTION ITEMS

1. Resolution authorizing the sale of Whatcom County surplus property by public auction pursuant to WCC 1.10 (AB2009-475A) **Introduced**
2. Ordinance amending, on an interim basis, Whatcom County Code 20.80.735 to modify the dates of seasonal restrictions on clearing activities and issuance of development permits within the Water Resource Special Management Areas (AB2009-314A) **Introduced**

OTHER BUSINESS

REPORTS AND OTHER ITEMS FROM COUNCILMEMBERS

ADJOURN