

WHATCOM COUNTY COUNCIL AGENDA FOR JANUARY 26, 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:

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 16, 2010

Health Committee, 9:00 a.m., Civic Center Building
Surface Water Work Session, 10:30 a.m., Civic Center Building

February 23, 2010

Regular council and committee meetings

March 2, 2010

Health Board meeting, 10:30 a.m., Council Chambers



WHATCOM COUNTY COUNCIL

COMMITTEE SCHEDULES

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

9:30 a.m. Tuesday, January 26, 2010
Council Chambers, 311 Grand Avenue

AGENDA

| | <u>Pages</u> |
|---|-----------------------|
| <u>Special Order of Business</u> | |
| 1. Election of committee chair (AB2010-021) | <u>1 - 1</u> |
| <u>Committee Discussion and Recommendations to Council</u> | |
| 1. Request approval for the County Executive to enter into an interagency agreement between Whatcom County Flood Control Zone District and Washington Department of Ecology for pass through funds to assist with the managing of sediment deposited by Swift Creek (AB2010-055) (Council acting as the Whatcom County Flood Control Zone District Board of Supervisors) | <u>2 - 14</u> |
| 2. Resolution approving the South Fork Regional Park Conceptual Plan (AB2010-056) | <u>15 - 33</u> |

Other Business

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

11:00 a.m. Tuesday, January 26, 2010
Council Chambers, 311 Grand Avenue

AGENDA

| | <u>Pages</u> |
|---|-----------------------|
| <u>Special Order of Business</u> | |
| 1. Election of committee chair (AB2010-021) | <u>1 - 1</u> |
| <u>Committee Discussion and Recommendation to Council</u> | |
| 1. Ordinance amending the 2010 Whatcom County Budget, fifth request, in the amount of \$599,233 (AB2010-051) | <u>34 - 67</u> |
| 2. Request approval for the County Executive to enter into a professional services agreement between Whatcom County and Northwest Hydraulic Consultants for engineering design of an integrated fish habitat and flood project on the South Fork Nooksack River near Acme, in the amount of \$73,000 (AB2009-057) (Council acting as the Whatcom County Flood Control District Board of Supervisors) | <u>68 - 85</u> |

3. Request approval for the County Executive to enter into a joint funding agreement between Whatcom County and US Department of Interior, US Geological Survey for operation and maintenance of stream flow and water temperature gages in Bertrand Creek in the amount of \$18,800 (AB2010-058) **(Council acting as the Whatcom County Flood Control District Board of Supervisors)** **86 - 92**

4. 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) (from 1/12) **93 - 112**

Council "Consent Agenda" Items

1. Request approval for the County Executive to enter into a memorandum of understanding 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) (from 1/12) **113 - 118**

2. 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) (from 1/12) **119 - 131**

3. 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) (from 1/12) **132 - 143**

4. 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) (from 1/12) **144 - 156**

5. Request authorization for the County Executive to enter into project agreement amendment #1 with the Washington State Recreation and Conservation Funding Board (RCFB) to increase the amount of State funding for the acquisition of Lily Point by \$436,885 with a corresponding reduction in the project sponsor match amount (AB2010-059) **157 - 161**

6. Request authorization for the County Executive to enter into a residential lease agreement with David Flarry and Emily Smith to lease 5236 Nielsen Ave., Ferndale in the Tennant Lake Interpretive Center, in the amount of \$650 per month (AB2010-060) **162 - 170**

7. Request approval for the County Executive to waive bid requirements and enter into a contract between Whatcom County and Domestic Violence & Sexual Assault Services for the provision of assistance to support and represent the Commission Against Domestic Violence. in the amount of \$45,000 (AB2010-061) **171 - 185**

8. Resolution canceling uncollectible personal property taxes (AB2010-062) **186 - 196**
9. Resolution approving the Treasurer's annual list of property tax refunds consistent with RCW 84.69.020 (AB2010-063) **197 - 223**
10. Request approval for the County Executive to enter into a grant agreement between Whatcom County and Washington State Department of Ecology for coordinated prevention grant activities to include the operation of the Disposal of Toxics Facility, in the amount of \$234,577 (AB2010-064) **224 - 247**
11. Request approval for the County Executive to enter into a contract between Whatcom County and Catholic Community Services for juvenile court behavioral health specialist services, in the amount of \$95,000 (AB2010-065) **248 - 266**
12. Request authorization for the Executive to approve the purchase of an annual supply (on an as needed basis) of asphalt products utilizing Washington State Contract; vendors are Albina Asphalt, Arrow Construction Supply, Partner Construction Products, and Special Asphalt Products, in the amount of approximately \$40,000 (AB2010-066) **267 - 269**
13. Request authorization for the Executive to approve the purchase of the annual 2010 supply of glass beads for traffic line marking paint using Washington State Contract and vendors Alpine Products and Potters Industries, in the amount of approximately \$77,000 (AB2010-067) **270 - 272**
14. Request authorization for the Executive to approve the purchase of the 2010 annual supply of Lignosite for dust control on county roads on an as needed basis from sole vendor Meenderinck, LLC, in the amount of \$25,000 (AB2010-068) **273 - 276**
15. Request authorization for the Executive to approve the purchase of lubricants using Washington State Contract and vendor Conoco Phillips 76/Reisner Distributor, in an amount that could exceed \$35,000 (AB2010-069) **277 - 279**
16. Request authorization for the Executive to approve the purchase of the annual 2010 supply of Carquest and NAPA auto parts from local franchise dealers on an as needed basis using Washington State Contract, in an amount that will exceed \$35,000 (AB2010-070) **280 - 282**
17. Request authorization for the Executive to enter into an interlocal agreement between Whatcom County and Whatcom Council of Governments for the delivery of services through the Smart Trips program in the amount of \$60,000 (AB2010-071) **283 - 290**

Other Business

COUNCIL PUBLIC WORKS AND SAFETY COMMITTEE
Members: Barbara Brenner, Ken Mann, Carl Weimer

1:30 p.m. Tuesday, January 26, 2010
Council Chambers, 311 Grand Avenue

AGENDA

| | <u>Pages</u> |
|---|-------------------------|
| <u>Special Order of Business</u> | |
| 1. Election of committee chair (AB2010-021) | <u>1 - 1</u> |
| <u>Committee Discussion</u> | |
| 1. Discussion regarding franchise agreements (AB2010-079) | <u>291 - 291</u> |
| <u>Other Business</u> | |

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

3:00 p.m. Tuesday, January 26, 2010
Council Chambers, 311 Grand Avenue

AGENDA

| | <u>Pages</u> |
|--|-------------------------|
| <u>Special Order of Business</u> | |
| 1. Election of committee chair (AB2010-021) | <u>1 - 1</u> |
| <u>Committee Discussion</u> | |
| 1. Rural Element update, discussion of status and future process (AB2010-072) | <u>292 - 294</u> |
| <u>Committee Discussion and Recommendations to Council</u> | |
| 1. Ordinance repealing Whatcom County Code 2.125, Utilities Planning and Advisory Committee (AB2010-045) | <u>295 - 296</u> |
| 2. Ordinance amending the Whatcom County Code, Title 20, to clarify and revise the definition and standards of home occupations (AB2010-047) | <u>297 - 307</u> |
| 3. 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) | <u>308 - 330</u> |
| 4. 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) | <u>331 - 341</u> |
| <u>Other Business</u> | |

COUNCIL COMMITTEE OF THE WHOLE

**5:45 p.m. Tuesday, January 26, 2010
Council Committee Room, 311 Grand Avenue**

AGENDA

Pages

1. Strategy planning discussion and positions to be taken regarding collective bargaining (AB2010-018)
[Discussion of this item may take place in executive session (closed to the public) pursuant to RCW42.30.140 (4)(a)] **342 - 342**
2. Update and discussion regarding Lummi Island Ferry dock negotiations (AB2010-078)
[Discussion of this item may take place in executive session (closed to the public) pursuant to RCW42.30.110 (1)(i)] **343 - 343**
3. Discussion with the Council's Planning and Policy Analyst regarding work assignments (AB2010-017) **No Paper**

Other Business



WHATCOM COUNTY COUNCIL
COUNCIL AGENDA

REGULAR COUNCIL MEETING
7:00 p.m. Tuesday, January 26, 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. Special County Council for December 8, 2009 **344 - 348**

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. 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) **349 - 355**
2. 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) **356 - 364**
3. Washington State Auditor's Performance Audit Report (AB2010-050) **365 - 491**

4. Ordinance staying pro-active enforcement of Whatcom County Code 24.05, On-site Sewage System Regulations, in cases where property owners are otherwise not transferring title or conveying real estate (AB2009-135) (introduced November 10, 2009) **492 - 495**

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 memorandum of understanding 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) (from 1/12) **113 - 118**
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8. Resolution canceling uncollectible personal property taxes (AB2010-062) **186 - 196**
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17. Request authorization for the Executive to enter into an interlocal agreement between Whatcom County and Whatcom Council of Governments for the delivery of services through the Smart Trips program in the amount of \$60,000 (AB2010-071) **283 - 290**

OTHER ITEMS

(From Natural Resources Committee)

1. Request approval for the County Executive to enter into an interagency agreement between Whatcom County Flood Control Zone District and Washington Department of Ecology for pass through funds to assist with the managing of sediment deposited by Swift Creek (AB2010-055) **(Council acting as the Whatcom County Flood Control Zone District Board of Supervisors)** 2 - 14
2. Resolution approving the South Fork Regional Park Conceptual Plan (AB2010-056) 15 - 33

(From Finance and Administrative Services Committee)

3. Ordinance amending the 2010 Whatcom County Budget, fifth request, in the amount of \$599,233 (AB2010-051) 34 - 67
4. Request approval for the County Executive to enter into a professional services agreement between Whatcom County and Northwest Hydraulic Consultants for engineering design of an integrated fish habitat and flood project on the South Fork Nooksack River near Acme, in the amount of \$73,000 (AB2009-057) **(Council acting as the Whatcom County Flood Control District Board of Supervisors)** 68 - 85
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6. 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) (from 1/12) 93 - 112

(From Planning and Development Committee)

7. Ordinance repealing Whatcom County Code 2.125, Utilities Planning and Advisory Committee (AB2010-045) 295 - 296
8. Ordinance amending the Whatcom County Code, Title 20, to clarify and revise the definition and standards of home occupations (AB2010-047) 297 - 307
9. 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) 308 - 330

10. 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) **331 - 341**

(No committee assignment)

11. Nominations and appointments to fill vacancies on the Flood Control Zone District Advisory Committee, Tribal representative and Geographic representatives. (AB2010-034) **(Council acting as the Whatcom County Flood Control Zone District Board of Supervisors)** **496 - 503**
12. Nomination and appointment to fill vacancy on the Sumas/Everson/Nooksack Flood Control Sub-Zone Committee (AB2010-034A) **(Council acting as the Whatcom County Flood Control Zone District Board of Supervisors)** **504 - 505**
13. Nominations and appointments to fill vacancies on the Whatcom County Planning Commission (AB2009-386B) **506 - 554**
14. Approval of a special "standing" Council meeting schedule for 2010 (AB2010-080) **555 - 556**
15. County Executive Pete Kremen requests confirmation of his appointment of Ethan Rimmel to the Whatcom County Public Health Advisory Board (AB2010-073) **557 - 558**
16. County Executive Pete Kremen requests confirmation of his appointment of Mark McDonald and Ronald Kleinknecht to the Whatcom County Mental Health Advisory Board (AB2010-074) **559 - 561**

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. Receipt of an appeal filed by Whatcom County of the Hearing Examiner's decision on APOL2009-0011, regarding certain conditions contained within a Notice of Preliminary Short Plat Approval document for SSS2006-00225, Krebs Cluster Short Plat (AB2009-502) **On File**
2. Ordinance amending WCC Title 20 to modify the dates of seasonal restrictions on clearing activities from September 1st through April 30th to October 1st through May 31st and imposing a deadline on the issuance of development permits to two weeks prior to the seasonal closure date in the Water Resource Special Management Areas (AB2010-075) **On File**
3. Ordinance regarding establishment of a Point Roberts Community Advisory Committee (AB2010-076) **On File**
4. Ordinance amending the 2010 Whatcom County Budget, sixth request, in the amount of \$25,000 (AB2010-077) **On File**

OTHER BUSINESS

REPORTS AND OTHER ITEMS FROM COUNCILMEMBERS

ADJOURN

The next regular council meetings are scheduled for 7:00 p.m. Tuesdays, February 9 and 23, 2010, in the Council Chambers, 311 Grand Avenue.

UPCOMING MEETINGS AND EVENTS (PLEASE CALL TO CONFIRM):

| | |
|--------------------------|---|
| 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 16, 2010 | Health Committee, 9:00 a.m., Civic Center Building Surface Water Work Session, 10:30 a.m., Civic Center Building |
| February 23, 2010 | Regular council and committee meetings |
| March 2, 2010 | Health Board meeting, 10:30 a.m., Council Chambers |
| March 16, 2010 | Regular council and committee meetings, Council Chambers |
| March 23, 2010 | Surface Water Work Session, 10:30 a.m., 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 |

WHATCOM COUNTY COUNCIL ACTION TAKEN

January 12, 2010

ANNOUNCEMENTS

1. Annual Reorganization of the Whatcom County Council (AB2010-021) **Reported**
2. Discussion with Chief Civil Deputy Prosecutor Randall Watts regarding pending litigation (AB2010-018) **Reported**
3. Update and discussion regarding Lummi Island Ferry dock negotiations (AB2010-018) **Reported**
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) **Held To January 26 Finance Committee**

MINUTES CONSENT

1. Regular County Council for November 10, 2009 **Mann Abstained, Approved 6-0-1**
2. Special Committee of the Whole for November 24, 2009 **Mann Abstained, Approved 6-0-1**
3. Regular County Council for November 24, 2009 **Mann Abstained, Approved 6-0-1**
4. Board of Health for December 1, 2009 **Mann Abstained, Approved 6-0-1**
5. Committee of the Whole for December 8, 2009 **Mann Abstained, Approved 6-0-1**
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) **Held To January 26 Finance Committee**
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) **Held To January 26 Finance Committee**

OPEN SESSION

PUBLIC HEARINGS

1. Resolution regarding a petition for the vacation of a portion of Edwards Drive, filed by David Duncan, et al (AB2009-260A) **Approved 7-0**
Res#2010-001
2. Resolution authorizing the sale of Whatcom County surplus property by public auction pursuant to WCC 1.10 (AB2009-475A) **Approved 7-0, Res#2010-002**
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) **Adopted 7-0**
Ord#2010-001
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) **Held To January 26 Finance Committee**
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) **Approved 7-0**
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) **Approved 7-0**
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) **Approved 7-0**

CONSENT AGENDA

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) **Held To January 26 Finance Committee**

WHATCOM COUNTY COUNCIL ACTION TAKEN

January 12, 2010

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) **Approved 7-0**

OTHER ITEMS

1. Request confirmation of the County Executive's new appointments and year end re-appointments to the boards and committees (AB2010-044) **Approved 7-0**
2. Appointments to fill vacancies on the Whatcom County Planning Commission (AB2009-386B) **Rainey (District 1), Honcoop (District 2), Erickson & Luke (District 3) Appointed**
3. Discussion related to the County Executive's veto of Ordinance 2009-074 and the possible affect on levy rates (AB2009-435) **Discussed**

INTRODUCTION ITEMS

1. Ordinance repealing Whatcom County Code 2.125, Utilities Planning and Advisory Committee (AB2010-045) **Introduced**
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) **Introduced**

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) **Introduced**

4. Ordinance amending the Whatcom County Code, Title 20, to clarify and revise the definition and standards of home occupations (AB2010-047) **Introduced**

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) **Introduced**

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) **Introduced**

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) **Introduced**

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

OTHER BUSINESS

REPORTS AND OTHER ITEMS FROM COUNCILMEMBERS

ADJOURN