

WHATCOM COUNTY COUNCIL AGENDA FOR APRIL 27, 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
1991 - 2010 Ordinances
1992 - 2010 Resolutions
2001 - 2010 Committee Minutes
2001 - 2010 Council Minutes

SPECIAL NOTES FOR TODAY:

**PUBLIC WORKS AND SAFETY COMMITTEE MEETING
BEGINS AT 1:00 P.M.**

**PLANNING AND DEVELOPMENT COMMITTEE MEETING
BEGINS AT 2:00 P.M.**

**SPECIAL COMMITTEE OF THE WHOLE MEETING
BEGINS AT 4:00 P.M.**

UPCOMING MEETINGS AND EVENTS:

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



WHATCOM COUNTY COUNCIL

COMMITTEE SCHEDULES

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

9:30 a.m. Tuesday, April 27, 2010
Council Chambers, 311 Grand Avenue

AGENDA

Committee Discussion

Pages

1. Discussion regarding a proposed ordinance amending Whatcom County Code, Title 20, to reduce development potential in zoning districts within the Lake Whatcom Watershed (AB2010-185)

1 - 8

Other Business

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

11:00 a.m. Tuesday, April 27, 2010
Council Chambers, 311 Grand Avenue

AGENDA

Special Presentation

Pages

1. Overview of services provided by Northwest Regional Council (AB2010-123)

9 - 9

Committee Discussion and Recommendation to Council

1. Ordinance amending the 2010 Whatcom County Budget, ninth request, in the amount of \$71,451 (AB2010-179)
2. Ordinance amending the 2010 Whatcom County Project Budget, second request, in the amount of \$250,000 (AB2010-181)
3. Request approval for the County Executive to enter into a grant agreement with the Executive Office of the President, Office of National Drug Control Policy, for support of the NW HIDTA Border Task Force Prosecution Initiative to be used to pay for a prosecutor and a secretary for the Prosecutor's office and software maintenance costs for the Aegis R Public Safety Interface Software, in the amount of \$175,073 (AB2010-186)
4. Resolution amending CRP #998001 and award of the construction contract for Yew Street Road Phase II to Friberg Construction Company, Inc. as low bidder, in the amount of \$1,554,900.35 (AB2010-187)

10 - 20

21 - 26

27 - 37

38 - 60

- 5. Request approval for the County Executive to enter into a contract between Whatcom County and BergerABAM, Inc for structural rehabilitation design analysis for Marine Drive – Little Squalicum Bridge No. 001 and Portal Way – Dakota Creek Bridge No. 500, in the amount of \$47,376 (AB2010-188) **61 - 90**
- 6. Request approval for the demolition of a storage shed at Hovander Park (AB2010-189) **91 - 94**

Council "Consent Agenda" Items

- 1. Request approval for the County Executive to enter into a contract amendment between Whatcom County and Northwest Youth Services for housing case management services in association with Whatcom Homeless Service Center, in the amount of \$17,407 (AB2010-190) **95 - 100**
- 2. Request approval for the County Executive to enter into a contract between Whatcom County and Lynden School District for behavioral health services, in the amount of \$76,500 (AB2010-191) **101 - 115**
- 3. Request approval for the County Executive to enter into a contract between Whatcom County and Mt. Baker School District for behavioral health services, in the amount of \$82,500 (AB2010-192) **116 - 131**
- 4. Request approval for the County Executive to enter into a contract between Whatcom County and Catholic Community Services for mental health treatment services for Whatcom County residents who have no other readily available source of funding to procure mental health services (AB2010-193) **132 - 150**
- 5. Request authorization for the Executive to enter into a contract agreement between Whatcom County and Whatcom County Fire District 7 for the incentive pay and continuing education costs associated with paramedic trained firefighters as authorized through the EMS Plan and supplemental budget #2 of the 2010 budget, in the amount of \$80,000 (AB2010-194) **151 - 162**
- 6. Request authorization for the County Executive to award bid #10-32 for the delivery and supply of asphaltic mixes to all three vendors who placed bids - Public Works staff will select the vendor that is the best value based on price and transport cost to the specific job site, in an annual amount of approximately \$85,000 (AB2010-195) **163 - 166**

Other Business

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

**~~1:30~~ 1:00 p.m. Tuesday, April 27, 2010
Council Chambers, 311 Grand Avenue**

AGENDA

- | <u>Committee Discussion</u> | <u>Pages</u> |
|---|-------------------------|
| 1. Discussion regarding franchise agreements (AB2010-197) | <u>167 - 167</u> |

Other Business

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

~~3:00~~ **2:00 p.m. Tuesday, April 27, 2010**
Council Chambers, 311 Grand Avenue

AGENDA

Committee Discussion

Pages

1. Discussion of the proposed ordinance amending Whatcom County Code, Title 20, to clarify and revise the definition and standards of home occupations (AB2010-047) **168 - 179**
2. Rural Element update - discussion of Growth Management Act requirements and the Planning Commission recommendations (AB2010-072) **180 - 184**
3. Update on Urban Growth Area issues (AB2010-054) **185 - 185**

Other Business

SPECIAL COUNCIL COMMITTEE OF THE WHOLE

4:00 p.m. Tuesday, April 27, 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)] **186 - 186**
-
-

COUNCIL COMMITTEE OF THE WHOLE

6:45 p.m. Tuesday, April 27, 2010
Council Committee Room, 311 Grand Avenue

AGENDA

Pages

1. Consideration of an appeal of the Hearing Examiner's decision filed by Wesley Mussio, regarding Administrative Appeal No. APL2009-0023 (AB2010-052)
[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



WHATCOM COUNTY COUNCIL
COUNCIL AGENDA

REGULAR COUNCIL MEETING
7:00 p.m. Tuesday, April 27, 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 March 16, 2010 **187 - 204**

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 declaring the Whatcom County Flood Control Zone District's intention to lease property at 7495 Emmerson Road and authorize the County Executive to enter into a lease agreement with the highest responsible bidder, subject to a public hearing (AB2010-178) **(Council acting as the Whatcom County Flood Control Zone District Board of Supervisors)** **205 - 211**

2. Ordinance amending, on an interim basis WCC 20.84 and WCC 21.01 to allow for the Planning and Development Services Director or Whatcom County Hearing Examiner to grant a one-time two year economic hardship extension to issued planned unit developments, conditional use, variance, administrative approval, short subdivision or binding site plat, and critical area and geologic assessment reports (AB2010-180) **212 - 217**

3. Ordinance amending, on an interim basis, Whatcom County Code 10.44, Horses on Certain Roads (AB2010-145A) **218 - 220**

4. Ordinance limiting total annual real estate property tax increases, including the use of banked capacity, to one percent per year unless a non-binding advisory ballot measure with any proposed additional increases is placed before Whatcom County voters (AB2010-182) **221 - 223**

5. Resolution limiting total annual real estate property tax increases for the Whatcom County Flood Control Zone District, including the use of banked capacity, to one percent per year unless a non-binding advisory ballot measure with any proposed additional increases is placed before Whatcom County voters (AB2010-182A) **(Council acting as the Whatcom County Flood Control Zone District Board of Supervisors)** **224 - 226**

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 amendment between Whatcom County and Northwest Youth Services for housing case management services in association with Whatcom Homeless Service Center, in the amount of \$17,407 (AB2010-190) **95 - 100**

2. Request approval for the County Executive to enter into a contract between Whatcom County and Lynden School District for behavioral health services, in the amount of \$76,500 (AB2010-191) **101 - 115**

3. Request approval for the County Executive to enter into a contract between Whatcom County and Mt. Baker School District for behavioral health services, in the amount of \$82,500 (AB2010-192) **116 - 131**

4. Request approval for the County Executive to enter into a contract between Whatcom County and Catholic Community Services for mental health treatment services for Whatcom County residents who have no other readily available source of funding to procure mental health services (AB2010-193) **132 - 150**

5. Request authorization for the Executive to enter into a contract agreement between Whatcom County and Whatcom County Fire District 7 for the incentive pay and continuing education costs associated with paramedic trained firefighters as authorized through the EMS Plan and supplemental budget #2 of the 2010 budget, in the amount of \$80,000 (AB2010-194) **151 - 162**

6. Request authorization for the County Executive to award bid #10-32 for the delivery and supply of asphaltic mixes to all three vendors who placed bids - Public Works staff will select the vendor that is the best value based on price and transport cost to the specific job site, in an annual amount of approximately \$85,000 (AB2010-195) **163 - 166**

OTHER ITEMS

(From Finance and Administrative Services Committee)

1. Ordinance amending the 2010 Whatcom County Budget, ninth request, in the amount of \$71,451 (AB2010-179) **10 - 20**

2. Ordinance amending the 2010 Whatcom County Project Budget, second request, in the amount of \$250,000 (AB2010-181) **21 - 26**

3. Request approval for the County Executive to enter into a grant agreement with the Executive Office of the President, Office of National Drug Control Policy, for support of the NW HIDTA Border Task Force Prosecution Initiative to be used to pay for a prosecutor and a secretary for the Prosecutor's office and software maintenance costs for the Aegis R Public Safety Interface Software, in the amount of \$175,073 (AB2010-186) **27 - 37**

4. Resolution amending CRP #998001 and award of the construction contract for Yew Street Road Phase II to Friberg Construction Company, Inc. as low bidder, in the amount of \$1,554,900.35 (AB2010-187) **38 - 60**

5. Request approval for the County Executive to enter into a contract between Whatcom County and BergerABAM, Inc for structural rehabilitation design analysis for Marine Drive - Little Squalicum Bridge No. 001 and Portal Way - Dakota Creek Bridge No. 500, in the amount of \$47,376 (AB2010-188) **61 - 90**

6. Request approval for the demolition of a storage shed at Hovander Park (AB2010-189) **91 - 94**

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 establishing the Lincoln Road Construction Fund for the reconstruction of roadway from Shintaffer Road to Harborview Road to include 12-foot lanes, 8-foot shoulders, storm sewers, stormwater treatment swales, and left turn lanes on Lincoln Road and Harborview Road (AB2010-196) **On File**

2. Ordinance for 2010 Project Budget Request No. 3 for funding from the Lincoln Road Construction Fund for completion of preliminary engineering, Right of Way acquisition costs and Construction costs for the Lincoln Road Phase I project in the amount of \$3,900,000 and to request an appropriation from the Road Fund to fund a transfer to the Lincoln Road Construction Fund in the amount of \$1,500,000 (AB2010-196A)

On File

OTHER BUSINESS

REPORTS AND OTHER ITEMS FROM COUNCILMEMBERS

ADJOURN

The next regular council meetings are scheduled for 7:00 p.m. Tuesdays, May 11 and 25, 2010, in the Council Chambers, 311 Grand Avenue.

UPCOMING MEETINGS AND EVENTS (PLEASE CALL TO CONFIRM):

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
June 1, 2010	Health Board, 10:30 a.m., Council Chambers
June 7, 2010	Joint Lake Whatcom Policy Working Group, 9:30 a.m., Civic Center Building
June 8, 2010	Regular council and committee meetings, Council Chambers
June 15, 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

April 13, 2010

ANNOUNCEMENTS

1. Discussion regarding the proposed ordinance amending Whatcom County Code 2.02, County Council (AB2010-143A) (ordinance scheduled for introduction this evening) **Discussed**
2. Discussion regarding the proposed ordinance amending Whatcom County Code 2.03, Boards and Commissions (AB2010-143B) (ordinance scheduled for introduction this evening) **Discussed**

SPECIAL PRESENTATION

1. Quarterly report from the Behavioral Health Review Advisory Committee (AB2010-017) **Presented**

OPEN SESSION

PUBLIC HEARINGS

1. Ordinance imposing an interim 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 (AB2010-116A) **Amended & Adopted 4-3**
Kershner, Mann & Weimer Opposed
Ord#2010-018
2. Ordinance amending the Whatcom County Code, Title 20, to clarify and revise the definition and standards of home occupations (AB2010-047) **Introduce revised version on**
April 27 for Public Hearing on May 11
3. Resolution amending the 2010 Annual Construction Program to include potential federally grant funded structural rehabilitation of various county high volume roadways (AB2010-160) **Approved 6-0**
Nelson out of room, Res#2010-013

CONSENT AGENDA

1. Request approval for the County Executive to enter into a lease agreement with David and Sharon McCarthy to lease the house at 811 Marine Drive, Point Roberts (at Lighthouse Marine Park), in the amount of \$975 per month (AB2010-174) **Approved 7-0**

2. Request approval for the County Executive to award bid #10-15 for on-call contractor/equipment for labor and rental of construction equipment to all bidders, with the intent of obtaining firm pricing and to ensure prevailing wages are paid on all on-call projects, in an annual amount that could be more than \$35,000 for a single vendor (AB2010-175) **requires two motions, one for Council approval and one for approval by the Council acting as the Whatcom County Flood Control Zone District Board of Supervisors** **Approved 7-0 as Council**
Approved 7-0 as FCZDBOS

3. Request approval for the County Executive to award bid #10-16 for on-call rental equipment to all bidders, when needed, the County will select from the rental list based on equipment availability and suitability with preference to low bidders, in an annual amount that could be more than \$35,000 for a single vendor (AB2010-176) **Approved 7-0**

4. Request approval for the County Executive to award bid #10-22 for the supply of bridge girders to low bidder Bellingham Marine Industries for the replacement of the Noon Road Ten Mile Creek Bridge #210, in the amount of \$71,306.22 (AB2010-177) **Approved 7-0**

OTHER ITEMS

1. Request approval for the County Executive to enter into a contract between Whatcom County (Sheriff's Office Department of Emergency Management) and Snohomish County for the purpose of allocating grant funds from the Department of Homeland Security to enhance the capability of local units of government to prevent, deter, respond to and recover from catastrophic and/or terrorist events in the amount of \$272,825 (AB2010-173) **Approved 7-0**
2. Ordinance amending Whatcom County Code 20.80.210, Minimum Setbacks, to implement a ten foot setback for properties along the US-Canada border (AB2010-166) **Adopted 7-0**
Ord#2010-019
3. Nomination and appointment to fill vacancy on the Whatcom County Address and Road Name Citizen Appeals Committee, Applicant: Robert Ewing (AB2010-168) **Ewing Appointed 7-0**

WHATCOM COUNTY COUNCIL ACTION TAKEN

April 13, 2010

-
-
4. Nomination and appointment to fill vacancy on the Whatcom County Flood Control Zone District Advisory Committee, representing Impacted Cities, Applicant: John Perry (AB2010-169) **(Council acting as the Whatcom County Flood Control Zone District Board of Supervisors)**
Perry Appointed 7-0
 5. Resolution requesting the Executive to have proposed legislation prepared amending the Comprehensive Plan, zoning code and maps to alter the designations of various Urban Grown Areas (AB2010-183) **Approved 4-3**
Brenner, Mann & Weimer Opposed
Res#2010-014
 5. Ordinance amending, on an interim basis WCC 20.84 and WCC 21.01 to allow for the Planning and Development Services Director or Whatcom County Hearing Examiner to grant a one-time two year economic hardship extension to issued planned unit developments, conditional use, variance, administrative approval, short subdivision or binding site plat, and critical area and geologic assessment reports (AB2010-180) (hearing to be scheduled) **Introduced**
 6. Ordinance amending, on an interim basis, Whatcom County Code 10.44, Horses on Certain Roads (AB2010-145A) (hearing to be scheduled) **Introduced**

CORRESPONDENCE APPROVAL

1. Approval of a letter to the Army Corp of Engineers regarding proposed changes to levee vegetation policies (AB2010-126)
Amended & Approved 7-0
7. Ordinance amending the 2010 Whatcom County Project Budget, second request, in the amount of \$250,000 (AB2010-181) **Introduced**

INTRODUCTION ITEMS

1. ~~Ordinance amending Whatcom County Code 2.02, County Council (AB2010-143A) (hearing to be scheduled)~~ **Withdrawn**
2. ~~Ordinance amending Whatcom County Code 2.03, Boards and Commissions (AB2010-143B) (hearing to be scheduled)~~ **Withdrawn**
3. Resolution declaring the Whatcom County Flood Control Zone District's intention to lease property at 7495 Emmerson Road and authorize the County Executive to enter into a lease agreement with the highest responsible bidder, subject to a public hearing (AB2010-178) **(Council acting as the Whatcom County Flood Control Zone District Board of Supervisors)** (hearing to be scheduled) **Introduced**
8. Ordinance limiting total annual real estate property tax increases, including the use of banked capacity, to one percent per year unless a non-binding advisory ballot measure with any proposed additional increases is placed before Whatcom County voters (AB2010-182) **(hearing to be scheduled)** **Introduced**
9. Resolution limiting total annual real estate property tax increases for the Whatcom County Flood Control Zone District, including the use of banked capacity, to one percent per year unless a non-binding advisory ballot measure with any proposed additional increases is placed before Whatcom County voters (AB2010-182A) **(Council acting as the Whatcom County Flood Control Zone District Board of Supervisors)** (hearing to be scheduled) **Introduced**
4. Ordinance amending the 2010 Whatcom County Budget, ninth request, in the amount of \$71,451 (AB2010-179) **Introduced**

OTHER BUSINESS

REPORTS AND OTHER ITEMS FROM COUNCILMEMBERS

ADJOURN