

WHATCOM COUNTY COUNCIL AGENDA FOR MAY 11, 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 NOTE FOR TODAY:

WE HAVE A SPECIAL COMMITTEE OF THE WHOLE MEETING SCHEDULED FOR 1:00 P.M.

UPCOMING MEETINGS AND EVENTS:

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



WHATCOM COUNTY COUNCIL

COMMITTEE SCHEDULES

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

9:30 a.m. Tuesday, May 11, 2010
Council Chambers, 311 Grand Avenue

AGENDA

Special Presentation

- | | | |
|----|---|---------------------|
| 1. | Whatcom Farm Friends Natural Resource Market Steering Committee to provide an update on present and future plans (AB2010-214) | <u>1 - 1</u> |
|----|---|---------------------|

Other Business

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

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

AGENDA

Committee Discussion and Recommendation to Council

- | | | |
|----|---|---------------------|
| 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) | <u>2 - 3</u> |
| 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) | <u>4 - 6</u> |

Council "Consent Agenda" Items

- | | | |
|----|--|----------------------|
| 1. | Request approval for the County Executive to enter into a contract between Whatcom County and Engineering Economics, Inc. for the commissioning authority to attain a Silver Certification in the US Green Building Council's LEED program for the East Whatcom Regional Resource Center, in the amount of \$17,000 (AB2010-200) | <u>7 - 22</u> |
|----|--|----------------------|

2. Request approval for the County Executive to enter into an agreement between Whatcom County and Olympic Security, Inc. for the purpose of providing security services, security screening, and x-ray services at the Whatcom County Courthouse, in the amount of \$125,000 (AB2010-201) **23 - 37**
3. Request approval for the County Executive to enter into contract amendment #2 between Whatcom County and Vertical, Inc. authorizing additional services for the alterations to the Civic Center Annex, in the amount of \$84,076.58 (AB2010-202) **38 - 137**
4. Request approval for the County Executive to award construction contract bid #10-17 for 2010 hot mix asphalt prelevel at miscellaneous locations to lowest bidder, Associated Asphalt Inc., of Ferndale, in the amount of \$388,690 (AB2010-203) **138 - 147**
5. Request approval for the County Executive to enter into a contract between Whatcom County and low bidder, Len Honcoop Gravel, Inc., to install a stormwater bioinfiltration swale in the Lahti Drive/Britton Road area, in the amount of \$182,476.90 (AB2010-204) **148 - 164**
6. Request approval for the County Executive to enter into a delegated lease between Whatcom County and the Department of Natural Resources for lease of 3373 Mt. Baker Highway for use as a field office (AB2010-205) **165 - 175**
7. Request approval for the County Executive to award bid #10-35 for the supply of two replacement sweepers to solé bidder, Clyde West Inc., in the amount of \$97,470.68 (AB2010-206) **176 - 178**
8. Resolution authorizing the County Executive to make application for grant funding assistance through the Washington Wildlife and Recreation Program for the purchase of property for future park purposes in the City of Ferndale (Riverplace Park) (AB2010-207) **179 - 199**
9. Request approval for the County Executive to enter into a contract between Whatcom County and Banner Bank for a Loan Loss Reserve Fund program to provide financing solutions for participating energy users, allowing them to overcome the first cost barrier and pay for energy efficiency improvements over time, matching energy cost savings with loan payments, in the amount of \$235,000 (AB2010-208) **200 - 258**
10. Request approval for additional funding for the Center for Economic Vitality administered through Western Washington University to support business retention and expansion activities through Whatcom County, funding through the EDI Program, Public Utility Improvement Fund, in the amount of \$100,000 (AB2010-209) **259 - 272**

Other Business

SPECIAL COUNCIL COMMITTEE OF THE WHOLE

**1:00 p.m. Tuesday, May 11, 2010
Council Chambers, 311 Grand Avenue**

AGENDA

Committee Discussion

Pages

1. Discussion of a draft ordinance amending Ordinance 2009-071, the official Whatcom County zoning map, and County Comprehensive Plan and maps, to implement changes related to completion of the 10-year review of the urban growth areas required under the Growth Management Act, specifically the UGAs of Birch Bay, Ferndale, Nooksack and Sumas (AB2010-054C) **273 - 273**
2. Discussion regarding the proposed ordinance amending Whatcom County Code 2.02, County Council (AB2010-143A) **274 - 286**
3. Discussion regarding the proposed ordinance amending Whatcom County Code 2.03, Boards and Commissions (AB2010-143B) **287 - 296**

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

**3:00 p.m. Tuesday, May 11, 2010
Council Chambers, 311 Grand Avenue**

AGENDA

Committee Discussion

Pages

1. Rural Element update - discussion of Growth Management Act requirements and the Planning Commission recommendations (AB2010-072) **297 - 301**
2. Discussion regarding the draft Public Participation Plan for the periodic review required by the Growth Management Act (RCW 36.70A) (AB2010-210) **302 - 330**

Other Business

COUNCIL COMMITTEE OF THE WHOLE

**6:00 p.m. Tuesday, May 11, 2010
Council Committee Room, 311 Grand Avenue**

AGENDA

1. Consideration of appeal of Hearing Examiner's decision on Administrative Appeal No. APL2009-0024, filed by Daniel Johnson (AB2010-114)
[Discussion may take place in executive session pursuant to RCW42.30.110 (1)(i)] **No Paper**
2. Update and discussion regarding Lummi Island Ferry dock negotiations (AB2010-018)
[Discussion may take place in executive session pursuant to RCW42.30.110 (1)(i)] **No Paper**

Other Business



WHATCOM COUNTY COUNCIL

COUNCIL AGENDA

REGULAR COUNCIL MEETING
7:00 p.m. Tuesday, May 11, 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. Committee of the Whole for March 30, 2010 | <u>331 - 334</u> |
| 2. Regular County Council for March 30, 2010 | <u>335 - 343</u> |
| 3. Special Committee of the Whole for April 12, 2010 | <u>344 - 350</u> |
| 4. Committee of the Whole for April 13, 2010 | <u>351 - 354</u> |
| 5. Regular County Council for April 13, 2010 | <u>355 - 379</u> |
| 6. Special Committee of the Whole (4 p.m.) for April 27, 2010 | <u>380 - 381</u> |
| 7. Committee of the Whole (6:45 p.m.) for April 27, 2010 | <u>382 - 382</u> |
| 8. Regular County Council for April 27, 2010 | <u>383 - 396</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 vacating a portion of Portal Way (AB2009-406A) | <u>397 - 415</u> |
|--|-------------------------|

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 Engineering Economics, Inc. for the commissioning authority to attain a Silver Certification in the US Green Building Council's LEED program for the East Whatcom Regional Resource Center, in the amount of \$17,000 (AB2010-200) **7 - 22**
2. Request approval for the County Executive to enter into an agreement between Whatcom County and Olympic Security, Inc. for the purpose of providing security services, security screening, and x-ray services at the Whatcom County Courthouse, in the amount of \$125,000 (AB2010-201) **23 - 37**
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8. Resolution authorizing the County Executive to make application for grant funding assistance through the Washington Wildlife and Recreation Program for the purchase of property for future park purposes in the City of Ferndale (Riverplace Park) (AB2010-207) **179 - 199**
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10. Request approval for additional funding for the Center for Economic Vitality administered through Western Washington University to support business retention and expansion activities through Whatcom County, funding through the EDI Program, Public Utility Improvement Fund, in the amount of \$100,000 (AB2010-209)

259 - 272

OTHER ITEMS

(From Finance and Administrative Services Committee)

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)
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)

2 - 3

4 - 6

(No committee assignment)

3. 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) (from April 27)
4. 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)** (from April 27)
5. Request confirmation of County Executive's appointment of Christopher Brown to the Whatcom County Veteran's Advisory Board (AB2010-211)
6. Request confirmation of County Executive's appointment of Todd Childs to the Developmental Disabilities Board (AB2010-212)
7. Resolution proclaiming May 15, 2010, as Peace Officers Memorial Day (AB2010-198)

416 - 418

419 - 421

422 - 423

424 - 426

427 - 428

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 the 2010 Whatcom County Budget, tenth request, in the amount of \$556,762 (AB2010-213)

On File

2. Ordinance amending the Whatcom County Code, on an interim basis, to allow for a one-time, two year economic hardship extension to land use permit expirations (AB2010-180)

On File

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

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 25 and June 8, 2010, in the Council Chambers, 311 Grand Avenue.

UPCOMING MEETINGS AND EVENTS (PLEASE CALL TO CONFIRM):

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	Budget Planning Session, 9:00 a.m.- noon, Courthouse Conference Room, 5th Floor Health Committee, Civic Center Building, time to be announced Surface Water Work Session, Civic Center Building, time to be announced
June 22, 2010	Regular council and committee meetings, Council Chambers
July 5, 2010	HOLIDAY

WHATCOM COUNTY COUNCIL ACTION TAKEN

April 27, 2010

ANNOUNCEMENTS

1. Update on Urban Growth Area issues and discussion of the council Planning and Policy Analyst's role in preparing ordinances (AB2010-054) **Reported**
2. Strategy planning discussion and positions to be taken regarding collective bargaining (AB2010-018) **Reported**
3. Consideration of an appeal of the Hearing Examiner's decision filed by Wesley Mussio, regarding Administrative Appeal No. APL2009-0023 (AB2010-052) **Upheld 7-0**
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) **Hearing closed, decision held to 5/11**
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)**
Hearing closed, decision held to 5/11

MINUTES CONSENT

1. Regular County Council for March 16, 2010
Approved 7-0

OPEN SESSION

PUBLIC HEARINGS

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)**
Approved 7-0
Res#2010-015
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)
New version to be introduced on 5/11,
Hearing on 5/25
3. Ordinance amending, on an interim basis, Whatcom County Code 10.44, Horses on Certain Roads (AB2010-145A) **Adopted 7-0**
Ord#2010-020

CONSENT AGENDA

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) **Approved 7-0**
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) **Approved 7-0**
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) **Approved 7-0**
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) **Approved 7-0**

WHATCOM COUNTY COUNCIL ACTION TAKEN

April 27, 2010

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) **Approved 6-1, Mann Opposed**
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) **Approved 7-0**

OTHER ITEMS

1. Ordinance amending the 2010 Whatcom County Budget, ninth request, in the amount of \$71,451 (AB2010-179) **Adopted 7-0
Ord#2010-021**
2. Ordinance amending the 2010 Whatcom County Project Budget, second request, in the amount of \$250,000 (AB2010-181) **Adopted 7-0, Ord#2010-022**
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) **Approved 7-0**
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) **Approved 6-1
Mann Opposed, Res#2010-016**

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) **Approved 7-0**

6. Request approval for the demolition of a storage shed at Hovander Park (AB2010-189) **Approved 6-1, Brenner Opposed**

INTRODUCTION ITEMS

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) **Introduced**
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) **Introduced**
3. Ordinance amending Whatcom County Code, Title 20, to reduce development potential in zoning districts within the Lake Whatcom Watershed (AB2010-185) **Introduced,
Hearing 5/25**

OTHER BUSINESS

REPORTS AND OTHER ITEMS FROM COUNCILMEMBERS

ADJOURN