

WHATCOM COUNTY COUNCIL AGENDA FOR MAY 25, 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:

**NO PLANNING AND DEVELOPMENT COMMITTEE MEETING
SCHEDULED FOR TODAY**

**SPECIAL COMMITTEE OF THE WHOLE MEETING
SCHEDULED FOR 3:00 P.M.**

UPCOMING MEETINGS AND EVENTS:

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 15, 2010
Budget Planning Session, 9:00 a.m.- noon,
Courthouse Conference Room, 5th Floor



WHATCOM COUNTY COUNCIL
COMMITTEE SCHEDULES

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

9:30 a.m. Tuesday, May 25, 2010
Council Chambers, 311 Grand Avenue

AGENDA

	<u>Pages</u>
<u>Committee Discussion and Recommendations to Council</u>	
1. Resolution affirming the PDR Oversight Committee ranking and authorizing the County Executive and PDR Administrator to proceed with the acquisition process for Round 8 applications (AB2010-215)	<u>1 - 1</u>
<u>Other Business</u>	

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

11:00 a.m. Tuesday, May 25, 2010
Council Chambers, 311 Grand Avenue

AGENDA

	<u>Pages</u>
<u>Committee Discussion and Recommendations to Council</u>	
1. Ordinance amending the 2010 Whatcom County Budget, tenth request, in the amount of \$556,762 (AB2010-213)	<u>2 - 17</u>
2. Request authorization for the County Executive to enter into an agreement with the City of Bellingham and the Oeser Company for clean up of contaminated materials in Little Squalicum Park (AB2010-219)	<u>18 - 39</u>
<u>Council "Consent Agenda" Items</u>	
1. Request approval for the County Executive to enter into a grant agreement between Whatcom County Sheriff's Office Division of Emergency Management and Washington State Military Department for grant funding to supplement emergency management operating budget, in the amount of \$55,358 (AB2010-220)	<u>40 - 64</u>
2. Request approval for the County Executive to enter into a contract between Whatcom County and Kingworks Consulting Engineers for design and engineering services for Silver Lake Park Day Lodge renovations, in the amount of \$22,940 (AB2010-221)	<u>65 - 96</u>

3. Resolution amending CRP No. 909009 and approval for the County Executive to award a construction contract for "Rutsatz Road Repair" to low bidder Trimaxx Construction, Inc., in the amount of \$161,093 (AB2010-222) **97 - 110**

Other Business

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

**1:30 p.m. Tuesday, May 25, 2010
Council Chambers, 311 Grand Avenue**

AGENDA

	<u>Pages</u>
<u>Special Presentations and Committee Discussion</u>	
1. Update from Brian Hobi, the County Council's appointed representative on the Whatcom County Law and Justice Council (AB2010-216)	<u>111 - 111</u>
2. Presentation by Joseph Hughes, State Director (WA) for Go21, on the national non-profit's mission to build public support for freight rail (AB2010-217)	<u>112 - 112</u>

Other Business

SPECIAL COUNCIL COMMITTEE OF THE WHOLE

**3:00 p.m. Tuesday, May 25, 2010
Council Chambers, 311 Grand Avenue**

AGENDA

	<u>Pages</u>
<u>Committee Discussion</u>	
1. Rural Element update - discussion of Growth Management Act requirements and the Planning Commission recommendations (AB2010-072)	<u>113 - 115</u>
2. Discussion regarding the draft Public Participation Plan for the periodic review required by the Growth Management Act (RCW 36.70A) (AB2010-210)	<u>116 - 144</u>
3. Discussion regarding the proposed ordinance amending Whatcom County Code 2.02, County Council (AB2010-143A)	<u>145 - 157</u>
4. Discussion regarding the proposed ordinance amending Whatcom County Code 2.03, Boards and Commissions (AB2010-143B)	<u>158 - 167</u>

Other Business

COUNCIL COMMITTEE OF THE WHOLE

**6:30 p.m. Tuesday, May 25, 2010
Council Committee Room, 311 Grand Avenue**

AGENDA

- | | <u>Pages</u> |
|---|-------------------------|
| 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)] | <u>168 - 168</u> |

Other Business



WHATCOM COUNTY COUNCIL
COUNCIL AGENDA

REGULAR COUNCIL MEETING
7:00 p.m. Tuesday, May 25, 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 Committee of the Whole for May 11, 2010 | <u>169 - 176</u> |
| 2. | Committee of the Whole for May 11, 2010 | <u>177 - 178</u> |
| 3. | Regular County Council for May 11, 2010 | <u>179 - 191</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. | Ordinance amending Whatcom County Code, Title 20, to reduce development potential in zoning districts within the Lake Whatcom watershed (AB2010-185) | <u>192 - 199</u> |
| 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) | <u>200 - 205</u> |

3. Ordinance amending Whatcom County Code, Title 20, to clarify and revise the definition and standards of home occupations (AB2010-047) (revised version) **206 - 218**

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 grant agreement between Whatcom County Sheriff's Office Division of Emergency Management and Washington State Military Department for grant funding to supplement emergency management operating budget, in the amount of \$55,358 (AB2010-220) **219 - 243**
2. Request approval for the County Executive to enter into a contract between Whatcom County and Kingworks Consulting Engineers for design and engineering services for Silver Lake Park Day Lodge renovations, in the amount of \$22,940 (AB2010-221) **244 - 275**
3. Resolution amending CRP No. 909009 and approval for the County Executive to award a construction contract for "Rutsatz Road Repair" to low bidder Trimaxx Construction, Inc., in the amount of \$161,093 (AB2010-222) **276 - 289**

OTHER ITEMS

(From Natural Resources Committee)

4. Resolution affirming the PDR Oversight Committee ranking and authorizing the County Executive and PDR Administrator to proceed with the acquisition process for Round 8 applications (AB2010-215) **1 - 1**

(From Finance and Administrative Services Committee)

5. Ordinance amending the 2010 Whatcom County Budget, tenth request, in the amount of \$556,762 (AB2010-213) **2 - 17**
6. Request authorization for the County Executive to enter into an agreement with the City of Bellingham and the Oeser Company for clean up of contaminated materials in Little Squalicum Park (AB2010-219) **18 - 39**

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 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 urban growth areas of Birch Bay, Ferndale, Nooksack, and Sumas (AB2010-054C) **(ordinance revised to include a change to Map UGA 4a for a parcel of land located along Portal Way)**

On File

OTHER BUSINESS

REPORTS AND OTHER ITEMS FROM COUNCILMEMBERS

ADJOURN

The next regular council meetings are scheduled for 7:00 p.m. Tuesdays, June 8 and 22, 2010, in the Council Chambers, 311 Grand Avenue.

UPCOMING MEETINGS AND EVENTS (PLEASE CALL TO CONFIRM):

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
June 22, 2010	Regular council and committee meetings, Council Chambers
July 5, 2010	HOLIDAY

WHATCOM COUNTY COUNCIL ACTION TAKEN

May 11, 2010

ANNOUNCEMENTS

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)
Ordinance to be introduced this evening, hearing to be held July 13
2. Discussion regarding the proposed ordinance amending Whatcom County Code 2.02, County Council (AB2010-143A) **Held**
3. Discussion regarding the proposed ordinance amending Whatcom County Code 2.03, Boards and Commissions (AB2010-143B) **Held**
4. Consideration of appeal of Hearing Examiner's decision on Administrative Appeal No. APL2009-0024, filed by Daniel Johnson (AB2010-114) **Hearing Examiner upheld 7-0**
5. Update and discussion regarding Lummi Island Ferry dock negotiations (AB2010-018)
Motion to request that the Administration work with the Port of Bellingham on alternative options approved 7-0

MINUTES CONSENT

1. Committee of the Whole for March 30, 2010 **Approved 7-0**
2. Regular County Council for March 30, 2010 **Approved 7-0**
3. Special Committee of the Whole for April 12, 2010 **Approved 7-0**
4. Committee of the Whole for April 13, 2010 **Approved 7-0**
5. Regular County Council for April 13, 2010 **Approved 7-0**
6. Special Committee of the Whole (4 p.m.) for April 27, 2010 **Approved 7-0**
7. Committee of the Whole (6:45 p.m.) for April 27, 2010 **Approved 7-0**
8. Regular County Council for April 27, 2010 **Approved 7-0**
9. Special Committee of the Whole (1:00 p.m.) for April 27, 2010 **Approved 7-0**

OPEN SESSION

PUBLIC HEARINGS

1. Resolution vacating a portion of Portal Way (AB2009-406A) **Approved 7-0**
Res#2010-017

CONSENT AGENDA

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) **Approved 7-0**
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) **Approved 7-0**
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) **Approved 6-1, Brenner Opposed**
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) **Approved 7-0**
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) **Approved 7-0**
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) **Approved 7-0**
7. Request approval for the County Executive to award bid #10-35 **36** for the supply of two replacement sweepers to sole bidder, Clyde West Inc., in the amount of \$97,470.68 (AB2010-206) **Approved 5-2, Brenner & Knutzen Opposed**
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

WHATCOM COUNTY COUNCIL ACTION TAKEN

May 11, 2010

Ferndale (Riverplace Park) (AB2010-207)
Approved 7-0, Res#2010-018

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

OTHER 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) **Adopted 6-1, Mann Opposed Ord#2010-023**
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) **Adopted 6-1, Mann Opposed Ord#2010-024**
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) **Adopted 5-2, Mann & Weimer Opposed, Ord#2010-025**
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) **Approved 5-2, Mann & Weimer Opposed, Res#2010-019**

5. Request confirmation of County Executive's appointment of Christopher Brown to the Whatcom County Veteran's Advisory Board (AB2010-211) **Approved 7-0**
6. Request confirmation of County Executive's appointment of Todd Childs to the Developmental Disabilities Board (AB2010-212) **Approved 7-0**
7. Resolution proclaiming May 15, 2010, as Peace Officers Memorial Day (AB2010-198) **Approved 7-0, Res#2010-020**

INTRODUCTION ITEMS

1. Ordinance amending the 2010 Whatcom County Budget, tenth request, in the amount of \$556,762 (AB2010-213) **Introduced**
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) **Introduced**
3. Ordinance amending Whatcom County Code, Title 20, to clarify and revise the definition and standards of home occupations (AB2010-047) (revised version) **Introduced**
4. 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 urban growth areas of Birch Bay, Ferndale, Nooksack, and Sumas (AB2010-054C) **Introduced**

OTHER BUSINESS

REPORTS AND OTHER ITEMS FROM COUNCILMEMBERS

ADJOURN