

COUNCIL AGENDA FOR DECEMBER 9, 2014

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.

AS A COURTESY TO ALL MEETING ATTENDEES, CELLULAR PHONE USE IS PROHIBITED IN THE COUNCIL CHAMBERS.

ACCESSIBLE PARKING IS AVAILABLE NEAR THE COURTHOUSE SOUTH ENTRANCE.

OUR REGULAR COUNCIL MEETINGS ARE BROADCAST ON BTV10, COMCAST CHANNEL 10, AT 7:00 P.M. ON THE TWO WEDNESDAYS FOLLOWING EACH TUESDAY EVENING COUNTY COUNCIL MEETING.

PLEASE VISIT US AT WWW.CO.WHATCOM.WA.US FOR THE FOLLOWING:

COUNCIL MEETING AUDIO
COUNCIL OFFICE EMAIL POLICY
CURRENT COUNCIL AGENDA
CURRENT COUNCIL PACKET
PUBLIC NOTICES
1979 - 2014 ORDINANCES
1979 - 2014 RESOLUTIONS
1984 - 2014 COMMITTEE MINUTES
1979 - 2014 COUNCIL MINUTES

UPCOMING MEETINGS AND EVENTS:

DECEMBER 24, 2014
HOLIDAY – OFFICE CLOSED

DECEMBER 25, 2014
HOLIDAY – OFFICE CLOSED

JANUARY 1, 2015
HOLIDAY – OFFICE CLOSED

JANUARY 12, 2015 (TENTATIVE)
WHATCOM COUNTY CHARTER REVIEW COMMISSION
7 P.M., GARDEN LEVEL CONFERENCE ROOM, 322 N. COMMERCIAL STREET

JANUARY 13, 2015
REGULAR COUNCIL AND COMMITTEE MEETINGS
COUNCIL CHAMBERS, 311 GRAND AVENUE

COUNCIL COMMITTEE SCHEDULES

COUNCIL NATURAL RESOURCES COMMITTEE

Members: Barry Buchanan, Sam Crawford, Carl Weimer

9:30 a.m. Tuesday, December 9, 2014

Council Chambers, 311 Grand Avenue

Committee Discussion

1. Discussion of proposed ordinance amending Whatcom County Code Title 20 and the Comprehensive Plan regarding surface mine permitting, the mineral resource lands designation process, and mineral resource lands designation criteria (AB2014-344) **(ordinance scheduled for introduction this evening)**
Pages 1 - 89
2. Discussion of proposal to send a letter to the Army Corp of Engineers regarding the Puget Sound Nearshore Ecosystem Restoration Project (PSNERP) (AB2014-428)
Pages 90 - 92

Other Business

COUNCIL FINANCE AND ADMINISTRATIVE SERVICES COMMITTEE

Members: Rud Browne, Barry Buchanan, Sam Crawford

11 a.m. Tuesday, December 9, 2014

Council Chambers, 311 Grand Avenue

Executive Reports

Committee Discussion and Recommendations to Council

1. Resolution requesting that the Whatcom County Auditor include the question of annexation of the City of Everson into Fire District #1 on the ballot at the next special election (AB2014-385)
Pages 93 - 104
2. Resolution requesting that the Whatcom County Auditor include the question of annexation of the City of Nooksack into Fire District #1 on the ballot at the next special election (AB2014-386)
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3. Resolution requesting that the Whatcom County Auditor include the question of annexation of the City of Ferndale into Fire District #7 on the ballot at the next special election (AB2014-395)
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4. Ordinance amending the 2014 Whatcom County Budget, nineteenth request, in the amount of \$141,223 (AB2014-382)
Pages 123 - 127
5. Resolution approving a salary schedule and policies for unrepresented Whatcom County employees, effective January 1, 2015, through December 31, 2016 (AB2014-388)
Pages 128 - 149
6. Request Council approval for the Council Chair to sign a joint letter with the County Executive that will be sent to landowners as part of the Pollution Identification and Correction Program (PIC) community outreach to introduce the program and explain available resources (AB2014-394)
Pages 150 - 151
7. Request Council approval of proposed Lodging Tax funding for 2015 as recommended by the Lodging Tax Advisory Committee (AB2014-427)
Pages 152 - 154

Committee Discussion and Recommendations to Council

(Council acting as the Whatcom County Flood Control Zone District Board of Supervisors)

1. Ordinance amending the 2014 Whatcom County Flood Control Zone District and Subzones Budget, fifth request, in the amount of \$70,000 (AB2014-383) **(Council acting as the Whatcom County Flood Control Zone District Board of Supervisors)**
Pages 155 - 160
2. Request authorization for the County Executive to enter into a contract between Whatcom County and Larry Steele and Associates, Inc. for on-call professional land surveying services, in the amount of \$150,000 (AB2014-389) **(Council acting as the Whatcom County Flood Control Zone District Board of Supervisors)**
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5. Request authorization for the County Executive to enter into an interlocal agreement between Whatcom County and the Whatcom Conservation District for non-dairy livestock technical assistance as a component of the Whatcom County Pollution Identification and Correction Program (AB2014-392) **(Council acting as the Whatcom County Flood Control Zone District Board of Supervisors)**
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8. Request authorization for the County Executive to enter into a contract amendment between Whatcom County and Kulshan Services, LLC, for consulting services to implement a stakeholder involvement process and facilitate stakeholder meetings for the development of a system-wide improvement framework for the Nooksack River levee system, in the amount of \$33,000, for a total amended contract in the amount of \$74,460 (AB2014-397) **(Council acting as the Whatcom County Flood Control District Board of Supervisors)**
Pages 329 - 337

Council "Consent Agenda" Items

1. Request authorization for the County Executive to enter into a contract between Whatcom County and Bellingham Whatcom County Tourism for tourism promotion, in the amount of \$250,000 (AB2014-407)
Pages 338 - 351
2. Request authorization for the County Executive to enter into a contract between Whatcom County and Mt. Baker Foothills Chamber of Commerce for tourism promotion, in the amount of \$61,167 (AB2014-408)
Pages 352 - 368

3. Request authorization for the County Executive to enter into a contract between Whatcom County and Birch Bay Chamber of Commerce for tourism promotion, in the amount of \$40,000 (AB2014-409)
Pages 369 - 384
4. Request authorization for the County Executive to enter into a contract between Whatcom County and Whatcom Events for tourism promotion, in the amount of \$35,000 (AB2014-406)
Pages 385 - 399
5. Request authorization for the County Executive to enter into a contract between Whatcom County and Sustainable Connections for tourism promotion, in the amount of \$25,000 (AB2014-405)
Pages 400 - 416
6. Request authorization for the County Executive to enter into a master agreement for products and services between Whatcom County and Norstan Communications, Inc. d/b/a Black Box Network Services (AB2014-398)
Pages 417 - 423
7. Request authorization for the County Executive to enter into a contract between Whatcom County and Norstan Communications, Inc. d/b/a/ Black Box Network Services for the acquisition, implementation and maintenance of a replacement telecommunications system, in the amount of \$843,759.29 (AB2014-399)
Pages 424 - 465
8. Request authorization for the County Executive to enter into a contract amendment between Whatcom County and COMgroup, Inc. for services to assist with implementation preparation steps for a new telecommunications system, in the amount of \$19,770 (AB2014-400)
Pages 466 - 476
9. Request authorization for the County Executive to enter into a contract between Whatcom County and Northwest Youth Services for operation of the emergency shelter program, in the amount of \$65,000 (AB2014-401)
Pages 477 - 493
10. Request authorization for the County Executive to enter into a contract between Whatcom County and the Opportunity Council for operation of transitional housing and essential needs assistance, in the amount of \$77,951 (AB2014-402)
Pages 494 - 515
11. Request authorization for the County Executive to enter into a contract between Whatcom County and the Opportunity Council for leasing specialist services, in the amount of \$70,025 (AB2014-403)
Pages 516 - 533
12. Request authorization for the County Executive to enter into a contract between Whatcom County and CompuCom Systems, Inc. for renewal of three year software maintenance agreement, in the amount of \$134,444.49 per year (AB2014-404)
Pages 534 - 551
13. Request authorization for the County Executive to enter into a contract amendment between Whatcom County and Michael Bobbink Land Use Services for Hearing Examiner services, in the amount of \$88,783.40, for a total amended contract in the amount of \$336,551.60 (AB2014-381)
Pages 552 - 557
14. Request authorization for the County Executive to approve the purchase of ER&R replacement vehicles for the Sheriff's Department – six marked patrol 2015 Ford Police Interceptor PUV's, in the amount of \$204,505.06 (AB2014-410)
Pages 558 - 560
15. Request authorization for the County Executive to approve the purchase of ER&R replacement vehicles for the Sheriff's Department – three unmarked 2015 Ford Police Interceptor PUV's, in the amount of \$103,084.27 (AB2014-411)
Pages 561 - 563

16. Request authorization for the County Executive to approve the purchase of ER&R replacement vehicles for the Sheriff's Department – two 2015 Chevrolet Tahoe PPVB's, in the amount of \$72,000.01 (AB2014-412)
Pages 564 - 566
17. Request authorization for the County Executive to approve the purchase of ER&R replacement vehicles for the Sheriff's Department – two 2014 Ford Police Interceptor Sedans, in the amount of \$62,335.31 (AB2014-413)
Pages 567 - 569
18. Request authorization for the County Executive to enter into an amendment to a memorandum of agreement between Whatcom County and Washington State University to provide salary and support to provide an extension program, in the amount of \$127,745, for a total amended agreement in the amount of \$1,266,287.90 (AB2014-414)
Pages 570 - 579
19. Request authorization for the County Executive to enter into a two year contract between Whatcom County and the Bellingham Food Bank to provide food to low income people in need, in the amount of \$276,000 (AB2014-415)
Pages 580 - 595
20. Request authorization for the County Executive to enter into a contact between Whatcom County and Bennett Engineering for landfill monitoring services, in the amount of \$33,304 (AB2014-416)
Pages 596 - 616
21. Request authorization for the County Executive to enter into an intergovernmental agreement between Whatcom County and the City of Bellingham to fund operations of a mental health court program in Bellingham Municipal Court, in the amount of \$32,000 (AB2014-417)
Pages 617 - 625
22. Request authorization for the County Executive to enter into a residential lease agreement between Whatcom County and Javier Lozano for the apartment at the Tenant Lake Interpretive Center, in the amount of \$725 per month (AB2014-418)
Pages 626 - 647
23. Request authorization for the County Executive to enter into an interlocal agreement between Whatcom County and the City of Bellingham for the joint usage of the Vactor Waste Site Facility, in the amount of \$50,000 (AB2014-419)
Pages 648 - 658
24. Request authorization for the County Executive to enter into a contract between Whatcom County and Whatcom Humane Society for animal control services beginning January 1, 2015, and ending December 31, 2016, in the amount of \$360,707.52 per year (AB2014-420)
Pages 659 - 679
25. Request authorization for the County Executive to approve the purchase of ER&R replacement front loader, in the amount of \$147,978.79 (AB2014-421)
Pages 680- 682
26. Request authorization for the County Executive to enter into a contract between Whatcom County and Northwest Regional Council for the provision of nursing services for jail inmates, in the amount of \$1,082,800 (AB2014-422)
Pages 683 - 696
27. Request authorization for the County Executive to enter into a contract between Whatcom County and Northwest Regional Council for the provision of Meals on Wheels program beginning January 1, 2015, and ending December 31, 2016, in the amount of \$40,000 per year (AB2014-423)
Pages 697 - 710
28. Request authorization for the County Executive to enter into a contract between Whatcom County and the Volunteer Center of Whatcom County to provide support services to volunteer coordinators and volunteers beginning January 1, 2015, and ending December 31, 2016, in the amount of \$30,000 per year (AB2014-424)
Pages 711 - 722

Other Business

PUBLIC WORKS, HEALTH, AND SAFETY COMMITTEE
Members: Barbara Brenner, Pete Kremen, Ken Mann
1:30 p.m. Tuesday, December 9, 2014
Council Chambers, 311 Grand Avenue

Committee Discussion

1. Discussion regarding proposed recommendations of the Lummi Island Ferry Advisory Committee to modify select ferry rates (AB2014-426)
Pages 723 - 726

Other Business

PLANNING AND DEVELOPMENT COMMITTEE
Members: Barbara Brenner, Rud Browne, Ken Mann
3 p.m. Tuesday, December 9, 2014
Council Chambers, 311 Grand Avenue

Committee Discussion

1. Discussion of proposed ordinance approving a rezone request for five acres at the intersection of Slater Road and Elder Road from Neighborhood Commercial (NC) to Rural General Commercial (RGC) (AB2014-331) **(this item is scheduled for public hearing this evening)**
Pages 727 - 789

Other Business

COUNCIL COMMITTEE OF THE WHOLE
5:45 p.m. Tuesday, December 9, 2014
Council Conference Room, 311 Grand Avenue

Committee Discussion

1. Discussion with Senior Deputy Prosecutor Elizabeth Gallery regarding pending litigation – Gomez v. Whatcom County (AB2014-018)
[Discussion of this item may take place in executive session (closed to the public) pursuant to RCW42.30.110 (1) (i)]
No Paper
2. Discussion with Chief Civil Deputy Prosecutor Daniel Gibson regarding legal issues related to proposed Lake Whatcom TMDL (AB2014-018)
[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

COUNCIL AGENDA

REGULAR COUNCIL MEETING
7 p.m. Tuesday, December 9, 2014
Council Chambers, 311 Grand Avenue

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.

CITIZEN BOARD AND COMMITTEE VACANCIES

Each agenda features at least one council-appointed citizen board, commission, or committee that currently has unfilled **positions**. Council encourages qualified Whatcom county registered voters who are interested in participating in county government to submit an application for this or any committee vacancy. For more information or an application, please visit the Council website, or call, email, or visit the Council Office.

Annual Council- and Executive-appointed board and commission vacancies

The annual list of all citizen board and commission vacancies with terms ending January 31, 2015, is now available. All appointees must live in and be registered to vote in Whatcom County and, if applicable, meet the residency, employment, and/or affiliation requirements of the positions they are applying for. Application deadlines vary. For more information, please see the annual vacancy list (attached) or contact the Council Office, the Executive's Office, and visit the County website.

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 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 conclude 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 approving a rezone request for five acres at the intersection of Slater Road and Elder Road from Neighborhood Commercial (NC) to Rural General Commercial (RGC) (AB2014-331)
Pages 727 - 789

OPEN SESSION (20 MINUTES)

During open session, audience members can speak to the council on any issue not scheduled for public hearing or related to the proposed Gateway Pacific Terminal project (GPT). Each speaker should state his or her name 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 conclude their comments.

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.

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Pages 329 - 337

(No Committee Assignment)

16. Ordinance granting Public Utility District No. 1 of Whatcom County, a Washington Municipal Corporation, a franchise and the right, privilege, and authority thereunder to locate, set, erect, lay, construct, extend, support, attach, connect, maintain, repair, replace, enlarge, operate and use facilities in, upon, over, under, along, across and through the franchise area to allow for the provision of water services (AB2014-180)
Pages 790 - 832

EXECUTIVE APPOINTMENTS TO BOARDS, COMMISSIONS, AND COMMITTEES

Per Whatcom County Code 2.03.070(B), the council must confirm or reject executive appointments within 30 days of submission to the council. County code deems the appointee confirmed if council does not take action within this time.

1. Request confirmation of the County Executive's appointment of Lori Jump to the Whatcom County Library System Board (AB2014-425)
Pages 833 - 835

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 Whatcom County Code Title 20 and the Comprehensive Plan regarding surface mine permitting, the mineral resource lands designation process, and mineral resource lands designation criteria (AB2014-344) **(proposed schedule – January 13, 2015, public hearing)**
Pages 1 - 89
2. Receipt of an appeal of the Hearing Examiner's decision on APL 2012-0019 and APL 2012-0020, filed by David Cottingham regarding Planning & Development Services Determination to grant Final Occupancy to the Building Permit, SFR2006-00683 (AB2014-387) **(proposed schedule – to be announced)**
No Paper

COMMITTEE REPORTS, OTHER ITEMS, AND COUNCILMEMBER UPDATES

ADJOURN

The next regular council meeting is scheduled for 7:00 p.m. Tuesday, January 13, 2015, in the Council Chambers, 311 Grand Avenue.