

COUNCIL AGENDA FOR JUNE 18, 2013

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 TELEVISED ON BTV10, COMCAST CHANNEL 10, AT 7 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 - 2013 ORDINANCES
1979 - 2013 RESOLUTIONS
1979 - 2013 COMMITTEE MINUTES
1979 - 2013 COUNCIL MINUTES

UPCOMING MEETINGS AND EVENTS:

JUNE 25, 2013

SURFACE WATER WORK SESSION
10:30 A.M., GARDEN LEVEL CONFERENCE ROOM
322 N. COMMERCIAL

JULY 1, 2013

LAKE WHATCOM POLICY GROUP
9:30 A.M., MUNICIPAL COURT FIREPLACE ROOM
625 HALLECK STREET

JULY 4, 2013

HOLIDAY – OFFICE CLOSED

MEETINGS SCHEDULED FOR TODAY:

9:30 A.M. – NATURAL RESOURCES COMMITTEE
11 A.M. – FINANCE AND ADMINISTRATIVE SERVICES COMMITTEE
1 P.M. – SPECIAL MEETING IN THE COUNCIL CHAMBERS – LID BRIEFING
2:30 P.M. – PUBLIC WORKS, HEALTH, AND SAFETY COMMITTEE
3 P.M. – SPECIAL COMMITTEE OF THE WHOLE
6:15 P.M. – COMMITTEE OF THE WHOLE

COUNCIL COMMITTEE SCHEDULES

NATURAL RESOURCES COMMITTEE

Members: Sam Crawford, Bill Knutzen, Carl Weimer
9:30 a.m. Tuesday, June 18, 2013
Council Chambers, 311 Grand Avenue

Committee Discussion

1. Birch Bay Watershed and Aquatic Resources Management District Program update (AB2013-215)
Page 1
2. Discussion regarding requested changes to Whatcom County Code 2.27A, Aquatic Invasive Species (AB2013-146A)
Pages 2 - 4

Committee Discussion and Recommendations to Council

1. Resolution accepting the Whatcom County Agricultural Land Cover Analysis and revisions of the rural land study areas (discussion to include an Agricultural Advisory Committee report on activities) (AB2013-110)
Pages 5 - 60

Other Business

FINANCE AND ADMINISTRATIVE SERVICES COMMITTEE

Members: Sam Crawford, Ken Mann, Carl Weimer
11 a.m. Tuesday, June 18, 2013
Council Chambers, 311 Grand Avenue

Special Presentation

1. Washington Counties Risk Pool annual presentation (AB2013-183)
Page 61

Committee Discussion and Recommendations to Council

1. Ordinance amending Whatcom County Code 3.08, Purchasing System (AB2013-206)
Pages 62 - 73
2. Ordinance amending Whatcom County Code 1.10, Procedures for Management and Disposition of County-Owned Personal and Real Property (AB2013-207)
Pages 74 - 76
3. Ordinance amending Ordinance No. 2012-053 (amendment #1) establishing the Rural Road Safety Program Fund and establishing a project-based budget for the Rural Road Safety Program (AB2013-209)
Pages 77 - 80
4. Ordinance amending the 2013 Whatcom County budget, seventh request, in the amount of \$1,500,069 (AB2013-210)
Pages 81 - 123
5. Resolution amending the 2013 Whatcom County Flood Control Zone District budget, third request, in the amount of \$211,682 (AB2013-211) **(Council acting as the Whatcom County Flood Control Zone District Board of Supervisors)**
Pages 124 - 135
6. Ordinance amending the 2014 Whatcom County budget, first request, in the amount of (\$2,496) (AB2013-212)
Pages 136 - 155

7. Ordinance rescinding Ordinance 87-86 and closing the Drug Task Force revolving bank account (AB2013-213)
Pages 156 - 158
8. Request authorization for the County Executive to enter into a contract between Whatcom County and Reichhardt & Ebe Engineering, Inc. for the Cottonwood Neighborhood Drainage Improvements project in Birch Bay, in the amount of \$84,962.93 (AB2013-216) **(Council acting as the Whatcom County Flood Control Zone District Board of Supervisors)**
Pages 159 - 176
9. Request authorization for the County Executive to enter into a contract between Whatcom County and Len Honcoop Gravel, Inc., as low bidder, for the Cottonwood Neighborhood Drainage Improvements project in Birch Bay, in the amount of \$467,646.42 (AB2013-217) **(Council acting as the Whatcom County Flood Control Zone District Board of Supervisors)**
Pages 177 - 225
10. Request approval of an amendment to Whatcom County Contract No. 201212020, a contract between Whatcom County and Van Ness Feldman GordonDerr, Attorneys at Law, to assist in representing Whatcom County in Growth Management Hearings Board cases, in the amount of \$40,000, for a total contract amount not to exceed \$90,000 (AB2012-422B)
Pages 226 - 229

Council "Consent Agenda" Items

1. Request authorization for the County Executive to enter into a contract amendment between Whatcom County and the Opportunity Council to apply lease, rent, and user fees from the operation of the East Whatcom Regional Resource Center to the purchase of needed equipment and materials and programming at the center (AB2013-218)
Pages 230 - 237
2. Request authorization for the County Executive to enter into a contract between Whatcom County and Cascade Vocational Services to provide Pathways to Employment and Community Access services to adults with developmental disabilities, in an amount not to exceed \$741,899 (AB2013-219)
Pages 238 - 260
3. Request authorization for the County Executive to enter into a contract between Whatcom County and Washington Vocational Services to provide Pathways to Employment and Community Access services to adults with developmental disabilities, in an amount estimated to be \$6,205 (AB2013-220)
Pages 261 - 284
4. Request authorization for the County Executive to enter into a contract between Whatcom County and Whatcom County Council on Aging to provide Pathways to Employment and Community Access services to adults with developmental disabilities, in an amount estimated to be \$23,365 (AB2013-221)
Pages 285 - 306
5. Request authorization for the County Executive to enter into a contract between Whatcom County and Service Alternatives, Inc. to provide Pathways to Employment and Community Access services to adults with developmental disabilities, in an amount estimated to be \$375,450 (AB2013-222)
Pages 307 - 329
6. Request authorization for the County Executive to enter into a contract between Whatcom County and Work Opportunities to provide Pathways to Employment and Community Access services to adults with developmental disabilities, in an amount estimated to be \$293,266 (AB2013-223)
Pages 330 - 352
7. Request authorization for the County Executive to enter into a contract between Whatcom County and Kulshan Supported Employment to provide Pathways to Employment and Community Access services to adults with developmental disabilities, in an amount estimated to be \$749,599 (AB2013-224)
Pages 353 - 374

8. Request authorization for the County Executive to enter into a contract between Whatcom County and Advancement Northwest to provide Pathways to Employment and Community Access services to adults with developmental disabilities, in an amount estimated to be \$7,584 (AB2013-225)
Pages 375 - 394
9. Request authorization for the County Executive to enter into a contract amendment between Whatcom County and FHB Consulting for consultant services to implement Phase II of the Ag-Watershed pilot project, in the amount of \$115,560, for a total amended contract in the amount of \$218,519 (AB2013-226)
Pages 395 - 409
10. Request authorization for the County Executive to enter into a contract between Whatcom County and Wilson Engineering for construction support services for the Coronado-Fremont Stormwater Improvements project, in the amount of \$89,783 (AB2013-227)
Pages 410 - 427
11. Request authorization for the County Executive to enter into a contract between Whatcom County and Stremler Gravel, Inc., as low bidder, for the Coronado-Fremont Stormwater Improvements project, in the amount of \$595,238.40 (AB2013-228)
Pages 428 - 449
12. Request authorization for the County Executive to enter into a contract amendment between Whatcom County and Northwest Youth Services for housing services to homeless youth, in the amount of \$20,000, for a total amended contract in the amount of \$146,600 (AB2013-229)
Pages 450 - 458
13. Resolution amending CRP#912004 and authorizing additional funds for the award of a contract between Whatcom County and Culbertson Marine Construction, as low bidder, for the Gooseberry Point Ferry Wingwall replacement, in the amount of \$651,326.59 (AB2013-230)
Pages 459 - 470
14. Request authorization for the County Executive to enter into a consultant agreement between Whatcom County and Sargent Engineers for design of the Hannegan Road Ten-Mile Creek Bridge No. 236 replacement project, in the amount of \$101,456 (AB2013-231)
Pages 471 - 519

Other Business

SPECIAL MEETING – LOW IMPACT DEVELOPMENT BRIEFING

1 p.m., Tuesday, June 18, 2013

Council Chambers, 311 Grand Avenue

1. Washington State Department of Ecology to host a regional briefing on the role that low impact development (LID) practices will have in reissued NPDES Municipal Stormwater Permits (AB2013-189)
Pages 520 - 522

Planned topics for this briefing include:

- ~ Impetus behind the new permit requirements
- ~ Changes in the newly reissued NPDES stormwater permits related to LID
- ~ Timeline for various actions by permittees
- ~ What the new changes will mean for new development, and actions that can be taken to prepare
- ~ Training and other resources that are currently available or that Ecology intends to offer

Local and regional elected officials, appointed officials and management staff (e.g., council members, planning commissioners, city/county administrators, public works directors, etc.) are encouraged to attend.

PUBLIC WORKS, HEALTH, AND SAFETY COMMITTEE
Members: Barbara Brenner, Pete Kremen, Ken Mann
2:30 p.m. Tuesday, June 18, 2013
Council Chambers, 311 Grand Avenue

Committee Discussion

1. Discussion regarding a proposed ordinance closing a portion of Boundary Road (AB2013-202)
(ordinance scheduled for introduction this evening)
Pages 523 - 528

Other Business

SPECIAL COMMITTEE OF THE WHOLE
3 p.m. Tuesday, June 18, 2013
Council Chambers, 311 Grand Avenue

Committee Discussion

1. Discussion of a proposed ordinance adopting amendments to the Whatcom County Code to allow agricultural parcel reconfiguration and other changes affecting the Agriculture Zone (AB2013-128A)
Pages 529 - 590
2. Discussion of a proposed ordinance adopting amendments to the Whatcom County Code to allow packinghouses in the Agriculture Zoning District (AB2012-300B) **(ordinance scheduled for introduction this evening)**
Pages 591 - 612
3. Discussion regarding ongoing issues associated with tubing on the south fork of the Nooksack River (AB2013-236)
Page 613

Other Business

COUNCIL COMMITTEE OF THE WHOLE
6:15 p.m. Tuesday, June 18, 2013
Council Conference Room, 311 Grand Avenue

Committee Discussion

1. Discussion with Senior Deputy Prosecutor Karen Frakes regarding pending litigation, Hirst et al v. Whatcom County, GMHB Case No. 12-2-0013 (AB2013-018)
[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, June 18, 2013
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.

MINUTES CONSENT

1. Surface Water Work Session for May 14, 2013
Pages 614 - 621
2. Special Committee of the Whole (executive session) for May 21, 2013
Pages 622 - 623
3. Committee of the Whole for May 21, 2013
Pages 624 - 625
4. Special Committee of the Whole (9:15 a.m.) for June 4, 2013
Pages 626 - 627
5. Committee of the Whole for June 4, 2013
Pages 628 - 629

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 amending the Whatcom County Zoning Code Title 20 to create Chapter 20.51, Lake Whatcom Watershed Overlay District, and related Comprehensive Plan amendments (AB2013-102A)
Pages 630 - 672
2. Ordinance establishing the Superior Court fourth judge courtroom renovation project and establishing a project based budget for the fourth judge courtroom renovation project (AB2013-208)
Pages 673 - 675
3. Ordinance amending Whatcom County Code Title 20, the official Whatcom County zoning maps, and the Whatcom County Comprehensive Plan and maps to implement changes related to rural land use planning (AB2013-180)
Pages 676 - 720

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.

(From Finance and Administrative Services Committee)

1. Request authorization for the County Executive to enter into a contract amendment between Whatcom County and the Opportunity Council to apply lease, rent, and user fees from the operation of the East Whatcom Regional Resource Center to the purchase of needed equipment and materials and programming at the center (AB2013-218)
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OTHER ITEMS

(From Natural Resources Committee)

1. Resolution accepting the Whatcom County Agricultural Land Cover Analysis and revisions of the rural land study areas (discussion to include an Agricultural Advisory Committee report on activities) (AB2013-110)
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(From Finance and Administrative Services Committee)

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Pages 721 - 724

(No Committee Assignment)

12. Appointment of County Executive Jack Louws to serve as Whatcom County's representative on the Washington State Association of Counties Board of Directors, with Council Chair Kathy Kershner serving as alternate (AB2013-214)

- Pages 725 - 727**
13. Request confirmation of the County Executive's appointment of Richard Sturgill to the Parks and Recreation Commission (AB2013-232)
Pages 728 - 729
 14. Request confirmation of the County Executive's appointment of Larry Collier to the Whatcom County Appeals Board (AB2013-233)
Pages 730 - 731

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 closing a portion of Boundary Road (AB2013-202) **(proposed schedule – July 9 public hearing)**
Pages 732 - 737
2. Ordinance to enter into a development agreement to mitigate for wetland buffer fill in order to create additional parking pursuant to Conditional Use Permit (CUP) 2012-00001 (AB2013-234) **(proposed schedule – July 9 Planning and Development Committee and Council)**
Pages 738 - 833
3. Ordinance ordering the closure of Limestone Road east of Tilbury Road (AB2013-235) **(proposed schedule – July 9 Public Works, Health, and Safety Committee and public hearing)**
Pages 834 - 838
4. Ordinance amending the Whatcom County Code to allow packinghouses in the Agriculture Zoning District (AB2012-300B) **(proposed schedule – July 9 public hearing)**
Pages 839 - 860
5. Ordinance finalizing a revised system of assessment for Drainage Improvement District No. 6 (AB2013-237) **(proposed schedule – July 23 public hearing)**
Pages 861 - 871

OTHER BUSINESS

REPORTS AND OTHER ITEMS FROM COUNCILMEMBERS

ADJOURN

The next regular council meeting is scheduled for 7 p.m. Tuesday, July 9, 2013, in the Council Chambers, 311 Grand Avenue.