

WHATCOM COUNTY COUNCIL AGENDA BILL

NO. 2017-079A

| CLEARANCES | Initial | Date | Date Received in Council Office | Agenda Date | Assigned to: |
|---------------------------------------|----------------|-------------|--|--------------------|---------------------|
| Originator: James P. Karcher, P.E. | JPK | 3/23/17 | RECEIVED MAR 28 2017 WHATCOM COUNTY COUNCIL | 04/04/17 | Introduction |
| Division Head: Joe Rutan, P.E. | JPK FOR JOE R. | 3/23/17 | | 04/18/17 | Finance, Council |
| Dept. Head: Jon Hutchings | JH | 3/23/17 | | | |
| Prosecutor: Daniel L. Gibson | DNG | 3/27/17 | | | |
| Purchasing/Budget: Brad Bennett | BB | 3/27/17 | | | |
| Executive: Jack Louws | JL | 3/28/17 | | | |

TITLE OF DOCUMENT:

Amendment No. 3 to Ordinance No. 2012-050 Establishing the Birch Bay Drive and Pedestrian Facility Project Fund and Establishing a Project Based Budget for the Birch Bay Drive and Pedestrian Facility

ATTACHMENTS:

1. Ordinance
2. Exhibit A - Project Budget Request Tracking Sheet
3. Cover Memo to County Executive and Council
4. Supplemental Budget Request
5. Project Narrative

SEPA review required? () Yes (x) NO
 SEPA review completed? () Yes (x) NO

Should Clerk schedule a hearing? () Yes (x) NO
 Requested Date:

SUMMARY STATEMENT OR LEGAL NOTICE LANGUAGE: (If this item is an ordinance or requires a public hearing, you must provide the language for use in the required public notice. Be specific and cite RCW or WCC as appropriate. Be clear in explaining the intent of the action.)

Requesting Council approval for the additional budget authority in the Birch Bay Drive and Pedestrian Facility Project Based Budget Fund (Fund # 339), for a new current budget expenditure amount of \$3,600,000. This authorization will fund Land Acquisition and additional field archaeological testing associated with permitting and the preliminary engineering (design phase). This is CRP#907001.
 Current project status is design at 90% complete, all permits submitted and working through regulatory channels, and 60% of the property acquisition completed.

COMMITTEE ACTION:

COUNCIL ACTION:

4/4/2017: Introduced 6-0, Weimer absent

Related County Contract #:

Related File Numbers:

Ordinance or Resolution Number:

Please Note: Once adopted and signed, ordinances and resolutions are available for viewing and printing on the County's website at: www.co.whatcom.wa.us/council.



Jon Hutchings
Director

Joseph P. Rutan, P. E.
County Engineer/Assistant Director
322 N. Commercial Street, Ste 301
Bellingham, WA 98225-4042
Phone: (360) 778-6210
Fax: (360) 778-6211

MEMORANDUM

To: The Honorable Jack Louws, Whatcom County Executive, and
The Honorable Members of the Whatcom County Council

Through: Jon Hutchings, Director *JH*

From: Joseph P. Rutan, P.E., County Engineer/Assistant Director *JPR*
James P. Karcher, P.E., Engineering Manager *JK*

Date: March 20, 2017

Subject: **Amendment No. 3 to Ordinance 2012-050 Amending the Birch Bay Drive and Pedestrian Facility Project Based Budget Fund, Cost Center 339100, CRP #907001**

Enclosed for your review and signature is one (1) original of Amendment No. 3 to Ordinance 2012-050 associated with the Birch Bay Drive and Pedestrian Facility Project Based Budget fund.

Requested Action

Public Works respectfully requests that the County Council and the County Executive sign the ordinance amending the Birch Bay Drive and Pedestrian Facility Project Based Budget Fund.

Background and Purpose

The Birch Bay Drive and Pedestrian Facility Project Based Budget Fund was established by Ordinance 2012-050 for an amount of \$1,072,324 on November 27, 2012. On June 17, 2014, Ordinance 2014-036 amended the project fund amount to \$2,200,000 for consultant design services. On December 6, 2016, Ordinance 2016-069 amended the project fund amount to \$2,700,000 for consultant design services and property acquisition. This request is to amend the project fund amount by \$900,000, for Land Acquisition and Preliminary Engineering (design phase) services, bringing the current project budget authority to \$3,600,000.

Current project status is design at 90% complete, 60% of the property acquisition complete, and additional field archaeological testing required to complete design and permitting.

As Land Acquisition is finalized in 2017, and related design issued completed, the Council can expect an additional Supplemental Budget Request for Construction funds in 2017.

Funding Amount and Source

The Land Acquisition and Preliminary Engineering work will be funded by a transfer from the Road Fund. Sufficient budget authority exists in the approved 2017 Road Fund Capital Budget for this transfer.

Please contact Jim Karcher at extension 6271, if you have any questions or concerns regarding the terms of this agreement.

ORDINANCE NO. _____

AMENDMENT No. 3 TO ORDINANCE No. 2012-050 ESTABLISHING THE BIRCH BAY DRIVE AND PEDESTRIAN FACILITY PROJECT FUND AND ESTABLISHING A PROJECT BASED BUDGET FOR THE BIRCH BAY DRIVE AND PEDESTRIAN FACILITY

WHEREAS, the preliminary engineering (design phase) of the Birch Bay Drive and Pedestrian Facility is over 90% complete, with all permits submitted and property rights acquisition over 60% complete, and;

WHEREAS, it is necessary to add to the project budget to continue the property acquisition phase and address additional archaeological field testing required by Section 106 of the federal NEPA process, and;

WHEREAS, there is sufficient budget authority in the approved 2017 Road Fund Capital Budget for a transfer into this project fund, and;

WHEREAS, a County Road Project identified as CRP No. 907001 titled "Birch Bay Drive and Pedestrian Facility" is listed as project priority No. 1 on both the STIP and ACP,

NOW, THEREFORE, BE IT ORDAINED, by the Whatcom County Council that Ordinance No. 2012-050, associated with establishing the project based budget and initiating the design phase is hereby amended by adding an additional amount of \$900,000 of expenditure authority for an amended project budget total of **\$3,600,000** as described in Exhibit "A".

ADOPTED this ____ day of _____, 2017.

ATTEST:

WHATCOM COUNTY COUNCIL
WHATCOM COUNTY, WASHINGTON

Dana Brown-Davis, Council Clerk

Barry Buchanan, Chair of the Council

APPROVED AS TO FORM:

() Approved () Denied



Chief Civil Deputy Prosecutor

Jack Louws, Executive Date

Exhibit "A"

Project Based Budget - Budget Request Tracking Sheet

4/4/2017

Project Title: **Birch Bay Drive and Pedestrian Facility**

Project Codes: **CRP No. 907001; Cost Center 339100**

Project Based Budget Request: **No. 4**

Duration Requested: **4 yrs (2016, 2017, 2018, 2019)**

| Budget Account | Project Activity | Current Approved Project Budget | Amended Project Budget Request | New Approved Project Budget |
|----------------|---|---------------------------------|--------------------------------|-----------------------------|
| 595110 | Preliminary Engineering (In-Hse & Consultant) | \$2,000,000 | \$350,000 | \$2,350,000 |
| 595200 | Right of Way | \$700,000 | \$550,000 | \$1,250,000 |
| | | TOTAL | \$900,000 | \$3,600,000 |

| Object Account | Project Funding | Current Approved Project Revenue | Amended Project Revenue Request | New Approved Project Revenue |
|----------------|---------------------------------------|----------------------------------|---------------------------------|------------------------------|
| 8301.324 | REET II Transfer | \$745,000 | | \$745,000 |
| 4333.2022 | Federal STP-E | \$327,324 | | \$327,324 |
| 4333.2022 | Federal STP-US | \$1,127,676 | | \$1,127,676 |
| 8301.108 | Local Funds (transfer from Road Fund) | \$500,000 | \$900,000 | \$1,400,000 |
| | | TOTAL | \$900,000 | \$3,600,000 |

Supplemental Budget Request

Status: Pending

Public Works

Engineering Design/Const

Suppl ID # 2239

Fund 108

Cost Center 339100

Originator: Jim Karcher

Expenditure Type: One-Time

Year 1 2017

Add'l FTE

Add'l Space

Priority 1

Name of Request: Birch Bay Dr and Ped Facility - suppl for R/W & PE

X

Department Head Signature (Required on Hard Copy Submission)

3/20/17

Date

| Costs: | Object | Object Description | Amount Requested |
|--------|----------------------|--------------------------|------------------|
| | 6110.595110 | Regular Salaries & Wages | \$150,000 |
| | 6630.595110 | Professional Services | \$200,000 |
| | 7320.595200 | Land | \$550,000 |
| | 8301.108 | Operating Transfer In | (\$900,000) |
| | Request Total | | \$0 |

1a. Description of request:

This Birch Bay community-driven project is located parallel to Birch Bay Drive and consists of a Public Works project to construct a 1.58 mile separated berm with pathway to encourage pedestrian use along the waterfront from Cedar Avenue to the mouth of Terrell Creek. Several key attributes of the project will be pedestrian safety with the separated trail, and a soft shore berm to protect the Birch Bay Drive roadway from storm damage. In addition, the project will provide mitigation for beach erosion. It is the #1 priority project for the Public Works Department's 2016 & 2017 Annual Construction Programs.

This supplemental budget request will add expenditure authority of \$900,000 to the existing project based budget for a new total expenditure authority of \$3,600,000. The additional expenditure authority will fund the continued acquisition of property rights needed for the project, as well as fund additional archaeological field testing associated with permitting issues and preliminary engineering (design phase).

1b. Primary customers:

The primary customers of this project are the citizens of Whatcom County, residents of the Birch Bay community, and anyone who benefits from the recreational use of the Birch Bay waterfront beach.

2. Problem to be solved:

As originally budgeted, the project had minimal costs associated with property rights acquisition; however, after the appraisal and review appraisal phase was completed, it was apparent that acquisition costs would be substantially higher. In addition, consultation with local Indian Tribes about construction impacts related to cultural resources, precipitated a Tribal request for additional field testing for archaeological resources. This supplemental budget request will provide the budget authority to continue the acquisition phase and provide additional budget for the archaeological field testing.

3a. Options / Advantages:

No other options are available with no budget authority. This option is the best option because it adds budget authority incrementally as full acquisition costs become known, or as additional permitting or design issues are encountered.

3b. Cost savings:

There are no specific cost savings associated with this request.

4a. Outcomes:

The outcome will be that there is sufficient budget authority to continue with property rights acquisition without delay and initiate additional field testing for archaeological resources associated with permitting.

Supplemental Budget Request

Status: Pending

Public Works

Engineering Design/Const

Suppl ID # 2239

Fund 108

Cost Center 339100

Originator: Jim Karcher

When all acquisition rights have been secured to accommodate the design, and all associated permits received, then the project will be bid and constructed. Due to the unknowns associated with property rights acquisition and permitting, the best available schedule currently shows completion of both acquisition and permitting by Summer 2017.

4b. Measures:

When all property rights have been acquired to accommodate the project design, and all Tribal issues satisfied on cultural / archaeological resources, then FHWA and WSDOT will certify the property acquisition and permitting phases which allow the project to proceed to the construction phase. Success will be measure by achieving the 'certifications', and when the construction phase is authorized, then Whatcom County can obligate additional federal grant funds related to construction (\$1,610,000).

5a. Other Departments/Agencies:

N/A

5b. Name the person in charge of implementation and what they are responsible for:

N/A

6. Funding Source:

The funding source is Local Road Funds available from the capital 2017 Annual Construction Program.

Birch Bay Drive and Pedestrian Facility CRP #907001

Construction Funding Year(s): 2017 / 2018 / 2019

Project Narrative:

This project is located parallel to Birch Bay Drive from Cedar Avenue to the mouth of Terrell Creek, in Sections 30 and 31, T40N, R1E, and Sections 24 and 25, T40N, R1W. This is a 1.58 mile separated berm with pathway to encourage pedestrian use along Birch Bay Drive to support safety and to protect the roadway from storm damage. In addition, the project will provide mitigation for both beach erosion and roadway protection. This project is listed **#R1** on the 2017-2022 Six-Year Transportation Improvement Program.

Project Status:

Phase I of the Feasibility Study was completed in 2006. Phase 2A (Preliminary Construction Cost Estimate) was completed in 2007, and updated in spring of 2013. Preliminary Engineering began in late 2013, R/W acquisition began in 2016 and construction is planned for 2017 / 2018 / 2019. Additional funding sources will be pursued as they become available.

| | | | |
|--------------------------------------|--------------|-------------------------|---------------------------|
| Total Estimated Project Cost: | \$11,450,000 | Funding Sources: | |
| | | Federal | \$3,172,000 (STP and TAP) |
| Expenditures to Date: | \$2,450,000 | State | \$0 |
| | | Local | \$8,278,000 |

| | |
|--|--|
| Environmental Permitting | Whatcom County-Shorelines; WDFW-HPA, Army Corps of Engineers, DOE; Sec 404 Clean Water Act |
| Right-of-Way Acquisition (Estimate) | TBD |
| County Forces (Estimate) | N/A |

