

BLACK DIAMOND CITY COUNCIL MINUTES
April 19, 2012
Council Chamber, 25510 Lawson Street, Black Diamond, Washington

CALL TO ORDER, FLAG SALUTE:

Mayor Olness called the regular meeting to order at 7:01 p.m. and lead us all in the Flag Salute.

ROLL CALL:

PRESENT: Councilmembers Deady, May, and Benson

ABSENT: Councilmembers Goodwin and Taylor (excused)

Staff present were: Andrew Williamson, Economic Development Director; Mayene Miller, Finance Director; Jamey Kiblinger, Police Chief; Greg Smith, Fire Chief; Chris Bacha, City Attorney and Brenda L. Martinez, City Clerk.

PUBLIC COMMENTS:

Judith Carrier, Green River Road – spoke on behalf of Save Black Diamond regarding their comments on the proposed MDRT contracts.

Terry Roberts, Black Diamond – commented on not having a study session held on the contracts before Council tonight; noted a fresh set of eyes are needed on the contracts.

Cindy Wheeler, Black Diamond – commented she is confused and confounded and furious regarding the lawsuit not being filed as was directed by Council at the last Council meeting; City Council being broken and dysfunctional.

Cindy Proctor, Enumclaw – commented on MDRT legal publication; qualifications of staff; Henderson, Young & Company being bias.

Erika Morgan, Black Diamond – commented on concurring with the previous speakers; two new MPD applications; Council representing the citizens.

Colin Lund, YarrowBay – spoke on lawsuit not being filed, but it was served to YarrowBay; contracts not bankrupting the City as the Developer is responsible to make up any fiscal shortfall.

Brian Derdowski, Issaquah – thanked Councilmembers for their work improving the contracts; workstudy on the contracts not being held; issues on the contracts need to be addressed; hold these contacts to the next agenda.

A **motion** was made by Councilmember Deady and **seconded** by Councilmember May to add to the agenda an Executive Session immediately. Motion **passed** (3-0).

EXECUTIVE SESSION:

Mayor Olness announced an Executive Session at 7:24 p.m. to discuss with legal counsel litigation pursuant to RCW 42.30.110(1)(i) which was expected to last approximately 15 minutes.

A 15 minute extension was called to the executive session.

A 5 minute extension was called to the executive session.

The regular meeting was called back to order at 8:18 p.m.

PRESENTATIONS:

Mayor Olness red into the record the following proclamation regarding Autism Awareness month:

WHEREAS, autism disorders are developmental disabilities that can cause social, communication, and behavioral challenges for affected children and adults; and

WHEREAS, as a spectrum disorder, symptoms can vary greatly in severity and affect each person uniquely; and

WHEREAS, in 2012, it is estimated that autism will affect 1 in 88 children, including 1 in 54 boys; and

WHEREAS, this year, more children will be diagnosed with autism than AIDS, diabetes, and cancer combined; and

WHEREAS, while there is no cure for autism and the cause is still unknown, it is well-documented that if these individuals receive treatment early in their lives, it is possible for them to lead significantly improved lives; and

WHEREAS, the total lifetime cost saving per individual who receives intensive early intervention can be as much as \$2 million; and

WHEREAS, the family members of children with autism are in great need of support to care for their loved ones, while also maintaining a healthy life for themselves; and

WHEREAS, the health and well-being of the residents of King County are enhanced as a direct result of increase awareness about autism;

NOW, THEREFORE, I, Rebecca Olness, Mayor of the City of Black Diamond, on behalf of the Black Diamond City Council, do hereby proclaim the month of April 2012, as

AUTISM AWARENESS MONTH

in the City of Black Diamond and encourage greater public awareness and education to the development of effective treatments and a cure for autism.

Mayor Olness explained to the audience the proxy votes for both Councilmembers Goodwin and Taylor.

A **motion** was made by Councilmember May and **seconded** by Councilmember Deady to amend the agenda to move AB12-021 as the first item to be discussed tonight. Motion **passed** (3-0).

Ordinance No. 12-975, amending the 2012 Budget Ordinance 11-972 to reflect changes in revenues and expenditures

Finance Director Miller reported the budget amendment ordinance is a housekeeping ordinance to true-up beginning cash and investments to what the actual amounts were as of January 1, 2012. She added it is also to true-up the projects and carry-over the balance to this year's budget from the prior year. She highlighted the grants carry-over budgets. She added further adjustments are to correct errors in the original budget and noted that all budget changes are covered by revenue or ending fund balance in each fund.

A **motion** was made by Councilmember May and **seconded** by Councilmember Deady to adopt Ordinance No. 12-975, amending the 2012 budget ordinance No. 11-972 to reflect changes in revenues and expenditures. Motion **passed** (5-0 – with proxy votes from Goodwin and Taylor).

PUBLIC HEARINGS: None

UNFINISHED BUSINESS:

Resolution No. 12-791, authorizing the Mayor to execute a contract with Parametrix to serve as the traffic engineering consultant to the MDRT

Economic Development Director Williamson reported that what Council sees before them is a new contact with Council suggestions incorporated into the document.

A **motion** was made by Councilmember Benson and **seconded** by Councilmember May to adopt Resolution No. 12-791, authorizing the Mayor to execute a contract with Parametrix to serve as the traffic engineering consultant to the MDRT and also to adopt Resolution No. 12-792, authorizing the Mayor to execute a contract with RH2 Engineering to serve as the civil engineering consultant to the MDRT and to adopt Resolution No. 12-793, authorizing the

Mayor to execute a contract with Henderson & Young to serve as the municipal fiscal analysis consultant to the MDRT.

Councilmember Benson noted as of the last meeting City Attorney Bacha and Mr. Williamson did a great job of incorporating the changes, she also added she received information from Save Black Diamond last night, but most of the suggestions were how to make the MDRT work and feels this will be addressed at the workstudy in May.

Councilmember May noted that the input he received was remarkable and was able to incorporate most of the changes and suggested to public that Council is open to suggestions and so is staff and believes the contracts before them tonight incorporate a lot of the public comments. He looks forward to making the future contracts even better.

Vote: Motion **passed** (5-0 – with proxy votes of Goodwin and Taylor).

NEW BUSINESS:

Resolution No. 12-794, declaring certain City equipment as surplus

Economic Development Director Williamson reported this is a yearly process of disposing of property no longer needed or in use by the city. Items that have value will be sold at auction; items that do not sell will be donated to charity, recycled or destroyed. He highlighted some items on the list to be surplus.

A **motion** was made by Councilmember Deady and **seconded** by Councilmember May to adopt Resolution No. 12-794, declaring certain City equipment as surplus. Motion **passed** (5-0 – with proxy votes of Goodwin and Taylor).

Resolution No. 12-795, authorizing the purchase of two Special Service Vehicles for the Fire Department

Fire Chief Smith distributed to Council additional information regarding the purchase of these two vehicles. He reported this is the first capital purchase they have done for the City since the City contracted for services in 2006. The department is requesting approval for replacement of two staff support vehicles. He noted the Interlocal Agreement states the City shall provide, for use by District 44 two engines, one aid car, one brush truck and two support vehicles. Vehicles looking to replace are the 2001 Ford Expeditions and both have 100,000+ miles on them. Discussed purchasing vehicles off the state bid the costs and timing; recommends purchasing the Ford F-250s 4x4 vehicles.

A **motion** was made by Councilmember Deady and **seconded** by Councilmember Benson to adopt Resolution No. 12-795, authorizing the purchase of two Special Service Vehicles for the Fire Department plus outfitting costs for a total amount not to exceed \$69,500. Motion **passed** (5-0 – with proxy votes of Goodwin and Taylor).

DEPARTMENT REPORTS:

Police Chief Kiblinger updated Council on the following Police Department activities: Records Management and IT; website upgrade with a weekly Press Board; Police Activity and Investigations; Training; Equipment; Grants; Community Events and Administration.

MAYOR'S REPORT:

Mayor Olness discussed declaratory judgment being served and not filed; attended on April 10th the Suburban Cities Association Events Committee and the Fire District 44 Commissioners Board meeting; April 11 attended the Public Issues Committee of Suburban Cities Association; attended City of Buckley Fire Department Ribbon Cutting Ceremony; attended DAWN breakfast; attended the Young Author's Fair at Black Diamond Elementary; Earth Day event on Sunday (April 22) at the Lake Sawyer Regional Park held by the Lake Sawyer Park Foundation.

COUNCIL REPORTS:

Councilmember Deady attended the Fire Commissioners meeting and CERT Class with Councilmember Taylor; attended the Young Author's Fair at Black Diamond Elementary.

Councilmember May commented Council is trying its best to bring items of importance that citizens bring them and regarding the Declaratory Judgment we need to see what happens next week and finds himself deeply frustrated with the process and unfortunately to find an answer you have to sue somebody, noted it is the elephant in the room with the potential to be a serious problem and no Councilmember wants to bankrupt the City or watch it go down the toilet. To simplify an argument and ask MRSC for an answer and they won't because anything in litigation needs an answer from a judge; he feels the process is flawed; hopes at some point and time we can sit down and talk as competent adults and discuss our differences and has an appreciation for folks on the dais. He urged folks to run in the next two years to get a better understanding of how it really works; he stated he had to admit to being frustrated, angry and discouraged, however it is not an unsolvable problem; he discussed the progress in the town meeting; he noted we really don't speak for all the citizens as they remain divided and wonders what citizens they are speaking for; it is a learning process of what we can and can't do and he hopes things will improve and noted the help of Mr. Bacha through this situation.

Councilmember Deady agreed with the statement by Councilmember May, noted she is happy to meet with all residents and is trying to reach out to all citizens and she is here to talk; encouraged folks to call and talk to them and give them advice.

Councilmember Benson noted this has been a very interesting process and folks need to realize we only have so much time to read the information and the best way is to email them all in a blanket email. Please let us know of issues you would like the Council to discuss and the MDRT workstudy; if you have things for us to address give it to us ahead of time; we don't have control over a strong Mayor run City, so if she makes the call to not jeopardize the City, she can make that call and we don't have control over that. Council is out there trying to work for the majority of the people and doing our best.

ATTORNEY REPORT: None

PUBLIC COMMENTS:

Cindy Wheeler, Black Diamond – appreciated the sentiments Council shared and feels it is important to represent all citizens; need to fix process so it is right; talked about two MPDs; staff failures and accountability.

Brian Derdowski, Issaquah – thanked Councilmember May for putting on the record the reason for the Executive Session; discussed improvements to the contracts; Council hiring their own Legal Counsel; who speaks for the City and need to be advised on this; budget issues.

Cindy Proctor, Black Diamond – commented she was stunned she saw Democracy stopped tonight; applauded all of Council's work, but is focused on the wrong thing; fiscal analysis; changing form of government; funding agreement and development agreement being broken.

Johna Thompson, Black Diamond – thanked Council for their community involvement; Labor and Miners Day's committees; thank Mayor Olness for being so involved in the community; discussed lawsuits and shared a personal example and financial aspects.

Colin Lund, YarrowBay – commented about growth being required to pay for growth; funding agreement and securities in place to ensure City will not go bankrupt.

Tammy Calbom, Black Diamond – commented she heard both negative and positive comments and her attendance at the meeting; discussed the vice Council and citizens are hearing; discussed being respectful and moving forward they need to embrace the growth.

Bill Boston, Black Diamond – commented on the budget ordinance and the economic health of the City; businesses closing down and City losing population; Council's fiduciary responsibility and thanked Council for their service.

Erika Morgan, Black Diamond – commented on the negativity; residences will not bring revenue and we need to have businesses here and we need a Business Commission to advocate for them coming to Black Diamond, development needs to be cut back and made smaller.

CONSENT AGENDA:

A **motion** was made by Councilmember May and **seconded** by Councilmember Benson to adopt the Consent Agenda. Motion **passed** with all voting in favor (3-0).

The Consent Agenda was approved as follows:

Claim Checks – April 19, 2012 Check No. 38136 through No. 38200 in the amount of \$126,510.43

Payroll – March 31, 2012 No. 17689 through No. 17711 and ACH Pay in the total amount of \$284,039.92

Minutes –Council Meeting Minutes of April 5, 2012

EXECUTIVE SESSION:


Mayor Olness announced an Executive Session at 9:35 p.m. to discuss with legal counsel potential litigation pursuant to RCW 42.30.110(1)(i) with no action to follow.

The regular meeting was called back to order at 10:14 p.m.

ADJOURNMENT:

A **motion** was made by Councilmember Benson and **seconded** by Councilmember Deady to adjourn the meeting. Motion **passed** with all voting in favor (3-0).

ATTEST:



Rebecca Olness, Mayor



Rachel Pitzel, Deputy City Clerk