

BLACK DIAMOND CITY COUNCIL MINUTES

February 20, 2014

Council Chamber, 25510 Lawson Street, Black Diamond, Washington

CALL TO ORDER, FLAG SALUTE:

Mayor Gordon called the regular meeting to order at 7:00 p.m. and lead us all in the Flag Salute.

ROLL CALL:

PRESENT: Councilmembers Deady, Morgan, Edelman, Benson and Taylor.

ABSENT: None.

Staff present were: Seth Boettcher, Public Works Director, Greg Smith, Fire Chief; Christy Todd, City Administrator; P. Stephen DiJulio, Interim City Attorney and Brenda L. Martinez, City Clerk.

PUBLIC COMMENTS:

Brian Derdowski, Issaquah – commented on experts and getting the need for getting three different perspectives, would like Council to consider when looking at items to ask if they are getting three different perspectives as all three are important.

PUBLIC HEARINGS:

AB14-023 – King County Council’s approval of a Ballot Measure for local transportation funding through the King County Transportation District (TBD), Ordinance 2014-0059

Mayor Gordon opened the public hearing at 7:05:50 p.m.

Kristen Bryant, Bellevue – stated she is a member of the Puget Sound Regional Committee (PSRC) Task Force for building transit oriented communities and have followed growth in the area and how it ties to growth and transit. She learned as part of the task force how much the whole region’s growth depends on having a good transit hub system. She commented on her use of public transportation and feels we should consider this holistically. Folks will need to decide whether this is a good use of their funds and sees it as a benefit. She noted having routes that do come to this area although underserved there are many who do use it and it is also one less car on the road. She noted this will also raise money for other improvements such as the Ravensdale Road, etc. She talked about the plan for this area also depending on a strong transit system and without this type of funding it makes cities less livable. Written submittals are attached and made part of the record.

Robbin Taylor, Black Diamond – noted the Council having before them last year the issue of forming a Transportation Board District (TBD) and the Council thought with the increases to City services they felt the citizens could not afford this. She noted that Covington citizens voted down a TBD and if they had passed it, they would be double taxed by Covington and King County. She would like to see that TBDs cannot be overlaid and this is faulty legislative and urged the Council to urge King County to not pass this until some work can be done in the legislation.

Mayor Gordon closed the public hearing at 7:13:46 p.m.

PRESENTATIONS:

Mayor Gordon introduced Covington Water District.

Covington Water District - Gwen Maxfield, General Manager for Covington District – discussed in 2012 there were multiple opportunities in front of the Hearing Examiner. The Hearing Examiner did recognize the need and his decision noted that the developer needed to build the standard to both the District and the City water infrastructure. The 2008 Black Diamond's Comprehensive Plan included recognition that Black Diamond would have an agreement with Covington Water for water service to this 98-acre area. She noted the purpose for tonight's presentation is to discuss briefly the savings the Covington Water District anticipates; correct a miss-statement shared at the recent Public Works Committee and asks that staff is directed to work with Covington Water District to resolve the issue. She noted another miss-statement made regarding partnership when requesting a 2nd turn-out of pipeline 5 – Regional Water Supply System pipeline and she wanted to correct those two miss-statements. She noted that to meet the Development Agreement and Hearing Examiners decision on the preliminary plat requirement the developer should meet with both Covington Water District and Black Diamond standards as it relates to water. She noted the cost saving opportunities for City of Black Diamond and future citizens and that written comments are attached and made part of the record.

Brian Borgstadt, Covington District Engineer – discussed the handouts and noted the District has been planning on serving this growth area. Written submittals are attached and made part of the record.

Colin Lund, YarrowBay – noted this would be eliminating customers that would help build our water system. He noted he does not believe they have a 750 zone to serve the development today. They are currently working to bring waterlines to The Villages regardless if Covington Water District serves The Villages or not. He noted the City is looking at using their spring source in the high volume months to keep the costs down for the citizens of Black Diamond. He noted neighbors may be on different water services and this could be awkward. He believes they have available the 720 available today and Covington does not, they will need to rebuild their facility to accomplish this service area. He noted the City proposed for the developer to build three lines on 850 zone that keeps a constant 850 pressure at all times as this makes for a more robust system. The Hearing Examiner did not change the Development Agreement; he applied two conditions that affect the condition to the preliminary plat – Condition #39 (he read the condition) and Condition #42 (he read the condition). These were conditions that were recommended by our

engineering staff and the Hearing Examiner reviewed them and if he felt they were appropriate - to add them to the preliminary plat which he did. Mr. Lund noted that Council needs to step back and understand if they want additional customers to help pay for future infrastructure needs.

Brian Borgstadt, Covington District Engineer – stated he would like the City to engage and coordinate and understand the needs. These conditions were not made by an Engineer and we have demonstrated that we can meet the fire flows with the 700 zone. The City of Covington does not have a 700 zone today, but have been planning for years to refurbish that reservoir and the hope is to have something on line in 2016 and this should be the same time as the pipeline road project.

UNFINISHED BUSINESS: None

NEW BUSINESS:

Resolution No. 14-930, authorizing the Mayor to execute a Professional Services Agreement with Parametrix for the Development of Design and Bid materials for the Lawson Street Sidewalk Project

Public Works Director Boettcher reported that tonight he is asking for council approval of a professional services agreement with Parametrix, Inc. for the design to install a sidewalk on the Northside of Lawson Street from SR 169 to Sixth Avenue. He further noted that this action is to hire Parametrix to complete 90% design of the sidewalk feature and prepare plans and specification in preparation to advertise this project for public bid in June. He also stated this project is a portion of the planned Capital Improvement project as identified as T7.

A **motion** was made by Councilmember Deady and **seconded** by Councilmember Benson to adopt Resolution No. 14-930, authorizing the Mayor to execute a Professional Services Agreement with Parametrix for the Development of Design and Bid materials for the Lawson Street Sidewalk Project. Motion **passed** voting in favor (5-0).

Item number 4 on agenda - City Council consideration of a future Resolution in support of or opposition to King County Ordinance 2014-0059, a ballot measure for local transportation funding through the King County transportation district

City Administrator Todd noted that Council does have the option to hold a public hearing in opposition or support of a ballot measure. King County has passed an ordinance forming this district so this will be moving forward for a vote of the citizens of King County. She noted that Council does not have to take a position, but can ask staff to prepare a resolution for either position Council wants to take.

Councilmember Benson noted that we do not have a transportation hub and if we do not do anything it will not make a difference.

Councilmember Taylor advocated for making a statement against as we owe this to our constituents as when we brought forward our own the response was clear that the majority of them did not favor this and this fee will be much larger. Another reason he feels strongly

is that as we were looking at our own and the potential dollars we could bring in King County said they will share these dollars with different jurisdictions within the County and they will be collecting a \$60 tab and we will be a fraction of what we would have received should we form our own Transportation Benefit District (TBD). He noted last year the Council passed a resolution to support the State Legislature to pass a transportation bill and he was against this as it would cost too much, now here we are in this exact result of passing the State Legislation and is strongly opposed to a County TBD and would like to go on record saying this.

Councilmember Edelman agreed and noted the sales tax increase and for our citizens in this community we cannot afford this. She stated she would like Council to take a stand that we do not agree with this.

Councilmember Morgan stated the issue is going on the ballot and it sounds like King County decided that and does feel we do not need to take a stance one way or the other and feels the TBD is a benefit.

Councilmember Deady talked about folks using the bus system in Black Diamond and has the concern that we will lose bus routes if this does not pass and also agrees with Councilmembers Edelman and Taylor and this will go to the voters and they will be the deciders on this.

Councilmember Taylor noted he would like to see some action.

A **motion** was made by Councilmember Taylor and **seconded** by Councilmember Edelman that Council direct staff to draft a resolution to King County that Council disagrees with the Transportation Benefit District (TBD). Motion **passed** voting in favor (5-0).

Resolution No. 14-931, confirming the Mayor's appointments to the Planning Commission

Mayor Gordon reported he will be appointing two citizens to positions 7 & 8 and noted reviewing all of the applications thoroughly. The citizens are very active and are always present at meeting and will make great additions to this commission.

Councilmember Deady noted not approving of the process that was done on this. She noted whether it be an appointment to City Council or Planning Commission and no interviews being conducted.

Councilmember Edelman noted there being a process for Planning Commission appointments and confirmation's and shares Councilmember Deady' concern and wants to see an interview process.

Councilmember Taylor noted wanting to respect the Mayor's right to appoint as this is clear, but what was in place was a good working process that did not control that appointment, but provide Council input and this helped vet the process so when the confirmation came it was already fairly well vetted.

Mayor Gordon discussed the law and how it is written. He referred to the City Attorney.

Interim City Attorney DiJulio noted that Council clearly understands the Mayor can appoint and Council can confirm. He noted it is clearly in the authority of the Council to interview the candidates. He suggested Council can do this on their own time and right now you can either reject or confirm or interview them and then reject or confirm. So as of now, we have before you a decision to either reject or confirm the appointments.

A **motion** was made by Councilmember Edelman to not vote on this tonight and put up for a vote at the next Council meeting and the council be provided with the applications so Council can contact them should they choose to do so.

Councilmember Deady noted the Mayor should have said he was not going to follow the process.

The **motion** was **seconded** by Councilmember Morgan.

Councilmember Benson has opposition as there was a process and if the Mayor would like to change the process he should have informed Council of the change and this would have gained "buy in" from the Council.

Councilmember Taylor noted he is not certain he agrees with having the personal interviews and would like to see a public interview at a council workstudy or meeting.

A **motion** was made by Councilmember Edelman and **seconded** by Councilmember Morgan to amend the previous motion and propose a friendly amendment to conduct a public interview process of the candidates the Mayor has selected. Motion **passed** voting in favor (5-0).

Resolution No. 14-932, confirming the Mayor's Regional Committee Appointments

Mayor Gordon noted everyone doing a very good collaborative job of finding Councilmembers to fill appointments to Regional Committees.

A **motion** was made by Councilmember Taylor and **seconded** by Councilmember Benson to adopt Resolution No. 14-932, confirming the Mayor's Regional Committee Appointments. Motion **passed** voting in favor (5-0).

DEPARTMENT REPORTS:

Administration – City Administrator Todd:

Ms. Todd thanked all Councilmembers for meeting with her to discuss Council Retreat planning. Focusing on three Saturday dates, March 22nd, 29th or April 5th.

MAYOR'S REPORT:

Mayor Gordon reported on the February 7th State Auditor's exit conference and a clean audit.

COUNCIL REPORTS:

Budget, Finance, Administration Committee:

Councilmember Benson noted no report.

Planning and Community Service Committee:

Councilmember Edelman noted no report.

Cemetery and Parks Committee:

Councilmember Deady noted they met on the In-City Forest project.

Public Safety Committee:

Councilmember Taylor noted meeting and the need to keep in mind the need for a new Fire Station.

Public Works Committee:

Councilmember Taylor noted meeting last week and reviewed projects one being what Council took action on tonight and discussed the guardrails on Abrams and the general updates on the other projects.

Regional Committee:

WRIA 9: Councilmember Morgan noted that she is thrilled to be placed on this committee.

Growth Management Planning Council: No report.

Sound Cities Association – Public Issues Committee (PIC): No report.

South County Area Transportation Board (SCATBd): Councilmember Benson noted an issue being whether we would support the TBD or not and they recommended that we support it.

South East Area Transportation Solutions (SEATS) Coalition: No report.

Sound Cities Association – mental Illness and Drug Dependency Oversight Committee:
No report.

ATTORNEY REPORT: None

PUBLIC COMMENTS:

Robbin Taylor, Black Diamond – noted the President does not make appointments and the process that is taken for confirmation of these appointments. She urged the Mayor to work with the Council and reach out and work together.

Brian Derdowski, Issaquah – commented on the GMPC and congratulated Councilmember Deady for being an alternate as this is a powerful committee to be on. Commented on the

Planning Commission appointments and noted the techniques other cities use for his process.

Gary Davis, Black Diamond – suggested that perhaps this needs to be changed so terms do not expire at the end of year, but rather have terms expire in May for example.

Cindy Proctor, Enumclaw – commented she would like to meet with Councilmember Deady on an issue in the cemetery; commented on the school issue and the mitigation agreement doesn't work anymore and wonders who is tracking all of this as all the conditions need to be followed; multiple preliminary plats submitted in 2011 and those not being complete applications and the need per code to either approve or deny.

Colin Lund, YarrowBay – commented that six months ago the Community Development Director walked through the conditions of approval and the tracking system being used to make sure there is compliance with the conditions. He is happy to see this continue as YarrowBay wants to be compliant; Plats submitted and the extension asked for; noted waiting for a comparable cities report, they are diligently on their part trying to get these plats moved forward.

Brian Weber, Black Diamond – noted being thrilled to see the sidewalk being built on Lawson. He looks forward to participating in an interview process for the Planning Commission and looks forward to serving the City.

CONSENT AGENDA:

A **motion** was made by Councilmember Benson and **seconded** by Councilmember Edelman to adopt the Consent Agenda. Motion **passed** with all voting in favor (5-0). The Consent Agenda was approved as follows:

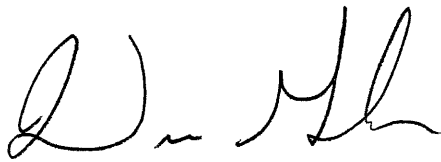
Claim Checks – February 20, 2014, No. 405650 through No. 40639 (voids 40561, 40633-40636) in the amount of \$124,827.77

Minutes – Council Meeting of February 2, 2104, Special Meetings of February 2, 2014 and February 7, 2014

EXECUTIVE SESSION: None

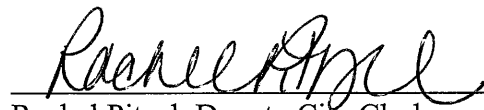
ADJOURNMENT:

A **motion** was made by Councilmember Edelman and **seconded** by Councilmember Deady to adjourn the meeting. Motion **passed** with all voting in favor (5-0).



Dave Gordon, Mayor

ATTEST:



Rachel Pitzel, Deputy City Clerk