

BLACK DIAMOND CITY COUNCIL MINUTES

April 3, 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 and Benson.

ABSENT: Councilmember Taylor (excused).

Staff present were: Stacey Welsh, Community Development Director, Andrew Williamson, Economic Development Director; Aaron Nix, Natural Resources/Parks Director; Jamey Kiblinger, Police Chief; Greg Smith, Fire Chief; Carol A. Morris, City Attorney and Brenda L. Martinez, City Clerk/HR Manager.

A **motion** was made by Councilmember Edelman and **seconded** by Councilmember Deady to add two items to the agenda 1) a resolution authorizing the Mayor Pro-Tem to obtain an investigatory report regarding allegations of a hostile work environment and 2) a contract with Ogden, Murphy, and Wallace. Motion **passed** voting in favor (4-0).

PUBLIC COMMENTS:

George McPherson, Black Diamond – commented on an article with Pacific Coast Coal Company regarding the John Henry Mine and their permit.

Peter Rimbos, Maple Valley – commented on supporting Council's work and efforts; discussed check and balances in local government and understanding the different roles; citizens wanting Council to succeed.

Megan Nelson, YarrowBay – commented on Ordinance No. 14-1026 that was added to the Council packet material. She noted submitting a letter to the City stating they would not argue that the City did not hold up its end of the agreement to adopt the plan. YarrowBay believes the plan is flawed and violates State law. MPDs should pay their fair share for the impacts, but they believe there is problems with the study and asked that Council not adopt this ordinance tonight and instead work cooperatively with them to come up with a plan that is defensible and they are ready to sign an agreement and noted they need to ask legal counsel their opinion before adoption tonight.

PUBLIC HEARINGS: None

PRESENTATIONS: None

UNFINISHED BUSINESS:

AB14-031B – Consideration of Ordinance Adopting General Government Facilities Plan

Economic Development Director Williamsons reported this task had been given to him over the last few days and he has been trying to come up to speed on it. He noted the City hired MAKERS to complete a study of government facility needs, caused by the City's approval of The Villages and Lawson Hills Master Planned Developments. The two Development Agreements, Section 13.9, specify the ability for the City to do a study, adopt a plan, as well as mitigation fee. The City Council held a public hearing on March 20 about the mitigation plan; it will be a plan that is applicable to all developers in the City, for both residential and commercial development. MAKERS presented the mitigation study to the City Council on February 27, in a Special meeting Works Session. On March 6, MAKERS again discussed the study with the City Council. The plan has been updated since the Council meeting on March 6 and reflects some further explanation of the basis for the suggested plan and includes some additional graphics for the public that was held on March 20.

A **motion** was made by Councilmember Deady and **seconded** by Councilmember Edelman to adopt Ordinance No. 14-1026, adopting General Government Facilities Plan. Motion **passed** voting in favor (4-0).

NEW BUSINESS:

Resolution No. 14-938, approving the acceptance of King County Property Tax Levy funds being allocated to the City of Black Diamond for local parks and system projects, beginning in 2014 and end in 2020

Natural Resources/Parks Director Nix reported in August of 2013, King County voters approved the continuation of an increase of tax levy funds to be utilized within Black Diamond for local parks and system projects. The City of Black Diamond's preliminary 2014 levy funds proceeds is estimated at \$8,981 with subsequent levies adjusted by inflation. Staff is recommending adoption.

A **motion** was made by Councilmember Deady and **seconded** by Councilmember Morgan to adopt Resolution No. 14-938, authorizing the Mayor to sign the Parks Property Tax Levy Agreement with King County in order to allow the County to distribute Parks Tax Levy Funds to the General Fund of the City of Black Diamond within the years 2014-2020 and to be utilized in accordance with that Agreement. Motion **passed** voting in favor (4-0).

Resolution No. 14-939, authorizing the Mayor to execute a two year agreement with Severson's Building Maintenance for Janitorial Services at City buildings

Public Works Director Boettcher reported in the interest of covering city liabilities and ensures the City was getting competitive pricing for janitorial services, bids for janitorial services were requested from the city's small works roster. A contract for services was included in the bid packet that requires background checks and an insurance certificate names the city as an additional insured. Public Works staff solicited bids off the small works roster from seven interested contracts and received bids back from four. The bid was broken

up into tow schedules, one for routine, weekly services, and one for requested services. Severson's Building Maintenance provided the lowest bid for the two schedules combined. Severson's Building Maintenance has been providing good customer services to the City and is very capable to continue providing the janitorial services. In the bid, Severson's Building Maintenance also included floor stripping and waxing, as well as microwave cleaning, at no extra charge.

A **motion** was made by Councilmember Benson and **seconded** by Councilmember Edelman to adopt Resolution No. 14-939, authorizing the Mayor to execute a two year agreement with Severson's Building Maintenance for Janitorial Services at City buildings. Motion **passed** voting in favor (4-0).

Resolution No. 14-940, declaring certain City property surplus to the needs of the City

Public Works Director Boettcher reported approximately twice a year staff brings forward a list of equipment the City has discontinued the use of or has no need for certain property which has been turned over to the Facility Department for surplus. He noted on the list for surplus is the pews in the chambers as staff will be working on remodels for the Chamber and chairs will be purchases.

A **motion** was made by Councilmember Edelman and **seconded** by Councilmember Deady to adopt Resolution No. 14-940, declaring certain City property surplus to the needs of the City. Motion **passed** voting in favor (4-0).

Consideration of a Resolution Regarding Great Horror Campout Special Event Permit

Economic Development Director Williamson reported that special events that will run two days or more require Council approval. He noted tonight is a discussion on consideration of a resolution regarding special events permit for the Great Horror Campout in Black Diamond. He addressed staff comments from the working file and noted that action for this item is scheduled to take place at the April 17th Council meeting.

Resolution No. 14-941, authorizing the Mayor Pro Tem to obtain an investigatory report regarding allegations of a hostile work environment, to execute a contract with an investigator, and to report the results of such investigation to the City Council for review

A **motion** was made by Councilmember Edelman and **seconded** by Councilmember Deady to adopt Resolution No. 14-941, authorizing the Mayor Pro Tem to obtain an investigatory report regarding allegations of a hostile work environment, to execute a contract with an investigator, and to report the results of such investigation to the City Council for review. Motion **passed** voting in favor (4-0).

A **motion** was made by Councilmember Edelman and **seconded** by Councilmember Deady to authorize the Mayor to execute a contract for attorney services with Ogden, Murphy, and Wallace in a not to exceed amount of \$20,000. Motion **passed** voting in favor (4-0).

DEPARTMENT REPORTS: None

MAYOR'S REPORT: None

COUNCIL REPORTS:

Budget, Finance, Administration Committee:

Councilmember Benson noted they approved vouchers.

Planning and Community Service Committee:

Councilmember Edelman noted they reviewed the Shoreline Master Program and spent time discussing the Great Horror Campout.

Cemetery and Parks Committee:

Councilmember Deady – No report.

Public Safety Committee:

Councilmember Taylor – No report.

Public Works Committee:

Councilmember Taylor – No report.

Regional Committees-

WRIA 9: Councilmember Morgan reported on the good cooperation that is coming out of this group.

Growth Management Planning Council: Councilmember Edelman – no report.

Sound Cities Association – Public Issues Committee (PIC): Councilmember Edelman – no report.

South County Area Transportation Board (SCATBd): Councilmember Benson - no report

South East Area Transportation Solutions (SEATS) Coalition: Councilmember Benson – no report.

Sound Cities Association – Mental Illness and Drug Dependency Oversight Committee: Councilmember Benson – no report.

ATTORNEY REPORT:

City Attorney Morris reported she received a decision on the Lady Buds appeal and will write a brief memo and get it out to Council.

PUBLIC COMMENTS:

Robbin Taylor, Black Diamond – thanked Council for their bravery in adopting the General Government facilities Plan.

Peter Rimbo, Maple Valley – thanked Council for talking with the Citizens Advisory

Committee. Noted having a compressed schedule on the Comprehensive Plan Update and there is a lot of work ahead; noted the Citizens Committee is willing to help in any way they can; also, looking at the Maple Valley and Covington Comprehensive Plans.

Megan Nelson, YarrowBay – corrected a statement from Ms. Taylor’s comments. She noted there is no time frame on YarrowBay for action and the time obligation lies with the City.

Tony Davis, Maple Valley – applauded the Council for adopting the Resolution on the mitigation fees.

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 (4-0). The Consent Agenda was approved as follows:

Claim Checks – April 3, 2014, No. 40746 through No. 40776 in the amount of \$96,216.84

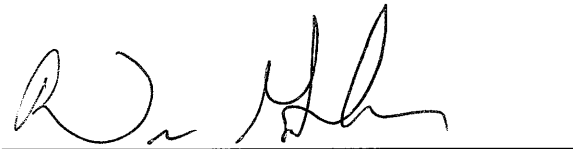
Minutes – Special Meeting and Town Hall Meeting of March 13, 2014, Regular Council Meeting of March 20, 2014 and Special Council Meeting (Retreat) of March 22, 2014

EXECUTIVE SESSION: None

ADJOURNMENT:

A **motion** was made by Councilmember Benson and **seconded** by Councilmember Edelman to adjourn the meeting. Motion **passed** with all voting in favor (4-0).

ATTEST:



Dave Gordon, Mayor



Rachel Pitzel, Deputy City Clerk