

BLACK DIAMOND CITY COUNCIL MINUTES
May 15, 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: Stacey Welsh, Community Development Director, Andrew Williamson, Economic Development 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 Benson and **seconded** by Councilmember Deady to amend the agenda to move the Executive Session up on the agenda to be held after New Business – Item No. 5 and prior to Item No. 9. The Council may take action in open session on Item No. 9 and other matters after returning to open session. Motion **passed** voting in favor (5-0).

PUBLIC COMMENTS:

Robbin Taylor, Black Diamond – commented on the Town Hall agenda section of the Council Rules of Procedures regarding Town Hall meetings and the flexibility for speaking times.

PRESENTATIONS:

Lake Sawyer Park Foundation – Mike Birch

Discussed raising money for the park; main reason for coming to the meeting tonight was to introduce the Foundation and let Council know they are available.

PUBLIC HEARINGS:

Bryant Public Benefit Rating System (PBRs) Application, to consider an application for classification and real property assessment under Current Use Assessment Statute RCW 84.34

Resolution No. 14-945, authorizing the City Council to approve the Bryant Public Benefit Rating System (PBRs) Application PLN14-0001

Mayor Gordon opened the public hearing at 7:13:01 p.m.

Community Development Director Welsh reported being joined by Bill Burnstein from King County, she noted this came to the City from King County as Mr. Bryant filed an application with King County for a property tax reduction which also requires consideration by the Black Diamond City Council per RCW 84.34.037. The Council is required to conduct a public hearing on the application by Mr. Bryant for the property identified. The Planning Commission conducted a public hearing April 29 and recommended to the City Council approval of the application. The City Council is to consider the application with regard to RCW 84.34.037(2). The PBRS application involves City action and is subject of the Resolution. King County will hold a hearing on the application in June. Both granting authorities must act on the application by July 1 in order for the reduction to take effect for the 2015 tax year. Should the Council desire to act tonight a resolution has been included in tonight's packet material or Council can choose to act on this at the next meeting.

Mr. Burnstein discussed with Council how the program works and how the Bryant property qualifies for this program and highlighted areas of the King County report.

Mayor Gordon closed the public hearing at 7:29:12 p.m.

Planning Commissioner Chair Watson noted that the Planning Commission held two workstudies and a public hearing. He noted there was little public participation at the meeting and noted one of the testimonies was from a citizen in the program who lives in King County and likes the program a lot.

A **motion** was made by Councilmember Edelman and **seconded** by Councilmember Deady to adopt Resolution No. 14-945, authorizing the City Council to approve the Bryant Public Benefit Rating System (PBRS) Application No. PLN14-0001. Motion **passed** voting in favor (5-0).

UNFINISHED BUSINESS: None

NEW BUSINESS:

Ordinance No. 14-1028, relating to the authority of the Planning Commission, defining the types of actions for which the Planning Commission will hold hearings and make recommendations to the City Council as those relating to Legislative Comprehensive Plan and Development regulation amendments, instead of limiting such action to the placement of codes in particular titles of the Municipal Code, amending Black Diamond Municipal Code Section 2.24.020 and establishing an effective date

City Attorney Morris discussed RCW 2.24.020 and that authority is not only described as development regulations and others it also says it has the authority over certain titles. She noted ordinances coming forward to straightening out the code.

A **motion** was made by Councilmember Benson and **seconded** by Councilmember Deady to adopt Ordinance No. 14-1028, relating to the authority of the Planning Commission, defining the types of actions for which the Planning Commission will hold hearings and make recommendations to the City Council as those relating to Legislative Comprehensive

Plan and Development regulation amendments, instead of limiting such action to the placement of codes in particular titles of the Municipal Code, amending Black Diamond Municipal Code Section 2.24.020 and establishing an effective date. Motion **passed** voting in favor (5-0).

Resolution No. 14-946, accepting a majority, with a few, approved modifications, of the Department of Ecology's required and recommended changes to the City's submitted Shoreline Master Program with the passage of Resolution No. 12-829

Natural Resources/Parks Director Nix reported a lot of time has been spent on this and making sure that it is done to the satisfaction of all. He promised the Planning and Community Services Committee to review the required and recommended changes with Council. He also touched on parts that shall be designated Urban Conservancy as identified in the Figure 1 map.

Councilmember Taylor left the meeting at 7:57:27 p.m.

Mr. Nix noted that once this is approved by the Department of Ecology he will need to bring an ordinance forward that actually implements this.

Councilmember Taylor entered the meeting at 7:58:06 p.m.

Council complimented staff for a job well done and also complimented citizens that were involved in this process over the past three years.

A **motion** was made by Councilmember Benson and **seconded** by Councilmember Deady to adopt Resolution No. 14-946, accepting a majority, with a few, approved modifications, of the Department of Ecology's required and recommended changes to the City's submitted Shoreline Master Program with the passage of Resolution No. 12-829. Motion **passed** voting in favor (4-1, Taylor).

Resolution No. 14-947, authorizing a Public Works Trust Fund (PWTF) Loan application for the 0.5 MG Reservoir recoat

Public Works Director Boettcher reported he is asking approval for a better financing mechanism for the recoating of the 0.5 MG tank on Botts Drive. He discussed that staff is recommending that the City phase this project into the pumps and controls for service when the pump is offline and the second phase for painting which would be done next year. He noted this funding would be for a 10 year loan period rather than the internal loan that can only be for five years. The estimated debt service payments are expected to be about \$19,500 lower per year with the longer term. This will improve the cash flow of the water fund and help keep the total water expenditures within the existing rate structure.

A **motion** was made by Councilmember Deady and **seconded** by Councilmember Edelman to adopt Resolution No. 14-947, authorizing a Public Works Trust Fund (PWTF) Loan application for the 0.5 MG Reservoir recoat. Motion **passed** voting in favor (5-0).

Resolution No. 14-948, revising the Council Rules of procedure in its entirety

Councilmember Edelman reported this was a project that has been discussed for the last couple of years. The current rules were adopted in 2009 with a few minor revisions over the years. She noted the City Administrator and the Interim City Attorney decided that a rewrite was in order which was mostly done by Interim City Attorney Stephen P. DiJulio.

A **motion** was made by Councilmember Edelman and **seconded** by Councilmember Benson to adopt Resolution No. 14-948, revising the Council Rules of procedure in its entirety. Motion **passed** voting in favor (5-0).

EXECUTIVE SESSION:

Mayor Gordon announced an Executive Session at 8:19:14 p.m. to discuss with special legal counsel potential litigation to which the city and/or an officer acting in an official capacity is likely to become a party is requested pursuant to RCW 42.30.110(1)(i). "Litigation" includes the "legal risks of a proposed action" pursuant to RCW 42.30.110(1)(i)(c) possible action to follow the Executive Session, which was expected to last approximately 25 minutes.

Mayor Gordon announced a five minute recess at 8:21:04 p.m.

The regular meeting was called back to order at 8:44:55 p.m.

A **motion** was made by Councilmember Benson and **seconded** by Councilmember Edelman to amend the agenda to add a resolution approving a severance agreement with City Administrator Todd and terminating an investigation to the agenda as Item No. 9 and move Item No. 9 to Item No. 9A. Motion **passed** voting in favor (5-0).

A **motion** was made by Councilmember Benson and **seconded** by Councilmember Taylor to adopt Resolution No. 14-950, authorizing the Mayor to execute a severance agreement and terminating an investigation by action of the City Council. Motion **passed** voting in favor (5-0).

Resolution No. 14-949, authorizing the Mayor to execute the second addendum to the Ogden, Murphy, Wallace agreement for Attorney fees

A **motion** was made by Councilmember Benson and **seconded** by Councilmember Deady to adopt Resolution No. 14-949, authorizing the Mayor to execute the second addendum to the Ogden, Murphy, Wallace agreement for Attorney fees. Motion **passed** voting in favor (5-0).

DEPARTMENT REPORTS:

Economic Development – Mr. Williamson discussed with Council the agreements that will be coming forward at the June 5th meeting regarding the Professional Services Agreements for Consultants for the MDRT. He noted the agreements that were passed earlier were for two years and they will end in June.

MAYOR'S REPORT:

Mayor Gordon reported he attended a tour with Councilmembers Deady and Morgan of the Lady Buds place of business.

COUNCIL REPORTS:

Budget, Finance, Administration Committee:

Councilmember Benson noted meeting on the 8th and noted the agenda times discussed, next meeting being May 22nd.

Planning and Community Service Committee:

Councilmember Edelman noted attending the ribbon cutting ceremony at Antique Mall.

Cemetery and Parks Committee:

Councilmember Deady gave a PIC meeting material update, attended the color committee meeting regarding the council Chamber/Court remodel, and is planning on attending the Reserve Academy graduation; she also noted attending the ribbon cutting ceremony at Antique Mall.

Public Safety Committee:

Councilmember Taylor reported that the meeting is scheduled for tomorrow Friday, May 16th; pointed out that the Reserves graduate this Saturday.

Public Works Committee:

Councilmember Taylor noted they received the study back on the Springs Rehabilitation Project.

Regional Committees-

WRIA 9: Councilmember Morgan reported payments will be going up 5% this year and provisionally 3% next year, for our City it means less than \$200.

Growth Management Planning Council: Councilmember Edelman - no report.

Sound Cities Association – Public Issues Committee (PIC): Councilmember Edelman gave a brief update on PIC.

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: None

PUBLIC COMMENTS: None

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 – May 15, 2014, No. 40891 through No. 40948 in the amount of \$396,772.75

Payroll Checks – April 30, 2014, No. 18304 through No. 18325 (18305 voids) and ACH Pay in the amount of \$270,829.43

Minutes – Council Minutes of May 1, 2014

EXECUTIVE SESSION:

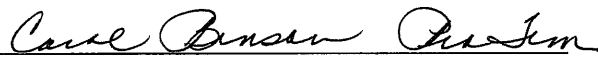
Mayor Gordon announced an Executive Session at 9:02:25 p.m. to discuss with legal counsel potential litigation pursuant to RCW 42.30.110(1)(i) with no action to follow the Executive Session, which was expected to last approximately 10 minutes.

The regular meeting was called back to order at 9:13:19 p.m.

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).

ATTEST:



Dave Gordon, Mayor



Rachel Pitzel, Deputy City Clerk