

BLACK DIAMOND SPECIAL CITY COUNCIL MINUTES

December 7, 2015

Council Chamber, 25510 Lawson Street, Black Diamond, Washington

CALL TO ORDER, FLAG SALUTE:

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

ROLL CALL:

PRESENT: Councilmembers , Morgan, Edelman, Weber, and Taylor.

ABSENT: Deady (excused)

Staff present: Seth Boettcher, Public Works Director; Andy Williamson, MDRT/Economic Development Director; May Miller, Finance Director; Jamey Kiblinger, Police Chief; and Brenda L. Martinez, City Clerk.

APPOINTMENTS, ANNOUNCEMENTS, PROCLAMATIONS AND PRESENTATIONS:

Oath of Office - Council – Chief Kiblinger administered the Oath of Office to Mayor Carol Benson and Councilmember Brian Weber.

Oath of Office – Police Commander – Chief Kiblinger administered the Oath of Office to Brian Martinez who was recently selected for this position.

Presentation – “State of the County”

King County Councilmember Dunn briefed Council on the happenings in King County. He noted Black Diamond being one of the eight cities he represents on the Council and wanting to update Council on recent happenings and issues. He stated King County is currently in the middle of an adopted budget from 2014 and is looking at a 48 million dollar deficit and noted public health being in trouble. On a bright note he stated that enough funding was generated to keep open the Enumclaw Clinic in the next biennium. He announced another victory is that money has been earmarked to keep the King County fair open. He commented on the happenings in the transit arena and noted it being a constant fight for him to get and keep services in this area. He discussed the Flood District and commented on the stormwater grant the City of Black Diamond received from them to help with the replacement of aging culverts. He thanked Council for allowing him the time

to speak to them. He also thanked Ron Taylor for his service to the Council and wished him well.

Presentation – Southeast King County Alternative Services Project

Daniel Rowe and Anne Bruskland from King County Metro discussed with Council the changes they are looking at implementing in our area. They reviewed with Council the program overview which is to provide mobility services to parts of King County that do not have the infrastructure, density, or land use to support traditional fixed-route bus service.

CONSENT AGENDA:

A **motion** was made by Councilmember Edelman and **seconded** by Councilmember Taylor to adopt the Consent Agenda. Motion **passed** with all voting in favor (4-0). The Consent Agenda was approved as follows:

- 1) **Payroll** - November 30, 2015 - No. 18720 through No. 18736 and ACH payment in the amount of \$258,999.20
- 2) **Minutes** – Work Session of November 12, 2015 and Council Meeting of November 19, 2015

PUBLIC COMMENTS:

Judith Carrier, Auburn commented that she testified at the first hearing on the concurrency ordinance and she discussed the Citizen’s Technical Action Team (TAT) comments not being incorporated into the ordinance that is before Council. She urged Council to heed TAT’s request to delay the vote until staff has reviewed and provided written details on them; she thanked Council for their consideration and wished everyone a happy holiday.

Lee Ann Garcia, Black Diamond read her written comments regarding Ordinance No. 15-1061 into the record which are attached and incorporated into the minutes.

PUBLIC HEARINGS:

Final Hearing – 2016 Budget

Finance Director Miller reported this is the second hearing on the 2016 budget which includes all the operating and capital funds for the City. She noted the budget process started in August and the Mayor, Staff and Committees worked diligently to provide a balanced budget to Council.

Mayor Benson opened the Public Hearing at 8:11:54 pm. No oral or written testimony was heard or received and Mayor Benson closed the Public Hearing at 8:12:04 p.m.

UNFINISHED BUSINESS: None

NEW BUSINESS:

Ordinance No. 15-1067, adopting the 2016 Budget

Finance Director Miller reported the 2016 Budget is in balance for every fund and each is supported by its own revenue. She noted the proposed ordinance adopts it at the fund level. She also noted copies are available for inspection or purchase at City Hall and the City's website and mentioned the budget strengthens the ending fund balances which was one of the goals this year.

Councilmember Morgan asked questions regarding where the \$754,115 number as stated in the Mayor's letter appears in the budget and how the ending and beginning balances are posted in the budget. She also noted the ending balance for the general being less than the beginning balance and is still having a hard time as it seems the City is planning to spend more than it is taking in. She also asked why are the estimated revenues and expenditures separately listed in the budget ordinance as aren't they the same.

Councilmember Taylor stated not being able to support adoption of a budget that does not fully fund the fire annexation study. There was Council discussion on this issue.

Councilmember Weber commented there being clarity questions on the budget that need to be addressed.

A **motion** was made by Councilmember Edelman and **seconded** by Councilmember Taylor to adopt Ordinance No. 15-1067, adopting the 2016 Budget.

Councilmember Weber stated having questions on the budget, but nothing definitive that he could ask tonight.

Councilmember Morgan stated having a problem spending the supplemental money that is classified in the budget instead of putting it in savings and does not see any real residual leftover and that troubles her. She also commented that we are not building any elasticity into our financial form and this is the real reason she will not be voting for this budget.

Finance Director Miller stated that one of the goals last year was to increase the fund balance and it was increased by \$100,000 for the general fund and that was the goal again this year. It was not to add extra staff or to use that money, but to actually increase fund balance. She reported the total ending fund balance for all funds as shown on page 10 of the document in \$2,669,503. She added the adopted financial policies recommend 10% in reserves and this budget is 18%; an 8% percent increase.

Vote: Motion failed (1-3, Morgan, Weber, Taylor).

Mayor Benson stated in light of the failing vote that Councilmembers do their homework and come back with specific items that need to be addressed as the budget as presented is a good budget. She noted that a lot of time was spent in the preparation of the budget

and many hearings and workstudies have been held and no comments or concerns have been brought up. She also added that the budget needs to be adopted by the end of the year and encouraged them to talk with Ms. Miller.

Councilmember Taylor apologized for the lateness of his comments on the budget.

Ordinance No. 15-1068, Amending the 2015 Budget

Finance Director Miller reported the 2015 budget as adopted by Ordinance No. 14-1038 needs to be amended as allowed by RCW. She stated the proposed amendment adds unanticipated revenue for various funds that has exceeded the estimated budget by \$599,427 for various operating funds and \$2,442,982 for carry-over or new capital grant budgets for a total amendment of \$3,042,409. She discussed the need to amend budgets so we are in compliance when being audited by the State Auditor. She then highlighted certain areas of the amendment.

A **motion** was made by Councilmember Taylor and **seconded** by Councilmember Edelman to adopt Ordinance No. 15-1068, to amend the 2015 budget Ordinance No. 14-1038 to carry forward budgets from prior years and to add revenues and their expenditures in excess of estimates. Motion **passed** with all voting in favor (4-0).

Ordinance No. 15-1061, Adopting Concurrency Regulations

Public Works Director Boettcher reported spending quite some time on this ordinance where public hearings and workshops were held. He noted sending the comments that were received from the Technical Advisory Team to the City Attorney and Parametrix for evaluation. He added many of the comments affected the administration or technical side and not what was needed to frame the authority of what is needed in a concurrency ordinance. He noted some minor edits that would add to the clarity. He reviewed with Council the proposed changes he would like to incorporate into the document. He reminded Council adoption of this ordinance requires staff to monitor transportation level of service and to issue Capacity Reservation Certificates (CRC) and annual reporting.

Councilmember Edelman discussed that most of the comments in TAT's comments are administrative in nature. She noted that City Council passes laws and the administrative side is the Mayor's job. She further discussed having a conversation with Mr. Rimbo earlier in the day to discuss this and he was fine with it and understood what was going on. She suggested adopting this ordinance tonight as it is a good document and to work with it for a year to see how it is going and if revisions are needed we amend it.

Councilmember Morgan discussed going through the changes line by line and word by word that TAT produced and finds things in it that are very necessary. They are specifically to protect the citizens financially and suggested postponing action on this item so a clean copy with the proposed changes could be provided.

A **motion** was made by Councilmember Taylor and **seconded** by Councilmember Edelman to adopt Ordinance No. 15-1061, establishing a transportation concurrency ordinance which established codes and policies to ensure that transportation facilities are planned, funded and constructed concurrent with the development according to state law, with changed the work “of” to “or” in section 11.11.003(J) and inserting the reference number 11.11.012 to the end of the sentence in section 11.11.014(B)(1). There was a tie vote (2-2, Morgan, Weber). Mayor Benson broke the tie voting in the affirmative. Motion passed (3-2). ***Following the meeting it was discovered the Mayor does not have the authority to break a tie vote on an ordinance, therefore the tie vote remains and passage of the ordinance failed.***

Resolution No. 15-1053, Confirming the Mayor’s Appointment of Ron Green to the Planning Commission

Mayor Benson reported staff advertised for the upcoming vacancies on the Planning Commission and the City received four applications. An interview team consisting of Councilmember Edelman, Councilmember Goodwin and herself interviewed all four applicants. She noted that Ronald Green is a new citizen to Black Diamond and had done him homework and came prepared to the interview and wants to get involved in his community. Dave Ambur is a business owner in town who has been around for years and has participated in Council and Planning Commission meetings and very active in the Black Diamond Community Center and is very interested in being on the Planning Commission.

A **motion** was made by Councilmember Edelman and **seconded** by Councilmember Weber to adopt Resolution No. 15-1053, confirming the Mayor’s appointment of Ronald Green to the Black Diamond Commission Position No. 2. Motion **passed** with voting in favor (4-0).

Councilmember Morgan commented on this appointment process and it not being what she’s seen before. No qualifications were in the packet.

Councilmember Edelman clarified that the process used was an interview team which is the same process that has been done in the past. She noted upcoming vacancies on the Planning Commission that will be opened up soon.

Resolution No. 15-1054, Confirming the Mayor’s Appointment of Dave Ambur to the Planning Commission

A **motion** was made by Councilmember Edelman and **seconded** by Councilmember Weber to adopt Resolution No. 15-1053, confirming the Mayor’s appointment of Dave Ambur to the Black Diamond Commission Position No. 6. Motion **passed** with voting in favor (4-0).

Resolution No. 15-1055, authorizing the Mayor to execute an addendum to our contract with Yakima County Department of Corrections for jail services in 2016

Chief Kiblinger reported this is our yearly addendum to our contract with Yakima County Department of Corrections for jail services for 2016. She noted this facility is used to house

long term inmates and also reported that there is no cost increase associated with this addendum.

A **motion** was made by Councilmember Taylor and **seconded** by Councilmember Morgan to adopt Resolution No. 15-1055, authorizing the Mayor to execute an addendum to our contract with Yakima County Department of Corrections for jail services for 2016. Motion **passed** with voting in favor (4-0).

Resolution No. 15-1056, authorizing the Mayor to execute a professional services contract with AHBL, Inc. for part-time planning services for 2016

Community Development Director Kincaid reported the City has been using the services of AHBL, Inc. for part-time contract planners since 2014 to process land use applications and permits as a cost savings measure. She noted the current contract will expire at the end of 2015 and there is a continued need for these planning support services in order to meet the City's obligations.

She further noted the majority of the costs are supported by permit fees. A small portion of their time would be used for long range services during the Comp Plan update which would be paid out of the General Fund using monies budgeted for the Comp Plan update. The City's Finance Department has dedicated sufficient funds to cover these services.

A **motion** was made by Councilmember Edelman and **seconded** by Councilmember Morgan to adopt Resolution No. 15-1055, authorizing the Mayor to execute a professional services contract with AHBL, Inc. for part-time planning services for 2016. Motion **passed** with voting in favor (4-0).

DEPARTMENT REPORTS: None

MAYOR'S REPORT:

Mayor Benson announced she is calling for a special meeting on Thursday, December 10, 2015 at 6:00 p.m. in the Council Chambers to go over and hear comments from Councilmembers on the 2016 Budget.

Mayor Benson reported attending the management team meeting, Finance Committee meeting and conducting the Planning Commission interviews.

COUNCIL REPORTS:

Councilmember Morgan will submit a report in writing at a later date.

Councilmember Edelman – no report

Councilmember Weber commented on attending the AWC Elected Officials meeting in Covington on December 5, 2015.

Councilmember Taylor commented on the new artwork in the Chambers.

ATTORNEY REPORT: None

PUBLIC COMMENTS:

Robbin Taylor, Black Diamond wondered if Planning Commission members need to be residents of the City. The Mayor stated that members can either be residents or business owners within the City limits.


EXECUTIVE SESSION: None

ADJOURNMENT:

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

Meeting ended at 9:17:38 p.m.

ATTEST:



Carol Benson, Mayor



Brenda L. Martinez, City Clerk

Hello Mayor and Councilmembers,
My name is Lee Ann Garcia

My address is 25424 Cumberland Way, Black Diamond.

I want to give you my perspective on Ordinance No 15-1061 regarding
Transportation Concurrency.

I am just learning about this issue, but I know that it is important. Very
important.

This ordinance applies to the Yarrow Bay Master Planned Development as
well as to every other potential development in Black Diamond.

If it is strong enough, this ordinance can protect the people of Black
Diamond from traffic gridlock.

On November 19, the Citizen's Technical Action Team testified and gave
you written comments about this ordinance. Basically, those comments
were that the ordinance wasn't strong enough and had technical problems
that could pose serious risks to the City and to us.

On December 3, that Citizen's Technical Action Team wrote to you again
and told you that none of their comments had been included in the
ordinance. It appears that they weren't even considered.

I am here tonight to urge you to thoroughly consider these and other public
comments on this issue. All of you are on record in support of better public
participation. Now is the time to demonstrate that support.

I urge you to hold this item until you receive a detailed written response
from staff to each of the issues that were raised by the Citizen's Technical
Action Team and by others. I also urge you to open the public hearing after
you receive those responses so that we the people can fully participate on
this very important ordinance.