

BLACK DIAMOND CITY COUNCIL MINUTES

February 2, 2017

Council Chamber, 25510 Lawson Street, Black Diamond, Washington

CALL TO ORDER, FLAG SALUTE:

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

ROLL CALL:

PRESENT: Councilmembers Deady, Morgan, Edelman, Weber and Pepper

ABSENT: None

Staffs present were: Andrew Williamson, MDRT/Economic Development; Dan Dal Santo, Utility Superintendent; Jamey Kiblinger, Police Chief; Scott Hanis, Capital Projects Director/Program Manager; May Miller, Finance Director; Kevin Esping, Facility Equipment
Kathy Allen, Deputy City Clerk

Councilmember Pepper requested the floor after public comments.

APPOINTMENTS, ANNOUNCEMENTS, PROCLAMATIONS AND PRESENTATIONS: None

PUBLIC COMMENTS:

Kevin Esping, representing Teamsters spoke to Council.

Brock Deady, Black Diamond spoke to Council.

Leslie Cooley, Black Diamond spoke to Council.

Kristine Hanson, Black Diamond spoke to Council.

Colin Lund, Representing CCD of Black Diamond spoke to Council.

Judy Carrier, Auburn spoke to Council.

Johna Thomson, Black Diamond spoke to Council.

Robbin Taylor, Black Diamond spoke to Council.

Bob Edelman, Black Diamond spoke to Council.

Pam McCain, Black Diamond spoke to Council.

Kelsie Brian, Black Diamond spoke to Council.

Gary Davis, Black Diamond spoke to Council.

A **motion** was made by Councilmember Pepper and **seconded** by Councilmember Morgan to adopt the Agenda as approved by the Council President and the Mayor Pro Tem.

There was council discussion around items 4, 10 and 11 are still being in committee.

ROLL CALL VOTE: Deady, no; Morgan, yes; Weber, yes; Pepper, yes; Edelman, no. Motion **passed** 3-2 (Deady, Edelman).

A **motion** was made by Councilmember Deady and **seconded** by Councilmember Edelman under new business she would like to add on AB17-004A-Resolution Approving Grant Agreement with Transportation Improvement Board for Roberts Drive Maintenance Project.

A **motion** was made by Councilmember Deady and **seconded** by Councilmember Edelman under new business she would like to add on number (10)-AB17-022-Resolution adopting 2017-2022 Transportation Improvement Plan.

A **motion** was made by Councilmember Deady and **seconded** by Councilmember Edelman under new business she would like to add number (11)-AB17-023-Resolution authorizing Grant Agreement with Department of Ecology for 2015-17 Stormwater Capacity Grant.

Mayor Benson stated these are already being supported and they can't remove them, and thanked Councilmembers for doing this as it clarifies it.

Item numbers 4, 10 and 11 are being removed from the Mayor's agenda. Item 4- resolution authorizing contract with RH2.

There was council discussion around this.

CONSENT AGENDA:

- 1) **Claim Checks** – February 2, 2017 - No. 44352 through No. 44390 and EFTs in the amount of \$105,216.99

A **motion** was made by Councilmember Morgan and **seconded** by Councilmember Weber moved to postpone claim check number 44352 until I can figure it out better and to pull number 44353 and number 44357 and to approve the rest of the vouchers for payment.

A **motion** was made by Councilmember Edelman and **seconded** by Councilmember Deady to amend the main motion to make it two motions. I would make a motion to pull the following vouchers, 44352, 44353, 44357 to some unknown date in the future.

A **motion** was made by Councilmember Edelman and **seconded** by Councilmember Deady to make an amendment to approve the rest of the consent agenda.

Amended Motion Vote; amended motion **passed** 3-2 (Deady, Edelman) to pull vouchers to some unknown date.

Amended Motion Vote; amended motion **passed** with all voting in favor (5-0) to approve the rest of the consent agenda.

PUBLIC HEARINGS: None

UNFINISHED BUSINESS:

2) AB17-008A – Resolution Authorizing Yearly Addendum to Valley Communications Contract

Chief Kiblinger presented about the contract and to answer any questions or concerns.

There was council discussion around this.

A **motion** was made by Councilmember Deady and **seconded** by Councilmember Pepper to adopt a resolution authorizing the Mayor to execute the addendum contract to Valley Communications for dispatch services.

VOTE; motion **passed** with all voting in favor (5-0).

3) AB17-009A – Resolution Approving Purchases of Police Vehicles Chief Kiblinger

Chief Kiblinger presented about the contract and to answer any questions or concerns.

There was council discussion around this.

A **motion** was made by Councilmember Deady and **seconded** by Councilmember Pepper to adopt a resolution authorizing the purchase of the four new police vehicles through Systems for Public Safety Incorporated not to exceed \$180,000.

VOTE; motion **passed** with all voting in favor (5-0).

4) AB17-004A – Resolution Approving Grant Agreement with Transportation Improvement Board for Roberts Drive Maintenance Project

Mr. Williamson, Interim Community Development Director; reported to Council regarding the TIB Grant.

A **motion** was made by Councilmember Pepper and **seconded** by Councilmember Morgan to table the TIB grant as it did not follow the processes required to receive agenda placement. It is still under review. Councilmember Pepper stated “Councilmember Morgan and I continue to research the item. I believe Councilmember Morgan requested more information. If the staff feels this is urgent, please send a message to the Council tomorrow; this is not for discussion tonight. In the interest of a more efficient Council meeting, I move that we go on to the next item and table any further discussion of the TIB grant”.

There was council discussion around this.

Mayor Benson stated there is a motion on the floor and a second to move this back into Committee.

ROLL CALL VOTE: Weber, yes; Pepper, yes; Morgan, yes; Edelman, no; Deady, no. Motion **passed** 3-2 (Deady, Edelman).

There was continued council discussion around the TIB grant.

Attorney Linehan suggested that someone make a motion to suspend the rules to move things forward.

A **motion** was made by Councilmember Deady and **seconded** by Councilmember Edelman to suspend the rules so that we can pass this grant.

Councilmember Morgan stated this is still in Committee, it’s not ready to go forward. We need to discuss it in Committee. We’ll decide what we need to ask when we meet in Committee.

Councilmember Pepper **moved** to amend that motion and **seconded** by Councilmember Morgan that this is still in Committee.

Attorney Linehan stated that this is not a germane amendment to the motion to suspend the rules.

Councilmember Edelman called the question.

VOTE; Motion **failed** 2-3 (Weber, Morgan, Pepper) to suspend the rules.

4-A) AB17-017A – Resolution authorizing contract RH2 Engineering for On-Call-Services

Mr. Williamson, Interim Community Development Director; stated to the Mayor he never received a copy of this resolution, they never got to staff. He had no idea of what the amendments were for.

There was council discussion around this.

Councilmember Edelman stated “let the record show that Councilmember Morgan is shaking her head yes”, when she asked Councilmember Morgan if she has spoken to any of these contractors.

A **motion** was made by Councilmember Pepper and **seconded** by Councilmember Morgan that we adopt the Resolution which would be AB17-017A as amended for a forty-five-day contract for RH2 for Civil Engineering on water, sewer and stormwater.

ROLL CALL VOTE: Weber, yes; Pepper, yes; Morgan, yes; Edelman, no; Deady, no. Motion **passed** 3-2 (Deady, Edelman).

Mayor Benson stated she would deny this. She further stated she doesn’t believe it’s legal. She doesn’t believe it was contracted between the two parties.

5) AB17-018 – Resolution Amending Council Rules of Procedure

There was council discussion around this.

A **motion** was made by Councilmember Pepper and **seconded** by Councilmember Morgan to adopt this resolution amending Council Rules of Procedure.

Councilmember Weber called point of order.

Councilmember Pepper called point of order, to the Mayor for room control.

Councilmember Pepper called for the vote.

ROLL CALL VOTE: Weber, yes; Pepper, yes; Morgan, yes; Deady, no; Edelman, no. Motion **passed** 3-2 (Deady, Edelman).

Mayor Benson stated until she gets counsel from the Attorney, she is going to deny the rules.

6) AB17-002B-Resolution Approving Membership and Chairs of Council Committees

There was council discussion around this.

Councilmember Deady called point of order to Councilmember Pepper.

Councilmember Deady called the question.

A **motion** was made by Councilmember Morgan and **seconded** by Councilmember Pepper to adopt a resolution approving Membership and Chairs of the Council Committees.

ROLL CALL VOTE: Weber, yes; Pepper, yes; Edelman, no; Deady, no; Morgan, yes. Motion **passed** 3-2. (Deady, Edelman).

Mayor Benson stated she would deny this resolution until she can discuss this with the Attorney.

Mayor Benson suggested that we remove the next four items on the agenda, the MDRT Contracts. She further stated even if you vote on them, they are not legal. These contracts were not negotiated with the Consultants. Item numbers (6.13) AB17-013-Resolution Authorizing Contract with HWA Geosciences-MDRT; (6.14) AB17-014-Resolution Authorizing Contract with RH2 Engineering Inc.-MDRT; (6.15) AB17-015-Resolution Authorizing Contract with Parametrix, Inc. Surveying-MDRT; (6.16) AB 17-016-Resolution Authorizing Contract with Parametrix, In. Traffic-MDRT.

There was council discussion with Mr. Williamson seeking clarification regarding forty-five-day contracts and compliance concerns with the MDRT and the \$15, 000 CAP limitation criteria.

There was Council discussion around 90 days being more feasible to accomplish the selection and get through the Consultants, and the concern of stretching out \$15,000 for 90 days.

Councilmember Edelman stated we would like the record to show that Ms. Bryant is here shaking her head no in the back of the room, the handler is here so you guys need to be in lock step.

Councilmember Edelman called an audience member out of order.

Councilmember Pepper called point of order, room control.

There was further Council discussion around contracts and RFQs.

6.13) Resolution Authorizing Contract with HWA GeoSciences-MDRT

A **motion** was made by Councilmember Pepper and **seconded** by Councilmember Morgan to adopt the amended Resolution authorizing a forty-five-day contract with HWA Geosciences for the MDRT.

ROLL CALL VOTE: Edelman, no; Morgan yes; Weber, no; Pepper, yes; Deady, no. Motion **failed** 2-3. (Edelman, Weber, Deady).

A **motion** was made by Councilmember Edelman and **seconded** by Councilmember Deady that we authorize a contract with HWA Geosciences in its original content.

ROLL CALL VOTE: Weber, no; Pepper, no; Deady, yes; Edelman, yes; Morgan, no. Motion **failed** 2-3. (Weber, Pepper, Morgan).

6.14) AB17-014-Resolution Authorizing Contract with RH2 Engineering, Inc. MDRT

A **motion** was made by Councilmember Pepper and **seconded** by Councilmember Morgan that we adopt the amended Resolution Authorizing a forty-five-day contract with RH2 Engineering for the MDRT.

ROLL CALL VOTE: Weber, no; Pepper, yes; Edelman, no; Morgan, yes; Deady, no. Motion failed 2-3. (Weber, Edelman, Deady).

6.15) AB17-015- Resolution Authorizing Contract with Parametrix, Surveying Inc.-MDRT

A **motion** was made by Councilmember Pepper and **seconded** by Councilmember Morgan that we adopt the amended resolution authorizing a forty-five-day contract with Parametrix for Surveying, MDRT.

ROLL CALL VOTE: Weber, no; Pepper, yes; Edelman, no; Deady, no; Morgan, yes. Motion failed 2-3. (Weber, Edelman, Deady).

6.16) AB17-016- Resolution Authorizing Contract with Parametrix, In. Traffic-MDRT

A **motion** was made by Councilmember Pepper and **seconded** by Councilmember Morgan that we adopt the amended resolution authorizing a forty-five-day contract with Parametrix for MDRT.

ROLL CALL VOTE: Weber, no; Pepper, yes; Edelman, no; Deady, no; Morgan, yes. Motion failed 2-3. (Weber, Edelman, Deady).

NEW BUSINESS:

7) AB17-019 – Resolution Authorizing Grant Agreement with King County Department of Public Health for 2017-2018 Recycling -Event

Mr. Williamson, Interim Community Development Director presented this item.

A **motion** was made by Councilmember Edelman and **seconded** by Councilmember Deady that we suspend the rules so that we can take up AB17-019, AB17-020 and AB17-021 this evening. They are all tied together.

Councilmember Morgan stated she wants to take this to the Government Ops Committee.

There was Council discussion around this.

VOTE; motion failed 2-3 (Morgan, Pepper, Weber)

8) AB17-020-Resolution Authorizing Grant Agreement with King County Solid Waste Division for 2017-2018 Recycling Event

9) AB17-021-Resolution Authorizing Agreement with Olympic Environmental for 2017-2018 Recycling Event

A **motion** was made by Councilmember Pepper and **seconded** by Councilmember Morgan that items 7, 8 and 9 which are AB17-109, AB17-020 and AB17-021 be assigned to the Government Ops Committee and tabled pending review.

VOTE; motion passed 3-2 (Deady, Edelman)

10) AB17-022-Resolution Adopting 2017-2022 Transportation Improvement Plan

There was Council discussion around this being a TIP that is to be updated annually.

Councilmember Pepper stated this is still in the Government Ops Committee.

The following items were not addressed as there was a motion to adjourn the meeting.

AB17-023- Resolution Authorizing Grant Agreement with Department of Ecology for 2015-2017 Stormwater Capacity Grant.

AB17-024- Resolution Authorizing Contract with AHBL for Planning Services.

DEPARTMENT REPORTS: None

MAYOR'S REPORT: None

COUNCIL REPORTS: None

ATTORNEY REPORT: None

PUBLIC COMMENTS: None

EXECUTIVE SESSION: None

ADJOURNMENT:

A **motion** was made by Councilmember Pepper and **seconded** by Councilmember Morgan to adjourn the meeting.

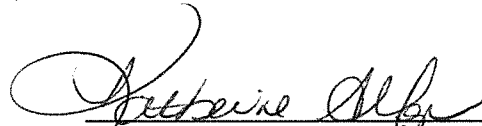
VOTE; Motion passed 3-2. (Deady, Edelman)

The meeting ended at 10:09 p.m.

ATTEST:



Carol Benson, Mayor



Katherine Allen, Deputy City Clerk