

BLACK DIAMOND CITY COUNCIL MINUTES

June 15, 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

Staff present: Seth Boettcher, Public Works Director; Jamey Kiblinger, Police Chief; Andrew Williamson, MDRT/Ec Dev/Interim Community Development Director; Kevin Esping, Facilities Coordinator; Rob Reed, Contract IT; David Linehan, City Attorney, and Brenda L. Martinez, City Clerk.

Councilmember Pepper **moved** to adopt the Council approved agenda per Council Rules of Procedure; **second** Councilmember Morgan.

Councilmember Pepper spoke to her motion and discussed the changes to the agenda.

There was Council discussion.

Vote: Motion **passed** 3-2 (Edelman, Deady).

APPOINTMENTS, ANNOUNCEMENTS, PROCLAMATIONS, AND PRESENTATIONS: None

PUBLIC COMMENTS:

Leslie Cooley, Black Diamond spoke to Council.

Johna Thomson, Black Diamond spoke to Council.

A point of order was raised by Councilmember Morgan for the speaker to speak to the Council as a whole and not direct comments to a certain Councilmember.

Gary Davis, Black Diamond spoke to Council.

Pam McCain, Black Diamond spoke to Council.

Kristen Bryant, Bellevue spoke to Council.

Brock Deady, Black Diamond spoke to Council.

Phil Acosta, Black Diamond spoke to Council.

Erin Stout, Black Diamond spoke to Council.

PUBLIC HEARINGS:

8) AB17-040A – Continued - Resolution Regarding 2018-2023 Six Year Transportation Improvement Plan

Public Works Director Boettcher addressed Council on this item

At 7:29 p.m. Mayor Benson opened the public hearing.

Leslie Cooley, Black Diamond commented on being confused on which TIP is being presented. She noted that staff did a good job of pulling together a variety of projects and sequencing them. She also discussed being confused with the budget amendment note in the alternate version as she believes that would come after the funds are spent so you know the correct dollar figure to amend the budget by.

Public Works Boettcher discussed his understanding of budget amendments.

Councilmember Pepper **moved** that the Six Year TIP beginning with the 2018 be amended so that the project Rock Creek bridge replacement have possible developer funds added as a funding source and that the Six Year TIP be removed from committee and approved as amended; **second** Councilmember Weber.

Attorney Linehan discussed the need to clarify for the public which TIP is being addressed for the public hearing tonight.

There was Council discussion on this and following discussion staff clarified for the record the TIP for the public hearing is the one staff submitted for the packet labeled in the footer "Edited June 8, 2017 following Workstudy".

Kristen Bryant, Bellevue commented on being interested in this TIP as her parents walk a two mile loop around town and drive through town and have traffic concerns; the pedestrian projects on 169 will be important and need to be in her opinion a priority for the city as they consider transportation. She noted her comments are on both versions of the packet material. She added seeing the two versions made sense to her and if changes were going to be proposed that the public would prefer to see the changes in the packet material that is available to people prior to the meeting on the website. She further added there being no prohibition in having two versions and thinks the comments that the public can only comment on one version is confusing and they should not be limited and is glad to

see the two versions being brought forward and did not feel this needed to be settled in order to properly make a comment. She noted the public hearing being confusing as normally the comments made by the public come first and then Council discussion comes afterwards. The back and forth feels inefficient and time consuming and hopes in the future that the public comment portion be held separately from the discussion.

At 7:54 p.m. Mayor Benson closed the public hearing.

Mayor Benson noted it has been agreed that the TIP revision to the Rock Creek bridge project will add "possible developer funds".

Again, Councilmember Pepper **moved** that the Six Year TIP beginning 2018 be amended so that the project Rock Creek bridge replacement have possible developer funds added as a funding source and that the Six Year TIP be removed from committee and approved as amended; **second** Councilmember Weber.

There was Council discussion and Councilmember Edelman called the question.

Vote: Motion **passed** 5-0.

UNFINISHED BUSINESS:

9) AB17-041A – Amended Resolution Authorizing Fuel Tax Agreement with TIB for Emergency Pothole Repair

Public Works Director Boettcher reported to Council on this item.

There was Council discussion on providing quarterly reports on pending budget amendments to Council and on section three of the proposed amended resolution.

Councilmember Morgan **moved** to bring this out of committee and to adopt AB17-041A a resolution authorizing the Mayor to execute a grant agreement for the 2017 Emergency Pothole Repair and Road Maintenance project, TIB #2-P-800(006)-1 as amended 6/9 to include section 3; **second** Councilmember Weber.

There was Council discussion on section three of the proposed amended resolution.

Vote: Motion **passed** 4-1 (Pepper).

10) Minutes – Council meeting of April 21, 2016

Councilmember Morgan **moved** to adopt the minutes of April 21, 2016 as amended by Councilmember Pepper and submitted 5/31/2017 and for reference they appear as a redlined version in the packet; **second** Councilmember Pepper.

Councilmember Edelman stated for the record that Councilmember Morgan was censured and her vote did not count.

There was Council discussion.

Vote: Motion **passed** 4-1 (Deady).

Councilmember Edelman further noted for the record that these minutes can be amended at a future date next year.

NEW BUSINESS:

11) AB17-042 – Award Contract for Citywide Emergency Pothole Repair and Maintenance Project

Public Works Director Boettcher reported on this item and noted it is for first reading and the bid process opens tomorrow for this project.

There was Council discussion on this item and noted the committee assignment will be the Government Operations Committee which will meet at 2:00 p.m. on Saturday, June 24th at the Black Diamond Library.

12) Update on RFQ for MDRT Consultants (This item on the agenda was under unfinished business, however it was addressed under new business)

Councilmember Pepper reported on this item.

Mayor Benson gave an update on this item regarding mediation and now the arbitration status.

There was Council discussion.

Councilmember Pepper raised 6.3 courtesy.

Council discussion continued

Councilmember Pepper **moved** that the Council Growth Management Committee establish criteria and evaluate RFQ responses for the traffic and civil engineering RFQ; **second** Councilmember Weber.

Councilmember Pepper spoke .

Councilmember Pepper **moved** that Growth Management Committee establish an RFQ criteria for a Wetlands Consultant and an RFQ then be issued and that the committee will evaluate the RFQ responses; **second** Councilmember Morgan.

There was Council discussion.

Andrew Williamson spoke on behalf of staff in Teamsters Local 117 and addressed Council on this issue and discussed Council stepping over the line and doing staff's work and to be thoughtful of how the motion is done tonight.

City Attorney Linehan reminded everyone that the Washington Supreme Court has held that it is an executive act to select a contractor; it is not a legislative act to select a contractor. He referred to a 1973 case that has been on the books for a long time regarding this.

Vote: Motion passed 3-2 (Deady, Edelman).

13) Adding a Part Time FTE for IT Services

Mayor Benson addressed with Council IT service needs for the City. She discussed adding a part time FTE who would work 29 hours per week with the dollar amount not exceeding the remaining IT budget and cancelling the contract with the City of Milton.

Councilmember Edelman **moved** that the City of Black Diamond hire Rob Reed for IT Services, not to exceed the remaining IT budget and to terminate the contract with the City of Milton for IT Services; **second** Councilmember Deady.

There was Council discussion.

Mr. Reed addressed Council and stated he has been providing IT services to Black Diamond through the current ILA with the City of Milton. He then gave an update of the IT projects he is currently working on in Black Diamond.

Council discussion continued.

Councilmember Edelman amended her motion and **moved** that the City of Black Diamond hire Rob Reed for an FTE IT services; not to exceed the remaining IT budget and terminate our contract with the City of Milton; **second** Councilmember Deady.

Vote: Amended motion passed 5-0.

CONSENT AGENDA:

Councilmember Morgan stated that she would like to address each consent item separately.

- 1) Claim Checks** – June 15, 2017 No. 44948 through No. 44989 and EFTs in the amount of \$169,075.87

Councilmember Morgan stated she would like to exclude voucher No. 44973 (Parametrix)

until the next regular Council meeting.

Councilmember Morgan **moved** to accept the rest of the vouchers and move them for payment; **second** Councilmember Weber. Motion **passed** 5-0.

- 2) **Payroll** – May 31, 2017 – No. 19337 through No. 19355 (voids 19331, 19351) and ACHs in the amount of \$297,453.10

Councilmember Morgan **moved** to approve the payroll; **second** Councilmember Weber. Motion **passed** 5-0.

- 3) **Minutes** – Council Special Meeting of May 4, 2017

Councilmember Pepper **moved** to approve the minutes from the May 4, 2017 Special Meeting; **second** Councilmember Deady. Motion **passed** 5-0.

- 4) **Minutes** – Council Work Session of May 11, 2017

Councilmember Pepper **moved** to adopt the Work Session minutes of May 11, 2017; **second** Councilmember Edelman. Motion **passed** 5-0.

- 5) **Minutes** – Council Meeting of May 18, 2017

There was discussion on public hearing comments in the minutes and what the legal standard is for them.

Councilmember Deady **moved** to adopt the Council meeting minutes of May 18, 2017; **second** Councilmember Edelman. Motion **passed** 3-2 (Morgan, Pepper).

- 6) **Minutes** – Council Meeting of June 1, 2017

Councilmember Deady **moved** to adopt the June 1, 2017 Council meeting minutes; **second** Councilmember Edelman. Motion **passed** 3-2 (Morgan, Weber).

- 7) **Minutes** – Council Special Meeting of June 8, 2017

Councilmember Morgan **moved** to amend the June 8, 2017 minutes to reflect the correct language of the motion in the minutes. There was no second.

There was Council discussion.

Councilmember Edelman **moved** to adopt the June 8th Special Council meeting minutes to reflect the motion Councilmember Edelman made when the Clerk listens to the tape; **second** Councilmember Weber. Motion **passed** 5-0.

DEPARTMENT REPORTS:

MDRT/Ec Dev/Interim Community Development Director Williamson reminded everyone that on Wednesday, June 12 the Rock Creek bridge will be closed from 7 a.m. to 5 p.m. as they do the final preparations on the bridge. He noted the detour signs are up, press releases have been in the paper and fire, schools, and police have been notified too.

MAYOR'S REPORT:

Mayor Benson reported attending the three Transportation Board Chair's meeting on June 6; Enumclaw High School graduation on June 12; Regional Transportation Initiative System meeting in Seattle on June 13.

COUNCIL REPORTS:

Councilmember Deady reported attending the Father's Day luncheon with Mayor Benson and Councilmember Edelman at the Black Diamond Community Center.

Councilmember Morgan reported attending the Flood Control meeting of the King County Flood Control District on 6/8 and gave an update of that meeting; on 6/5 attended the Ravensdale Unincorporated Area Council meeting where many agencies were in attendance and gave an update of that meeting.

Councilmember Edelman reported on continuing to serve lunch at the Black Diamond Community Center along with Mayor Benson and Councilmember Deady; met with Finance Director Miller to go over the vouchers; attended work session and special meeting on 6/8; discussed with Council an issue that was discussed at the PIC meeting regarding a proposed Veterans, Seniors and Human Services Levy from King County and noted needing Council feedback. There was discussion and consensus to have King County come and present to Council on this levy. She also reminded those in attendance that the memorial service for Keith Tim is at the Black Diamond Community Center tomorrow from 4 p.m.-6 p.m.

Councilmember Weber reported attending the work session and special meeting on 6/8; he also attended the Enumclaw High School graduation.

Councilmember Pepper reported attending the work session and special meeting on 6/8; discussed the Tri-City meeting and noted one thing of special interest to her was the City of Covington has passed a \$1 per capita toward public art projects and noted that as Black Diamond grows Council might want to consider this; she also noted the City of Issaquah has a seat tax for theaters for the arts. She discussed attending a legislative district meeting and gave an update of that meeting.

ATTORNEY REPORT: None

PUBLIC COMMENTS:

Dan Glenn, attorney spoke to Council.

Judy Goodwin, Black Diamond spoke to Council.

Pam McCain, Black Diamond spoke to Council.

Leslie Cooley, Black Diamond spoke to Council.

Kristen Bryant, Black Diamond spoke to Council.

City Attorney Linehan clarified for the record that the City has never in any brief taken the position that the developer gets to choose the reviewers or that the City doesn't retain control of who is on the Master Development Review Team. The City has never taken the position that that choice is up to the developer; simply that the developer gets to consult which is what the agreement requires.

Judy Watson, Black Diamond spoke to Council.

Andrew Williamson, MDRT/Ec Dev/Interim Community Development Director clarified for the record that the Roberts Drive waterline project has never had violations, has never had a DOE missed inspection, and there is nothing illegal the City is doing. He noted DOE doing numerous inspections and this project being well monitored.

Councilmember Edelman made a statement regarding accusations made tonight.


EXECUTIVE SESSION: None

ADJOURNMENT:


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

Meeting ended by 9:36 p.m.

ATTEST:



Carol Benson, Mayor



Brenda L. Martinez, City Clerk