

# **BLACK DIAMOND CITY COUNCIL MINUTES**

**August 5, 2010**

Council Chamber, 25510 Lawson Street, Black Diamond, Washington

## **CALL TO ORDER, FLAG SALUTE:**

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

## **ROLL CALL:**

**PRESENT:** Councilmembers Hanson, Boston, Mulvihill and Saas.

**ABSENT:** Councilmember Goodwin (excused).

Staff present were: Andy Williamson, Economic Development Director; Seth Boettcher, Public Works Director; Greg Smith, Fire Chief; Eric Weinreich, Police Sergeant; Chris Bacha, City Attorney and Brenda L. Martinez, City Clerk.

## **PUBLIC COMMENTS:**

**Cindy Wheeler, Black Diamond** – comments struck, see comments on page 2.

**Cindy Proctor, Sun Mountain Drive, Enumclaw** – commented that the microphone was needed on the podium; discussed vesting meeting that was set up with Councilmember Saas and her attempt to try and meet with staff regarding vesting; information packet to keep you informed is a joke; Washington State Public Meetings Act.

**Bob Edelman, Black Diamond** – passed out an email asking a question what is an MPD permit and what rights are vested.

**Lisa Garvich, Black Diamond** – concerned with parking on the regional park property and also concerned that the signs have not been taken down; commented on the times for the upcoming continuation of the Closed Record Hearings.

**Robert Taeschner, Black Diamond** – seconded Mrs. Garvich comments regarding the scheduling for the upcoming continuation of the closed Record Hearings; discussed his discontent with the Mayor's handling of the tree ordinance.

**Toby Wollet, Raise the Bar, Exterra** – commented that based on their permit with Kent School District the parking lot was not open to use for parking of the event and they needed to keep the roads clear.

**Vicki Harp, Black Diamond** – commented on the schedule for the Closed Record Hearings and would like to have seen it put at a better time for the public.

**Sheila Hoefig, Black Diamond** – addressed concerns with the triathlon and the noise by the music and asked that they hold off on the music until a later time in the morning; major concerns with the parking for environmental reasons; concerned regarding the Closed Record Hearings beginning at 4 p.m.

**Cindy Wheeler, Black Diamond** – asked to have the opportunity to speak again, since the microphone wasn't at the podium; concerned with the Exterra event parking.

**Jack Sperry, Black Diamond** – commented on the Storm and Surface Water Plan and concerned with the voting on this as it addresses all of the YarrowBay Developments.

### **PRESENTATIONS:**

**Bob Charles, Owner, Baker Street Books, Black Diamond** – thanked Council and prior Council on their hard work for redeveloping Railroad Avenue. He thanked Andy Williamson and Dan Dal Santo for interacting with all the business owners throughout the construction; commented on Miner's Day and holding the celebration on Railroad Avenue, felt the City should devote all it's time on Labor Days; commented on not having any food vendor's, gave several suggestions on how to locate vendors on the street, more experience is needed in organizing events and we need to bring in a professional.

**PUBLIC HEARINGS: None**

**UNFINISHED BUSINESS: None**

### **NEW BUSINESS:**

**Resolution No. 10-696, authorizing Supplement No. 5 to the Contract with Hammond Collier Wade Livingstone for Project Management and Inspection Services during construction**

Public Works Director Boettcher reported this is the last item that needs to be done to complete the Railroad Avenue project. There were limitations in the original contract that were triggers, such as if we had more change orders than the original contract allowed we would then need to renegotiate the contract. This is a fair and equitable contract supplement and treats all parties fairly.

A **motion** was made by Councilmember Boston and **seconded** by Councilmember Hanson to adopt Resolution No. 10-696, authorizing Supplement No. 5 to the existing contract with Hammond Collier Wade Livingstone for engineering services on the Railroad Avenue Street Improvement Project in the amount of \$34,353. Motion **passed** with all voting in favor (4-0).

**Resolution No. 10-701, authorizing the Mayor to execute a contract with Parametrix for Transportation on-call services**

Public Works Director Boettcher announced in June staff went through a selection process for small scale on-call transportation services to meet short time frame response deadlines. This type of on-call services contract provides the staff with advantages such as staff having the ability to be more responsive to the Mayor, Council, Public and development community; process task orders instead of a contract supplement through Council providing for higher administration and staff efficiency; task orders will provide a good tracking mechanism for small engineering tasks.

A **motion** was made by Councilmember Hanson and **seconded** by Councilmember Saas to adopt Resolution No.10-701, authorizing the Mayor to execute a contract with Parametrix for Transportation on-call services. Motion **passed** with all voting in favor (4-0).

**Resolution No. 10-702, accepting the 232<sup>nd</sup> Overlay project as complete**

Public Works Director Boettcher reported this was an overlay project on 232nd by Lake Sawyer. This action is required by Council and starts the 45-day waiting period to where outside vendors, suppliers or laborers would have the opportunity to file a claim against this project pursuant to RCW 60.28.011(2). Currently the project is expected to come in on budget and the final costs will be known at project close out.

A **motion** was made by Councilmember Hanson and **seconded** by Councilmember Boston to adopt Resolution No. 10-702, accepting the 232<sup>nd</sup> Overlay project as complete. Motion **passed** with all voting in favor (4-0).

**Resolution No. 10-703, authorizing Supplement No. 2 to the Contract with Gray & Osborne for technical engineering assistance during construction of the Morgan Street Sidewalk Project**

Public Works Director Boettcher reported we are getting closer to kicking this project off. We awarded the bid at the last Council meeting and have the signed contracts back. The City will be providing the project management services and that is why the contract amount is smaller; however, Gray & Osborne will be available to the City staff in a technical support role and assist with contract interpretation should issues come up.

A **motion** was made by Councilmember Mulvihill and **seconded** by Councilmember Hanson to adopt Resolution No. 10-703, authorizing Supplement No. 2 to the Contract with Gray & Osborne for technical engineering assistance during construction of the Morgan Street Sidewalk Project. Motion **passed** with all voting in favor (4-0).

**Resolution No. 10-704, adoption of the City's Storm and Surface Water Plan dated July 2010**

Public Works Director Boettcher reported a public hearing and a Council Workstudy has been held on the proposed plan and changes from those meetings were incorporated into the document.

A **motion** was made by Councilmember Saas and **seconded** by Councilmember Hanson to adopt Resolution No. 10-704, adoption of the City's Storm and Surface Water Plan dated July 2010. Motion **passed** with all voting in favor (4-0).

## **DEPARTMENT REPORTS: None**

## **MAYOR'S REPORT:**

Mayor Olness reported that she met with Mayors Johnson and Reynolds; Suburban Cities Association asked for candidates for the King County Regional Water Quality and the Mayor submitted Councilmember Goodwin; attended waterfront tour, King County Budget Group meeting and will be meeting with King County; read note from Camp Fire thanking the City for participating by adopting proclamation; Exterra race held this past weekend; preconstruction meeting with King County today and the apron will be paved for the temporary parking area and it will be opened on Saturday; reminded the public of the proposed tentative dates for the Continuation of the MPD Closed Record Hearings which will be Monday, Tuesday 4 p.m. - 7 p.m., Wednesday, 6 p.m. – 9p.m. and Thursday if needed 4 p.m. - 7 p.m.

## **COUNCIL REPORTS: None**

## **ATTORNEY REPORT:**

City Attorney Bacha reported on the notice of intent filed by Waste Action. Staff and Attorney met with them last week and went through all the issues with them and it appears that there was a verbal response that the City is in compliance. He thanked Seth for his hard work and the Council for adopting the ordinance at the last meeting.

## **PUBLIC COMMENTS:**

**Cindy Wheeler, Black Diamond** – noted in the record, Mr. Boettcher noted on the Hearing Examiners recommendations and implies an approval in regards to the Stormwater Plan, inappropriate and inaccurate; does not appreciate passing the Stormwater Plan tonight.

**Vicki Harp, Black Diamond** – commented on her family members being on City Council in the past; addressed Councilmember spouses emailing citizens.

**Cindy Proctor, Sun Mountain Drive, Enumclaw** – agrees with Cindy Wheeler; discussed items on the Planning Commission agenda and the public hearing process.

**Bob Edelman, Black Diamond** – commented on the tree ordinance violation and the issue of the City not following the code.

**Steve Garvich, Black Diamond** – commented on being unable to make the meetings on the Closed Record Hearings at 4 p.m. and requested the time be changed.

Mayor Olness said she would look into changing this, but Monday night would start at 4 p.m. and they would address it that night.

**David Amber, Black Diamond** – asked if the City Attorney be excused for a conflict.

City Attorney Bacha responded there is no conflict.

**Robert Taeschner, Black Diamond** – commented again on the meeting time for the upcoming Closed Record Hearings.

**Sheila Hoefig, Black Diamond** – commented the triathlon was a good event and the people were respective; concerned with the parking and asking to have this taken out of any permits in the future; suggested stand up signs rather than nailing them to the trees; disappointed in the handling of the tree ordinance.

#### **CONSENT AGENDA:**

A **motion** was made by Councilmember Hanson and **seconded** by Councilmember Boston to adopt the Consent Agenda. Motion **passed** with all voting in favor (4-0).

The Consent Agenda was approved as follows:

**Claim Checks** – August 5, 2010, No. 35870 through No. 35932 in the amount of \$365,369.44

**Minutes** – Council Meeting of July 15, 2010

**EXECUTIVE SESSION: None**

**UNFINISHED BUSINESS: None**

#### **ADJOURNMENT:**

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

ATTEST:



Rebecca Olness, Mayor



Rachel Pitzel, Deputy City Clerk