

BLACK DIAMOND CITY COUNCIL MINUTES
October 31, 2011 Special Meeting
Council Chambers
25510 Lawson Street, Black Diamond, Washington

CALL TO ORDER, FLAG SALUTE:

Mayor Olness called the special meeting back to order at 8:00 a.m. and lead us all in the Flag Salute.

ROLL CALL:

PRESENT: Councilmembers Hanson, Boston and Mulvihill.

ABSENT: None

Staff present were: Stacey Borland, Associate Planner; Andy Williamson, Executive Director of Engineering Services and Economic Development; Steve Pilcher, Executive Director of Community Development; Bob Sterbank, City Attorney and Brenda L. Martinez, City Clerk.

APPEARANCE OF FAIRNESS INQUIRIES:

City Attorney Sterbank explained he will start tonight with the Appearance of Fairness questions as we have each of the proceeding Closed Record Hearing evenings.

City Attorney Sterbank asked the following questions collectively to Council:

1. Do any Councilmembers have any interest in the property that is subject to the Development Agreements? Council collectively responded – **No**
2. Do you stand to gain or lose financially as a result of the outcome of these proceedings? Council collectively responded – **No**
3. Can you hear and consider the application in a fair and unbiased manner? Council collectively responded – **No**
4. Any ex parte contact with parties of record or applicant while this quasi-judicial matter has been pending? Councilmembers Mulvihill and Boston collectively responded – **No**. **City Attorney Sterbank** commented he heard Councilmember Hanson reply yes and started the disclosure process with Councilmember Hanson.

Councilmember Hanson stated she received an email from Kristin Bryant and another from Mr. Gordon; she summarized the contents of the emails.

City Attorney Sterbank announced the opportunity to rebut the substance in writing by the end of day tomorrow, November 1, 2011.

COUNCIL DELIBERATIONS:

Mayor Olness recapped for Council that they completed the recommended conditions and asked where Council wants to start next.

Councilmember Hanson wanted to clarify the single family home definitions as a four plex with 4 impact fees; a condominium complex has more than four units will each unit count as a single family unit.

City Attorney Sterbank clarified that if the structure has more than four units it will be counted as multi-family.

Discussion ensued regarding single family vs. multi-family and the impact fees associated with those definitions.

Councilmember Mulvihill referred to page 19 of the Development Agreement, Section 4 and discussed counts.

City Attorney Sterbank explained why there is a difference in school impact fees regarding Single Family and Multi-Family.

Discussion took place regarding the Tri-Party Agreement, impact fees and dwelling units.

Mayor Olness suggested proceeding with another area.

Councilmember Boston stated he would like some additional language regarding constraint maps and read a section of 8.2 on Sensitive Areas and stated he would like to add by GPS coordinates or mapping and not by survey. **Councilmember Hanson** agreed and would like to have the proposed language added to this section. **Mr. Williamson** noted he would like to talk this over with the applicant.

Mayor Olness suggested that staff talk this issue over with the applicant at a break.

Councilmember Mulvihill noted when going over testimony notes she took she wanted to make sure the Development Agreement meets the 50 percent open space requirement. She also addressed traffic mitigation regarding Black Diamond-Ravensdale Road and Black Diamond- Auburn Road outside the city limits heading west.

Discussion took place regarding Councilmember Mulvihill questions. She noted this satisfies her question regarding the Open Space requirement.

Mayor Olness recessed the special meeting for approximately 15 minutes at 8:57 a.m. and noted that after the break they can discuss the pipeline road.

Mayor Olness called the special meeting back to order at 9:15 a.m.

City Attorney Sterbank wanted to discuss with Council the traffic issue regarding Black Diamond-Ravensdale Road from Mr. Rimbo and then Mr. Perlic. Mr. Sterbank noted the Landburg Road was included in the analysis and he passed out Exhibit 257 of Mr. Perlic's declaration. Mr. Sterbank commented that if Council would like more information, perhaps we can get Mr. Perlic here or on the phone.

Discussion ensued regarding the model and monitoring.

City Attorney Sterbank noted he was handed another exhibit 139 for the record, a letter from Transpo, Kevin Jones, who is the Engineer for the applicant and summarized its content regarding the geographic schedule for the model.

Mayor Olness asked Council if they would like to discuss the Pipeline road, tree removal and clearing and the buffer, Mayor asked if Council had a copy to look at.

City Attorney Sterbank noted No; they do not, that staff would like to adjust the language first and give to Council when done.

Councilmember Mulvihill brought up the GPS technology.

Mr. Williamson commented on the GPS technology discussion with the surveyors and with applicant, with a combination of the two we can come back with some language for Council to look at.

Pipeline Road – Council consensus; proposed language meets the requirement.

Buffer Landscaping – Council consensus; proposed language meets the requirement.

Forest Practices – Council consensus; proposed language meets the requirement.

City Attorney Sterbank replied he believe all language has been addressed unless there are further areas Council wishes staff to explore with the applicant.

Councilmember Mulvihill noted that Council has done a lot this past week and would like to get a summary of what was requested and what was done to address those concerns.

Mayor Olness referred to the handouts that have been handed out during the proceedings.

Councilmember Boston asked if it would be advisable to catalog together what changes were done through the deliberation process.

City Attorney Sterbank stated that Council talked earlier about preparing a redline version of the Development Agreement and what he was hearing now is a request for a shorter document that request just the changes made during deliberations.

Councilmember Hanson felt it would be helpful and also have it available online for citizens. **Councilmember Mulvihill** commented just to make sure we haven't missed anything.

Councilmember Boston stated he wasn't sure when this could be available, but the earliest Council would be able to meet would be tomorrow afternoon to look over the document staff is preparing.

ADJOURNMENT:

A **motion** was made by Councilmember Mulvihill and **seconded** by Councilmember Boston to continue the hearings on Tuesday, November 1st for Council Deliberations at 2:00 p.m. in the Council Chambers. Motion **passed** with all voting in favor (3-0).

ATTEST:



Rebecca Olness, Mayor



Rachel Pitzel, Deputy City Clerk