

# **BLACK DIAMOND CITY COUNCIL MINUTES**

**December 12, 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 10:00 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; Bob Sterbank and Mike Kenyon, City Attorneys and Brenda L. Martinez, City Clerk.

## **APPEARANCE OF FAIRNESS INQUIRIES:**

City Attorney Sterbank explained he will start this afternoon with the Appearance of Fairness questions as we have for each of the closed record hearing proceedings.

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? Councilmember Mulvihill responded – **No**. Councilmembers Hanson and Boston collectively responded – **Yes**. **City Attorney Sterbank** started the disclosure process with Councilmember Hanson.

**Councilmember Hanson** stated she received email from Todd Baker regarding not voting on the Development Agreements.

**Councilmember Boston** stated he received email from Michael Irragang that Councilmember Mulvihill provided at the last Council meeting.

**City Attorney Sterbank** announced Council will provide the Clerk with copies of these and record is open to rebut the substance of them.

## **COUNCIL ACTION:**

**City Attorney Sterbank** announced Ordinance No. 11-970 pertains to The Villages Master Planned Development Development Agreement and Ordinance No. 11-971 pertains to the Lawson Hills Master Planned Development Development Agreement and highlighted the documents associated with each ordinance.

Discussion ensued regarding typos; findings of facts and Councils vision for growth; no net phosphorous and Funding Agreement regarding the Hearing Examiners recommendation and timing.

A **motion** was made by Councilmember Hanson and **seconded** by Councilmember Mulvihill to adopt Ordinance No. 11-970, approving The Villages Master Planned Development Development Agreement between the City of Black Diamond and BD Village Partners, LP; providing for severability and establishing an effective date. Motion **passed** with all voting in favor (3-0).


A **motion** was made by Councilmember Hanson and **seconded** by Councilmember Mulvihill to adopt Ordinance No. 11-971, approving Lawson Hills Master Planned Development Development Agreement between the City of Black Diamond and BD Village Partners, LP; providing for severability and establishing an effective date. Motion **passed** with all voting in favor (3-0).

**Councilmember Boston** thanked all the citizens who provided oral and written testimony and noted we have a better document because of this. He thanked his fellow Councilmembers, Mayor, Hearing Examiner and the Attorneys and also thanked YarrowBay for negotiating in good faith, special thanks to city staff for working long arduous hours to arrive at an agreement that will protect and energize our city. Change can be difficult, change is not always popular but it will happen. The 2010 census showed that the City of Black Diamond has actually lost population, there are few opportunities for young families to live in our city, and there are few incentives for businesses to locate to our city because there is no population growth to support their endeavors or investments consequently, there are no jobs. As the city stagnates and ages it becomes less vital and attractive and ceases to prosper, the sales tax dollars that should stay in Black Diamond are collected by our neighboring cities and they are used for the good of their citizens. We have reached an acumination of an 18 year process, we have worked to do what is right for the city, to allow the city to grow responsibly with proper planning and phased development into something other than strip malls, patchwork housing and infrastructures and we followed the code. He stated he is proud to be a part of this Council both for the MPD ordinances which passed last year and the passages of the Development Agreements here today with his fellow Councilmembers. He stated he was proud that they worked to bring the opportunity for jobs, city services, businesses and prosperity to the City.

## **ADJOURNMENT:**

A **motion** was made by Councilmember Hanson and **seconded** by Councilmember Mulvihill to adjourn the Closed Record Hearings. Motion **passed** with all voting in favor (3-0).

ATTEST:

  
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Rebecca Olness, Mayor

  
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Rachel Pitzel, Deputy City Clerk