

BLACK DIAMOND CITY COUNCIL MINUTES

May 7, 2015

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 lead us all in the Flag Salute.

ROLL CALL:

PRESENT: Councilmembers Deady, Morgan, Edelman, Goodwin and Taylor.

ABSENT: None.

Staff present were: Andy Williamson, MDRT/Economic Development Director; Mayene Miller, Finance Director; Seth Boettcher, Public Works Director; Greg Smith, Fire Chief; Jamey Kiblinger, Police Chief and Brenda L. Martinez, City Clerk.

Mayor Benson noted the agenda will be amended to reflect an Executive Session regarding potential litigation after the second public comment period.

ANNOUNCEMENTS, PROCLAMATIONS AND PRESENTATIONS:

Presentation – Committee to End Homelessness – Ellie Wilson-Jones and Mark Putnam

Ellie Wilson-Jones on behalf of SCA gave some background information regarding the homeless plan that will be back before the PIC group. The third edition of the plan is ready to be launched and many elected officials have been involved in the process. Mark Putnam, Chair of the Committee to End Homelessness discussed who is on the Committee and how this issue and committee got started; noted that a few 100 people are involved in this topic and committee. He stated not meeting the 10-year deadline that was set, however accomplishments in the 10-years have been building dedicated housing, etc.; he noted there is growing and increasing number of new folks who are experiencing homelessness. He touched on the homelessness crisis and demographics with the goal to make homelessness rare in the County and only for short term duration. He noted the causes of homelessness are real and the housing market is a huge contributor due to rent increases; housing resources - emergency shelters, transitional and permanent housing; financial resources - \$160 million a year spent to address homelessness in the County.

2015-2019 CEH Strategic Plan slideshow highlighted the three goals: rare, brief and one-time, a community to end homelessness; Mr. Putnam ended the presentation with - homelessness is solvable- it will take prevention and diversion, re-alignment of funding programs, more housing and restored safety net, and engagement and accountability; in closing he discussed the strategic plan timeline which is June 30 adoption by governing board.

Councilmember Edelman thanked them for coming to address Black Diamond about this issue.

CONSENT AGENDA:

A **motion** was made by Councilmember Edelman and **seconded** by Councilmember Taylor to adopt the Consent Agenda. Motion **passed** with all voting in favor (5-0). The Consent Agenda was approved as follows:

Claim Checks – May 7, 2015, No. 42193 through No. 42259 and EFTs in the amount of \$109,368.61

Minutes – Council Meeting of April 16, 2015 and Work Session of March 12, 2015

PUBLIC COMMENTS:

Mira Hoke, Black Diamond – commented on the Farmers Market and wanted to make a case for this. She noted the purpose of the market and the trends of markets in regards to who owns and supports these. She encouraged the City to take a look and see what benefits it provides to the City. She noted operating the last few years under a temporary use permit, but however the signage code does not allow placement of directional signage which makes it difficult for folks. She also noted the market being a public and city service.

Robbin Taylor, Black Diamond – commented on the Ad Hoc Committee and the EMS Levy money and asked the Council to be proactive and to be equitable between the Police and Fire; she is concerned that the EMS money is going into the General Fund and wonders if the dollars can be tracked to say exactly where every penny has went.

PUBLIC HEARINGS: None

UNFINISHED BUSINESS: None

NEW BUSINESS:

Ordinance No. 15-1053, relating to project permit processing, repealing the City's existing regulations on vesting, adding definitions, describing the procedure for determining the completeness of a project permit application, describing the effect of a determination that the application is complete/incomplete, adding a new procedure that allows the City to determine that an application has expired for the applicant's failure to provide the information requested by the City and prohibiting the "holding" of applications by the staff for indefinite periods of time, addressing expiration of project permit applications, repealing Chapter 18.14 and adding a new Chapter 18.14 to the Black Diamond Municipal Code and setting an effective date

City Attorney Morris reported setting priorities for what codes needed to be addressed first; she identified the Development Agreement ordinance and MPDs. The other priority is the vesting ordinance which ours is extremely unusual. She pointed the reason it is important is if you allow developments to vest to easily, the public interest is subverted. She noted the ordinance we have is allowed and is not illegal, and the new ordinance eliminated vested rights policy which would mean that state law would apply to determine whether a

particular type of application was subject to the vested rights doctrine. The proposed ordinance also includes a process that allows the City to determine that once the City has requested additional information from an applicant, and the information is not forthcoming within 90-days the City can take steps to determine that the application has expired for lack of information. In addition, the proposed ordinance addresses problems that have occurred in a number of jurisdictions, where the applicant asks the City hold a complete application and not process it for an indefinite period of time.

A **motion** was made by Councilmember Edelman and **seconded** by Councilmember Deady to adopt Ordinance No. 15-1053, relating to project permit processing, repealing the City's existing regulations on vesting, adding definitions, describing the procedure for determining the completeness of a project permit application, describing the effect of a determination that the application is complete/incomplete, adding a new procedure that allows the City to determine that an application has expired for the applicant's failure to provide the information requested by the City and prohibiting the "holding" of applications by the staff for indefinite periods of time, addressing expiration of project permit applications, repealing Chapter 18.14 and adding a new Chapter 18.14 to the Black Diamond Municipal Code and setting an effective date. Motion **passed** with all voting in favor (5-0).

Resolution No. 15-1025, authorizing the Mayor to execute an agreement for Attorney Services with Susan Drummond, PLLC to assist the City with the second connection to Tacoma Pipeline Five

MDRT/Economic Development Director Williamson reported the City currently has a contract with Susan Drummond regarding the UTRC issue. City Attorney Morris has recommended Susan Drummond as she has the expertise in these types of areas. He discussed the City is pursuing a second connection to the Tacoma Pipeline 5 and is in need of legal assistance. He noted again, city staff along with the City Attorney is recommending Susan Drummond, PLLC to perform this work. He further noted the full costs of the legal assistance for the second connection will be paid through the MDRT Consulting in the funding agreement budget- the amount is \$5,000.

A **motion** was made by Councilmember Deady and **seconded** by Councilmember Edelman to adopt Resolution No. 15-1025, authorizing the Mayor to execute an agreement for Attorney Services with Susan Drummond, PLLC to assist the City with the second connection to Tacoma Pipeline Five. Motion **passed** with all voting in favor (5-0).

Resolution No. 15-1026, adopting a new official City Fee Schedule

Finance Director Miller reported the official city fee schedule was last updated on February 7, 2013 and needs to be updated to reflect current fees. She noted this is one of the best updates she has participated in and is pleased with the outcome. She noted most fees are in the Community Development and Public Works areas.

A **motion** was made by Councilmember Edelman and **seconded** by Councilmember Goodwin to adopt Resolution No. 15-1026, adopting a new official City Fee Schedule. Motion **passed** with all voting in favor (5-0).

Resolution No. 15-1027, authorizing a Grant Application to the King County Community Development Block Grant (CDBG) Program for the King County Housing Accessibility Improvements Project

Public Works Director Boettcher reported staff is asking for authorization to apply for a CDBG grant for sidewalks on First Avenue south of Baker Street. This grant does not require any matching funds and does include funds for administration of the project. The ADA projects save administrative costs.

A **motion** was made by Councilmember Taylor and **seconded** by Councilmember Goodwin to adopt Resolution No. 15-1027, authorizing a grant application to the King County Community Development Block Grant (CDBG) Program for the King County Housing Accessibility Improvements Project. Motion **passed** with all voting in favor (5-0).

DEPARTMENT REPORTS:

Police – Chief Kiblinger updated Council on happenings within the department as outlined in her department report/update.

MAYOR’S REPORT:

Mayor Benson reported the City of Seattle called two weeks ago that they are in partnership to distribute monies to King County Metro to expand the 143 bus route; SCATBd update; Finance, Cemetery Board, Management and Public Works Committee meetings.

COUNCIL REPORTS:

Councilmember Deady: reported she attended the SCATBd meeting; Ad Hoc meeting; and the Domestic Violence Committee meeting.

Councilmember Morgan: reported she received a telephone call regarding the Interurban Trail; met with citizens to talk about Black Diamond issues including the election; looking over SAO sections of our code.

Councilmember Edelman: reported she attended the Domestic Violence Committee meeting; recycle event; donated blood in support of Kiwanis.

Councilmember Goodwin: commented on funds for Cedar to Green River Trail and update on the status of this project.

Councilmember Taylor: reported on the Ad Hoc Committee meeting and the need for Council to find a way to fund the third-party review.

ATTORNEY REPORT: None

PUBLIC COMMENTS: None

EXECUTIVE SESSION:

Mayor Benson announced an Executive Session at 8:39:56 p.m. pursuant to RCW 42.30.110(1)(i) to discuss with Legal Counsel potential litigation; with possible action to follow the Executive Session, which was expected to last approximately 15 minutes.

Mayor Benson announced a 10 minute extension to the Executive Session.

The regular meeting was called back to order at 8:40:53 p.m.

A **motion** was made by Councilmember Taylor and **seconded** by Councilmember Goodwin to direct staff to commence assumption proceedings pursuant to Chapter 35.13A RCW, of the 98 acres located in western Black Diamond and which was subject to the UTRC proceeding. Motion **passed** with all voting in favor (5-0).

ADJOURNMENT:

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

ATTEST:



Carol Benson, Mayor



Rachel Pitzel, Deputy City Clerk