

CITY OF BLACK DIAMOND
May 5, 2016 Regular Business Meeting Agenda
25510 Lawson St., Black Diamond, Washington

7:00 P.M. – CALL TO ORDER, FLAG SALUTE, ROLL CALL

APPOINTMENTS, ANNOUNCEMENTS, PROCLAMATIONS AND PRESENTATIONS:

CONSENT AGENDA:

- 1) **Claim Checks** – May 5, 2016 - No. 43433 through No.43472 and EFTs in the amount of \$68,906.53
- 2) **Minutes** – Council Meeting of March 17, 2016

PUBLIC COMMENTS: Persons wishing to address the City Council regarding items of new business are encouraged to do so at this time. When recognized by the Mayor, please come to the podium and clearly state your name. Please limit your comments to 3 minutes. If you desire a formal agenda placement, please contact the City Clerk at 360-886-5700. Thank you for attending.

PUBLIC HEARINGS: None

UNFINISHED BUSINESS:

- 3) **Claim Check** – March 7, 2016 – No. 43294 DKS Associates in the amount of \$10,000 Councilmember Weber
- 4) **AB16-016A** – Resolution Accepting Dept. of Ecology Grant for 2015 – 2017 Stormwater Capacity Grant Mr. Boettcher
- 5) **AB16-021A** – Resolution Confirming Mayor’s Appointment to Civil Service Commission Mayor Benson
- 6) **AB16-024B** – Resolution Authorizing an Agreement with BHC for Building Services Ms. Kincaid
- 7) **AB16-026A** – Resolution Approving an Agreement with DKS Associates Ms. Kincaid

NEW BUSINESS:

- 8) **AB16-028** – Resolution Authorizing a Conservation Grant Agreement with Puget Sound Energy for the LED Streetlight Conversion Project Mr. Boettcher
- 9) **AB16-029** – Resolution Authorizing a Water Quality Grant Agreement with King County for the North Commercial Stormwater Treatment Facility Project Mr. Boettcher
- 10) **AB16-030** – Resolution Confirming Mayor’s Appointment to the Planning Commission Position #7 Mayor Benson
- 11) **AB16-031** – Resolution Authorizing Interlocal Agreement with City of Maple Valley for Building Inspection Services Ms. Kincaid

- 12)AB16-032 – Resolution Awarding Jones Lake Overlay Project to Lakeridge Paving Co., LLC Mr. Boettcher
- 13)AB16-033 – Resolution Approving Professional Services Contract with Parametrix, Inc. for Design of Covington Creek Culvert Replacement Mr. Boettcher
- 14)AB16-034 – Ordinance Updating the Stormwater Code for New Development to Meet Department of Ecology Standards for Western Washington (First Reading) Councilmember Pepper

DEPARTMENT REPORTS:

MAYOR’S REPORT:

COUNCIL REPORTS:

- Councilmember Deady
- Councilmember Morgan
- Councilmember Edelman
- Councilmember Weber
- Councilmember Pepper

ATTORNEY REPORT:

EXECUTIVE SESSION:

PUBLIC COMMENTS:

ADJOURNMENT:

AMENDED BY MAJORITY COUNCIL MEMBERS

BLACK DIAMOND CITY COUNCIL MINUTES

May 5, 2016

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.

Mayor announced for National Prayer Day Ginger Passerelli, our Chaplin for the police department, will be leading everyone in prayer today.

ROLL CALL:

PRESENT: Councilmembers Deady, Morgan, Edelman, Weber and Pepper.

ABSENT: None

Staff present were: Seth Boettcher, Public Works Director; Kevin Esping, Facilities Equipment Coordinator; May Miller, Finance Director; Barbara Kincaid, Jamey Kiblinger, Police Chief; Yvonne Ward, Emergency Legal Counsel, Natalie Oosterhof, Accounts Payable Clerk; and Brenda L. Martinez, City Clerk.

APPOINTMENTS, ANNOUNCEMENTS, PROCLAMATIONS AND PRESENTATIONS: None

Mayor Benson called for an executive session at 7:02 pm to discuss with legal counsel potential litigation pursuant to RCW 42.30.110(1)(i). The executive session was anticipated to last 20 minutes.

Councilmember Edelman requested that all cell phones not be allowed to be taken in to the executive session.

A fifteen minute extension was called.

Mayor Benson called the meeting back to order at 7:41 p.m.

CONSENT AGENDA:

A **motion** was made by Councilmember Edelman and **seconded** by Councilmember Deady to adopt the Consent Agenda.

Councilmember Weber noted that the last number of the checks ends in 43473 not 43472.

Councilmember Edelman **withdrew** her motion.

A **motion** was made by Councilmember Edelman and **seconded** by Councilmember Deady to approve the consent agenda and with the change noted that the last check number ends in 43473.

Vote: Motion **passed** with all voting in favor (5-0).

The Consent Agenda was approved as follows:

1) Claim Checks-May 5, 2016-No. 43433 through No. 43473 and EFTs in the amount of \$68,906.53

PUBLIC COMMENTS:

Robbin Taylor, Black Diamond spoke to Council.

Bill Mcdermand, Black Diamond spoke to Council.

Judith Carrie, Auburn spoke to Council.

Angelina Taylor, Enumclaw spoke to Council.

Darrell Buss, Black Diamond spoke to Council.

Councilmember Morgan introduced addressed attorney Yvonne Ward 's attendance ~~as the~~ new Emergency Interim City Attorney. She noted that Council has not reviewed or voted on the contract and spoke to the revised agenda that was handed out tonight.

Mayor Benson called Councilmember Morgan out of order and stated she cannot substitute another agenda.

Councilmember Morgan raised a point of order that she is not out of order.

Councilmember Morgan appealed the decision of the chair; Seconded by Councilmember Weber.

Mayor Benson called a recess at 8:00 p.m. for five minutes.

Mayor Benson called the meeting back to order at 8:05 p.m.

Mayor Benson warned Councilmember Morgan that should she continue to disrupt the meeting, she could be removed.

City Attorney Ward gave her legal opinion on removal of a disruptive Councilmember.

The chair failed to call for a vote on the Appeal of the decision of the chair motion on the floor. No vote was taken.

PUBLIC HEARINGS: None

UNFINISHED BUSINESS:

3) Claim Check-March 7, 2016-No. 43294 DKS Associates in the amount of \$10,000

There was Council discussion around this.

A **motion** was made by Councilmember Weber and **seconded** by Councilmember Morgan to move this item to the Growth Management Committee.

Mayor Benson called for a roll call vote.

Roll call vote: Councilmember Deady responded no, Councilmember Morgan responded yes, Councilmember Edelman responded no, Councilmember Weber responded yes, Councilmember Pepper responded yes. Motion **passed** 3-2 (Deady, Edelman).

4) AB16-016A-Resolution Accepting Dept. of Ecology Grant for 2015-2017 Stormwater Capacity Grant

Public Works Director Boettcher reported this grant is to assist the City with the Stormwater permit requirements with the Department of Ecology.

There was Council discussion on this item.

A **motion** was made by Councilmember Edelman and **seconded** by Councilmember Deady to adopt Resolution No. 16-1074, authorizing the Mayor to execute a grant agreement with the Department of Ecology for the 2015-2017 Stormwater Capacity Grant.

Council discussion continued on this item.

Vote: Motion **failed** 2-3 (Morgan, Weber, Pepper).

5) AB16-021A-Resolution Confirming Mayor's Appointment to Civil Service Commission

Councilmember Morgan noted this item is still in the Government Ops committee and they are doing more work on it.

There was council discussion around this.

A **motion** was made by Councilmember Edelman and **seconded** by Councilmember Deady to adopt Resolution No. 16-1079, confirming the Mayor's appointment of Becky Arnold to the Black Diamond Civil Service Commission Position #3.

Vote: Motion failed 2-3 (Morgan, Weber, Pepper)

6) AB16-024B-Resolution Authorizing an Agreement with BHC for Building Services

Community Development Director Kincaid discussed the City having an ILA with Covington and Maple Valley to provide building services. She noted the Mayor terminated the ILA as BHC will be a better fit and the City will actually save money by adopting this contract.

There was Council discussion on this.

A **motion** was made by Councilmember Deady and **seconded** by Councilmember Edelman to adopt a Resolution authorizing the Mayor to execute a professional services agreement with BHC Consultants, LLC for building services.

Vote: Motion failed 2-3 (Morgan, Weber, Pepper)

7) AB16-026A-Resolution Approving an Agreement with DKS

Community Development Director Kincaid discussed the Comp Plan update. She noted DKS being the consultant doing the transportation update portion of the Comp Plan and worked as a sub consultant to BERGERABAM. She noted the BergerABAM contract was terminated and she is asking Council to approve this contract as a lot of the work has been done by DKS and the Comp Plan is an important document that needs to be completed as the City is behind on this update.

There was Council discussion on this item.

A **motion** was made by Councilmember Edelman and **seconded** by Councilmember Deady to adopt a resolution authorizing the Mayor to execute a professional services agreement with DKS Associates. (No vote taken as below motion postponing supersedes)

There was Council discussion around this and City Attorney Ward provided clarification that according to Roberts Rules this could be postponed to a date certain and continued as an action item as there are still questions on this item from other Councilmembers.

A **motion** was made by Councilmember Weber and **seconded** by Councilmember Morgan to postpone this item to the May 19 regular scheduled Council meeting.

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

There was additional discussion around this and Councilmember Weber stated that Councilmember Edelman was out of order.

NEW BUSINESS:

8) AB16-028-Resolution Authorizing a Conservation Grant Agreement with Puget Sound Energy for LED Streetlight Conversion Project

Public Works Director Boettcher reported this grant is available from TIB and PSE and will help the City reduce the street lighting budget.

A **motion** was made by Councilmember Morgan and **seconded** by Councilmember Weber to refer this to the Government Operations Committee.

There was Council and staff discussion around this and questions to the Attorney around motions and date certain when referring these resolutions to Committee.

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

9) AB16-029-Resolution Authorizing a Water Quality Grant Agreement with King County for the North Commercial Stormwater Treatment Facility Project

Public Works Director Boettcher reported this being the highest priority of the Council for the last few years. He noted receiving a grant from King County for the design and it has been on the City's Capital Improvement Plan.

A **motion** was made by Councilmember Morgan and **seconded** by Councilmember Weber to refer this to the Government Operations Committee for first reading.

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

10) AB16-030-Resolution Confirming Mayor's Appointment to the Planning Commission Position #7

A **motion** was made by Councilmember Pepper and **seconded** by Councilmember Morgan to refer the resolution confirming the Mayor's Appointment to the Planning Commission Position #7 for first reading and assigned to the Growth Management Committee.

There was Council discussion on this item with the focus on the process for interviews at the committee meeting.

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

11) AB16-031- Resolution Authorizing Interlocal Agreement with City of Maple Valley for Building Inspection Services

Community Development Director Kincaid noted this resolution being the counter part to the BHC resolution she spoke on earlier. Maple Valley would be providing our inspections

services for the Black Diamond building department. She noted the City is without a valid contract for those services and encouraged Council to consider this and recommended approval.

There was Council discussion around this.

A **motion** was made by Councilmember Pepper and **seconded** by Councilmember Weber that the resolution authorizing an interlocal agreement with the City of Maple Valley for building inspection services is for first reading and assigned to the Growth Management Committee.

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

12) AB16-032-Resolution Awarding Jones Lake Overlay Project to Lakeridge Paving Co., LLC

Public Works Director Boettcher discussed this project receiving good bids. He noted this bid is under budget and would allow us to expand the overlay to perhaps other streets in the near proximity with approval from TIB. He expressed the urgency to get this done before the weather starts to change.

A **motion** was made by Councilmember Edelman and **seconded** by Councilmember Deady to suspend the Council rules to act on this tonight.

There was Council discussion.

Point of order was called by Councilmember Edelman as the discussion needs to be on whether to suspend the rules.

Vote: Motion to suspend the rules **failed** 2-3 (Morgan, Weber, Pepper).

There were questions asked by Councilmember Morgan related to funding.

A **motion** was made by Councilmember Weber and **seconded** by Councilmember Morgan to move this item to the Budget, Finance, and Administration Committee. Councilmember Weber **retracted** this motion.

A **motion** was made by Councilmember Weber and **seconded** by Councilmember Morgan to move this item for first reading to the Budget, Finance, and Administration Committee meeting with a back to Council date of May 19.

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

13) AB16-033-Resolution Approving Professional Services Contract with Parametrix, Inc. for Design of Covington Creek Culvert Replacement

Public Works Director Boettcher reported receiving a grant for design of the Covington Creek Culvert project. He noted this is step one to receive grant money to get this project started and pointed out that there is no match requirement. He also noted that these culverts are in bad shape and at the end of their life span and staff would like to go back to the flood district for additional funding.

There was Council discussion on this item.

A **motion** was made by Councilmember Morgan and **seconded** by Councilmember Weber for this to be assigned to the Government Ops Committee.

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

14) AB16-034-Ordinance Updating the Stormwater Code for New Development to Meet Department of Ecology Standards for Western Washington (First Reading)

A **motion** was made by Councilmember Pepper and **seconded** by Councilmember Morgan to assign this to the Growth Management and Land Use Committee.

There was Council discussion around this.

Public Works Director Boettcher addressed the staff timeline of projects for 2016 and handed out copies to Council. He also referred to an email he received from the Department of Ecology.

Attorney Ward noted that there were some legal issues on the ordinance as proposed.

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

DEPARTMENT REPORTS:

Mayor Benson reported on a new Union grievance and asked if there is a motion to do an investigation.

A **motion** was made by Councilmember Edelman and **seconded** by Councilmember Morgan to do an investigation.

Vote: Motion **passed** with all voting in favor (5-0).

Mayor Benson noted one other issue around mediation and asked if anyone would like to make a motion.

A **motion** was made by Councilmember Pepper and **seconded** by Councilmember Morgan that the Council engage in mediation to help us work more successfully together.

There was discussion that the motion should include the Mayor. Following discussion Councilmember Pepper **rescinded** her motion.

A **motion** was made by Councilmember Pepper and **seconded** by Councilmember Morgan that the Black Diamond City Council and the Presiding Officer who is the Mayor would like to engage in mediation in order to address City business in a better way.

Vote: Motion **passed** with all voting in favor (5-0).

MAYOR'S REPORT: None

COUNCIL REPORTS:

Councilmember Deady reported on Council Rules being suspended. She also reported attending the Tri-City meeting; served at the Mother's Day Luncheon; met with Seth Boettcher on the projects that were presented today. Discussed that the Farmers Market is coming back and will be over at the gym; Boots & Badges event will be coming up on May 22, the Community Center has a pig roast coming up in June, and the DARE graduation is coming up next month in June for our 5th graders.

Councilmember Morgan reported she attended the flood control meeting; the Tri-City meeting, and next week will be attending the WRIA meeting.

Councilmember Edelman attended a food waste film screening with the Mayor on the 28th. She participated in the recycling event help in Maple Valley; met with Seth Boettcher; participated in the Tri-City meeting last night. She noted a Public Information Committee meeting next Wednesday with one action item which is sound transit (ST3 system) plan. There will be a vote coming up and SCA is looking for to PIC to make determination if the Board of Directors should consider endorsing ST3. She read the recommended action and asked the Council for direction on this issue.

There was Council discussion around this and consensus to vote yes.

Councilmember Weber reported attending the Tri-City meeting, and noted the big topic which was last year and this year was homelessness and how to get King County money out in our direction.

Councilmember Pepper talked about the Growth Management and Government Ops meetings this month and how everyone went to the joint Council meeting last night. Two of the large topics were around homelessness and children at risk and monies and how do we access them in Black Diamond. Metro is doing a lot of work to tailor transportation needs to communities and the City of Duvall started participating in this new program. She noted Metro talked at the joint meeting last night and there may be some really good prospects here. She also reported attending a meeting in Seattle around parliamentary procedures.

Councilmember Deady shared about homelessness and noted that 57 students in the Maple Valley area are homeless, 81 students in Enumclaw are homeless, and 501 students in the Kent School District are homeless. She reminded everyone that when you are thinking about helping your community, you have the Community Center and the schools that we can all reach out to.

ATTORNEY REPORT:

Yvonne Ward, Emergency Interim Attorney, shared the City Clerk sent out request for proposals for City Attorney services and they are due tomorrow. She noted it would really serve the City well to get a more permanent City Attorney and is looking forward to the process and really thinks this will help.

PUBLIC COMMENTS:

Bob Edelman, Black Diamond spoke to Council.

Brock Deady, Black Diamond spoke to Council.

Angelina Taylor, Black Diamond spoke to Council.

Brian Derdowski, Black Diamond spoke to Council.

Tina McGann, Black Diamond spoke to Council.

Dennis Boxx, Black Diamond spoke to Council.

Jackie Buss, Black Diamond spoke to Council.

Robbin Taylor, Black Diamond spoke to Council.


EXECUTIVE SESSION:

ADJOURNMENT:

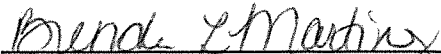
A **motion** was made by Councilmember Edelman and **seconded** by Councilmember Weber to adjourn the meeting. Motion **passed** with all voting in favor (5-0).

The meeting ended at 10:18 p.m.

ATTEST:



Carol Benson, Mayor



Brenda L. Martinez, City Clerk