

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 is 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 minutes extension was called.

Mayor Benson called the meeting back to order at 7:41 pm

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.

Angel Taylor, Enumclaw spoke to Council.

Darrell Buss, Black Diamond spoke to Council.

Councilmember Morgan introduced Yvonne Ward as the new Emergency Interim City. 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 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.

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 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 Attorney 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 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 refer 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 **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 to that the Black Diamond City Council and the Presiding Officer who is the Mayor of City Council 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; the 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; the SCA is looking for a 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 meeting 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. City of Duvall started this 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 fifty seven students in the Maple Valley area are homeless, eighty one students in Enumclaw are homeless, and five hundred one 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 outreach to.

ATTORNEY REPORT:

Yvonne Ward, Emergency Interim Attorney, shared our City Clerk sent out request for proposal and they are due tomorrow. She noted it will 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.

Angela 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.

Robin Taylor, Black Diamond spoke to Council.

EXECUTIVE SESSION: None

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

Public Comments by Robbin Taylor at 5-5-2016 Council meeting

Brian Derdowski is a small fish swimming in the big King County waters. He makes his living by swimming into small ponds and telling them that he is a big fish. He says things like "when I served on the King County Council...", or "while on the King County council I did...", and then there is "I am not an accountant, but...", and the unforgettable "I am not an attorney, but...". By doing this he creates the image of a big fish coming to the rescue, but in reality he is just a small fish. If he were actually a big fish do you really think he would waste his time on Black Diamond?

This small fish has been swimming around Black Diamond literally for years, talking about how he can "help" us. He finally found some takers and now the City has been helped into chaos.

This small fish recently named off a list of Cities and then modestly mentioned, almost as an afterthought, that the Seattle Times called them "Derdowskivilles". A search brought up two Seattle Times articles, one uses the term but specifies that Derdowski was being quoted. The second article says the term "Derdowskivilles" is heard in the halls of the King County Council.

Derdowski now looks like a big fish in Black Diamond. He tells you what good and brave rookies you are to stand up to the big, bad Black Diamond government. You close your eyes and bask in the praise of this big fish, because Derdowski's hypnotic words are accompanied by liberal doses of his Elixir Of Power and it feels so darn good. Meanwhile he has quietly slipped the reigns of control out of your limp hands and has taken them into his own.

Derdowski has become so bold that he is now audibly telling the majority what to do during the Council meetings. He is also visibly cueing you by mouthing how you should vote. The Council majority is held tightly within the hypnotic grasp of this small fish. You have three votes, but you have abdicated your elected positions and given them all to Brian Derdowski. Councilmember Weber is aware of a quote from General Patton which says "If everyone is thinking alike, then no one is thinking." None of the Council majority is thinking, but the small fish Derdowski certainly is, and rest assured his thoughts are about his own future, and how Black Diamond can help him.

Derdowski will make the City of Black Diamond into the form of government HE wants it to be. When he succeeds Black Diamond will be added to his list of Derdowskivilles. History will look derisively on this sleeping council majority, and others will be left to clean up the mess created by the small fish, and the hypnotized Council majority who listened to him.

Now, lest any of this begin to stir you to wakefulness know this, Derdowski will rush in to lull you back into your drunken stupor with pinpoint applications of his "atta boy" Elixir Of Power. It will either happen here, or outside of the public view, but it will happen. I would challenge you all to wake up, but I believe it is too late. You are all drunk on the power Derdowski wants you to think you have, but in reality it is he who has the real power. Sad thing is, he owns you and you don't even know it.

2nd
comment period

Public Comments by Robbin Taylor, 5-5-2016 Council Meeting

When I went through driver's education in Montana, there were a series of films which had characters for the different types of drivers one finds on the road. One of those personalities was a little mouse of a man named Amos Freem. When he got behind the wheel he had power and this power turned him into a monster.

We have been watching the growing metamorphosis of a set of political, and governing monsters as the Council majority has become ever increasingly drunk on power. We watched as Councilmember Pepper took over and ran the last meeting. It was obvious she came in with a full head of steam, and she was going to control the meeting come hell or high water. She started the meeting off with anger and incivility, and then had the gall to accuse Councilmembers Edelman and Deady of being uncivil.

We watched a video as Councilmember Morgan was censured for not just lying, but for refusing to comply with a Public Records Request. She showed no regard for the law about Executive Sessions and that is what brought on her lie to begin with. This was the second lie she was called out on at the last meeting. She has proven many times that one would do well to disregard as truth much of what she says. Even more disturbing is the fact that she now feels she is above the law. She and Councilmember Pepper have become Amos Freem, drunk on the power they have grasped, as well as the accolades continually given to them by those who are unconcerned about trifling little matters called honesty and integrity. Morgan is above the law, she lies and the Council majority lacks the intestinal fortitude to stand with integrity and call her on it.

Once I called the Council majority green broke horses. You are no longer bridled and restrained by integrity and honesty and your supporters are excited over all the things you do. Laws mean nothing, even Derdowski's Rules and Procedures mean nothing any more. You are in the process of trashing it all. The Council majority does not represent the Citizens of this City, you represent the tyrants of the shadow government that speaks through your voices and votes. The tyrants are Brian Derdowski, Kristen Bryant, Peter Kelleman and Judy Carrier. Tyrants secretly take power that is not rightfully theirs until they have it all, then none can stop them. This is what these four non-citizens of Black Diamond have done and they are the shadow government that runs the City through tyranny.

Benjamin Franklin said, "Only a virtuous people are capable of freedom. As nations become corrupt and vicious, they have more need of masters."

Tyrants are masters of the purest form.