

## **BLACK DIAMOND CITY COUNCIL MINUTES**

**November 3, 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.

### **ROLL CALL:**

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

**ABSENT:** None

Staff present: Jamey Kiblinger, Police Chief; David Linehan, City Attorney; Scott Hanis, Capital Project/Program Manager; Kevin Esping, Facilities Equipment Coordinator; Brian Lynch, Sergeant; Andy Williamson, MDRT/Ec Dev/Interim Community Development Director, and Brenda L. Martinez, City Clerk.

### **APPOINTMENTS, ANNOUNCEMENTS, PROCLAMATIONS AND PRESENTATIONS:**

Mayor Benson announced that Cheryl Hanson from the Black Diamond Community Center is here tonight to do a presentation on the Center.

Black Diamond Community Center Director Cheryl Hanson discussed with Council the funding the Community Center is losing and the effect this would have on the programs the Center runs. She asked them to consider being a partner and set aside \$10,000 in the City's 2017 Budget to help with the purchase of an insurance policy for the Center.

Mayor Benson commented that the work session next week is on the budget and Council can have a discussion at that time on this funding request.

### **PUBLIC COMMENTS:**

Mitch Neary, Black Diamond spoke to Council.

Robbin Taylor, Black Diamond spoke to Council.

Judy Goodwin, Black Diamond spoke to Council.

### **CONSENT AGENDA:**

**1) Claim Checks** – November 3, 2016 - No. 44041 through No. 44092 (Voids, 43927, 43928, 44012) and EFTs in the amount of \$227,491.74

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

## **PUBLIC HEARINGS:**

### **2) AB16-061A** – Continuation - Proposed Resolution Regarding 2017 Stormwater Management Program

Councilmember Pepper spoke on this item and noted the committee assignment by Councilmember Morgan is to the Council Growth Management Committee.

Mayor Benson opened the public hearing at 7:25 p.m.

MDRT/Ec Dev/Interim Community Development Director Williamson noted that no public comments have been received and no comments have been received from Councilmembers.

A **motion** was made by Councilmember Morgan and **seconded** by Councilmember Pepper to keep the public hearing open until the Growth Management Committee has had an opportunity to discuss this. Following discussion Councilmember Morgan **withdrew** her motion.

There were no public comments heard and Mayor Benson closed the public hearing at 7:33 p.m.

A **motion** was made by Councilmember Pepper and **seconded** by Councilmember Weber to refer this item to the Growth Management Committee for further discussion.

There was discussion between Councilmembers.

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

## **UNFINISHED BUSINESS:**

### **3) Postponed Minutes** – Council/Planning Commission Joint Meeting of July 12, 2016, Council meetings of July 21, 2016 and August 18, 2016, Council/Planning Commission Joint Meeting of August 23, 2016, Special Meeting of August 25, 2016, and Council meeting of September 1, 2016

A **motion** was made by Councilmember Pepper and **seconded** by Councilmember Morgan to approve the amended July 12 joint meeting minutes as presented in the packet.

There was discussion between Councilmembers.

**Vote:** Motion **passed** 4-1 (Edelman).

A **motion** was made by Councilmember Weber and **seconded** by Councilmember Morgan to postpone the other remaining minutes to the next regular Council meeting. Motion **passed** 3-2 (Deady, Edelman).

**4) AB16-062A** – Resolution Authorizing a Collective Bargaining Agreement with the Black Diamond Police Officers Association

Councilmember Morgan presented this item and there was discussion on it between Councilmembers.

A **motion** was made by Councilmember Morgan and **seconded** by Councilmember Edelman to adopt a resolution authorizing the Mayor to execute the Black Diamond Police Officers Association Collective Bargaining Agreement.

Council discussion continued on this item.

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

**NEW BUSINESS:**

**5) AB16-060A** – First Reading - Resolution Authorizing a PSA with RH2 to serve as Civil Engineering Consultant to Water and Sewer Utilities

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

There was Council discussion and staff clarification on this item.

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

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

Discussion between Councilmembers continued on this item.

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

**6) AB16-063** – First Reading - Ordinance Granting Franchise Agreement with CCD Black Diamond Partners, LLC

MDRT/Ec Dev/Interim Community Development Director Williamson introduced this item and gave background information on it.

There was Council discussion and staff clarification on this item.

A **motion** was made by Councilmember Edelman and **seconded** by Councilmember Deady to postpone this item to the next regular meeting on November 17<sup>th</sup>.

**Roll call vote:** Councilmember Deady responded aye, Councilmember Morgan responded aye, Councilmember Edelman responded aye, Councilmember Weber responded aye, Councilmember Pepper responded aye. Motion **passed** with all voting in favor (5-0).

A **motion** was made by Councilmember Pepper and **seconded** by Councilmember Morgan to refer AB16-063 the ordinance granting a franchise agreement with CCD Black Diamond Partners, LLC to the Government Operations Committee. Motion **passed** 3-2 (Deady, Edelman).

**7) AB16-064** – First Reading - Ordinance Granting Franchise Agreement with Astound Broadband, LLC

MDRT/Ec Dev/Interim Community Development Director Williamson introduced this item and gave background information on it. Fred Miller from WAVE addressed Council questions.

A **motion** was made by Councilmember Weber and **seconded** by Councilmember Edelman to postpone this item to the next regular meeting on November 17<sup>th</sup>. Motion **passed** with all voting in favor (5-0).

A **motion** was made by Councilmember Pepper and **seconded** by Councilmember Morgan to refer AB16-064 an ordinance granting a franchise agreement with Astound Broadband, LLC to the Government Operations Committee. Motion **passed** 3-2 (Deady, Edelman).

**8) AB16-065** – First Reading – Resolution Authorizing Interlocal Agreement with AWC RMSA

Mayor Benson presented this item to Council and recommended approval.

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

There was Council discussion on this item.

A **motion** was made by Councilmember Edelman and **seconded** by Councilmember Deady to amend the motion to suspend the rules to vote on this item tonight. Following discussion Councilmember Edelman **rescinded** the amended motion.

Discussion continued on this item.

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

A **motion** was made by Councilmember Pepper and **seconded** by Councilmember Morgan to postpone this item AB16-065 a resolution authorizing an Interlocal Agreement with AWC RMSA to the November 17<sup>th</sup> meeting. Motion **passed** with all voting in favor (5-0).

**9) AB16-066 – First Reading – Resolution Regarding Contracting Policies**

A **motion** was made by Councilmember Morgan and **seconded** by Councilmember Weber that this item be referred to the Budget Committee.

There was Council discussion on this item.

Motion **passed** 4-1 (Deady).

A **motion** was made by Councilmember Weber which is attached and incorporated into the minutes. Following discussion Councilmember Weber **withdrew** his motion.

**DEPARTMENT REPORTS: None**

**MAYOR'S REPORT:**

Mayor Benson reported attending the Lake Sawyer Regional Park clean up; visited Mr. Boettcher and noted he is expected to be back at work part time December 1; attended Ken Ward memorial service, Mayor's luncheon with the cities of Maple Valley and Covington; made a statement on why she accepted their agenda and stressed she does not believe in the rules or committees and stated the proper process for committee assignment.

**COUNCIL REPORTS:**

Councilmember Deady reported attending Ken Ward's memorial service; CERT class update; attended Halloween Party at Community Center and Make a Difference Day.

Councilmember Morgan commented on the disagreement about committees and legal rulings by a judge. She also commented on the items that were sent to the Government Ops Committee tonight and is proposing holding a meeting of that committee on Monday of next week November 7<sup>th</sup>.

Councilmember Edelman reported attending Make a Difference Day, Black Diamond Historical Society meeting, public safety issues meeting, Ken Ward memorial service and thanked Ginger Passerelli for her participation, and attended the CERT class. Discussed email sent by Deputy City Clerk regarding a citizen phone message where they were expressing their displeasure about the Council; referred to excerpts in the Talmadge opinion.

Councilmember Weber reported attending committee meetings and gave a shout out to the Enumclaw Hornets varsity football team for their victory and wished them good luck at their first playoff game.

Councilmember Pepper reported attending the Government Ops Committee meeting and noted what was discussed; a special meeting on October 27 and on October 29<sup>th</sup> attended a Washington State Parliamentarian meeting. She also added attending the CERT class and noted the topics and schedule.

**ATTORNEY REPORT:**

City Attorney Linehan recommended having an executive session regarding the Bonneville Power Administration’s offer to acquire certain city property.

**PUBLIC COMMENTS:**

Bob Edelman, Black Diamond commented.

Brock Deady, Black Diamond commented.

Pam McCain, Black Diamond commented.

Leslie Cooley, Black Diamond commented.

Robbin Taylor, Black Diamond commented.

**EXECUTIVE SESSION:**

At 9:23 p.m. Mayor Benson announced an executive session as authorized under RCW 42.30.110(c) regarding offers for acquisition of real estate. The executive session is anticipated to last for 10 minutes with no action to follow. Councilmember Morgan recused herself from the executive session due to a conflict of interest.

Before going into executive session a five minute break was added.

Mayor Benson called the meeting back to order at 9:37 p.m.

**ADJOURNMENT:**

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

The meeting ended at 9:38:08 p.m.

ATTEST:

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