

CITY OF BLACK DIAMOND
September 7, 2017 Regular Business
Meeting Agenda
Per Council Rules of Procedure
25510 Lawson St., Black Diamond, Washington

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

CHANGES TO AND APPROVAL OF AGENDA (Per Council Rule 3.4)

Note: Black Diamond Council Rule 2.2 requires that the preliminary agenda be approved by the Council President and Council Mayor Pro Tem prior to posting to the website. It is the City Clerk's role to prepare the draft agenda, send it for approval or amendment per the Council Rules, then post to the website. At the point of preparation of this document, an incorrect draft was posted to the city website. Although the mayor disputes the Council agenda process, the Council agenda process is legal according to the city's legal service providers.

For the preliminary agenda to be approved for public notice, it must follow the Council Rules including:

- Items of New Business are for first reading and Council committee assignment (Rule 9.1. This rule can be suspended by Council vote, Rule 7.3). Any Council member can add an item of New Business for first reading.
- For Unfinished Business, once an item is assigned to committee, a committee recommendation or vote of the Council is required to relieve it from committee (Rule 18.1.1 and Rule 18.1.3.c).
- The "Consent Agenda" contains minutes and claim checks and comes after "New Business" (Rule 3.12).

APPOINTMENTS, ANNOUNCEMENTS, PROCLAMATIONS AND PRESENTATIONS:

1) AB17-051 – Presentation – Certificate of Appreciation to Scott Funston **Mayor Benson**

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:

4) AB17-049A – Resolution Regarding King County Youth & Amateur Grant Agreement for Gym Lighting
Councilmember Morgan
This item is assigned to the Council Government Operations Committee. The Committee Chair may provide an update, amendment, or move to relieve the item from the committee.

NEW BUSINESS:

5) AB17-052 – Resolution Regarding Final Acceptance of the Citywide Emergency Pothole Repair and Maintenance project
Councilmember Morgan
This item is for first reading and assignment to the Council Government Operations Committee.

6) AB17-053 – Resolution Opposing the Siting of Illegal Substance Injection Facilities within the City of Black Diamond
Councilmember Weber
This item is for first reading and assignment to the Council Government Operations Committee.

7) AB17-054 – Resolution Amending Public Defender Contract with O'Brien, Barton & Hopkins
Councilmember Morgan
This item is for first reading and assignment to the Council Government Operations Committee.

Americans with Disabilities Act – Reasonable Accommodations Provided Upon Request (360-886-5700)

CONSENT AGENDA:

2) Claim Checks – September 7, 2017 - No. 45243 through No. 45310 (void 45083) in the amount of \$429,568.44

3) Minutes – Council Meeting of August 17, 2017

DEPARTMENT REPORTS:

MAYOR'S REPORT:

COUNCIL REPORTS:

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

ATTORNEY REPORT:

PUBLIC COMMENTS:

CLOSED SESSION: To discuss with Labor Attorney collective bargaining pursuant to RCW 42.30.140(4)

ADJOURNMENT:

BLACK DIAMOND CITY COUNCIL MINUTES

September 7, 2017

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: Andrew Williamson, MDRT/Ec Dev/Interim Community Development Director; Larry Colagiovanni, Police Commander; Jamey Kiblinger, Police Chief; May Miller, Finance Director; Seth Boettcher, Public Works Director; Deanna Humphreys, Police Clerk; David Linehan, City Attorney, Peter Altman, Labor Attorney, and Brenda L. Martinez, City Clerk.

Councilmember Pepper **moved** to do item #1 on the agenda first; **second** Councilmember Weber. Motion **passed** 5-0.

APPOINTMENTS, ANNOUNCEMENTS, PROCLAMATIONS, AND PRESENTATIONS:

- 1) **AB17-051 - Presentation** – Certificates of Appreciation Scott Funston and Layton Meyers

Mayor Benson presented certificates of appreciation to Scott Funston and Layton Meyers for their outstanding volunteer service for the upgrades and improvements made to the BMX bicycle tract.

Public Works Director Boettcher shared the slide show presentation with pictures of the BMX tract that was reconstructed and invited Scott Funston to share information about the new BMX bicycle track.

Councilmember Deady commented on the happenings at the last two meetings as she was absent and listened to the audio. She also shared helpful tips to run a smoother meeting from Roberts Rules of Orders. She commented that Councilmembers need to let the Mayor preside over these meetings and order needs to be held by all Councilmembers.

Councilmember Pepper objected to Councilmember Deady.

CHANGES TO AND APPROVAL OF AGENDA:

Councilmember Pepper spoke to the preparation of the agenda as outlined in the Council Rules of Procedure 3.4. She also spoke to the changes of the agenda.

Councilmember Pepper **moved** to adopt the Council approved agenda per Council Rules of Procedure; **second** Councilmember Morgan.

There was Council discussion.

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

PUBLIC COMMENTS:

Leslie Cooley, Black Diamond spoke to Council.

Johna Thomson, Black Diamond spoke to Council.

Rob Calhoun, Redmond spoke to Council.

Ernie Richardson, Maple Valley spoke to Council.

Brock Deady, Black Diamond spoke to Council.

A point of order was raised by Councilmember Pepper for courtesy.

A point of order was raised by Councilmember Edelman that this is public comments.

Mark Hill, Black Diamond spoke to Council.

Pat Nelson, Black Diamond spoke to Council.

Councilmember Pepper stated political to content of Mr. Nelsons comments.

Robbin Taylor, Black Diamond spoke to Council.

Kristen Bryant, Black Diamond spoke to Council.

Bob Edelman, Black Diamond spoke to Council. During his comments, Councilmember Pepper stated objection. She raised another objection during his comments stating he needs to talk the dais as a whole and not single out Councilmembers.

Melissa Coutant, Black Diamond spoke to Council.

Ron Carroll, Black Diamond spoke to Council.

PUBLIC HEARINGS: None

UNFINISHED BUSINESS:

4) AB17-049A – Resolution Regarding King County Youth & Amateur Grant Agreement for Gym Lighting

Public Works Director Boettcher spoke to Council on this item.

There was Council discussion.

Councilmember Edelman **moved** to adopt a resolution authorizing the Mayor to sign a \$5,000 youth and amateur sports grant agreement with King County to upgrade the lighting in the gym, but not authorize any of the spending on the project until 2018; **second** Councilmember Deady.

There was Council discussion with Councilmember Pepper raising a point of order stating there is a motion on the floor.

Council discussion continued.

Vote: Motion passed 5-0.

NEW BUSINESS:

5) AB17-052 – Resolution Regarding Final Acceptance of the Citywide Emergency Pothole Repair and Maintenance Project

Public Works Director Boettcher reported to Council on this item.

There was Council discussion.

Councilmember Deady **moved** to adopt a resolution accepting the Citywide Emergency Pothole Repair and Road Maintenance project by Tony Lind Paving LLC as complete according to the contract documents; **second** Councilmember Edelman. Motion **passed** 5-0.

6) AB17-053 – Resolution Opposing the Siting of Illegal Substance Injection Facilities within the City of Black Diamond

City Clerk Martinez briefed Council on this item.

There was Council discussion.

Councilmember Edelman **moved** to suspend the rules to address this issue tonight; **second** Councilmember Deady.

Councilmember Edelman **amended** her motion to suspend the rules and to adopt a resolution opposing the siting of illegal substance injection facilities within Black Diamond city limits or within areas of unincorporated King County associated with the Potential Annexation Area or Urban Growth Area of the City of Black Diamond; **second** Councilmember Deady.

There was continued Council discussion.

Councilmember Morgan stated she will not be voting on this tonight without a first reading in the Gov. Ops Committee as required by Council Rules of Procedure. She then discussed her reasons why.

There was continued Council discussion.

Amended Motion Vote: Motion passed 4-1 (Morgan).

There was continued Council discussion.

Councilmember Deady called an objection and point of order stating it's not good for a Councilmember to assume or to interject what another Councilmember is thinking or doing.

7) AB17-054 – Resolution Amending Public Defender Contract with O'Brien, Barton & Hopkins

Mayor Benson reported on this item to Council.

Councilmember Edelman **moved** to adopt a resolution extending and amending the contract for public defense services with O'Brien, Barton, & Hopkins, PLLP; **second** Councilmember Deady. *(No vote taken as amended motion referred this to committee)*

Councilmember Morgan **moved** to amend the motion to have this go to the Gov Ops Committee meeting; **second** Councilmember Pepper.

There was Council discussion with Councilmember Pepper raising an objection during Councilmember Edelman comments about an OPMA violation. Councilmember Pepper stated that the meetings are listed as special meetings.

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

CONSENT AGENDA:

Councilmember Morgan stated that she would like to address each consent item separately.

2) Claim Checks – September 7, 2017 - No. 45243 through No. 45310 (void 45083) in the amount of \$429,568.44

Councilmember Morgan spoke to the four claim checks she would like to pull which were 45247 (BHC), 45274 (Kenyon Disend), 45282 (Parametrix) and 45287 (RH2). She also discussed outstanding invoices for Land Use and Property Law and stated they need to be

paid now.

During Councilmember Morgan speaking to the pulled claim checks Councilmember Pepper called point of order to Mayor Benson as Councilmember Morgan has the floor. Councilmember Morgan stated she has the floor. Councilmember Pepper called another point of order to Mayor Benson as Councilmember Morgan has the floor.

There was Council discussion.

Councilmember Morgan **moved** to accept the claim checks with deleting the pulled claim checks; **second** Councilmember Weber. Motion **passed** 4-1 (Edelman).

3) Minutes – Council Meeting of August 17, 2017

Councilmember Edelman **moved** to accept the meeting minutes; **second** Councilmember Deady. *(No vote taken as motion to postpone supersedes)*

Councilmember Pepper **moved** to amend the motion to postpone these minutes for closer scrutiny until our next meeting, September 21, 2017; **second** Councilmember Morgan.

There was Council discussion with Councilmember Pepper raising an objection during Councilmember Deady speaking.

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

DEPARTMENT REPORTS:

MDRT/Ec Dev/Interim Community Development Director Williamson discussed the funding for code compliance and it limiting what the city can do. He also noted seeking funding for this in the next budget cycle.

MAYOR'S REPORT:

Mayor Benson reported participating in the swearing in ceremony of the two new police officers; attending the Ship Canal Tour; attending the 20th anniversary celebrations for the cities of Covington and City of Maple Valley; she also discussed attending the Black Diamond Labor Days events held on September 2nd, 3rd, and 4th.

COUNCIL REPORTS:

Councilmember Deady reported attending the renaming dedication of the Masonic Hall, PTA ice cream social at the Black Diamond Elementary School, SCA Networking dinner, meeting with Finance Director to review vouchers, public safety meeting, cities of Covington and Maple Valley celebrations; she gave an update on the Dirty Jobs segment with Mike Rowe and Ginger Passarelli; she noted being supportive of code compliance and will be fighting for this during the budget process.

Councilmember Morgan reported on political yard signs being tampered with.

A point of order was raised by Councilmembers Edelman and Deady.

Councilmember Morgan continued her report and discussed the Roberts Drive budget and being told there would be sidewalks on both sides of Roberts Drive when school started. She noted the King County flood control budget is ready for the County Council; she spoke about a project to rehab the Soos Creek Fish Hatchery; she thanked the Labor Day Committee for producing a wonderful event for our community and to everyone else who made it a success.

Councilmember Edelman made a statement regarding the sidewalks and the three majority Councilmembers present who didn't approve the original TIB grant. She reported attending the public safety meeting, the ship canal tour, the Mike Rowe/Ginger Passarelli event, 20th anniversary celebrations for the cities of Covington and Maple Valley, finance meeting, Masonic Lodge dedication, and the SCA dinner. She commented that the Labor Day festivities were spectacular and she had the honor and privilege of being a judge for the parade. She shared that on Saturday, District 44 Fire Department (Mountain View) is having a fundraising breakfast out at Station 96 and invited folks to attend.

Councilmember Weber spoke about enjoying the Labor Day festivities and thanked everyone who put that on and those who supported the different vendors. He noted looking at the code and RCW's.

Councilmember Pepper reported attending the Tahoma School District open houses and spoke about the new elementary school. She attended Labor Days and said it was wonderful. She shared liking the vintage trailers and stated they were a very nice addition to the event. All the volunteers are so proud to do what they do and she was happy to be part of that. She also shared that the 2017 Governor's Arts heritage award honorees have two King County honorees and one was the Seattle Art Museum and the other one was for Living Voices for King County.

ATTORNEY REPORT: None

PUBLIC COMMENTS:

Jennifer Lathum, Black Diamond spoke to Council.

Mark Hill, Black Diamond spoke to Council. Councilmember Pepper informed the speaker that he must address the Council as a whole. Mr. Hill then continued with his comments.

Patrick Nelson, Black Diamond spoke to Council.

James Stout, Black Diamond spoke to Council.

Johna Thomson, Black Diamond spoke to Council.

Judy Goodwin, Black Diamond spoke to Council.

Robbin Taylor, Black Diamond spoke to Council.

Leslie Cooley, Black Diamond spoke to Council.

Keith Watson, Black Diamond spoke to Council.

Bob Edelman, Black Diamond spoke to Council.

Kristen Bryant, Bellevue spoke to Council. A point of order was raised by Councilmember Weber for meeting decorum. Ms. Bryant then continued with her comments.

Jackie Buss, Black Diamond spoke to Council.

EXECUTIVE SESSION:

At 9:27 p.m. Mayor Benson announced that pursuant to RCW 42.30.140(4) there would be a closed session to discuss with the Labor Attorney collective bargaining. She stated there would be no action to follow and the closed session was anticipated to last 20 minutes. The room was cleared and a five-minute break was also asked for Councilmembers to use the restrooms. The closed session started at 9: 38 p.m.

A two-minute extension for the closed session was announced.

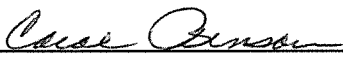
The meeting was called back to order at 10:00 p.m.

ADJOURNMENT:

Councilmember Weber **moved** to adjourn the meeting; **second** Councilmember Deady. Motion **passed** 5-0.

Meeting ended at 10:01 p.m.

ATTEST:



Carol Benson, Mayor



Brenda L. Martinez, City Clerk