

BLACK DIAMOND CITY COUNCIL MINUTES
Council Meeting of October 1, 2020
Virtual Meeting Via Zoom

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, Oglesbee, Wisnoski, Stout, de Leon, and Paige.

ABSENT: None

Staff present: Jamey Kiblinger, Police Chief; David Linehan, City Attorney; and Brenda L. Martinez, City Clerk/HR Manager.

AGENDA REVIEW AND APPROVAL:

Councilmember de Leon **moved** to adopt the agenda; **second** Councilmember Oglesbee. Motion **passed** with all voting in favor (6-0).

APPOINTMENTS, ANNOUNCEMENTS, PROCLAMATIONS AND PRESENTATIONS:

Executive Session

At 7:03 p.m. Mayor Benson announced that pursuant to RCW 42.30.110(1)(h) the City Council would be going into executive session to discuss the qualifications of candidates to an appointed position. The Executive Session was anticipated to last 20 minutes with possible action to follow.

At 7:23 p.m. a ten-minute extension was announced.

At 7:33 p.m. an additional ten-minute extension was announced.

At 7:43 p.m. Mayor Benson called the meeting back to order.

Appointment

Councilmember de Leon **moved** to appoint Bri Durham to Council Position #6. (There was no second to this motion.)

Councilmember Oglesbee spoke about the applicants and **moved** to appoint Bernie O'Donnell to Position 6.

Other Councilmembers then took turns speaking about the applicants and who their top candidates were and why; all noted it being a strong pool of candidates.

During discussion Councilmember Wisnoski **seconded** Councilmember Oglesbee's motion to appoint Bernie O'Donnell to Position 6.

Councilmember de Leon spoke to her motion to appoint Bri Durham.

Vote: Motion passed (5-1) (Councilmember de Leon).

Oath of Office

Mayor Benson administered the Oath of Office to Bernie O'Donnell. Following this he took his place in the virtual zoom meeting.

CONSENT AGENDA:

Councilmember Oglesbee **moved** to adopt the Consent Agenda; **second** Councilmember de Leon. Motion **passed** with all voting in favor (7-0). The Consent Agenda was approved as follows:

- 1) **Claim Checks** – October 1, 2020 Check No. 49181 through 49218 in the amount of \$259,178.17
- 2) **Minutes** – Work Session of August 13, 2020, Special Meeting of September 17, 2020, and Council Meeting of September 17, 2020

PUBLIC COMMENTS:

Any written comments received are included with the minutes for this meeting.

PUBLIC HEARINGS: None

UNFINISHED BUSINESS: None

NEW BUSINESS: None

DEPARTMENT REPORTS:

Fire – Chief Smith reported 12 volunteers are at the volunteer academy and that two career firefighters are attending that academy. He shared that on Monday, October 5th the new Deputy Chief starts and noted she comes from the Tukwila Fire Department which is also in Zone 3; he hopes to have her attend the next council meeting for an introduction. He reported on the pre-construction meeting for the new fire engine and what the next step in the process is. He stated that recreational fires are now open and that yard vegetation fires in the City limits are not allowed. He also shared that the Department will be participating in the Trunk and Treat event.

MAYOR'S REPORT:

Mayor Benson asked about a work session on inclusivity before the Town Hall meeting next Thursday. She also asked Council if two Councilmembers would be willing to participate in the assessment center testing for the sergeant position. She noted this is a good way to interact with the department; Councilmembers O'Donnell and de Leon volunteered. She also discussed adding boating regulations to the work session too. There

was Council consensus to have the two agenda items for next week's work session be: 1) Welcoming and Inclusive Proclamation, and 2) Boating Regulations.

COUNCIL REPORTS:

Councilmember de Leon congratulated Bernie O'Donnell to the City Council position and noted being impressed with his application and looks forward to working with him. She stated that even with her vote she really does respect his application. She discussed the conversation around the inclusion and diversity statement and looks forward to what it will look like especially when the public has a chance to see it. She noted reviewing the budget conversation from last week and really looking forward to continuing that process and following up with any questions she may have.

Councilmember O'Donnell thanked Councilmember de Leon and noted what makes us stronger is the diversity of opinions and he respects that and looks forward to working with the Council. He talked about Tony Moss and his work with events in Black Diamond and offered his salary for his term to the Miners Day event. He shared with the candidates from Ten Trails knowing the importance of that community and bridging the communities together. He noted only having a little over a year in the position and wants to be a catalyst for making sure we can provide the public services to residents as the city grows. He stated being honored and humbled to be a part of this team and meeting with them and the department heads.

Councilmember Paige congratulated Bernie O'Donnell and welcomed him to the council. He shared with the other candidates that it is important to show continuity and by applying it demonstrates you want to serve. He encouraged them to be involved in the future and that just because another applicant was chosen, it doesn't mean they did not have great qualities. He noted the Council is entering a time where the focus is on budget and it's great to have Bernie on board. As a community he encouraged everyone to show respect to everyone as a lot of times people rush to judgment and an apology is okay, however it's important to think before you talk and he said that in generality as there is too much hate and conflict in our society - as small as we are we can be a role model for the community.

Councilmember Deady welcomed Councilmember O'Donnell and noted she feels he will do great. She shared that the other three candidates were very good and hopes they will put their names in the hat to run during the next election. She spoke about meeting minutes to residents and reminded everyone that minutes do not need to be a verbatim of public comments and the majority of cities just do have action minutes. She gave examples and noted citizens have the option to go back into the audio to see why a person was for or against something. She gave a big "Yeah" that the log piles are getting picked up and taken away as its been a long process and the citizens in that area are happy to see them go. She reported that the Lake Sawyer church is working on a Trunk or Treat and referred to area locations where kiddos can go.

Councilmember Oglesbee congratulated and welcomed Bernie and noted looking forward to working with him. She shared that she also looks forward to the other candidates putting their names in the election for next year and hopes one of them will. She reported attending the Public Safety Committee meeting and again noted looking forward to working with Bernie on that Committee.

Councilmember Wisnoski congratulated Councilmember O'Donnell and to the other candidates he asked them not to get discouraged and to stay engaged. He encouraged them to run in the election next year as they all would be a good addition to Council. He reported attending the Public Safety Committee meeting where they discussed space needs, website, and feedback on permitting process. He touched on the inclusivity and welcoming document that will be going out to council and shared that it is a really good illustration of people working together for the good of our community. He's excited for the public to see the proclamation and looks forward to the citizens' comments - we are one community not a community of neighborhoods.

Councilmember Stout welcomed Councilmember O'Donnell and noted it being fun to learn to be a Councilmember. She commented that all the candidates have a lot of energy and there are upcoming chances to be on the Council. She talked about her technical difficulties at the last meeting and shared she did go back and relisten the meeting. She reported attending the Public Works Committee meeting where they went over the water system plan, the Finance Committee meeting and talking with staff about new city website. She announced the good news that this project is back on track, however there is not a go live date yet, but hopes it is just around the corner. She noted the committee worked really hard on the Black Diamond welcoming proclamation and commented that this is a hot topic and very sensitive for many people. She stated the three of them were able to work together really well. She shared reading a lot of these statements from other organizations and when Council gets a copy of the draft the prepared, they will see a really different and beautiful proclamation. She again welcomed Bernie and thanked the other candidates and encouraged them to keep engaged.

ATTORNEY REPORT: None

EXECUTIVE SESSION: None

ADJOURNMENT:

Councilmember Wisnoski **moved** to adjourn the meeting; **second** Councilmember Deady. Motion **passed** with all voting in favor (7-0).

The meeting ended at 8:46 p.m.

ATTEST:

Carol Benson, Mayor

Brenda L. Martinez, City Clerk

Brenda Martinez

From: Megan sheridan <megancolleensheridan@gmail.com>
Sent: Tuesday, September 29, 2020 7:09 AM
To: Carol Benson; Tamie Deady; Melissa Oglesbee; Chris Wisnoski; Erin Stout; Kristiana De Leon; Steven Paige
Cc: Brenda Martinez
Subject: Books from Students

Good morning Mayor and Council,

This week EHS Students who are part of the Student Advisory Board of the non-profit Empowering Students Everyday, will be delivering you copies of "So you want to talk about Race" to read over the next few weeks. Based on the School Board meeting from last month and conversations around race, racism and hate in our community they thought that this book would be a great way to dive in deeper with our City leadership. The students goal is that once you have read this book we could have a study session with all of you where we could discuss your thoughts, what you learned, and how we can best move the community forward. Can we please schedule this study session by the end of November?

The intent of the study session would be not only on your experience with the book, but also how to educate residents on hate, working towards eliminating racism in our community, and to discuss student and resident personal experiences with hate and racism in our community.

Feel free to reach out to me if you have any questions.

City clerk, can you please have this part of the record for this week's meeting?

Thank you

Megan Sheridan

253-223-1593

Public Comments to Black Diamond City Council 10.1.20

To: BD Mayor and Council Members,
BD Council Meeting Date: Oct. 1, 2020
Submission Date: Sept. 30, 2020
From: Johna Thomson, Black Diamond

RE: General Public Comments and Appointment of New Council Member

Time to Give Ten Trails Residents a Seat at the Table

It seems to me the most important filter to determine the next council member is Geography. It's important to have the council represent as many neighborhoods in BD as possible. Seeing that this is the first opportunity for residents in Ten Trails to apply for a seat on the council (given the requirement to live in the city for one year) I believe it's important to offer the position to one of the candidates from our newest neighborhood, Ten Trails.

For years there has been talk during council meetings about how we, as a community and a city, will welcome the new residents from the Oakpointe Developments. There is no better way to welcome them than to give them a seat at the table – literally – by offering them a seat as a BD City Councilmember.

Let me put it another way – What do you think the residents of Ten Trails will be saying about the city and the council if you do not choose one of their candidates?

After listening to the four candidate interviews during the Sept. 27 council meeting, I believe that either Briana or Ben would be a great asset to the council.

Zoom Has More Features to Offer Your Meetings

Are you aware that there are many features in Zoom that could be put to use during your council meetings? For example, there's a timer that would allow you to add Public Comment to your meetings – limiting the comments to three minutes – the way we did public comments before CoronaVirus. This could be done.

I was very surprised at the Sept. 17 meeting that all the candidates for the council positions got to listen to each other answer their questions. As you know, this is not the protocol when interviews are done in council chambers. This clearly created a disadvantage for the first candidate and an advantage for later candidates. Are you aware that these candidates could have been moved into a virtual breakout room so they could not hear each other?

Please consider using more of the Zoom features to replicate how meetings would be run if they were still be held in council chambers.

Public Comments Should be Allowed During Zoom Meetings

As a follow up, I urge you to incorporate public comments into your Zoom meetings. Expecting participants to submit their comments in writing 26 hours before the meeting creates a barrier to participate and limits public involvement.

Personally, I appreciate hearing what members of the community have to say during their public comments. Often, members bring up concerns or problems I was unaware of. I always appreciated stopping in at a council meeting just to hear what's on people's mind.

This dialogue with the community is essentially dead right now. Even though the public comments are attached to the minutes, I have no interest in reading what people had to say after the meeting. At that point the moment has passed, the topic is mute, and it doesn't matter anymore.

Please consider adding public comments to your Zoom meetings. This can be done within the Zoom platform using the timer feature.

Please also consider moving your meetings back to council chambers as soon as possible, with COVID safety protocols in place, to provide more opportunities for public engagement.

Please remember that public involvement in your meetings is imperative and right now that involvement is extremely stifled and restricted.

What Year Should We Expect to See an Updated Web Site?

WHEN will we see a new, better, easier to navigate web site? Seriously....how many more years?

Thank You for Passing the School Impact Fees!

Finally - Thank you! Awesome job passing the School Impact Fees Ordinance in August. I'm so glad you got this piece of business completed and agreements signed with all four school districts! Congratulations Councilmembers!

PS –

This would have been much shorter if I'd spoken it during a council meeting.... and it would have taken only 3 minutes of my time instead of an hour and a half.

Brenda Martinez

From: Kristen Bryant <kristenbry@gmail.com>
Sent: Wednesday, September 30, 2020 2:59 PM
To: Brenda Martinez
Cc: Carol Benson; Tamie Deady; Melissa Oglesbee; Erin Stout; Kristiana De Leon; Steven Paige; Chris Wisnoski; David Linehan
Subject: Public Comment 10/01/20 - Public testimony not accurate in minutes

To the City Council and Mayor,

Recently there have been at least two serious issues with Black Diamond's formal public hearing record. These formal hearings were required by law, and thus a record of the public testimony is also required. However, the minutes from the two hearings do not accurately include the public's comments.

First, the July 7, 2020 Planning Commission Hearing on the 2020 Preliminary Docket for the Comprehensive Plan.
http://ci.blackdiamond.wa.us/Depts/CommDev/PLANNING/PLANNING%20COMMISSION/PC%20MINUTES/2020/07_07_20%20PC%20SIGNED%20Minutes.pdf

The minutes list six individuals who spoke, but there is no summary of their testimony. There may have been additional speakers not listed. The minutes only refer to the written testimony speakers sent in ahead of the meeting. However, I can say with certainty that at least 3 people - myself, Bill Bryant, and Bob Stuart - gave different oral testimony than was given in writing. I remember hearing Mr. Stuart and Mr. Bryant speak off-the-cuff, and provide information different from what they wrote. For myself, I chose to specifically give different verbal comments than what I sent in writing. I have the notes that I spoke from that night.

There is no audio recording from July 7. So, there is no way for the Council or others to accurately know what the public testimony was. Given that public input and a record of that input are legal components of the Growth Management Act's Comprehensive Plan requirements, this public hearing record is a serious issue.

Second is the August 6, 2020 City Council Hearing on Developer Impact Fees to help pay for new schools.
http://ci.blackdiamond.wa.us/Depts/Clerk/Agendas/2020/Minutes/CouncilMinutes_080620.pdf

The minutes also say to refer to the written comments submitted by myself and some of the others who testified. However, I gave different verbal comments than what I submitted in writing. My verbal comments are missing from record. If you listen to the tape, you will hear the same is true for public comments by Bob Stuart. The summary of his comments does not include much of the testimony he gave. The summary of his comments is in contrast to the detail recorded for other speakers, and also the detail recorded for past public hearings in Black Diamond.

The city has in the past captured detailed written notes for each public commenter's legal public hearing testimony. The above hearing records are a break from that past good work.

I request the Council and staff take action to correct these issues. The August 6 issue could be easily corrected by amending the minutes based on the audio recording. The July 7 Planning Commission meeting may require another hearing, or other action, since there appears to be no recording.

As a former Black Diamond resident and a resident of King County (Bellevue) affected by Black Diamond's actions, I thank you for your time,

Kristen Bryant