

BLACK DIAMOND CITY COUNCIL MINUTES

August 3, 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 Morgan, Edelman, Weber, and Pepper.

ABSENT: Councilmember Deady (excused).

Staff present: Andrew Williamson, MDRT/Interim Community Development Director; Larry Colagiovanni, Police Commander; May Miller, Finance Director; David Linehan, City Attorney, and Brenda L. Martinez, City Clerk.

Councilmember Edelman read from an email that was sent from Attorney Linehan regarding Council agenda preparation and distribution provisions.

Mayor Benson announced that Commander Colagiovanni is here tonight for Chief Kiblinger and welcomed him.

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

Councilmember Pepper spoke to her motion and discussed the changes to the agenda.

Councilmember Pepper asked Attorney Glenn to address Attorney Linehan's email.

There was Council discussion regarding Council's contracting authority.

Point of order was raised by Councilmember Pepper.

Councilmember Morgan challenged the decision of the chair to not allow Attorney Glenn to take the podium and speak.

Councilmember Pepper asked for courtesy.

Vote: Motion **passed** 3-1 (Edelman) to adopt the approved agenda per Council Rules of Procedure.

Councilmember Pepper commented there is still another item on the floor as Councilmember Morgan appealed the decision of the Chair.

Councilmember Pepper stated she appeals the decision of the Chair. She then stated the reason for the appeal is because we want Attorney Glenn to speak now about the public comment situation and also about the Linehan memo.

Mayor Benson stated he can speak during public comments.

Councilmember Pepper again appealed the decision of the chair. She stated if you agree it's okay for the Mayor to decide that he cannot come to the podium then please say yes. She also noted she would like a roll call vote.

Mayor Benson stated it was now time for public comments.

Councilmember Pepper continued to appeal the decision of the Chair and stated all those that think it's okay for the Mayor to deny Attorney Glenn at the podium please say yes.

Mayor Benson stated we are having public comments.

APPOINTMENTS, ANNOUNCEMENTS, PROCLAMATIONS, AND PRESENTATIONS: None

PUBLIC COMMENTS:

Leslie Cooley, Black Diamond spoke to Council.

Robbin Taylor, Black Diamond spoke to Council.

Dan Glenn, Attorney spoke to Council.

Bob Edelman, Black Diamond spoke to Council.

Judy Carrier, Auburn spoke to Council.

Kristen Bryant, Bellevue spoke to Council.

PUBLIC HEARINGS: None

UNFINISHED BUSINESS:

3) AB17-034A – Amended Resolution Adopting 2017-2022 Capital Improvement Plan

Councilmember Pepper **moved** that the Council adopt the amended resolution adopting the 2017-2022 Capital Improvement Plan with changes as recommended in the document passed out April 20th and labeled Exhibit A today; **second** Councilmember Weber.

Councilmember Pepper spoke to her motion.

There was Council discussion and the need for this to be in ordinance form.

Vote: Motion passed 3-1 (Edelman).

4) Update on Transportation Consultant Contract for Comprehensive Plan

Councilmember Pepper addressed this item.

Councilmember Pepper **moved** that the proposed contract for a traffic consultant to work on the Comprehensive Plan be directly with the City and not through any subcontractor and be amended to include the items in Exhibit A to her motion (which she has copies of) and such an amended contract proposal be sent as soon as possible by the City to DKS asking them to respond to the City with an estimate of time and costs to do the work; **second** Councilmember Morgan.

Councilmember Pepper spoke to her motion and summarized the proposed changes in Exhibit A.

There was Council discussion.

Councilmember Morgan introduced a friendly amendment to the motion to remove the attorney client privilege so that the scope of work can be sent to DKS and to the public at large; **second** Councilmember Weber. Motion **passed** 4-0.

Main Motion Vote: Motion **passed** 3-1 (Edelman).

NEW BUSINESS: None

CONSENT AGENDA:

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

- 1) Claim Checks** – August 3, 2017 - No. 45136 through No. 45192 in the amount of \$97,380.08

Councilmember Morgan spoke to the vouchers she would like to pull which were 45137 (BHC), 45166 (Paramtrix), and 45174 (RH2).

Councilmember Morgan **moved** to hold these vouchers until they have undergone review by legal counsel because they are complex vouchers (45137 (BHC); 45166 (Parametrix); 45174 (RH2)).

Finance Director Miller addressed Council on the pulled vouchers.

Councilmember Weber **seconded** the motion.

Vote: Motion passed 3-1 (Edelman).

Councilmember Morgan **moved** to approve the rest of the vouchers; **second** Councilmember Weber. Motion **passed** 4-0.

2) Minutes – Council Meeting of July 20, 2017

Councilmember Edelman discussed amendments that need to be made to the minutes. She noted under the first public comment period the speaker should be Judy Goodwin not Judy Watson and in the second public comment period the speaker should be Judy Watson not Judy Baxley.

Councilmember Edelman **moved** accept the meeting minutes with those two changes; **second** Councilmember Pepper. Motion **passed** 4-0.

DEPARTMENT REPORTS:

MDRT/Ec Dev/Interim Community Development Director Williamson addressed Council on the upcoming Tough Mudder event that will be coming before Council at the next regular meeting. He distributed paperwork associated with this event and noted wanting to present it through his department report so there is time for Council to review the documentation and possibly act on this at the next meeting.

Councilmember Morgan commented on being in support of counting this as the first reading of this item tonight and noted it would go to the Government Operations Committee and come back on the next agenda.

Mr. Williamson continued with his department report and noted that MDRT is done on Roberts Drive and they are gladly handing the project over to Public Works for the next phase of improvements. He discussed upcoming road closures and shared a drawing of the roundabout which he hopes will be open by Labor Day. He also discussed the progress made with the development and noted that model home permits will be coming soon.

Finance Director Miller distributed the 2nd Quarter Financial Report and highlighted areas in the report for Council. She also noted the report will be available for the public to see on the finance page of the City's website.

MAYOR'S REPORT:

Mayor Benson reported attending the Washington State Transportation Commission meeting in Kent and was invited to testify about SCATBd. On August 1, she reported attending the Southeast Area Legislative Transportation Coalition meeting; hosted a National Night Out neighborhood party.

COUNCIL REPORTS:

Councilmember Morgan reported it was going to be a busy week for her next week as all her committee meetings are being held (Flood Control, WRIA 9, KCD); she will be attending Beaver School in Fall City on August 8th.

Councilmember Edelman noted that there will be no Public Issues Committee meeting this month. On July 27, she reported attending a tour of SeaTac Airport; met with Mayor and Finance Director to review vouchers; attended neighborhood National Night Out; served lunch at the BDCC along with Councilmember Deady and Mayor Benson; she announced that August 7th is the Black Diamond Elementary School open house and on August 8th is the Tahoma High School dedication at 7 p.m.

Councilmember Weber reported sending an email to Chief Kiblinger on the status of the four new police vehicles and noted they are about a month out. He also discussed there is a ban on outside recreational fires and asked everyone to pass this around to others.

Councilmember Pepper discussed statements brought up at the last meeting regarding the mischaracterization of legal services contracts and reported on the process that was done. She discussed contracting authority and noted spending time doing research and development of her technological equipment with help.

ATTORNEY REPORT: None

PUBLIC COMMENTS:

Dan Glenn, Attorney spoke to Council.

Robbin Taylor, Black Diamond spoke to Council.

Leslie Cooley, Black Diamond spoke to Council.

Kristen Bryant, Bellevue spoke to Council.

EXECUTIVE SESSION: None

ADJOURNMENT:

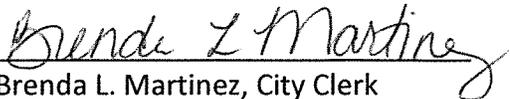
Councilmember Edelman **moved** to adjourn the meeting; **second** Councilmember Weber. Motion **passed** 4-0.

Meeting ended at 8:24 p.m.

ATTEST:



Carol Benson, Mayor



Brenda L. Martinez, City Clerk