

BLACK DIAMOND CITY COUNCIL MINUTES
Council Meeting of February 19, 2026
Hybrid Meeting Via Zoom and In-Person
Council Chamber, 25510 Lawson Street, Black Diamond, Washington

CALL TO ORDER, FLAG SALUTE:

Mayor Adler called the regular meeting to order at 7:00 p.m. and led us all in the Flag Salute.

ROLL CALL:

PRESENT: Councilmembers Deady, Nielsen, Peterson, Sorci (Zoom), Young, Dal Santo, Kumar

ABSENT: None

Staff present: Xavier Mason, Finance Director; Scott Hanis, Public Works Director; Rob Reed, IS Manager; David Linehan, City Attorney; City Administrator, Kevin O'Neill; Brenda L. Martinez, City Clerk/HR Manager.

AGENDA REVIEW AND APPROVAL:

Councilmember Sorci **moved** to eliminate the council rules for the public hearing and replace it with anyone speaking for a group be allowed 10 minutes and any individual is allowed 5 minutes; **second** Councilmember Dal Santo.

At 7:07 p.m. Mayor Adler announced an executive session pursuant to RCW 42.30.110(1)(i) to discuss with legal counsel potential litigation. The executive session was anticipated to last five minutes with action to follow. Councilmembers exited the Chambers to the patrol room and the executive session started at 7:08 p.m.

At 7:13 p.m. a five-minute extension to the executive session was announced.

At 7:18 p.m. Mayor Adler called the meeting back to order.

Councilmember Deady **moved** to table this until after public comment; **second** Councilmember Peterson. Motion **passed** with all voting in favor (7-0).

Councilmember Peterson **moved** to approve the Agenda as presented; **second** Councilmember Deady. Motion **passed** with all voting in favor (7-0).

PUBLIC COMMENTS:

Geoff Bowie, Black Diamond spoke to Council. Point of Order by Councilmember Nielsen if these comments can be heard.

Gerald Thomas, Black Diamond spoke to Council. Point of Order by Councilmember Nielsen if these comments can be heard.

City Attorney Linehan shared that it is up to the Council if they want to extend the speaker's time in order to reclaim minutes lost as a result of this discussion. He confirmed that no new information may be presented to the Council that wasn't presented during the open record hearing and the restrictions placed on public comments are that there will be no comments about the parties, this particular hearing, or about the pipeline road construction or its timeline.

Gerald Thomas continued his comments.

Kristy Thomas, Black Diamond spoke to Council.

Don McPherson, Black Diamond spoke to Council.

Gary Jones, Black Diamond spoke to Council.

Kristen Bryant, Bellevue spoke to Council.

Nanette Stocks, Black Diamond spoke to Council.

There was a discussion on the motion that was tabled with the members of the Council expressing now wasn't the time to change the rules on this as it was publicly noticed.

Action on tabled motion – motion failed. 1-6 (Deady, Nielsen, Peterson, Young, Dal Santo, Kumar).

APPOINTMENTS, ANNOUNCEMENTS, PROCLAMATIONS AND PRESENTATIONS:

1) AB26-020 – Appointment of Mountain View Fire & Rescue Board Representative

City Administrator O'Neill reported on this item.

Councilmember Peterson **moved** to appoint Councilmember Young as the Black Diamond Council Representative and Councilmember Deady as the alternate to the Mountain View Fire & Rescue Board of Commissioner for the remainder of 2026; **second** Councilmember Nielsen. Motion **passed** with all voting in favor (7-0).

COMMITTEE REPORTS:

Councilmember Young reported on the Public Safety Council Standing Committee meeting and the Ad-Hoc Parks Committee meeting.

DEPARTMENT REPORTS:

Fire – Chief Judkins

Chief Judkins reported to Council on the new CAD upgrade and the difficulty with getting the information. She spoke on Black Diamond patient transport, MVFR incidents, special recognition of staff, CARES program, community engagement, and Chief report, Board of Fire Commissioners and terms, and upcoming events.

CONSENT AGENDA:

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

- 2) **Claim Checks** – February 19, 2026, Check No. 57024 through Check No. 57069 and EFTs in the amount of \$831,134.05
- 3) **Payroll** – January 26, 2026, Check No. 20586 through Check No. 20593 and EFTs in the amount of \$649,117.13
- 4) **Minutes** – Council Meeting of February 5, 2026
- 5) **AB26-021** – Resolution Regarding Amendment #9 to Agreement with RH2 for Springs Rehabilitation Project

PUBLIC HEARINGS:

- 6) **AB26-022** – Quasi-Judicial Closed Record Hearing – Pipeline Road Major Amendment

City Attorney Linehan opened the closed record hearing for City File Number PLN25-0006 at 8:05 p.m. and briefed the Council on this item and discussed the following order of proceedings for the hearing as laid out in the Council Rules of Procedure.

He noted that the hearing is an application for a major amendment to The Villages MPD Development Agreement to change the construction threshold for Pipeline Road and that CCD Black Diamond Partners also known as Oakpointe is the applicant for this Development Agreement amendment. The proposed amendment would amend Section 6.4.3 of the Development Agreement to modify the potential timing for construction of the pipeline road to be required at the 2,866 dwelling units versus the current trigger at 1,746 dwelling units and added that City Council will hear this matter in its quasi-judicial capacity. Major Amendments to development agreements are a Type 4 decision under the vested Municipal Code. This means that the City Council makes a final decision after a recommendation from the Hearing Examiner and a closed record hearing held before the City Council. The Hearing Examiner issued his recommendation to the Council on January 7, 2026. Following an open record hearing held before the Hearing Examiner on December 15, 2025. The Council is now ready to proceed with its closed record hearing before deliberating on a decision. After hearing the presentations tonight and after conducting your deliberations, you will decide to either approve or deny the application for a major amendment.

Mr. Linehan explained that the following order of proceedings will be used for this quasi-judicial hearing, which is based on the Council's adopted rules of procedure. First, the city staff will have 15 minutes to present its argument in support of their recommendation to approve the application. Second, the applicant, Oakpointe, will have 15 minutes to present its arguments in favor of approving the application. And then third, members of the public who gave testimony at the open record hearing before the Hearing Examiner on December 15, 2025, will have a collective 15 minutes to present their arguments in opposition or in support of the proposed major amendment. Then fourth, city staff will have 5 minutes to provide rebuttal comments, Oakpointe will have 5 minutes to provide its rebuttal comments, and then finally, the public will also likewise have 5 minutes to provide rebuttal comments. The Council then may choose to allow additional time for any speaker that it deems appropriate to do so. Finally, the Council shall be allowed to ask questions of the parties.

City Attorney Linehan stated that the first order of business is to take care of our appearance of fairness concerns, which requires that government decision makers must conduct quasi-judicial hearings and proceedings in a way that is fair and unbiased in both appearance and in fact.

He noted he will ask Councilmembers three questions and requested that if the answer is affirmative, that they raise their hand so the notation can be made in the record of the hearing.

He first asked if any Councilmembers had any financial interest in Oakpointe's business that would benefit by approval of tonight's proposed development agreement amendment? **No Councilmembers raised their hands.**

His second question was whether they have any other business or financial interests that would benefit by the approval or denial of the requested development agreement amendment? **No Councilmembers raised their hands.**

His third question was whether they own any property that would be directly or uniquely benefited by approval or denial of the development agreement amendment? **No Councilmembers raised their hands.**

City Attorney Linehan also asked if any of the Councilmembers had any exparte contacts with Oakpointe or any members of the public regarding the proposed development agreement amendment? **No Councilmembers raised their hands.**

His final question before the presentation was whether there are any parties, either city staff or Oakpointe or members of the public, who wish to challenge on appearance of fairness grounds any Councilmember's participation as a decision maker in this matter. If so, please identify yourself and state the reason for your objection to that person's participation. **No one raised their hands.**

He explained that since this is a closed record proceeding, no new facts or new information that was not previously presented to the Hearing Examiner during the open record hearing may be presented tonight and if any are offered tonight, the Council must disregard.

Presentations:

City - Alex Campbell and Scott Hanis split their time between themselves and spoke in support of the major amendment on behalf of the city.

Oakpointe - Nancy Rogers and Justin Wortman were present and Ms. Rogers spoke in support of the major amendment on behalf of the applicant.

At 9:24 p.m. Mayor Adler announced an approximate five-minute recess. Mayor Adler called the meeting back to order at 9:31 p.m.

Public testimony -

Gerald Thomas, Black Diamond spoke against the proposed major amendment.

Don and Rose McPherson, Black Diamond spoke against the proposed major amendment.

Kristy Thomas, Black Diamond spoke against the proposed major amendment.

Kristen Bryant, Bellevue spoke against the proposed major amendment.

Bill Bryant, Black Diamond spoke against the proposed major amendment.

Geoff Bowie, Black Diamond spoke against the proposed major amendment.

Rick Stocks, Black Diamond spoke against the proposed major amendment.

Nanette Stocks, Black Diamond spoke against the proposed major amendment.

Kristen Bryant, Bellevue spoke against the proposed major amendment.

Rebuttals -

City – Alex Campbell

Oakpointe – Nancy Rogers

Public -

Unknown Speaker

Kristy Thomas, Black Diamond

Kristen Bryant, Bellevue

Gerald Thomas, Black Diamond

City Attorney Linehan asked if the Council has any questions to staff, Oakpointe or the public.

Kristen Bryant objected to the fact that items testified tonight were not in the record and would like a chance to respond, although Council declined to hear her objections.

Mayor Adler closed the hearing at 10:07 p.m.

NEW BUSINESS:

- 7) **AB26-023** – Resolution Authorizing Agreement with BERK Consulting for Strategic Planning Services

City Administrator O'Neill reported on this item

Councilmember Nielsen moved to approve Resolution No. 26-1729, authorizing the Mayor to execute a contract with BERK Consulting for Strategic Planning Services; **second** Councilmember Dal Santo. Motion **passed** with all voting in favor (7-0).

- 8) **AB26-024** – Resolution Authorizing Agreement with Parametric for the Central Area Parking Study

Public Works Director Hanis reported on this item.

Councilmember Peterson **moved** to adopt Resolution No. 26-1730, authorizing the Mayor to execute Professional Services Agreement with Parametric to prepare the Central Area Parking Study; **second** Councilmember Deady. Motion **passed** (6-1 - Sorci).

UNFINISHED BUSINESS: None

MAYOR'S REPORT:

Mayor Adler gave a shout out to the Public Works team for their GIS project of mapping sewer manholes.

COUNCIL REPORTS:

Councilmember Sorci – no report
Councilmember Young – no report
Councilmember Dal Santo – no report
Councilmember Kumar – no report
Councilmember Deady – no report

Councilmember Nielsen thanked the public for continuing to submit comments and make their voice heard.

Councilmember Peterson – no report

CITY ADMINISTRATOR REPORT:

City Administrator O'Neill reported that the Tri-City meeting is next week and there is a request for each City Council to ask only one question during the presentation from King County. He gave a heads up that the fire annexation will come forward to Council, along

with BESS at the next meeting. He shared that this is the last Thursday Council meeting, and the next meeting in March will be on Tuesday.

ATTORNEY REPORT: None

PUBLIC COMMENTS:

Geoff Bowie, Black Diamond spoke to Council.

Kristen Bryant, Bellevue spoke to Council.

Bill Bryant, Black Diamond spoke to Council.

Gary Kohl, Black Diamond spoke to Council.

Roseanne McPherson Black Diamond spoke to Council.

EXECUTIVE SESSION:

At 10:36 p.m. Mayor Adler announced that Council would be going into an executive session pursuant to RCW 42.30.110(1)(g) regarding personnel. The executive session was anticipated to last 10 minutes with no action to follow. Council exited the Chambers into the patrol room and the executive session started at 10:38 p.m. The executive session ended at 10:48 p.m. and Council exited the patrol room to the Council Chambers.

Mayor Adler called the meeting back to order at 10:50 p.m.

At 10:51 p.m. Mayor Adler announced that Council would be recessing into deliberations in accordance with RCW 42.30.140 on the quasi-judicial hearing for 20 minutes with possible action to follow.

At 11:11 p.m. a ten-minute extension was announced.

At 11:21 p.m. a ten-minute extension was announced.

AT 11:31 p.m. a five-minute extension was announced.

Mayor Adler called the meeting back to order at 11:36 p.m.

Councilmember Peterson noted that they are not ready to vote and to postpone voting to another meeting. There was Council consensus to continue deliberation to a special meeting on March 3rd at 6 p.m. and bump the review of the Council Rules of Procedure.

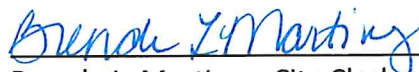
ADJOURNMENT:

Councilmember Petersen **moved** to adjourn the meeting; **second** Councilmember Young. Motion **passed** with all voting in favor (7-0). The meeting ended at 11:38 p.m.

ATTEST:



John Adler, Mayor



Brenda L. Martinez, City Clerk