

BLACK DIAMOND CITY COUNCIL MINUTES
Council Meeting of March 17, 2022
Hybrid Meeting Via Zoom and In-Person
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, Stallard, Smith, Mulvihill, de Leon, O'Donnell, and Page

ABSENT: None

Staff present: Brian Martinez, Commander; May Miller, Finance Director; Mona Davis, Community Development Director; Scott Hanis, Public Works Director; Andrew Williamson, Ec Dev/MDRT Director; David Linehan, City Attorney; Tristen Bennett, IS Department, and Brenda L. Martinez, City Clerk/HR Manager.

AGENDA REVIEW AND APPROVAL:

Councilmember Deady **moved** to approve the agenda; **second** Councilmember O'Donnell. Motion **passed** with all voting in favor (7-0).

APPOINTMENTS, ANNOUNCEMENTS, PROCLAMATIONS AND PRESENTATIONS:

CONSENT AGENDA:

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

- 1) **Claim Checks** – March 17, 2022, Check No. 51186 through 51255 and EFTs in the amount of \$435,141.02
- 2) **Payroll** – February 2022, Check No. 20162 through 20168 and ACHs in the amount of \$457,984.60
- 3) **Minutes** – Council Meeting of March 3, 2022
- 4) **AB22-021** – Resolution Approving Letter of Understanding with Police Guild
- 5) **AB22-022** – Resolution Approving Letter of Understanding with Teamsters Units

PUBLIC COMMENTS:

PUBLIC HEARINGS:

- 6) **AB22-023** - Public hearing to consider Ordinance repeal of Ordinance No. 21-1169 regarding the 2020 Annual Amendments to the Comprehensive Plan; suspending further consideration of the 2021 Final Docket of proposed amendments; and prioritizing City planning resources toward preparation of the 2024 major periodic update to the Comprehensive Plan

Community Development Director Davis reported on this agenda item to Council.

Mayor Benson opened the public hearing at 7:04 p.m.

Henry Knies, Black Diamond spoke about being a part of this community for 11 years asked Council to think about decisions they've made through life and if they were all good decision. He shared that for decision making a comprehensive evaluation beforehand is essential and land development requires thinking about whether the infrastructure is funded to accommodate the additional household, people, children, traffic and is funding in place for schools, fire departments, road improvements, parks, open space, police, etc – development decisions that Council makes are perpetual decisions. He talked about the appeals not being a waste and commented on that by appealing they are exercising their right under Washington law and the principles of due process, and it is outrageous for any city official to say that to exercise any of these rights is wrong. He further discussed why the 2020 and 2021 Comprehensive Plans were appealed. He stated it is not enough to rely on the analysis brought to Council by staff, instead, you must ask yourself what additional analysis should have been done. He noted that from experience the analysis that has been done on the land use changes is inadequate compared to the analysis done by other cities for development decisions that were far less expensive than the ones here. He stressed that it has been the public that has been ignored through the update process and reminded Council that they are responsible to the community for the decisions they make.

At 7:08 p.m. Councilmember de Leon entered the meeting in person, she was previously in attendance via zoom telephonically.

Kelley Sauskojus, Black Diamond noted agreeing 100% with Nr. Knies. She shared how citizens have brought forth public comments over the last years and they do not feel they were adequately heard or represented by staff or the City Council. She touched on the appeals and the hours and money spent to fund the appeals that have a very high bar. She noted they all have a vested stake in the success and the responsible development of this town, the city we all call home. She expressed the repeal of this poorly planned action represents is a success that allows for an opportunity to go forward with concrete actual analysis based in the real world and not fantasy land. She stated we need carefully planned out roads, carefully thought-out funding, and carefully designed developments to preserve the very special characteristics of the home we all share. She thanked everyone for the opportunity to make these comments and asked Council to take the time to review the hundreds and hundreds of pages of public comments and to actually incorporate the many quality suggestions that are in them.

Kristen Bryant, Bellevue, stated that she wanted to address the issue of the comprehensive plan because it's gone on for a long time has gotten confusing. She discussed the appeal by Friends of Black Diamond on the 2020 Comprehensive Plan and noted that one of the initial appeal issues was a lack of public notice to those who had submitted comments in 2020. She added the original appeal issue was significant enough that the city withdrew the SEPA notice, and the appeal went away as the public notice problem was resolved by staff. However, there was another SEPA recommendation, and unfortunately serious traffic and land use issues remain in the comprehensive plan, so they were forced to appeal again. She stated that in the appeal the focus was narrow to a serious flaw with the traffic analysis. She touched on the fees that have been spent on the appeals and noted the issue could have been resolved by the city spending \$30,000 on a new traffic model. She noted these appeals and comments are being done because they care about the community. She discussed the Growth Management Act issues and SEPA issues have been brought to the state's Growth Management Hearing Board for appeal and now the city has come up with a solution of repealing the update that was passed last December, as if it will make the issues go away. She added the questions for tonight are what are you going to do next - is the City going to continue with the faulty and outdated traffic plan, is the city going to continue with the land use map in the comp Plan that was never analyzed, is the city going to accept the comp plan then say that again the 2021 comprehensive plan and then push off the land use issues to a future permit level, is the City going to force the public to appeal again, and is the City going to put off and disregard the public comprehensive plan amendment suggestions like the public's suggestions were disregarded in 2020. She suggested that instead of repealing the plan she suggested that the city embrace full public participation, including Friends of Black Diamond and find the ordinance that contains the public participation plan and strengthen it. She suggested that staff be directed to remove land use changes that haven't been analyzed or direct staff to come up with a way to follow the code that requires developer, not the city to analyze the impact of land use changes that are different from their current use so Council can make decisions on the city's future and not be told later that it's too late at the permit level, and you have no authority. She touched on agreements that are not being upheld and others that were allowed to expire. She stressed that it is extremely important to understand the consequences of these land use decisions and putting it off until 2023 or 2024 is still making a decision. She reminded Council that they do not have to take action tonight as it's a public hearing and they can wait to get more information and decide what they want to direct staff to do next.

Gary Davis, Black Diamond thanked Council for the opportunity to speak tonight. He noted that Henry brought up was a good critique of how comprehensive plans have been done in the city and noted Kristen's points were good too. He noted some of the highlights and talked about things to consider, he gave the example of Weston Butts and his development. He talked about the permits he attained for his development should not have been allowed. Next, he noted that staff never told Mr. Butts he didn't have commercial zoning and the development application should be withdrawn. He commented that all along there have been failures of public notice. He stated the reason he brings them up is because this land use change is one of several that were hidden in the 2019 comprehensive plan update. He thinks the 2020 comprehensive plan should not be

repealed and the city should consider the settlement plan from the Friends of Black Diamond and ask staff to work with the appellants to put the city on a better path forward.

Mayor Benson closed the public hearing at 7:23 p.m.

There were comments by Councilmembers and staff with the focus on if there are any road and property acquisitions in the works, eligibility for infrastructure funding and how it works, new traffic study, welcoming open dialogue, public participation not going unnoticed, and focusing on a 2024 Comp Plan being a good thing.

Council Action - Councilmember Deady **moved** to adopt Ordinance No. 22-1172, repealing the 2020 Annual Amendments to the Comprehensive Plan as adopted in Ordinance No. 21-1169, suspending further work on the proposed 2021 Annual Amendments, and directing long-term planning resources toward the 2024 major periodic update to the Comprehensive Plan; **second** Councilmember de Leon.

There was continued Council comments.

VOTE: Motion **passed** with all voting in favor (7-0).

7) AB22-024 - Public hearing to consider the 2022 Update to the Stormwater Management Program Plan

Public Works Director briefed Council on this item.

There was back and forth discussion between Council and staff.

Mayor Benson opened the public hearing at 8:15 p.m.

Kristen Bryant, Bellevue stated always wanting to speak about stormwater as the rivers, streams, Puget Sound and salmon need our help. She noted it is important for Council to look at the plan to see what the council wants staff to do for education. She talked about the Council not taking action the night of a public hearing. She noted the plan may seem mundane and pretty good and Council may be tempted to make a decision tonight. She urged them not to as public comments heard tonight may feel like they are not being considered. She discussed a stormwater issue on Rock Creek bridge when it was being worked on and the sidewalk was added. She noted there were citizen concerns the storm drains on the road were designed improperly and she had an engineer come out and look at this and going to the city with their findings. She noted this was never addressed and that drain does clog up regularly causing lots of headaches for public works. She stressed that it's important that when decisions come to council that they take their time on them.

Mayor Benson closed the public hearing at 8:20 p.m.

UNFINISHED BUSINESS: None

NEW BUSINESS:

- 8) **AB22-025** – Resolution Authorizing Contract Amendment with Black Diamond Community Center Regarding Increasing Funding and Administration of ARPA COVID-19 Hardship Grants

Finance Director Miller reviewed this contract amendment with Council.

Councilmember Page **moved** to approve Resolution No. 22-1479 to authorize an additional \$65,000 for the ARPA COVID-19 Economic Hardship Grant Program and authorizing the mayor to sign a contract amendment with the Black Diamond Community Center to continue administration of the grant program; **second** Councilmember Deady. Motion **passed** with all voting in favor (7-0).

DEPARTMENT REPORTS:

Fire – Chief Smith reported on the new aid car arriving today and talked about the vinyl wrap that will be done. He noted that it will take a few weeks to get it up and going. He touched on the fire at Ten Trails and having adequate road widths, fire flow and hydrants so they were not hampered.

Public Works – Director Hanis addressed Council regarding comments that were brought up at the last meeting regarding pipe that was traded. He discussed how a former employee was involved in this and shared what he learned while piecing the puzzle together. He noted being in a weird position and they are looking at a solution and this being something they wanted to bring to the Council and public's attention.

Police – Commander Martinez thanked the Council for investing in public safety and expressed how much they appreciate it. Officer Riepl spoke and reiterated how much the officers appreciate how much the Council supports them. Commander Martinez recapped the monthly report of types of community outreach they are doing. He discussed grants he has applied for and being successful. He commented on the house checks they do for residents while they are on vacation. He noted there being an uptick in crimes in our community and discussed the calls they've had. He noted they are reaching out to the community through social media and the department is willing to help with any community watches that would like to be formed. He stated it's important to know your neighbors. He discussed traffic stops and their stats and noted having one DUI arrest in February. He asked for Council's help in getting the word out on crimes of opportunity. He discussed staffing issues and noted the department having the best of the best employees.

MAYOR'S REPORT:

Mayor Benson reported getting an email from Dr. Carey on the bomb scare and shooting threat they recently had on February 14th. She added police have been investigating and have found the person responsible for it. She discussed the wellness event for Vine Maple Place the city held. She reported attending the South end Mayor's meeting, and SCATBd meeting. She discussed the roundabouts Maple Valley has applied for and

reported attending the strong Mayor's meeting. She announced the theme for this year's Labor Days event is Better than Ever and encouraged citizens to volunteer. She also attended a zoom meeting with Representatives Ramous and Callan and brought up our roundabouts on 169 and noted they are really engaged to help.

COUNCIL REPORTS:

Councilmember O'Donnell thanked staff for bringing forward the issue on the piping. He talked about the SWMP, Stormwater Action Plan and holding off on action makes sense and thanked Kristen for her input on that too. He noticed we use Parametrix a lot and expressed that there are other consultants the city continues to use over and over and wants to make sure we are spreading the wealth as a lot of businesses are struggling and they would like the opportunity to make sure that they have an opportunity to participate too.

Councilmember Page thanked Mayor Benson for reaching out and starting the conversations with Representatives Callan and Ramous. She extended her condolences to the family, friends, and colleagues of Deputy Calata and noted it being a tragic thing. She thanked our officers for their service and what they do and to continue to stay safe.

Councilmember Deady reported attending the PIC meeting, King County Department of Health meeting, all her committee meetings. She noted seeing 20 officers having lunch at the Bakery and it's nice to see their presence again.

Councilmember Stallard reported attending the Planning and Community Services Committee meeting. She noted being all about education and teaching, however, there does come a time when we need to fine for violations and not permitting when not warranted. She discussed the action on the consent agenda taken regarding the police and noted that she fully supports them. She also noted the city recognizing Juneteenth as a holiday for employees and hopes we can do a proclamation in the future.

Councilmember Smith reported attending his Budget and Finance Committee meeting and thanked May and her team for all they do to keep things balanced. He reported spending time with Mr. Williamson to better understand the Development Agreements. He is very proud the city is acknowledging Juneteenth.

Councilmember Mulvihill left the meeting at 8:41 p.m.

Councilmember de Leon shared how nice the hybrid meetings are as she was stuck in traffic and able to attend electronically until she arrived in person. She discussed the Juneteenth recognition and the importance of a proclamation or work session on perhaps forming a resolution. She suggested that this may be a potential town hall subject in the future on how the city does diversity in programs and policies. She commented that the town hall was nice to hear from businesses and hopes to continue to hear from them on how we can support businesses and nice to hear our representatives are being talked too.

She reported attending the Youth and Power events happening in Enumclaw and is interested in helping out with Doggie Days.

ATTORNEY REPORT:

City Attorney Linehan noted hearing that Council wishes a resolution to be adopted recognizing Juneteenth as a city holiday.

PUBLIC COMMENTS:

Brock Deady, reported on the gym and improvements that are happening. He also touched on receipts.

EXECUTIVE SESSION: None

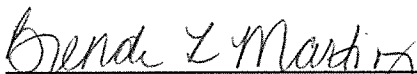
ADJOURNMENT:

Councilmember Smith **moved** to adjourn the meeting; **second** Councilmember Deady. Motion **passed** with all voting in favor (6-0). The meeting ended at 9:18 p.m.

ATTEST:



Carol Benson, Mayor



Brenda L. Martinez, City Clerk