BLACK DIAMOND CITY COUNCIL MINUTES
Council Meeting of February 1, 2024
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, Douglass, Smith (Zoom), Mulvihill, de Leon, Jones, Page

ABSENT: None

Staff present: Xavier Mason, Finance Director; Jamey Kiblinger, Police Chief, Mona Davis, Community Development Director, Scott Hanis, Public Works Director; Rob Reed, IS Manager; David Linehan, City Attorney; Brenda L. Martinez, City Clerk/HR Manager.

READING OF GUIDING PRINCIPLES

AGENDA REVIEW AND APPROVAL:
Councilmember Mulvihill spoke to amended made to the minutes for the January 11 special council meeting. She noted the minutes now reflect that Jamie Balint spoke and to also add the words "other than" after the word property in the 5th paragraph on page 4. All Councilmembers had copies of the page to refer to.

Councilmember Deady amended the agenda to add one executive session at the beginning of the meeting and another one at the end of the meeting.

Councilmember de Leon **moved** to approve the agenda as amended; **second** Councilmember Page. Motion **passed** with all voting in favor (7-0).

PUBLIC COMMENTS:
Nancy Merrill, Enumclaw area spoke to Council.

APPOINTMENTS, ANNOUNCEMENTS, PROCLAMATIONS AND PRESENTATIONS: None

CONSENT AGENDA:
Councilmember de Leon **moved** to approve the Consent Agenda with the amended minutes for the January 11, 2024 special meeting; **second** Councilmember Page. Motion **passed** with all voting in favor (7-0). The Consent Agenda was approved as follows:

1) **Claim Checks** – February 1, 2024, Check No. 53988 through Check No. 54055 in the amount of $266,387.66

2) **Minutes** – Special Meeting of January 11, 2024, Special Meeting of January 18, 2024, and Council Meeting of January 18, 2024

EXECUTIVE SESSION:

At 7:09 p.m. Mayor Benson announced that Council will be leaving the room for an executive session to discuss with legal counsel potential litigation in accordance with RCW 42.30.110(1)(i). The executive session was anticipated to last 15 minutes.

At 7:24 p.m. Mayor Benson called the meeting back to order.

PUBLIC HEARINGS: None

UNFINISHED BUSINESS:

3) **AB24-010** – Ordinance Regarding the Palmer Rezones 1, 2, and 3

City Attorney Linehan spoke on this item.

Councilmember Deady **moved** to adopt Ordinance No. 24-1203 approving Palmer site specific rezones 1 and 2 and denying Palmer site specific rezone 3, adopting the Hearing Examiner's Finding, Conclusions, and Recommendations, amending the zoning map, providing for severability, and establishing an effective date.; **second** Councilmember Mulvihill. Motion **passed** with all voting in favor (7-0).

NEW BUSINESS:

4) **AB24-011** – Resolution Regarding US Bank Pershing Contract

Finance Director Mason reported to Council on this item and shared with them a presentation on the proposed financial portfolio and how it works.

Councilmember Deady **moved** to approve Resolution No. 24-1598 authorizing the opening of a new institutional brokerage account with Pershing/Concourse Financial Group; authorizing the Finance Director and Deputy Finance Director to make investments and disbursements from said account on behalf of the City of Black Diamond; and authoring the Mayor or her designee to execute a CIP Exempt Custody account application with U.S. Bank, Pershing, and all other forms necessary to open and manage said accounts; **second** Councilmember de Leon. Motion **passed** with all voting in favor (7-0).

5) **AB24-012** – Resolution Regarding Contract with AHBL, Inc. for Middle Housing Regulations

Community Development Director Davis briefed Council on this agenda item.

Councilmember Mulvihill **moved** to adopt Resolution No. 24-1599, authorizing the Mayor to execute a professional services contract with AHBL, Inc. to develop Middle Housing regulations pursuant to the Department of Commerce grant; **second** Councilmember Jones. Motion **passed** with all voting in favor (7-0).

6) **AB24-013** – Resolution Authorizing the Mayor to Accept Grant Funds and Execute an Agreement with the Department of Commerce

Community Development Director Davis explained this item to Council.

Councilmember Mulvihill **moved** to adopt Resolution No. 24-1600 approving the execution and filing of the Interagency Agreement form as required by the Washington State Department of Commerce; **second** Councilmember Deady. Motion **passed** with all voting in favor (7-0).

7) **AB24-014** – Ordinance Repealing BDMC 9.90.020 to Comply with State Laws Regarding Use and Possession of Drug Paraphernalia

Chief Kiblinger reported on this agenda item.

Councilmember de Leon **moved** to approve Ordinance No. 24-1204, repealing BDMC 9.90.020 to comply with state law regarding drug paraphernalia; amending BDMC 9.90.010 for clarification; providing for severability; and establishing an effective date; **second** Councilmember Mulvihill. Motion **passed** with all voting in favor (7-0).

8) **AB24-015** – Resolution Regarding Professional Services Agreement with Parametrix, Inc. for On-Call Civil Engineering Services to the City

Public Works Director Hanis discussed this item with Council.

Councilmember de Leon **moved** to adopt Resolution No. 24-1601 authorizing the Mayor to execute a professional services agreement with Parametrix, Inc. to provide the City with on-call civil engineering services; **second** Councilmember Page. Motion **passed** with all voting in favor (7-0).

9) **AB24-016** – Resolution Regarding Professional Services Agreement with HWA GeoSciences, Inc. for On-Call Geotechnical Engineering Services to the City

Public Works Director Hanis briefed Council on this item.

Councilmember Page **moved** to approve Resolution No. 24-1602 authorizing the Mayor to execute a professional services agreement with HWA GeoSciences Inc. to provide the City with on-call geotechnical engineering services; **second** Councilmember de Leon. Motion **passed** with all voting in favor (7-0).

10) AB24-017 – Resolution Accepting SR 169 Northern Watermain Improvements Project by New X, Inc. as Complete

Public Works Director Hanis reported on this item.

Councilmember Page **moved** to adopt Resolution No. 24-1603 authorizing the Mayor to accept the SR 169 Northern Water Main Improvements Project by New X Inc. as complete according to the contract documents; **second** Councilmember de Leon. Motion **passed** with all voting in favor (7-0).

11) AB24-018 – Resolution Regarding Amendment 1 to Funding Agreement with King County Flood Control District for the Covington Creek Culvert Replacement Project

Public Works Director Hanis discussed this item with Council.

Councilmember Deady **moved** to adopt Resolution No. 24-1604 accepting additional funds from the King County Flood Control District and authorizing the Mayor to execute Amendment 1 to the funding agreement with the King County Flood Control District to further fund the Covington Creek Culvert Replacement project; **second** Councilmember Mulvihill. Motion **passed** with all voting in favor (7-0).

DEPARTMENT REPORTS:

Fire – Chief Judkins noted sending the monthly report last month and updated Council on a few items. She shared about the recruit graduation and awards, and two new recruits start academy on Monday, and Lieutenant Lyon retired on the 31st after 31 years of service. She reported that the new SCBAs are in and extensive training is taking place with firefighters on the new air packs. She discussed the banquet that took place, and the station alerting system at Station 98 being original to the building and noted it has stopped being reliable and they are going to work with Mayor Benson and Councilmember Page on next steps. She also discussed the digital radios they switched to and how the alerting system will need to work with them. She also shared the accountability and culture survey members of their department participated in.

MAYOR'S REPORT:

Mayor Benson reported that Martin Chaw of FCS will be at a special meeting on February 15th from 5 – 7 p.m. regarding the information he prepared on the levy lid lift and she asked Council to be prepared to bring their questions and to discuss next steps should Council decide to move forward with a levy lid lift.

COUNCIL REPORTS:

Councilmember Douglass – no report

Councilmember Smith – no report.

Councilmember Mulvihill reported that her and Councilmember Jones have a meeting with Mr. Esping to discuss the City's Emergency Operation Center.

Councilmember de Leon noted glad to be part of the focus group that Ms. Merril spoke to earlier. She shared that it was great being part of the awards ceremony for the Fire Department and reported that she has been renewed on Sound Cities Association's Regional Law, Safety, and Justice Committee and is an alternate for the Public Issues Committee (PIC). She also mentioned giving a presentation to Enumclaw Youth Empowered, and reminded everyone that the legislative session is currently going on.

Councilmember Jones reported on two opportunities to vote, King Conservation District and second, for those citizens in their district, the Tahoma School District has an item on the ballot.

Councilmember Page noted giving a copy of the Council Action Plan that will be discussed at the retreat to all Councilmembers. She talked about the maintenance needs at Station 98 and wondered if a punch list could be put together. She discussed the need for a conversation on February 8th to have further discussion on questions that could be sent to Martin Chaw in advance of the meeting he is attending on February 15th.

Councilmember Deady discussed the need for the February 8 work session as the lid lift is a big decision and coming together to discuss and get questions to Martin would be proactive. She reported attending all her meetings.

ATTORNEY REPORT: None

PUBLIC COMMENTS:

Kristen Bryant, Bellevue spoke to Council.

EXECUTIVE SESSION:

At 8:38 p.m. Mayor Benson announced that Council would be leaving the room to enter into an executive session with legal counsel to discuss potential litigation in accordance with RCW 42.30.100. The executive session was anticipated to last 20 minutes with no action to follow.

At 8:58 p.m. a ten-minute extension was announced.

At 9:09 p.m. a five-minute extension was announced.

At 9:14 p.m. the meeting was called back to order.

ADJOURNMENT:

Councilmember de Leon **moved** to adjourn the meeting; **second** Councilmember Mulvihill Motion **passed** with all voting in favor (7-0). The meeting ended at 9:14 p.m.

ATTEST:

Carol Benson

Carol Benson, Mayor

Brenda L Martinez

Brenda L. Martinez, City Clerk