

BLACK DIAMOND CITY COUNCIL MINUTES
Council Meeting of March 21, 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, Mulvihill, de Leon, Jones, Page

ABSENT: None

Staff present: Andrew Williamson, MDRT/Ec Development Director; Xavier Mason, Finance Director; Mona Davis, Community Development Director, Scott Hanis, Public Works Director; Rob Reed, IS Manager; Brenda L. Martinez, City Clerk/HR Manager.

READING OF GUIDING PRINCIPLES

AGENDA REVIEW AND APPROVAL:

Councilmember Page **moved** to add to the agenda a resolution regarding the Council opposing the establishment of an aggregate mine and asphalt plant in the Southeast King County community of Cumberland; **second** Councilmember Smith. Motion **passed** with all voting in favor (7-0).

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

COMMITTEE REPORTS:

Budget, Finance and Administration Committee – Councilmember Page reported on items that were discussed in the Finance Committee meeting. They reviewed vouchers, and a discussion on increasing car tabs fee.

Planning and Community Services Committee – Councilmember de Leon reported that during the meeting the discussion was on an increase in tree permitting, and reminded everyone to reach out to Community Development staff before removing any trees, they also discussed growth, projects, and the challenges they are in.

DEPARTMENT REPORTS:

1) Police – Year End Report for 2023

Commander Martinez shared with Council the department's 2023 Annual Report.

PUBLIC COMMENTS:

Nancy Merrill, Enumclaw spoke to Council.

APPOINTMENTS, ANNOUNCEMENTS, PROCLAMATIONS AND PRESENTATIONS:

Presentation - Aypa Regarding BESS Facilities

Andrew Breyer, affiliated with Aypa Power shared with Council a PowerPoint presentation on Battery Energy Storage System (BESS), and noted the four topics he will be addressing.

Councilmember Page left the meeting at 8:23 p.m. and returned at 8:25 p.m.

Councilmember Mulvihill left the meeting at 8:32 p.m. and returned at 8:33 p.m.

Presentation - BESS Facilities - James DeLay

Mr. DeLay shared with Council a presentation he prepared regarding BESS facilities.

CONSENT AGENDA:

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

2) **Claim Checks** – March 21, 2024, Check No. 54185 through Check No. 54272 and EFTs in the amount of \$492,600.12.

3) **Payroll** - February 2024, Check No. 20385 through No. 20392 and ACHs in the amount of \$543,856.79.

4) **Minutes** – Council Work Session of February 8, 2024, Council Retreat of February 10, 2024, and Council Meeting of March 7, 2024.

5) **AB24-025** - Resolution Authorizing Contract with AHBL, Inc. for Planning Services for MDRT

6) **AB24-026** - Resolution Regarding Contract with FCS for Water System Plan Update

7) **AB24-027** – Resolution Regarding Contract with RH2 to Update City's Design and Construction Standards.

PUBLIC HEARINGS:

8) AB24-024A - Continued Public Hearing on One-Year Moratorium on the Acceptance, Processing, and/or Approval of Applications for Building and Land Development Permits and Related Land Use Decisions for Battery Energy Storage Facilities to be Located within the City of Black Diamond.

Mayor Benson opened the public hearing at 8:56 p.m.

Michael Gall, Ravensdale, noted being a union electrician and stated that the battery backup systems are not as dangerous as being told about tonight. He gave background information on systems he has built. He shared new technology storage methods that are in use in the state and believes the revenue could provide for fire service and long-term jobs and believes this is a benefit to the community to be on the cutting edge of clean renewable energy storage facilities. He touched on the problem with ingress and egress already from the city.

Anthony Garren, Puyallup, noted being a member of Local 46. He asked the council to look at the labor that you use. He noted that IBEW educates and teaches how to safely do this. He reiterated to Council to look into the labor and noted being in the community and building since 1901.

Bonnie Helms, Auburn, wonders why Black Diamond was chosen rather than other areas. She had several questions for the representative of Aypa and wondered if he could address those with her after the meeting. She touched on the Comprehensive Plan update, and noted it sounds like we are exploiting the growth problems for financial benefit. It was mentioned that it was in rural areas, but the need is in urban areas. She touched on a ship that was kept 2 miles offshore in 2023 and not allowed to come to shore so there is rationale for considering evacuation plans. She noted BESS is new technology and doesn't want Black Diamond to be another Guinea pig.

Nicohle Grant, unincorporated King County, noted being an electrician with Local 46 and shared her last time working on a battery energy system. She commented that when it comes to keeping the power on there is nothing like battery energy storage systems. She noted they are a real solution to real problems. She thinks this technology is very important and there should not be a moratorium and believes there is an opportunity to build it. She commented on how electricians are out of work and to have the opportunity to have jobs is important.

Ann Kalise, Black Diamond believes we should continue the moratorium, so we have time to study it. She also touched on polluting and once it is done there is no going back.

Oscar Rodriquez, Black Diamond encouraged the Council to continue the moratorium and dig into this through the lens of what benefits the residents of Black Diamond most. He noted it being concerning that representatives from local unions came out in force tonight. He wondered how it benefits his family and others who struggle with the rising costs. He touched on the first responder contract and how residents cannot afford any more raise in property taxes.

Curt Kalesa, previous Black Diamond resident noted his concern is the two week burn and the water relocation and expressed concerns about pollution. He noted having porous ground in Black Diamond and is really concerned with the burn, but it could be great and make you a lot of money.

Mayor Benson closed the public hearing at 9:18 p.m.

UNFINISHED BUSINESS: None

NEW BUSINESS:

9) Discussion Regarding Committee Chair and Reporting Out to the body as a Whole

Councilmember Deady led the discussion on this item. She gave background information on having committee chairs who would report back to the Council. She noted that during the retreat there was a discussion about having committee chairs and she would like to get back to doing this. She shared that this keeps Councilmembers accountable for attending and reporting on these meetings. There was Council consensus to have committee chairs.

Councilmember Smith left the meeting at 9:19 p.m. and returned at 9:21 p.m.

10) Resolution Opposing the Establishment of an Aggregate Mine and Asphalt Plant in the Southeast King County Community of Cumberland.

Councilmember Page led this discussion on this and gave background information from the last meeting and Councilmembers continued with discussion on this.

Councilmember de Leon **moved** to adopt Resolution No. 24-1611, opposing the establishment of an aggregate mine and asphalt plant in the southeast king county community of Cumberland; **second** Councilmember Jones. Motion **passed** with all voting in favor (7-0).

MAYOR'S REPORT:

Mayor Benson reported attending the SCATBd meeting in person and noted having a conversation with King County Metro about restoring our service in Black Diamond. She added that she has put an article in the newsletter about some ride share options available to residents. She asked about the 4th of July meeting and if Council was in favor of turning the work session meeting into a special meeting to replace the meeting on the 4th. There was Council consensus to do this. She announced that the annual Tri City meeting is May 22nd at Covington Council Chambers, and shared that she attended the Chamber Luncheon.

COUNCIL REPORTS:

Councilmember de Leon reported appreciating the people who spoke tonight and would like to follow up with the union members who were here tonight. She attended the Chamber Luncheon, the King County Council meeting, her committee meetings, the Youth Empowered meeting, the Enumclaw Capital Facilities meeting, and met with staff to speak in general on projects in Black Diamond.

Councilmember Jones noted receiving bad news on a friend's family that was killed in the accident in Renton this week. He asked the Commander if they needed anything from the Council so that we don't have to encounter that type of incident and added the door is open to fire department too.

Councilmember Page reminded everyone that when people consider doing projects at their residence to become friends with Community Development and check in with them as permits may be needed. She announced that next Thursday from 6 – 8 p.m. the Council and Fire Commissioners will hold their annual meeting at Station 95, located at 32316 148th Ave, SE, Auburn, WA.

Councilmember Deady reported attending most of her meetings, and thanked the community for helping and reaching out and to the fire department for the funds that were raised. She thanked Public Works for their help on getting her mom out. She discussed struggling with housing and Oakpointe offered a vacant house on Lawson Hills so her niece and nephew's children could stay in the Enumclaw School District. She expressed having immense respect for everyone in the community and the fire department.

Councilmember Douglass reported visiting Surprise Arizona where a BESS fire took place, and it is now a blank slab. He found it interesting that the fire department is about 120 strong and Peoria is as well and reading the FEMA report on the incident and how the fire departments stepped through the plan that was given to them by the company and still, they were left in a situation using the best of knowledge that was available to them, they triggered a fire and an explosion. More research needs to be done and he encouraged the council to think hard about safety and how this technology could benefit or pose a risk to the community.

Councilmember Smith no report.

Councilmember Mulvihill noted her report is in the packet and added that she attended her committee meetings and the push in ceremony.

ATTORNEY REPORT:

Asked Council for an executive session regarding litigation and would like to tackle it before the closed session starts.

PUBLIC COMMENTS:

Brock Deady, Black Diamond spoke to Council.

EXECUTIVE SESSION:

At 9:53 p.m. Mayor Benson recessed the meeting in executive session to discuss litigation pursuant to RCW 42.30.110(1)(i) for 20 minutes with possible action to follow. A

At 10:13 p.m. a 5-minute extension was announced.

At 10:18 p.m. a 3-minute extension was announced.

At 10:21 p.m. the executive session ended, and the meeting was called back to order at 10:22 p.m. Mayor Benson announced that there would be no action. She noted that following adjournment would be the closed session on collective bargaining.

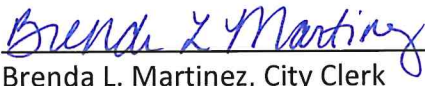
ADJOURNMENT:

Councilmember Page **moved** to adjourn the meeting; **second** Councilmember Jones. Motion **passed** with all voting in favor (7-0). The meeting ended at 10:22 p.m.

ATTEST:



Carol Benson, Mayor



Brenda L. Martinez, City Clerk

FOLLOWING THE REGULAR MEETING WAS A CLOSED SESSION TO DISCUSS COLLECTIVE BARGAINING PURSUANT TO RCW 42.30.140(4). No public participation.

The closed session started at 10:30 p.m. and ended at 10:59 p.m.