

**5) AB16-049 – AMENDED Resolution Authorizing an Agreement with Parametrix, Inc. - Surveying Svc. - MDRT**

Councilmember Pepper

This was amended by the Council Growth Management Committee and is recommended as amended.

**This is the first of five proposed Master Developer Review Team (MDRT) contracts on our agenda tonight.**

**I move that we accept the amended Resolution for a 30 day contract Authorizing an Agreement with Parametrix Inc. Surveying Svc.- MDRT. Do I have a second?**

**[[Speak to the motion.]]**

MDRT contracts:

The most important thing that I want to note about the MDRT contracts is that the 2011 Development Agreement requires that the MDRT produce an annual review. I have twice requested this document from the mayor and not received it. The Annual Review has a specific list of requirements. No long term extension should be granted without the Annual Review Report. The Mayor has repeatedly stated that the Development Agreement is being followed.

In addition, none of these contracts have gone out for RFQ's. The MDRT contracts went out for RFQ in 2014 and 2012. It is recorded in past minutes that councilmembers, many of the same ones here tonight, wanted these contracts to go out for bid.

For example,

- The April 5, 2012 minutes state: "A motion was made by Councilmember Benson and seconded by Councilmember May to postpone the consideration of the three resolutions until such time that Council can review the Selection process and contracts for all consultants to the MDRT."
- The May 5, 2014 minutes state under "Department Reports": "Mr. Williamson discussed with Council the agreements that will be coming forward at the June 5<sup>th</sup> meeting regarding the Professional Services Agreements for Consultants for the

MDRT. He noted the agreements that were passed earlier were for two years and they will end in June.”

- NOTE: In 2014, the staff brought the MDRT contract expirations to the Council’s attention 45 days ahead of the June 30 expiration. In 2016, the Council was provided a notice of pending expiration at the September 1 meeting, just 17 days before the Sep 18 contract expirations.
- Then, in June 2014, the Council extended the contracts for short-term. RFQ’s were posted. The city switched to a new consultant for one of the areas. The Council put an expiration on the contracts of 2 years.

I should also note that Black Diamond Municipal code 2.90.10(B) says that engineering services must be advertised and a Request for Qualifications is required.

**BLACK Diamond Municipal Code:**

**2.90.010 (B) Professional and Personal Services Contract.**

Cost	Procedure
Any amount	<i>Chapter 39.80 RCW; architectural and engineering services — <b>advertise, request for qualifications require,</b> council must vote to authorize Mayor to sign contract.</i>

So, These Resolutions do the following:

1. Amend the resolutions to specify 30 days.
2. For the purpose of making time to go out for competitive bids. The WHEREAS’s in the resolution request that the Mayor go out for RFQs.
3. The amended resolution suggests additional changes to the eventual contract.

Such important contracts should come back to Council regularly for review, because the Council has the Contracting authority for the city. We do not want to waive that authority and tie the hands of this or future councils.

**NOTE ABOUT LEGAL REVIEW: Exactly, I’m glad you brought up Legal Review. The Council has voted down the contract with the mayor’s law firm two times.**

**We have made it clear that we have contracted for a different law firm. So it is a huge problem when the Council needs legal review.**

**That said, I'm comfortable supporting 30 day extensions of these contracts, which were first put before the Council by the Mayor and staff.**

**THE OTHER requests for contract changes are in the RESOLUTIONS where the Council indicates what it would like to see in future contracts, not changes in the 30 day extensions. So, we are safe to make these requests and have legal review of actual contracts later.**

NOTE: In the 2014 Resolutions and Contracts, there is a 2 year expiration date on the contracts. In 2016 as proposed by Mayor and staff, there is no expiration date on the contracts. The Council was not informed of this change. Attorney Linehan stated that the city was extending the same contracts. But removing the expiration date NOT makes the 2016 contracts very different.

The Growth Management committee spent significant time reviewing these contracts and comparing them to the ones from two years ago and even four years ago.

NOTE: The RH2 contract went from two separate contracts - stormwater and civil engineering - down to only one.

NOTE: RH2 have a 10 day termination instead of 'upon receipt' termination like the others.

*[[if any complaints or desire to rush or extend these MDRT contracts:  
This entire year we have had rule-breaking conduct by the meeting chair and problems of decorum by the Council minority. Personal attacks and rude remarks have no place in this Chamber. This is only making it harder to get work done. It also leads to time spent on "Roberts Rules" instead of time spent on policy.*

Council Rule 10.4: Other Prohibited Remarks. Any person who causes actual disruption by making personal attacks, making slanderous remarks or other disruptive conduct while addressing the Council shall be barred from further participation ....

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[[*if further criticism:* The Chair/Councilmember is proving my point.]]

6) **AB16-050A** – AMENDED Resolution Authorizing an Agreement with Parametrix, Inc. -Traffic Eng. Svc. – MDRT  
Councilmember Pepper  
This was amended by the Council Growth Management Committee and is recommended as amended.

**I move to accept the AMENDED Resolution for a 30 day contract Authorizing an Agreement with Parametric Inc., Traffic Eng. Svc. MDRT. Do I have a second?**

**7) AB16-051 – AMENDED Resolution Authorizing an Agreement with RH2 - Civil – MDRT**

Councilmember Pepper

This was amended by the Council Growth Management Committee and is recommended as amended.

**I move to accept the amended Resolution for a 30 day contract Resolution Authorizing an Agreement with RH2-Civil-MDRT. Do I have a second?**

I understand the Hearing Examiner overruled the City's – meaning RH2's decision on Plat 2C regarding stormwater. I am very concerned that we have used this contractor so much since then and are not considering other options. This contractor also raised their rates this year, while others, like Parametrix, did not.

**8) AB16-052** – AMENDED Resolution Authorizing an Agreement with Perteet –  
Environment- MDRT  
Councilmember Pepper  
This was amended by the Council Growth Management Committee and is  
recommended as amended.

**I move to accept the amended Resolution for a 30 day contract Authorizing an  
Agreement with Perteet-Environmental-MDRT. Do I have a second?**

**9) AB16-053** – AMENDED Resolution Authorizing an Agreement with HWA Geosciences  
– MDRT  
Councilmember Pepper

This was amended by the Council Growth Management Committee and is recommended as amended.

**I move to accept the amended Resolution for a 30 day contract Authorizing an Agreement with HWA Geosciences-MDRT. Do I have a second?**