

- 6) **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 45 day contract Authorizing an Agreement with Parametrix Inc. Surveying Svc.- MDRT. Do I have a second?**

**Speak to the motion.**

MDRT contracts:

On the Public Notice page there is no notice that any of these contracts have gone out for bid as the MDRT contracts went out for bid in 2014 and 2012. And as recorded in the 2014 minutes where councilmembers also wanted these contracts to go out for bid.

Make an amendment to the contracts:

**BLACK Diamond Municipal Code:**

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

Cost	Procedure
<i>Any amount</i>	<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>

1. Amend the resolutions to specify 45 days extension (brought to committee meeting, discussed at committee, and hopefully emailed to mayor and staff by Tuesday).

2. For the purpose of making time to go out for competitive bids. (to ask for this, we amended the Whereas's in the mayor's proposed resolution).
3. Review resolution/contract for any additional changes needed. This review will include comparison to 2014 and 2012 contracts.

FROM APRIL 5, 2012 MINUTES ON CITY WEBSITE:  
**NEW BUSINESS:**

**Resolution No. 12-791, authorizing the Mayor to execute a contract with Parametrix to serve as the traffic engineering consultant to the MDRT**

Executive Director of Engineering Services Williamson reported on the series of contracts for the MDRT, decision by city staff for Council's involvement. Thanked Council for participating in that process and stated that this contract went to the Finance Committee as well and recommends adoption.

A **motion** was made by Councilmember Benson and **seconded** by Councilmember May to postpone the consideration of the three resolutions in 1, 2 and 3 until such time that Council can review the selection process and contracts for all consultants to the MDRT.

Councilmember Goodwin stated that he can't agree and respects the considerations, in all cases we have to balance the urgency, having participated in the Transportation interview team he came away with two qualified candidates and in his judgment Parametrix was strongest, he respects the desire to get it perfect, but stated we need to get started.

Councilmember Benson stated that part of her reason is conflict of interest, feels the contracts should be tighter and more specific.

Discussion took place between Council regarding understanding the contracts better; annual rate increases; concerns for safety of citizens and City.

Councilmember Taylor asked Councilmember Benson if she wanted to make the motion to postpone to a more definitive date.

A **motion** was made by Councilmember Benson and **seconded** by Councilmember Taylor to **amend** to postpone the consideration of the three resolutions in 1, 2 and 3 until such time that Council can review the selection process and contracts for all consultants to the MDRT until the next regular Council meeting in two weeks.

Update: Seems not to be mentioned in minutes but is in the June 5 2014 resolutions passed, and in this May 15, 2014 minutes:

**DEPARTMENT REPORTS:**

**Economic Development – 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.

**MAYOR’S REPORT:**

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 on Sep 1, just 17 days before the Sep 18 contract expirations.

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 does NOT make the 2016 contract the same contract.

NOTE: Will include more detailed whereas’s in the recommended Resolution Amendments. The public should have more detail on why there is an MDRT and what it does.

NOTE: Section IV of the contract is changed in 2016 to no expiration date. This creates an unending agreement that will never come back to the elected Council, and this is poor public process.

**FROM COMPARISON OF 2014 AND 2016 CONTRACTS:**

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.

Several questions:

1. Why didn't the city go out for competitive bids for 2016?
2. Why did the RH2 contract go from two separate contracts stormwater and civil engineering own to only one? Does this limit our ability to have another contractor look at stormwater, for example?
3. Why does RH2 have a 10 day termination instead of a 'upon receipt' termination now?
3. How do the city and developer agree on whether a city's On Call Task Request is a scope that the **developer** is willing to pay for? Have there been any disputes over on-call task requests in the last 2 years?

*[[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.*

Frankly, we should not approve anything in this atmosphere. This is not a legislative atmosphere when some of our elected membership does not treat this council meeting as a business meeting. For example, I am routinely interrupted for no appropriate reason, and criticized whenever I say something that I have prepared. If you disagree with the decision, focus on that, not on the person. We will insist that the Council's right to make motions, take votes, and operate in these chambers be respected! ]]

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

- 7) **AB16-050** – 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 45 day contract Authorizing an Agreement with Parametric Inc., Traffic Eng. Svc. MDRT. Do I have a second?**

8) **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 45 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.

- 9) **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 45 day contract Authorizing an Agreement with Perteet-Environmental-MDRT. Do I have a second?**



10) **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 45 day contract Authorizing an Agreement with HWA Geosciences-MDRT. Do I have a second?**