



MINUTES

RICHLAND CITY COUNCIL REGULAR MEETING

Tuesday, May 21, 2024

**Richland City Hall ~ Council Chambers
625 Swift Boulevard**

City Council Regular Meeting - 6:00 p.m.

Mayor Richardson called the Council meeting to order at 6:00 p.m.

Welcome and Roll Call

Mayor Richardson welcomed those in the audience and expressed appreciation for their attendance.

Attendance: Mayor Richardson	Present
Mayor Pro Tem Kent	Present
Councilmember Jones	Present
Councilmember Lukson	Present
Councilmember Maier	Present
Councilmember VanDyke	Present (Remote via Zoom)
Councilmember Whitten	Present

Also present were City Manager Amundson, Deputy City Manager Schiessl, Assistant City Manager Florence, City Attorney Kintzley, Fire Chief Huntington, Development Services Director Jensen, Energy Services Director Whitney, Finance Director Allen, Human Resources Director Paulsen, Parks & Public Facilities Director Waite, Interim Public Works Director D'Alessandro, Interim Chief of Police Meidl, and Acting Deputy City Clerk Fulton.

Pledge of Allegiance

Councilmember Whitten led the Council and audience in the Pledge of Allegiance.

Approval of Agenda

MAYOR PRO TEM KENT MOVED AND COUNCILMEMBER WHITTEN SECONDED THE MOTION TO APPROVE THE AGENDA AS PUBLISHED. MOTION CARRIED 7-0.

Presentations

1. Benton-Franklin Council of Governments Presentation

Michelle Holt, Benton-Franklin Council of Governments Executive Director was not in attendance to deliver the presentation.

2. Regional Public Safety Strategic Planning

Eric Eisinger, Benton County Prosecuting Attorney, provided an update on the regional public safety strategic planning session held on April 1, 2024. The session was moderated by Paul Casey, Executive Director of Leadership Tri-Cities, and was attended by approximately forty (40) city, county, and state leaders.

The session involved a SWOT analysis (Strength, Weakness, Opportunities, and Threats) and discussions to identify common public safety and justice issues affecting the Tri-Cities.

Mr. Eisinger stated the leading threat to public safety and the local criminal justice system is the OPD (Office of Public Defense) crisis. He highlighted the current acute shortage of public defenders, exacerbated by an expected adoption by the Washington State Supreme Court of WSBA recommendations to reduce the caseload cap for defense attorneys. Because the Tri-Cities region does not have enough attorneys to respond to the lowered case cap, the new standards will drastically impact public safety through severe limits on prosecution. The new regulation, which is to be phased in over three (3) years, presents a statewide challenge.

Mr. Eisinger stressed the need for strategic thinking and innovative solutions to maintain public safety and adequate defense services in the face of these challenges. He advocated for a proactive approach to navigate the increased demand for legal services, emphasizing the community's need for effective public safety measures and criminal justice support.

Following the presentation, Mr. Eisinger answered questions from Council.

Public Hearing

Acting Deputy City Clerk Fulton read the Public Hearing and Public Comments procedures.

3. Relinquishing a Water Easement located at 5069 Ava Way, Resolution No. 2024-70

Mayor Richardson opened and closed the public hearing at 6:33 p.m. No testimony was offered.

Public Comments

The following individuals provided public comments:

- Bristi Stordahl of Kennewick, WA recounted a recent incident at Howard Amon Park where she encountered a female dancer performing provocatively. Concerned about the inappropriateness of the performance in a family-oriented area, Mrs. Stordahl asked the dancer to stop. The situation escalated, prompting

Ms. Stordahl to call Richland Police to the scene. However, the responding officer was not able to take action. Mrs. Stordahl expressed frustration over the lack of resolution and the inappropriate nature of the situation in the park.

- Marc Sims of Kennewick, WA spoke about the same incident described by the previous speaker at Howard Amon Park, which he argues violates the Lewd Conduct ordinance of the Richland Municipal Code (RMC). Mr. Sims emphasized the importance of maintaining safety in community spaces such as parks, and the need for the City to enforce laws to uphold public trust. Mr. Sims added that such actions breach community standards and should not be tolerated, referencing the RMC prohibits expressions without substantial thematic content and that are offensive and lack value.
- George Booth, IV of Richland, WA emphasized the importance of promoting values that are good, true, and beautiful, rather than tolerating vice. Mr. Booth stated appreciation for Richland's continued stance against the sale of cannabis, which aligns with the community's ideals. Mr. Booth stated that lewd behavior, such as the inappropriate public display mentioned at Howard Amon Park, does not reflect the community's values. Mr. Booth questioned the type of morality legislated and enforced by the City.
- Adam Diaz, of Kennewick, WA agreed with previous speakers' sentiments regarding the inappropriate conduct at Howard Amon Park. He noted the irony of the situation concerning public safety and declared his readiness to actively oppose this type of conduct.
- Pierre Saget of Richland, WA expressed gratitude to Council and the Public Works Department for including a bicycle track along the George Washington Way couplet project. Additionally, Mr. Saget addressed a development issue at Columbia Point, which faced problems due to mandatory minimum parking regulations. He questioned the relevance of such regulations and added that mandatory parking requirements prevent the construction of revenue-generating businesses and do not contribute to sales tax revenue.
- Max Faulkner, Managing Partner of Atomic Bowl and Jokers Casino, shared that significant improvements have been made to the facility's pinsetters to increase safety and efficiency. Mr. Faulkner invited citizens to view their website and social media pages to view the improvements. Lastly, Mr. Faulkner invited Council to a promotional event on June 1, 2024 to enjoy a game of bowling and complimentary food.
- Charles Swearingen of Richland, WA addressed minimum parking regulations, arguing that eliminating minimum parking requirements does not bar an owner or developer from building what they want, and in fact allows owners more freedom to do what they wish with their property. Mr. Swearingen further stated that unnecessary regulations increase the cost of housing.

- Larry Youthun, of Richland, WA expressed concerns about the ecological impact of a mitigation effort occurring at W.E. Johnson Park. The offsite mitigation effort is required in connection with a hotel project occurring across town on Tapteal. Mr. Youthun stated that the mitigation effort has destroyed approximately ten (10) acres of the park's natural habitat. He pointed out that this action has significantly damaged the park's ecosystem, and residents, including himself, were not informed about these changes. Mr. Youthun stated he intends to address this issue at a meeting with park officials and highlighted the need for better communication and public engagement in future projects to prevent similar occurrences.
- Randy Slovic of Richland, WA shared suggestions on how to attract more defense attorneys to the community. Ms. Slovic then expressed frustration over the prioritization of certain infrastructure projects over the essential safety improvements she has been advocating for such as hardened center lines. Ms. Slovic then described traffic issues at an intersection in her neighborhood where cars incorrectly navigate lanes, posing a safety risk.

Consent Calendar

Acting Deputy City Clerk Fulton read the Consent Calendar.

Minutes

4. Approval of the May 7, 2024 City Council Regular Meeting Minutes

Ordinances - First Reading

None.

Ordinances - Second Reading & Passage

5. Ordinance No. 2024-17, Amending the 2024 Budget to Include the 2023 Budget Carryovers

Resolutions – Adoption

6. Resolution No. 2024-65, Authorizing Award of Bid to Palouse Power, LLC for 2024 Boring and Cable Replacement
7. Resolution No. 2024-66, Awarding Commercial Façade Improvement Grant Funds to New Beginnings Thrift Store, LLC located at 1010 and 1016 Lee Boulevard
8. Resolution No. 2024-67, Authorizing an Agreement With the Washington State Community and Economic Revitalization Board for Aid in Financing the Cost of Sewer Infrastructure to Serve the Northwest Advanced Clean Energy Park

9. Resolution No. 2024-68, Authorizing an Agreement for the Washington State Department of Transportation Active Transportation Assistance Program
10. Resolution No. 2024-69, Authorizing a Consultant Agreement with Great West Engineering, Inc. for Horn Rapids Landfill Expansion - Phase 2 Project

Items - Approval

11. Appointment to the Code Enforcement Board: Eric Bostrom and Todd Samuel

Expenditures - Approval

12. Expenditures from April 1, 2024 to April 30, 2024 for \$35,275,601.52 including Travel Checks Nos. 20500-20522, Accounts Payable Check Nos. 321844- 322696, Accounts Payable Wire Nos. 10009-10058, Payroll Wires & ACH Nos. 13956-14006, Payroll Direct Deposit & Check Nos. 221998-223197, and Pension Check Nos. 6726-6747.

COUNCILMEMBER WHITTEN MOVED AND MAYOR PRO TEM KENT SECONDED THE MOTION TO APPROVE THE CONSENT AGENDA AS PUBLISHED. THOSE IN FAVOR: MAYOR RICHARDSON, MAYOR PRO TEM KENT, AND COUNCILMEMBERS JONES, LUKSON, MAIER, VANDYKE AND WHITTEN. THOSE OPPOSED: NONE. MOTION CARRIED 7-0.

Items of Business

13. Ordinance No. 2024-20, Establishing a Sewer Latecomer Assessment Area and Authorizing a Latecomer Agreement with Pahlisch Homes at Westcliffe Heights, LLC

Interim Public Works Director D'Alessandro discussed for the second time the sewer latecomer agreement previously presented to Council during the May 7, 2024 meeting. Based on testimony received during the public hearing, staff reviewed the design calculations and the operational modifications of the installed pumps to confirm that the infrastructure could support the 190 homes as initially claimed. As a result, no changes to the agreement were made.

COUNCILMEMBER LUKSON MOVED AND COUNCILMEMBER MAIER SECONDED THE MOTION TO ADOPT ORDINANCE NO. 2024-20, ESTABLISHING A SEWER LATECOMER ASSESSMENT AREA AND AUTHORIZING A LATECOMER AGREEMENT WITH PAHLISCH HOMES AT WESTCLIFF HEIGHTS, LLC. THOSE IN FAVOR: MAYOR RICHARDSON, MAYOR PRO TEM KENT, AND COUNCILMEMBERS JONES, LUKSON, MAIER, VANDYKE AND WHITTEN. THOSE OPPOSED: NONE. MOTION CARRIED 7-0.

14. Resolution No. 2024-70, Relinquishing a Certain Portion of a Utility Easement lying within 5069 Ava Way

Interim Public Works Director D'Alessandro stated that the property owners of 5069 Ava Way requested the relinquishment of a portion of a utility easement to facilitate their ability to obtain a building permit. No city facilities are currently located within the easement, and there are no plans to install facilities in the future. Relinquishment of the easement is appropriate.

COUNCILMEMBER WHITTEN MOVED AND MAYOR PRO TEM KENT SECONDED THE MOTION TO ADOPT RESOLUTION NO. 2024-70, RELINQUISHING A CERTAIN PORTION OF A UTILITY EASEMENT LYING WITHIN 5069 AVA WAY. THOSE IN FAVOR: MAYOR RICHARDSON, MAYOR PRO TEM KENT, AND COUNCILMEMBERS JONES, LUKSON, MAIER, VANDYKE AND WHITTEN. THOSE OPPOSED: NONE. MOTION CARRIED 7-0.

Reports and Comments

City Manager

City Manager Amundson reviewed the agenda items for the May 28, 2024 City Council workshop meeting.

City Council

Councilmember VanDyke had no comments.

Councilmember Lukson requested more information regarding the incident at Howard Amon Park as well as a status update and plans for W.E. Johnson Park. Councilmember Lukson also reiterated the need for greater visibility regarding current and planned safety improvements. He then advocated for a systematic and inclusive approach to public safety improvements, rather than making decisions based on feedback from only certain community segments. Councilmember Lukson called for Council accountability and sufficient resource allocation to support effective public safety improvement initiatives.

Councilmember Maier expressed appreciation for public participation as it can positively influence Council priorities and decision-making. Councilmember Maier emphasized that Council's role is not to override staff decisions, but to understand the processes leading to them, relying on the expert evaluations of city staff. In conclusion, Councilmember Maier addressed the need for constructive feedback and recommended against focusing on personal grievances against individual decisions or the staff who made them.

Councilmember Whitten acknowledged the importance of public engagement in bringing issues to Council's attention, specifically thanking those who shared information regarding the incident at Howard Amon Park. Councilmember Whitten expressed support for Councilmember Lukson's request for more details on the matter and expressed

dismay at the use of public artwork for advertising purposes, especially for a business considered lewd by those who shared during public comment.

Councilmember Whitten then shared a personal anecdote to underscore the need for personal vigilance in public safety. He stated that traffic control measures alone will not prevent accidents and called for a community effort to prioritize safety. Councilmember Whitten praised city staff for securing funding for necessary infrastructure improvements to support public safety improvement initiatives.

In conclusion, Councilmember Whitten stated that street racing is a serious community problem, noting the lack of local racetracks and the City's limited police resources as contributing factors. To address this, he invited those interested in testing their cars' speed in a safe environment to participate in an Autocross event held at the Tri-City Raceway/Red Mountain Event Center in West Richland on June 1-2, 2024.

Councilmember Jones encouraged citizens to attend the upcoming 2024 Mushroom Fest event that will take place from May 31 to June 2, 2024 at the Uptown Plaza. Additionally, Councilmember Jones urged citizens to view the Visit Tri-Cities website to discover various events happening in Richland.

Mayor Pro Tem Kent requested City Manager Amundsen to provide all councilmembers with additional information concerning the incident at Howard Amon Park and the mitigation efforts occurring at W.E. Johnson Park. Mayor Pro Tem Kent also voiced appreciation for public comments, acknowledging the value of community input.

Mayor

Mayor Richardson had no comments.

Executive Session

15. Executive Session Per RCW 42.30.110(1)(i): Discuss Current or Potential Litigation with Legal Counsel (60 minutes; 2 topics)

At 7:13 p.m., Richland City Council convened in executive session with legal counsel for sixty (60) minutes to discuss current or potential litigation. A 10-minute transition from dais to executive session room occurred, with the executive session getting underway at 7:23 p.m.

Individuals present included Mayor Richardson, Mayor Pro Tem Kent, and Councilmembers Jones, Lukson, Maier, VanDyke and Whitten. Also present were City Manager Amundson, Deputy City Manager Schiessl, Assistant City Manager Florence, City Attorney Kintzley, Information Technology Manager Vijayan, and Privacy Counsel Schiff.

At 8:10 p.m., Deputy City Manager Schiessl, Assistant City Manager Florence, Information Technology Manager Vijayan, and Privacy Council Schiff left the executive session. Discussions continued on a second topic concerning potential litigation with all members of City Council, City Attorney Kintzley and City Manager Amundson.

AT 8:23 P.M., MAYOR RICHARDSON ANNOUNCED AN EXTENSION OF THE EXECUTIVE SESSION FOR TWENTY (20) MINUTES. COUNCIL EXITED EXECUTIVE SESSION AT 8:44 P.M.

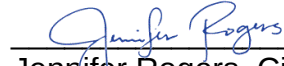
Adjournment

Mayor Richardson returned to the dais and adjourned the meeting at 8:47 p.m.

APPROVED:


Theresa Richardson, Mayor

ATTEST:


Jennifer Rogers, City Clerk

DATE APPROVED: June 4, 2024

DATE PUBLISHED: June 5, 2024