MINUTES
RICHLAND CITY COUNCIL REGULAR MEETING
Richland City Hall ~ 505 Swift Boulevard
Tuesday, May 17, 2016

Pre-Meeting:
Mayor Thompson called the pre-meeting executive session to order at 6:00 p.m. in the City Manager's Conference Room in the City Hall Annex building.

Attendance:
Mayor Thompson, Mayor Pro Tem Christensen, Councilmembers Rose, Lemley, Anderson, Kent and Luzzo Gilmour were present.

Also present were City Manager Reents, Assistant City Manager Amundson, City Attorney Kintzley, Administrative Services Director Koch, Community Development Director Jensen, Parks and Public Facilities Director Schiessl.

Executive Session:
1. Per RCW 42.30.110 (i) Potential Litigation
   - Heather Kintzley, City Attorney

MAYOR PRO TEM CHRISTENSEN MOVED AND COUNCILMEMBER ANDERSON SECONDED A MOTION TO MOVE INTO EXECUTIVE SESSION AT 6:00 P.M. TO DISCUSS PER RCW 42.30.110 (I) POTENTIAL LITIGATION FOR 60 MINUTES. THE MOTION CARRIED 7-0.

MAYOR PRO TEM CHRISTENSEN MOVED AND COUNCILMEMBER ANDERSON SECONDED A MOTION TO MOVE OUT OF EXECUTIVE SESSION AT 7:00 P.M. THE MOTION CARRIED 7-0.

Police Chief Skinner, Risk and Safety Program Administrator Harrison and City Clerk Hopkins attended the pre-meeting, following the executive session.

Agenda Items:
1. Risk Management Update
   - Paul Harrison, Risk and Safety Program Administrator

Mr. Harrison gave a risk and safety program briefing that included risk and safety goals, the current status of the City's risk management, the top losses and the current year's claims for damages.

2. Discussion of Council Meeting Agenda Items

Council and staff briefly reviewed the proposed agenda scheduled for the regular meeting.

Mr. Jensen gave a brief Swift Corridor Development update and said that two new buildings were being built in the Innovation Center in north Richland.

Mr. Schiessl said the City is getting good press regarding the proposed new City Hall building. He continued by giving details of the project.

Ms. Reents asked Council if they would prefer interviewing the two Richland Public Facilities District Board candidates on a separate date than a Council meeting. Council said they preferred to conduct the interviews before a regularly schedule Council meeting.

Regular Meeting:
Mayor Thompson called the Council meeting to order at 7:30 p.m. in the Council Chamber at City Hall.

Welcome and Roll Call:
Mayor Thompson welcomed those in the audience and expressed appreciation for their attendance.

Mayor Thompson, Mayor Pro Tem Christensen, Councilmembers Rose, Lemley, Anderson, Kent and Luzzo Gilmour were present.

Also present were City Manager Reents, Assistant City Manager Amundson, City Attorney Kintzley, Fire and Emergency Services Director Huntington, Community Development Director Jensen, Administrative Services Director Koch, Public Works Director Rogalsky, Parks and Public Facilities Director Schiessl, Police Services Director Skinner, Development Services Manager Simon, and City Clerk Hopkins.

Pledge of Allegiance:
Mayor Thompson led the Council and audience in the recitation of the Pledge of Allegiance.

Approval of Agenda:

MAYOR PRO TEM CHRISTENSEN MOVED AND COUNCILMEMBER ANDERSON SECONDED A MOTION TO APPROVE THE AGENDA AS PUBLISHED. THE MOTION CARRIED 7-0.

Presentations:

1. CityView Video: Swift Corridor Project
   - Parks and Public Facilities Director Schiessl

Mr. Schiessl said the video is about the Swift Corridor Project, which also included the details of the proposed new City Hall building.

2. Proposed Annexation Located East of Dallas Road and North of Cowlitz Boulevard
   - Kerwin Jensen, Community Development Director

Mr. Simon said the first step in the annexation process is to present Resolution No. 112-16, Accepting a Request for Annexation, for Council's consideration and action, regarding the property located east of Dallas Road and north of Cowlitz Boulevard. Mr. Simon outlined the next steps in the annexation process.

Public Hearing:
City Clerk Hopkins read the public hearing and public comments procedure.

1. Proposed Increase in Appropriation of the Parks Project Construction Fund - Ordinance No. 28-16
   - Joe Schiessl, Parks and Public Facilities Director

Mr. Schiessl said the state law requires that a public hearing be held prior to consideration of an ordinance to increase the appropriation of existing fund balance. Ordinance No. 28-16 is on this meeting's consent calendar for first reading, by title only, and proposes to appropriate unbudgeted funds in the Park Reserve Fund to the Parks Capital Project Fund for an expansion to the Jeannette Taylor Skate Park.

Mayor Thompson opened the public hearing at 7:41 p.m. and closed the hearing at 7:42 p.m. as there were no public comments.

Public Comments:
No public comments.

Consent Calendar:
City Clerk Hopkins read the Consent items.

<u>Minutes:</u>
1. Approve the Council Minutes of the Meeting Held May 3, 2016
   - Heather Kintzley, City Attorney

<u>Ordinances - First Reading:</u>
2. Ordinance No. 24-16, Amending RMC Chapter 11.08, Speed Regulations
   - Pete Rogalsky, Public Works Director

3. Ordinance No. 28-16, Proposed Increase in Appropriations of the Parks Capital Project Fund and Revising the 2016 Capital Improvement Plan
   - Joe Schiessl, Parks and Public Facilities Director Ordinances –

<u>Second Reading/Passage</u>:
4. Ordinance No. 12-16, Amending RMC Title 3: Finance, Relating to Park District Boundaries
   - Joe Schiessl, Parks and Public Facilities Director

5. Ordinance No. 22-16, Amending RMC Chapter 9.26, Firearms and Other Dangerous Weapons
   - Heather Kintzley, City Attorney

6. Ordinance No. 26-16, Amending the 2016 Budget for the Purchase of Getac Tablets/Mobile Data Terminals (MDTs)
   - Chris Skinner, Police Services Director Resolutions – Adoption:

Resolutions – Adoption:

7. Resolution No. 111-16, Adopting Amendments to the Land Use and Development Regulations for the Badger Mountain South Master Planned Community
   - Kerwin Jensen, Community Development Director

8. Resolution No. 112-16, Accepting a Request for Annexation of 2.3 Acres Located East of Dallas Road and North of Cowlitz Boulevard
   - Kerwin Jensen, Community Development Director

9. Resolution No. 113-16, Approving the Plat of Clearwater Creek Phase 2
   - Kerwin Jensen, Community Development Director

10. Resolution No. 116-16, Approving 2016 Park Partnership Program Funding Awards
    - Joe Schiessl, Parks and Public Facilities Director

11. Resolution No. 117-16, Authorizing an Agreement with the Washington State Department of Health for the Lorayne J Water System Consolidation Feasibility Study
    - Pete Rogalsky, Public Works Director

12. Resolution No. 119-16, Awarding Bid to Culbert Construction, Inc. for Duportail Extension Project
    - Pete Rogalsky, Public Works Director

Expenditures - Approval:

13. Expenditures from April 25, 2016 - May 6, 2016, for $10,661,559.03 including Check Nos. 233541-233941, Wire Nos. 6145-6163, Payroll Check Nos. 105280-105782, and Payroll Wire/ACH Nos. 9430-9453
    - Cathleen Koch, Administrative Services Director

MAYOR PRO TEM CHRISTENSEN MOVED AND COUNCILMEMBER LEMLEY SECONDED A MOTION TO APPROVE THE CONSENT CALENDAR AS PUBLISHED. THE MOTION CARRIED 7-0.

Items of Business:

1. Ordinance No. 27-16, Amending RMC Title 9: Related to Trespass - First Degree
   - Heather Kintzley, City Attorney; Chris Skinner, Police Services Director

Ms. Kintzley gave the following report: The City of Richland has need, from time to time, to amend the Richland Municipal Code (RMC) to promote the health, safety, and general welfare of the citizens of the community. Under its general police powers, the City of Richland has occasion to prohibit individuals from entering dwellings or other structures when the buildings are, by law, uninhabitable due to lack of electrical or water service. However, RMC 9.06.070, as currently written, provides a legal loophole that limits the City's authority to enforce actions that are in the best interest of the health, safety and general welfare of the community.

Staff offers the proposed amendment to RMC 9.06.070 to bring the language of Trespass – First Degree into conformance with other municipal codes and the Revised Code of

Washington, 9A.52.070(1), and to eliminate the legal loophole. The first reading of Ordinance No. 27-16 was given at the May 3, 2016, regular council meeting. Mayor Thompson and Mayor Pro Tem Christensen expressed concerns related to the proposed ordinance as written. Prior to second reading, staff will provide a presentation to further inform Council as to the basis for this code amendment request.

Mayor Thompson, Mayor Pro Tem Christensen and Councilmember Kent made comments saying they support code enforcement, but they are against limiting property rights.

Lemley believes the ordinance supports the goal of code enforcement for public safety.

COUNCILMEMBER LEMLEY MOVED AND COUNCILMEMBER ROSE SECONDED A MOTION TO ADOPT ORDINANCE NO 27-16. THE MOTION FAILED 2-5. COUNCILMEMBERS LEMLEY AND ROSE IN FAVOR.

Reports and Comments:

1. City Manager Reents had no comments.

2. Council:

Councilmember Anderson said he sits on the Code Enforcement Board and that it has two new members. He expressed his displeasure with the Tri City Herald newspaper's article on the Crown Group's Public Market concept and the City. He said the newspaper did not contact the Councilmembers to discuss the topic with them. He noted the Council has not had the opportunity to discuss the concept publicly which they would like to do. He said he supports a public market concept but does not support using public funds for a private project as the Crown Group suggested. He said the Crown Group has presented the City only one option and that a public market would need a great deal of public input, which the Crown Group has not provided.

Councilmember Luzzo Gilmour said she supports the development of the George Washington Way property and believes the public wants development on the property as well. She noted the Tri City Herald newspaper had not contact her before their article was published regarding the Crown Group.

Christensen said he attended the ground breaking ceremony for the Savage Logistic Trucking company that will work on Hanford projects.

3. Mayor Thompson said the Council supports a public market but has made a decision that public funds used for a private development is not the best interest of the public tax money. Council does not have enough information about all aspect of the project and needs a business plan from the Crown Group to better understand the project.

Adjournment:
Mayor Thompson adjourned the meeting at 8:20 p.m.

Respectfully Submitted,

Marcia Hopkins
Marcia Hopkins, City Clerk

FORM APPROVED: Robert Thompson
Robert J. Thompson, Mayor

DATE APPROVED: June 7, 2016

DATE PULISHED: June 8, 2016