



MINUTES

RICHLAND CITY COUNCIL REGULAR MEETING

Richland City Hall ~ 505 Swift Boulevard

Tuesday, September 20, 2016

Pre-Meeting:

Mayor Thompson called the pre-meeting to order at 6:45 p.m. in the City Manager's Conference Room in the City Hall Annex building.

Attendance:

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

Also present were City Manager Reents, Assistant City Manager Amundson, City Attorney Kintzley and Public Works Director Rogalsky.

Agenda Items:

1. Executive Session Per RCW 42.30.110(i) - Litigation Update (30 minutes)
- Heather Kintzley, City Attorney

COUNCILMEMBER KENT MOVED AND MAYOR PRO TEM CHRISTENSEN SECONDED A MOTION TO MOVE INTO EXECUTIVE SESSION AT 6:45 P.M. TO DISCUSS PER RCW 42.30.110 (i) LITIGATION FOR 30 MINUTES. THE MOTION CARRIED 6-0.

MAYOR THOMPSON MOVED AND MAYOR PRO TEM CHRISTENSEN SECONDED A MOTION TO MOVE OUT OF EXECUTIVE SESSION AT 7:15 P.M. THE MOTION CARRIED 6-0.

2. Discuss Meeting Agenda Items (15 minutes)

Council and staff briefly reviewed the proposed agenda scheduled for the regular 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, Anderson, Kent and Luzzo Gilmour were present.

Also present were City Manager Reents, Assistant City Manager Amundson, City Attorney Kintzley, Energy Services Director Hammond, 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 Captain Cobb and City Clerk Hopkins.

MAYOR PRO TEM CHRISTENSEN MOVED AND COUNCILMEMBER KENT SECONDED A MOTION TO EXCUSE COUNCILMEMBER LEMLEY. THE MOTION CARRIED 6-0.

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 KENT SECONDED A MOTION TO APPROVE THE AGENDA AS PUBLISHED. THE MOTION CARRIED 6-0.

Public Hearing:

1. Proposed Surplus of Equipment - Resolution No. 154-16
- Cathy Robinson, Purchasing Manager

Ms. Robinson said from time to time as City vehicles, equipment and other property reach the end of their useful lives, the property is removed from service and disposed of according to the RMC Chapter 3.08 Disposition of City-Owned Personal Property. RMC 3.08 requires Council approval for items with an estimated salvage value of over \$5,000 or if the items were purchased for use in a utility. The listed equipment and items in the resolution have been determined to be excess to the City. Proceeds from the sale of these surplus items will be deposited into the appropriate fund that the equipment originated from. In the case of fleet equipment, the proceeds will be deposited into the Equipment Replacement Fund.

City Clerk Hopkins read the public hearing and public comments procedure.

Mayor Thompson opened the public hearing at 7:34 p.m. and closed the hearing at 7:45:15 p.m. as there were no public comments.

Public Comments:

City Clerk Hopkins read the public comments procedure.

Thomas Renwa, 202 N. 8th Avenue, Pasco, WA, said he is representing the Tri-City Dog Park and began by expressing thanks for the renovations being done to the park by the City. He gave an update on the fundraiser for the dog park that raised over \$1,700 for the expansion project and also asked the City to consider codifying the dog park rules for better enforcement power.

Consent Calendar:

Minutes:

1. Approved the Minutes of the Council Meeting Held September 6, 2016
- Heather Kintzley, City Attorney

Ordinances - Second Reading/Passage:

2. Ordinance No. 43-16, Approving the Vacation of a Portion of Hagen Road
- Pete Rogalsky, Public Works Director

Resolutions – Adoption:

3. Resolution No. 154-16, Approval of Sale of Surplus Equipment
- Cathleen Koch, Administrative Services Director
4. Resolution No. 172-16, Authorizing an Agreement with Bonneville Environmental Foundation for Renewable Energy Purchase Option
- Bob Hammond, Energy Services Director

PULLED/PLACED IN ITMES OF BUSINESS

5. Resolution No. 181-16, Appointments to the Utility Advisory Committee
- Heather Kintzley, City Attorney
6. Resolution No. 182-16, Express Appreciation to Edward Revell for Service on the Utility Advisory Committee
- Heather Kintzley, City Attorney
7. Resolution No. 183-16, Appointments to Economic Development Committee
- Heather Kintzley, City Attorney
8. Resolution No. 186-16, Rejecting all Bids for the Vantage Highway Pathway - Phase 1 Project
- Pete Rogalsky, Public Works Director
9. Resolution No. 190-16, Authorizing Execution of a Design-Build Agreement with Leone and Keeble for the Design and Construction of Richland City Hall at 625 Swift Boulevard
- Joe Schiessl, Parks and Public Facilities Director
10. Resolution No. 192-16, Authorizing Submittal of a Drinking Water State Revolving Fund Construction Loan Application for the Lorayne J Water System Consolidation Project
- Pete Rogalsky, Public Works Director
11. Resolution No. 194-16, Authorizing Extension of Agreement with Federal Emergency Management Agency for Duportail Bridge Water Line
- Pete Rogalsky, Public Works Director

Expenditures - Approval:

12. Expenditures from August 29, 2016 - September 9, 2016 for \$4,059,731.20 including Check Nos. 237441-237779, Wire Nos. 6241-6250, Payroll Check Nos. 110117 - 110652, and Payroll Wire/ACH Nos. 9588-9609
- Cathleen Koch, Administrative Services Director

COUNCILMEMBER KENT MOVED AND MAYOR PRO TEM CHRISTENSEN SECONDED A MOTION TO APPROVE THE CONSENT CALENDAR AS AMENDED BY MOVING RESOLUTION NO. 181-16 TO ITEMS OF BUSINESS. THE MOTION CARRIED 6-0.

Items of Business:

1. Ordinance No. 53-16, Prohibiting Smoking and Use of Electronic Vapor Products in Portions of Certain City Parks - First Reading
- Joe Schiessl, Parks and Public Facilities Director

Mr. Schiessl gave the following report: The City's Parks and Recreation Commission (PRC) recommends smoking prohibitions in excess of those in state law at places where youth and adults congregate in portions of the City's park system. See RCW 70.160.011, Smoking in Public Places. This item was discussed at a Council workshop in August, 2016. The purpose of the partial prohibition, as identified in Ordinance No. 53-16, mirrors the purpose found under RCW 70.160.011, as does the penalty for violating the ordinance. Violators will be issued a written warning for the first violation, and receive a civil infraction for second and subsequent violations. RCW 70.345.210 specifically allows political subdivisions to regulate the use of vapor products in outdoor public places where children congregate, such as schools, playgrounds, and parks. Further, RCW 70.155, Tobacco-Access to Minors, does not otherwise preempt political subdivisions from adopting ordinances regulating the sale, purchase, use, or promotion of tobacco products not inconsistent with state law. If passed, smoking and the use of electronic vapor products will be prohibited at the following locations in the City's park system:

1. Spectator seating at the performance stage at John Dam Plaza
2. Within 25 feet of a city-owned playground
3. Within or upon any city-owned dock or marina
4. Groomed beaches
5. Aquatic facilities
6. Upon or within 25 feet of bleacher seating at any city-owned athletic facility

If passed, staff proposes a public education campaign prior to initiating enforcement actions. Signage installation and public education would begin this winter prior to enforcement efforts commencing in spring of 2017.

COUNCILMEMBER ROSE MOVED TO GIVE FIRST READING TO ORDINANCE NO. 53-16, PROHIBITING SMOKING AND USE OF ELECTRONIC VAPOR PRODUCTS IN PORTIONS OF CERTAIN CITY PARKS. THE MOTION DIED FOR A LACK OF A SECOND.

Mayor Pro Tem Christensen said he agrees with number 1, 2, and 5, does not agree with number 3, 4 and on number 6, he believes only youth facilities should have the ban.

Councilmember Anderson said he does not agree with number 3 and 4, but as cigarettes and vaping are legal, people have a right to do that activity.

Councilmember Kent said she would support modifications to the proposed rules.

Councilmember Luzzo Gilmour said she would support a ban on smoking and vaping at all parks. She questioned how these rules are going to be enforced and does the City have the budget for signage at all of the parks. Mr. Schiessl said signs would be posted at all parks and a public education program would be conducted.

Mayor Thompson said he is concerned with getting a better definition of playgrounds.

MAYOR THOMPSON MOVED TO SEND ORDINANCE NO. 53-16 BACK TO STAFF TO INCORPORATE COUNCIL'S DIRECTION ON THE PROHIBITED LOCATION OF VAPING. MAYOR PRO TEM CHRISTENSEN SECONDED THE MOTION. THE MOTION CARRIED 6-0.

2. Resolution No. 181-16, Appointments to the Utility Advisory Committee (UAC)
- Heather Kintzley, City Attorney

Staff Report: The terms Position Nos. 3, 4, and 7 on the Utility Advisory Committee (UAC) will be expiring on September 30, 2016, and are currently held by Ed Revell, Daniel Porter and Jeff Dagle, respectively. UAC Vice Chair Keck and Council Liaisons Lemley and Christensen are recommending the appointment of James Sanders to Position No. 3, Daniel Porter to Position No. 4, and Jeff Dagle to Position No. 7 for three years, commencing October 1, 2016, through September 30, 2019. Candidates Hank Kosmata and Lloyd Becker were also considered for appointment.

MAYOR THOMPSON MOVED TO APPOINT DANIEL PORTER TO POSITION NO. 4 AND JEFF DAGLE TO POSITION NO. 7 ON THE UTILITY ADVISORY COMMITTEE. COUNCILMEMBER ROSE SECONDED. THE MOTION CARRIED 6-0.

MAYOR THOMPSON MOVED TO APPOINT HANK KOSMATA TO POSITION NO. 3 ON THE UTILITY ADVISORY COMMITTEE. THE MOTION DIED FOR LACK OF A SECONDED.

MAYOR PRO TEM CHRISTENSEN MOVED AND COUNCILMEMBER ROSE SECONDED THE MOTION TO APPOINT JAMES SANDERS TO POSITION NO. 3 THE MOTION CARRIED 5-1.

Reports and Comments:

1. City Manager Reents said the marimba art installation at Howard Amon Park was stolen. She asked the public to give the City any information to help locate the perpetrator.

2. City Attorney Kintzley welcomed Councilmember Anderson back to the Council meeting after a leave of absence. Councilmember Anderson said he is glad to be back.

Adjournment:

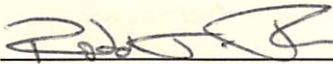
Mayor Thompson adjourned the meeting at 8:08 p.m.

Respectfully Submitted,



Marcia Hopkins, City Clerk

FORM APPROVED:



Robert J. Thompson, Mayor

DATE APPROVED:

10/4/16

DATE PUBLISHED:

10/5/16