



**MINUTES**  
**RICHLAND CITY COUNCIL REGULAR MEETING**  
**Richland City Hall ~ 505 Swift Boulevard**  
**Tuesday, October 18, 2016**

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**Pre-Meeting:**

Mayor Thompson called the pre-meeting to order at 7:00 p.m. in the City Manager's Conference Room in the City Hall Annex building.

**Attendance:**

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

Also present were City Manager Reents, Assistant City Manager Amundson, Attorney Rio, Administrative Services Director Koch, Public Works Director Rogalsky, Community Development Director Jensen, Parks and Public Facilities Director Schiessl and City Clerk Hopkins.

**Agenda Items:**

1. Water System Plan and Rate Study Results  
- Pete Rogalsky, Public Works Director

Mr. Rogalsky discussed the 20-year water system plan and rate study results giving details of the plan.

2. Discussion of Council Meeting Agenda Items

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 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 Sergeant Berger and City Clerk Hopkins.

**MAYOR PRO TEM CHRISTENSEN MOVED AND COUNCILMEMBER KENT SECONDED A MOTION TO EXCUSE COUNCILMEMBER ROSE. 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.**

**Presentations:**

1. Tri-City Regional Hotel-Motel Commission 2017 Budgeting and Marketing Plan  
- Kris Watkins, President and CEO at Tri-Cities Visitor & Convention Bureau

Ms. Watkins began her presentation by reviewing the tourism promotional area programs, funding, the 2017 Tri-Cities tourism outlook, the Visit Tri-Cities programs, the program deliverables, guest room productivity, convention and sports investments, and the budget summary.

2. Community and Development Services Quarterly Update  
- Kerwin Jensen, Community Development Director

Mr. Jensen reviewed land use and new subdivisions, the shoreline permit, the Comprehensive Plan update, building and planning permits, industrial development, and the master plan for the recently acquired 1,344 acres north of Horn Rapids, economic development and HOME and CDBG grants.

3. Overview of the 2017 City Manager's Proposed Budget  
- Cindy Reents, City Manager

Ms. Reents presented the 2017 proposed budget, a balanced budget with a 20% increase from 2016. She described the capital projects, sales and property tax revenues, building permits revenues, business licenses, work force and estimated revenues. She continued with the budget summary detailing the fund balances, how the budget connects with each key in the Strategic Plan and some potential vulnerabilities that may affect the City. She concluded by thanking the Council for their leadership.

The Councilmembers had several questions on the proposed budget.

**Public Hearing:**

1. Proposed Revenue Sources Including Property Tax - Ordinance Nos. 56-16, 57-16 and 58-16  
- Brandon Allen, Finance Director

Mr. Allen said Washington State statutes require that the public hearing be held prior to consideration of an Ad Valorem Tax ordinance. He discussed the estimated revenues and expenses, assessed value and property tax.

Mayor Thompson opened the public hearing at 8:43 p.m. and closed the hearing at 8:44 p.m. as there were no public comments.

2. Authorizing Relinquishment of Easements Along River Park Drive - Resolution No. 200-16  
- Pete Rogalsky, Public Works Director

Mr. Rogalsky said it has been determined that the identified portions of the existing easements along River Park Drive are no longer necessary and should be declared surplus. He said a public hearing is required for this process.

Mayor Thompson opened the public hearing at 8:45 p.m. and closed the hearing at 8:45:15 p.m. as there were no public comments.

3. Proposed Surplus of Equipment - Resolution No. 201-16  
- Cathy Robinson, Purchasing Manager

Ms. Robinson said this Vehicle No. 3295 was inadvertently omitted from the list of surplus items brought before Council on September 20, 2016. This vehicle has reached the end of its useful life and has been removed from service to be disposed of according to the RMC Chapter 3.08 Disposition of City-Owned Personal Property. RMC Chapter 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.

Mayor Thompson opened the public hearing at 8:46 p.m. and closed the hearing at 8:46:15 p.m. as there were no public comments.

**Public Comments:**

City Clerk Hopkins read the public comments procedure.

There were no public comments.

**Consent Calendar:**

Minutes:

1. Approve the Minutes of the Regular Meeting Held October 4, 2016 and the Special Workshops Held October 3 and 4, 2016  
- Heather Kintzley, City Attorney

Ordinances - First Reading:

2. Ordinance No. 23-16, Dedicating Right-of-Way for Stevens Drive  
- Pete Rogalsky, Public Works Director
3. Ordinance No. 55-16, Amending RMC Title 18, Irrigation Rates  
- Pete Rogalsky, Public Works Director

4. Ordinance Nos. 56-16, 57-16 and 58-16, Approving 2017 Ad Valorem Tax and Property Tax Levies  
- Cathleen Koch, Administrative Services Director
5. Ordinance No. 59-16, Rezoning 1.6 Acres from Planned Unit Development to Commercial-Limited Business Located at 201 Gage Boulevard (Bauder) (Closed Record)  
- Kerwin Jensen, Community Development Director

Ordinances - Second Reading/Passage:

6. Ordinance No. 54-16, Amending the 2016 Budget for the Electric Utility Fund  
- Bob Hammond, Energy Services Director

Resolutions – Adoption:

7. Resolution No. 104-16, Authorizing a Purchase and Sale Agreement with The Hills Mobile Home Park, LLC for Duportail Bridge Project  
- Pete Rogalsky, Public Works Director
8. Resolution No. 187-16, Adopting General Sewer Plan Update  
- Pete Rogalsky, Public Works Director
9. Resolution No. 198-16, Authorizing the Submittal of a Stormwater Grant Application to the Department of Ecology for the Columbia Park Trail Project  
- Pete Rogalsky, Public Works Director
10. Resolution No. 200-16, Authorizing Relinquishment of Easements Along River Park Drive  
- Pete Rogalsky, Public Works Director
11. Resolution No. 201-16, Approval of Sale of Surplus Equipment  
- Cathleen Koch, Administrative Services Director
12. Resolution No. 202-16, Executing a new Hanford Communities Interlocal Agreement to add the City of West Richland  
- Pam Brown-Larsen, Hanford Communities Manager
13. Resolution No. 203-16, Approving the 2017 Tri-City Regional Hotel-Motel Commission Budget and Marketing Plan  
- Cindy Reents, City Manager
14. Resolution No. 204-16, Adopting Stormwater Management Plan Update  
- Pete Rogalsky, Public Works Director
15. Resolution No. 205-16, Approving the Plat of Clearwater Creek Phase 3  
- Kerwin Jensen, Community Development Director
16. Resolution No. 206-16, Waiving the Right of First Refusal for Purchase of a Portion of the Benton Rural Electric Association Electrical Infrastructure

- Bob Hammond, Energy Services Director

Expenditures - Approval:

17. Expenditures from September 26, 2016 - October 7, 2016 for \$8,124,237.61 including Check Nos. 238321-238696, Wire Nos. 6256-6270, Payroll Check Nos. 111187-111708, and Payroll Wire/ACH Nos. 9625-9646  
- Cathleen Koch, Administrative Services Director

**MAYOR PRO TEM CHRISTENSEN MOVED AND COUNCILMEMBER ANDERSON SECONDED A MOTION TO APPROVE THE CONSENT CALENDAR AS PUBLISHED. 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 said the City's Parks & Recreation Commission (PRC) recommends smoking prohibitions in excess of those found in state law in certain City parks where youths and adults congregate. The purpose of the partial prohibition, as identified in Ordinance No. 53-16, mirrors RCW Section 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 Section 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 Chapter 70.155, Tobacco-Access to Minors, does not otherwise preempt political subdivisions from adopting laws regulating the sale, purchase, use, or promotion of tobacco products not inconsistent with state law.

On Sept. 27, 2016, after reviewing proposed Ordinance No. 53-16 for first reading, Council remanded the matter for further PRC discussion. After additional review, the PRC now recommends that the proposed prohibition apply to the following locations in the City's park system:

1. Spectator seating at the performance stage at John Dam Plaza
2. Upon or within 25 ft. of a city-owned playground structure
3. At city-owned aquatic facilities
4. Upon or within 25 ft. of bleacher seating and sports fields at any city-owned athletic facility.

The PRC recommends deleting "within or upon any city-owned dock or marina" and "groomed beaches" from the proposed smoking prohibition. The PRC's revised ordinance is more narrowly-tailored by adding "structure" to city-owned playground, and more specific by inclusion of the term "sports fields." These changes are intended to address Council's concerns on remand.

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

Councilmembers had several clarifying questions and stated their views on the topic. Councilmember Lemley was in favor of banning smoking completely, stressing enforcement and protecting all citizens, but he would allow vaping. Councilmember Kent would ban smoking as well. Councilmember Anderson said that smoking is legal and believes smokers need protecting as well as non-smokers. He supports the ordinance as written. Councilmember Luzzo Gilmour supports a total ban of smoking in the parks. Mayor Pro Tem Christensen believes smokers have rights and does not support banning smoking.

**MAYOR PRO TEM CHRISTENSEN MOVED AND MAYOR THOMPSON SECONDED A MOTION TO GIVE FIRST READING, BY TITLE ONLY, ORDINANCE NO. 53-16, PROHIBITING SMOKING AND USE OF ELECTRONIC VAPOR PRODUCTS IN PORTIONS OF CERTAIN CITY PARKS AND AMENDING BULLET NO. 4 TO "UPON OR WITHIN 25 FT. OF BLEACHER SEATING" AND ADDING BULLET NO. 5. "YOUTH SPORTS FIELDS AT ANY CITY-OWNED ATHLETIC FACILITY"**

Mayor Thompson believes that government should be minimal and believes that people will self-police themselves. Councilmember Kent expressed enforcement concerns.

**THE MOTION TIED 3-3. COUNCILMEMBER LUZZO GILMOUR, LEMLEY AND KENT OPPOSED.**

**MAYOR THOMPSON AND MAYOR PRO TEM CHRISTENSEN SECONDED THE MOTION TO BRING ORDINANCE NO. 53-16 BACK TO COUNCIL WHEN ALL OF THE COUNCIL MEMBERS WERE IN ATTENDANCE. THE MOTION CARRIED 6-0.**

#### **Reports and Comments:**

1. City Manager Reents said that the 2017 Budget Message would be on the City's website when she finalized it.

2. Council:

Councilmember Kent said she patronized the new Sterling's Restaurant on the waterfront on George Washington Way and highly recommended it.

Councilmember Luzzo Gilmour complemented the Fire Fighter's at Fire Station No. 71 for the excellent tour they gave to the Cub Scout Pack 249.

Councilmember Lemley said the Richland Senior Association will hold their Holiday Bazaar on November 12, 2016. He also encouraged citizens to show their support of the Richland Police Department by installing a blue light bulb in their outdoor fixtures during the Blue Light Campaign. Citizens can pick up a free blue light bulb at the Richland Community Center, Library and Police Station.

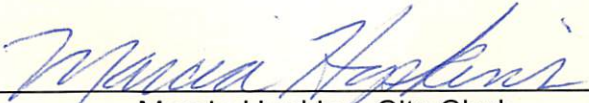
Mayor Pro Tem Christensen attended the ribbon-cutting event at the new Ross Dress for Less store in Queensgate. The company gave the Richland Library Foundation a donation of \$2,500. He also attended the ground breaking event for the new Sexual Assault Resource Center facility on Fowler Street.

3. Mayor Thompson said he will attend the Duportail extension ribbon-cutting on Wednesday, October 19, 2016 and encouraged all to attend as well.

**Adjournment:**

Mayor Thompson adjourned the meeting at 9:21 p.m.

Respectfully Submitted,

  
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Marcia Hopkins, City Clerk

**FORM APPROVED:**

  
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Robert J. Thompson, Mayor

**DATE APPROVED:**

\_\_\_\_\_  
11/1/16

**DATE PUBLISHED:**

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11/2/16