



MINUTES

RICHLAND CITY COUNCIL REGULAR MEETING

Richland City Hall ~ 505 Swift Boulevard

Tuesday, July 17, 2018

City Council Pre-Meeting Workshop - 7:00 p.m.

Mayor Thompson called the pre-meeting workshop 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 Alvarez, Lemley, Lukson, Kent and Anderson were present.

Also present were City Manager Reents, Assistant City Manager Amundson, City Attorney Kintzley and City Clerk Hopkins.

Agenda Item

1. Executive Session Per RCW 42.30.110 (1) (ii): Discuss Current or Potential Litigation With Legal Counsel (15 minutes)

COUNCILMEMBER ANDERSON MOVED AND MAYOR PRO TEM CHRISTENSEN SECONDED A MOTION TO MOVE INTO EXECUTIVE SESSION AT 7:00 P.M. TO DISCUSS PER RCW 42.30.110 (1) (II): CURRENT OR POTENTIAL LITIGATION FOR 15 MINUTES. THE MOTION CARRIED 7-0.

COUNCILMEMBER ANDERSON MOVED AND COUNCILMEMBER ALVAREZ SECONDED A MOTION TO MOVE OUT OF EXECUTIVE SESSION AT 7:15 P.M. THE MOTION CARRIED 7-0.

2. Discuss Meeting Agenda Items (15 minutes)

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

Ms. Reents confirmed with Council to schedule an interview with Dan Boyd for consideration of a reappointment to the Richland Public Facilities District.

City Council Regular Meeting - 7:30 p.m.

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.

Attendance: Mayor Thompson, Mayor Pro Tem Christensen, Councilmembers Alvarez, Lemley, Lukson, Kent and Anderson were present.

Also present were City Manager Reents, Assistant City Manager Amundson, City Attorney Kintzley, Administrative Services Director Koch, Public Works Transportation and Development Manager West, Fire Battalion Chief Hempstead, Community Development Director Jensen, Parks and Public Facilities Director Schiessl, Energy Services Director Whitney, Interim Police Services Director Taylor 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 LUKSON SECONDED A MOTION TO APPROVE THE AGENDA AS PUBLISHED. THE CARRIED MOTION 7-0.

Presentations

3. Community Development Department Update (15 Minutes)

Mr. Jensen's Community Development updates included: the Park Place Apartments project; the new City Hall project; construction activity comparison; land use and development; Badger Mountain South development; the new Amon Creek Elementary; the new Willowpoint Apartments in North Richland; and the WSU Tri-Cities Student Housing development.

Mr. Ratkai gave an economic development update on real estate sales; business improvement districts; and local revitalization in Horn Rapids. He continued by giving the projects highlights for 2018.

4. CityView Video: Richland Public Library Feature (5 minutes)

Ms. Campbell Hime, Richland Library Manager, gave updates on the Richland Library and introduced the video.

Council had a question and answer period with Ms. Campbell Hime.

Public Hearing

5. Proposed Amendment to the 2018 Budget to Increase Legal Fees - Ordinance No. 41-18

City Clerk Hopkins read the Public Hearing and Public Comments procedures.

Ms. Kintzley said state law requires a public hearing before increasing appropriations from beginning fund balance in the General Fund and the hearing satisfies the requirements of RCW 35.33.091. She gave details regarding the legal fee increases.

Mayor Thompson opened the public hearing at 7:53 p.m. and closed the hearing at 7:53:15 p.m. as there were no comments.

Public Comments

Rose Archer, 641 Cottonwood Drive, Richland, WA said the firework activity has increased in her neighborhood in the last few years. She is concerned with the use of illegal fireworks, the possible danger associated with them and does not believe there is adequate Police involvement in the calls they receive regarding illegal fireworks. She would like to see increased Police involvement and higher levels of penalties for illegal fireworks use.

Consent Calendar

City Clerk Hopkins read the Consent Calendar.

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

Minutes

6. Approve the City Council Meeting Minutes from June 26 and July 3, 2018

Ordinances - First Reading

7. Ordinance No. 39-18, Amending Chapter 2.20 of the Richland Municipal Code related to the Code Enforcement Board
8. Ordinance No. 40-19, Amending Chapter 2.11 of the Richland Municipal Code related to the Americans with Disabilities Citizens Review Committee

9. Ordinance No. 41-18, Amending the 2018 Budget to Increase Legal Fees
10. Ordinance No. 42-18, Amending the 2018 Budget to Provide Additional Appropriations in the Community Development Block Grant, HOME, Streets Capital Construction and Parks Project Construction Funds
11. Ordinance No. 43-18, Repealing Richland Municipal Code Chapter 2.19 related to Management of the Municipal Parking Areas

Ordinances - Second Reading/Passage

12. Ordinance No. 35-18, Amending Title 23 of the Richland Municipal Code related to a Zoning change on 1.1 Acres from Suburban Agriculture (SAG) to Single-Family Residential (R-1-12)
13. Ordinance No. 36-18, Amending Chapter 12.03 of the Richland Municipal Code related to Road Impact Fees
14. Ordinance No. 37-18, Amending the 2018 Budget to Provide Additional Appropriations in the General Fund and General Government Construction Fund in support of the Swift Corridor: City Hall Project
15. Ordinance No. 38-18, Amending the 2018 Budget to Provide Additional Appropriations in the Street Capital Construction Fund, Capital Improvement Fund and General Fund in Support of Swift Boulevard Improvements and Steptoe / Tapteal Intersection Improvements

Resolutions – Adoption

16. Resolution No. 108-18, Authorizing a Consultant Agreement with RH2 Engineering, Inc. for the Columbia River Intake Screen Upgrade
17. Resolution No. 111-18, Approving the Preliminary Plat of Cobb Hill
18. Resolution No. 112-18, Adopting the Strategic Leadership Plan 6 Core Focus Areas

Expenditures - Approval

19. Expenditures from June 25- July 6, 2018 for \$10,196,160.52 including Check

Nos. 258753-259288, Wire Nos. 6966-6993, Payroll Check Nos. 135275-135856, and Payroll Wire/ACH Nos. 10507-10525

Items of Business

20. Appeal of Special Use Permit SUP2018-100 - US Cellular (Closed Record)

Mayor Thompson and City Attorney Kintzley read the closed record hearing procedures to the audience.

Ms. Kintzley asked if any Councilmembers have any potential conflicts regarding the topic per the closed record hearing procedures.

Councilmembers Lukson, Kent, Alvarez and Mayor Thompson recused themselves from the proceedings on grounds of conflict of interest and left the Council Chamber.

Councilmembers Anderson, Lemley and Mayor Pro Tem Christensen did not have any potential conflicts regarding the topic per the closed record hearing procedures.

Ms. Kintzley said a quorum was present when the meeting was called to order and said the remaining Councilmembers still constitutes a valid meeting.

City Attorney Kintzley asked the audience if they have an objection to any Councilmember's participation in the closed record review. There were none.

City Attorney Kintzley asked the audience if they have any objections on jurisdictional grounds. There were none.

City Clerk Hopkins read the remaining closed record hearing procedures to the audience.

Staff Presentation:

Mr. Jensen gave the following report: The Hearing Examiner held a public hearing on March 12, 2018 to consider an application for a Special Use Permit to construct a new 80-foot wireless communications facility (monopole) designed to resemble a pine tree, with associated ground equipment, on a portion of the Meadow Springs Country Club golf course and located in the Parks and Public Facilities (PPF) zoning district. The subject property is addressed as 700 Country Club Road, and the monopole is proposed to be located immediately south of the Bellerive Drive/Country Club Road intersection.

Pursuant to RMC 23.62.060(B), monopoles between 80 feet and 150 feet in height may be permitted in the PPF zone subject to the issuance of a Special Use Permit meeting the criteria of RMC 23.62.070. The applicant is requesting an 80-foot tall monopole that reaches an overall height of 85 feet including the accessory

appurtenances that will be used to disguise the facility as a pine tree (e.g. faux tree branches). The application states that the facility is required in order to provide quality and consistent LTE (4G Long-Term Evolution) coverage in the City of Richland in the area between Clearwater Avenue, Keene Road, and Gage Boulevard.

Staff recommended conditional approval of the application to the Hearing Examiner. Upon conducting a public hearing and reviewing all submitted materials, the Hearing Examiner held that the applicant met its burden of proof, and approved the application with conditions as stated in the Hearing Examiner's Findings of Fact, Conclusions of Law, and Decision. A timely appeal was filed on June 11, 2018 by Theresa Long. On appeal, Council shall consider the record built before the Hearing Examiner, and take testimony only from those who appeared at the public hearing on March 12, 2018. Council has the authority to affirm, reverse or modify, in whole or in part, the order of the Hearing Examiner so long as such action conforms to applicable local, state and federal law.

Person's Commenting on the Established Record:

Mark Fickes, Halverson Northwest Law Group, Yakima, WA, said he is the attorney for US Cellular and attended the Hearing Examiner meeting. He noted the appellant was not in attendance in the meeting. He said this was a closed record hearing and a quasi-judicial proceeding and the issue is whether the Council supports the Hearing Examiner's decision or if they find he made a clear error of law. He said US Cellular met all of the criteria in the Richland Municipal Code as it was well mitigated. He said the appellant's concerns were about property values, health impacts and aesthetics. He recommends the Council support the Hearing Examiner's decision.

Dan McKinney, Site Acquisition Consultant for US Cellular, said he believes the City staff and the Hearing Examiner did an excellent job and the tower does comply with Richland's Municipal Code for cellular towers. He reiterated the facts in Mr. Jensen's staff report and he recommends the Council support the Hearing Examiner's decision.

Applicant's Comments on the Established Record:

The applicant was not in attendance of the meeting.

COUNCILMEMBER ANDERSON AFFIRMS THE HEARING EXAMINER'S DECISION TO APPROVE THE SPECIAL USE PERMIT SUP2018-100 - US CELLULAR. MAYOR PRO TEM CHRISTENSEN SECONDED THE MOTION.

Councilmember Lemley said he supports the Hearing Examiner's decision.

THE MOTION CARRIED 3-0.

Mayor Thompson and Councilmembers Kent, Alvarez and Luckson rejoined the meeting.

Reports and Comments

City Manager

Mr. Reents said thanked Public Works Transportation and Development Manager Julie West for her presentation at Richland Rotary. She also commented that the Police calls for service have been going down over the last four years.

Mayor Thompson noted that Ms. Kintzley's son was in the audience and that is was a special occasion for him and invited him to sit by his mother. Ms. Kintzley said her son Jackson was turning 8 years old today. The Mayor and Council sang happy birthday to Jackson.

City Council

Councilmember Anderson said the fireworks calls were down and dangerous fireworks are illegal. He more concerned with the recent mugging on a City park trail.

Councilmember Lukson thanked Mr. Jensen for the update on Community Development and was impressed with the number of projects going on in the City.

Mayor

Mayor Thompson said each individual is responsible for their use of actions and use of fireworks.

Adjournment

Mayor Thompson adjourned the meeting at 8:30 p.m.

Respectfully Submitted,
Respectfully Submitted,



Marcia Hopkins, City Clerk

FORM APPROVED:



Robert J. Thompson, Mayor

DATE APPROVED:

July 17, 2018

DATE PUBLISHED

August 7, 2018