



MINUTES

RICHLAND CITY COUNCIL REGULAR MEETING

Zoom - Public Telephonic Access: (253) 215-8782

or (346) 248-7799 Meeting ID No. 935-0626-3210

Tuesday, May 5, 2020

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

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

Welcome and Roll Call

Mayor Lukson welcomed those attending the virtual council meeting, which was held remotely to comply with Governor Inslee's directive that no municipal meetings be held in person.

The following Councilmembers were present and participated remotely: Mayor Lukson, Mayor Pro Tem Kent, and Councilmembers Alvarez, Christensen, Lemley and Thompson. Councilmember Anderson was absent at the start of the meeting.

COUNCILMEMBER THOMPSON MOVED AND COUNCILMEMBER ALVAREZ SECONDED THE MOTION TO EXCUSE COUNCILMEMBER ANDERSON. THE MOTION CARRIED 6-0.

Also (remotely) present were City Manager Reents, Assistant City Manager Amundson, City Attorney Kintzley, Chief of Police Bruce, Fire & Emergency Services Director Huntington, Development Services Director Jensen, Administrative Services Director Koch, Public Works Director Rogalsky, Parks & Public Facilities Director Schiessl, Energy Services Director Whitney and City Clerk Rogers.

Pledge of Allegiance

Mayor Lukson led the Council and remote attendees in the Pledge of Allegiance.

Approval of Agenda

COUNCILMEMBER THOMPSON MOVED AND COUNCILMEMBER CHRISTENSEN SECONDED A MOTION TO APPROVE THE AGENDA AS PUBLISHED. THE MOTION CARRIED 6-0.

Presentations

1. COVID-19 Update

City Manager Reents announced that Governor Inslee has extended the *Stay Home - Stay Healthy* mandate until May 31, 2020. The Governor's Office also released *Safe Start*, a four-phase plan outlining Governor Inslee's approach to reopening Washington State's economy.

Certain business industries and smaller counties will have the opportunity to apply for a variance, which will allow them to resume business as early as this week.

City Manager Reents announced that city managers in neighboring cities will submit a joint letter to the Governor's Office seeking clarification on certain sections of the *Safe Start* plan. The joint letter will also include a request to receive additional funding through the federal CARES Act to help alleviate lost revenue associated with the pandemic.

The city managers continue to meet regularly, and have discussed the mental, physical and economic concerns stemming from the *Stay Home – Stay Healthy* mandate and its extension.

City Manager Reents provided an update on city operations and events and how the pandemic has affected operations. It is likely that the full financial impact of the pandemic will not be known for several months. Funds are being monitored and preparations for the 2021 budget have begun.

City Attorney Kintzley provided a high level report on the legality of Governor Inslee's multiple proclamations. She explained that during a state of emergency, the Washington State Governor has emergency powers that authorize the prohibition of certain acts and waiver or suspension of certain laws.

Once a state of emergency is declared, the emergency does not cease until the governor so determines. Governor Inslee's *Stay Home - Stay Healthy* proclamation, as extended, falls within his legal authority. Further, Governor Inslee's proclamation concerning suspension of portions of the Open Public Meetings Act has been lawfully extended by the Governor with approval from the Washington State Legislature. In summary, the City Attorney opined that the City, as a municipal corporation, has no authority to overturn or disobey Governor Inslee's proclamations. City Attorney Kintzley briefly shared repercussions relating to violations of the proclamations.

Councilmember Anderson joined the meeting.

Mayor Lukson inquired if the City has the authority to not enforce the order from a law enforcement perspective. City Attorney Kintzley replied that it would be inappropriate for our law enforcement agency to selectively enforce certain laws.

City Manager Reents added that an enforcement guideline to Governor Inslee's proclamation is available on Governor's Inslee's website.

Councilmembers provided statements and opinions regarding the *Stay Home - Stay Healthy* mandate and its effect on residents, businesses and the economy.

Mayor Lukson stated that the joint letter addressed to the Governor should also include a request to lift the *Stay Home – Stay Healthy* mandate at the end of May, or include an

avenue to navigate through the plan at a faster rate than outlined in the plan.

Mayor Pro Tem Kent stated that limited COVID-19 testing has been performed in the community, and suggested that additional testing supplies are needed. Mayor Pro Tem Kent further stated that additional options are needed to ensure that people who are susceptible to the virus can protect themselves more aggressively.

City Manager Reents shared that, in her weekly conference call with the Benton-Franklin Health District, a discussion was had on whether the Tri-Cities can request additional testing since the Tri-Cities area was experiencing a higher number of confirmed cases per capita than the rest of the state.

Councilmembers provided additional comments regarding implications of the *Stay Home – Stay Healthy* mandate, including expressing frustration that Tri-Cities small businesses are suffering the most from the actions taken at the state level in response to COVID-19.

Public Hearing

City Clerk Rogers read the Public Comments procedure.

Development Services Director Jensen provided a summary of the three resolutions presented for public hearing. Approval related to the three public hearing items will allow nearly \$374,000 to be utilized to assist individuals, families and various small businesses suffering economic loss due to the COVID-19 pandemic.

2. Proposed Substantial Amendments to the Community Development Block Grant (CDBG) 2017, 2018 and 2019 Annual Action Plans Allocating Additional Funding to the 2020 Economic Development Small Business Stabilization Loan Program Activity, Resolution No. 63-20

Mayor Lukson opened the hearing for public comments at 6:47 p.m. Richard Smith (2153 Cascade) registered to speak telephonically in support of this item. No other comments were received. Mayor Lukson closed the public hearing at 6:47 p.m.

3. Proposed Amendment to the Home Investment Partnerships Program (HOME) 2020 Annual Action Plan allocating Community Housing Development Organization (CHDO) 15% Set-aside for use with Emergency and Short-term Tenant-Based Rental Assistance Activity, Resolution No. 64-20

Mayor Lukson opened the hearing for public comments at 6:48 p.m. No comments were received. Mayor Lukson closed the public hearing at 6:48 p.m.

4. Proposed Amendment to the Community Development Block Grant Annual Action Plan to Allocate New Funds Related to Coronavirus Response, Resolution No. 65-20

Mayor Lukson opened the hearing for public comments at 6:48 p.m. No comments were

received. Mayor Lukson closed the public hearing at 6:48 p.m.

Public Comments

City Clerk Rogers read public comments submitted via email from the following individuals: Aaron Pickett, 206 Edgewood Drive and Tina Gregory, 277 Jackrabbit Lane. The sentiment from both was that the actions taken at the state level violate the Washington State Constitution, and the Richland City Council should direct reopening of the City.

Tim Bush - 950 Aaron Drive - Mr. Bush stated his appreciation to City Manager Reents for her helpfulness. Mr. Bush agreed with statements made by Councilmember Thompson. He then stated concerns relating to the number of businesses that have closed as a result of the *Stay Home – Stay Healthy* mandate. Lastly, Mr. Bush urged Council to reopen the City despite Governor Inslee's directives.

Lillian Randy Slovic - 74 Newcomer - Ms. Newcomer compared the COVID-19 statistics of the Tri-Cities to other locations in the state. She asked councilmembers to consider the statistics as they consider reopening the city. She thanked the City for allowing the public to provide comments.

Consent Calendar

City Clerk Rogers read the Consent Calendar.

COUNCILMEMBER THOMPSON MOVED AND COUNCILMEMBER CHRISTENSEN SECONDED A MOTION TO APPROVE THE CONSENT AGENDA AS PUBLISHED. THOSE IN FAVOR: ALVAREZ, ANDERSON, CHRISTENSEN, KENT, LEMLEY, LUKSON AND THOMPSON. THOSE OPPOSED: NONE. THE MOTION CARRIED 7- 0.

Minutes

5. Approval of the April 7, 2020 Regular Council Meeting Minutes and April 20, 2020 Special Council Meeting Minutes

Ordinances - First Reading

6. Ordinance No. 10-20, Amending the 2020 Budget in the Community Development Block Grant Fund for Coronavirus Response

Ordinances - Second Reading & Passage

None.

Resolutions - Adoption

7. Resolution No. 57-20, Setting a Public Hearing Date related to the Vacation of a Portion of Brantingham Road
8. Resolution No. 59-20, Authorizing Award of Bid to Booth and Sons Construction, Inc. for the Horn Rapids Landfill Disposal Capacity Improvements, Phase 1C - Scale House Project
9. Resolution No. 60-20, Authorizing Award of Bid to Siefken and Sons Construction, Inc. for the Wastewater Treatment Plant Lab Rebuild Project
10. Resolution No. 61-20, Authorizing Award of Bid to Allstar Construction Group, Inc. for the 2020 ADA Ramp with Water Treatment Plant Frontage Sidewalk Project
11. Resolution No. 62-20, Authorizing an Amendment to an Agreement with Architects West for Construction Administration Services related to the Horn Rapids Landfill Disposal Capacity Improvements Phase 1C - Scale House Project
12. Resolution No. 63-20, Approving a Substantial Amendment to the Community Development Block Grant (CDBG) 2017, 2018 and 2019 Annual Action Plans Allocating Additional Funding to the 2020 Economic Development Small Business Stabilization Loan Program Activity
13. Resolution No. 64-20, Approving an Amendment to the 2020 Home Investment Partnerships Program Annual Action Plan to reallocate Community Housing Development Organization 15% Set-aside Funds to the Emergency and Short- term Tenant-Based Rental Assistance Activity
14. Resolution No. 65-20, Approving an Amendment to 2020 Community Development Block Grant Annual Action Plan to Allocate New Funds Related to Coronavirus Response
15. Resolution No. 66-20, Approving the Final Plat of Clearwater Creek Phase 9 & 10
16. Resolution No. 67-20, Authorizing Acquisition of Real Property and Execution of a Financing Contract, Site Lease and Related Documentation in Support of Public Safety Response Stations 73 and 75
17. Resolution No. 68-20, Authorizing the Use of Electronic Signatures and Electronic Records in the City of Richland
18. Resolution No. 69-20, Amending the 2004 Master Lease with the U.S. Army Corps of Engineers
19. Resolution No. 70-20, Amending the 2020 George Prout Pool Capital Improvement Project Narrative

20. Resolution No. 71-20, Authorizing Amendments to the City's Governmental Money Purchase Plans & Trusts and 457 Deferred Compensation Plans to Implement Provisions of the Coronavirus Aid, Relief and Economic Security Act

Items - Approval

None.

Expenditures - Approval

21. Expenditures from March 30, 2020 - April 24, 2020 for \$22,080,044.32 including Check Nos. 278160-278953, Wire Nos. 8079-8116, Payroll Check Nos. 163318-164367, Payroll Wire/ACH Nos. 11442-11485, and Pension Check Nos. 5419-5449.

Items of Business

None.

Reports and Comments

City Manager

City Manager Reents shared that during a phone call with the Benton-Franklin Health District, it was made known that COVID-19 deaths reported by the Tri-City Herald in a recent publication did not report accurate numbers as not all deaths were COVID-19 related.

City Council

Councilmember Anderson stated that every job is essential, and shared some thoughts about individuals and businesses who are struggling financially as a result of the *Stay Home – Stay Healthy* mandate. He also encouraged citizens to continue supporting the military, first responders, law enforcement and small business.

Councilmember Lemley spoke of balancing the risks between reopening the city and remaining closed.

Councilmember Thompson shared his thoughts regarding the pandemic and the impacts it has had on individuals and the community.

Councilmember Christensen agreed with statements made by Councilmembers Anderson and Thompson, and shared his thoughts on the effects of the COVID-19 virus on the community and economy. He requested that during the upcoming mayoral joint public service announcement, Mayor Lukson convey to the citizens that Council is working together for them and will continue to support them.

Councilmember Christensen stated that he would like Council to pursue updating the City's charter this year. Lastly, he briefly mentioned Referendum 90, Sex Education in Public Schools.

Mayor Pro Tem Kent reiterated the importance of reaching out to the appropriate entities to obtain additional testing for COVID-19. She encouraged everyone to continue to care for each other during this pandemic, and to follow the rules of the mandate, regardless of political stance regarding Governor Inslee's orders.

Lastly, Ms. Kent encouraged those who are not currently working, and have the ability, to seek volunteer opportunities for various organizations and non-profits who are in need of volunteers.

Mayor

Mayor Lukson confirmed his agreements with statements made by councilmembers. He announced that to the best of their ability, he and the entire Council will continue to lobby to reopen the economy by safely reopening the City and local businesses.

Adjournment

Mayor Lukson adjourned the meeting at 7:29 p.m.

APPROVED:



Ryan Lukson, Mayor

ATTESTED:



Jennifer Rogers, City Clerk

DATE APPROVED: June 2, 2020

DATE PUBLISHED: June 3, 2020