



MINUTES

RICHLAND CITY COUNCIL REGULAR MEETING

Tuesday, November 17, 2020

Zoom – Public Telephone Access: (206) 337-9723 or (253) 215-8782

Meeting ID No. 969 0152 3221

City Council Workshop - 5:00 p.m. via Zoom

Mayor Lukson called the remote Council workshop to order at 5:00 p.m.

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

Also remotely present were City Manager Reents, Assistant City Manager Amundson, City Attorney Kintzley, Chief of Police Bruce, Public Works Director Rogalsky, Development Services Director Jensen, Energy Services Director Whitney, Finance Director Allen and City Clerk Rogers.

Agenda Item

1. Social Media Liability - Attorney Ken Harper

Attorney Ken Harper, on behalf of Washington Cities of Insurance Authority (WCIA), presented on legal liability issues related to use of social media in the municipal setting. Throughout the presentation, Council provided comments and engaged in a question and answer session with Mr. Harper.

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

Mayor Lukson called the remote Council meeting to order at 6:01 p.m.

Welcome and Roll Call

Mayor Lukson welcomed those attending the virtual meeting.

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

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 audience in the recitation of the Pledge of Allegiance.

Approval of Agenda

MAYOR LUKSON PULLED ITEM NO. 12, ORDINANCE NO. 47-20, AMENDING CHAPTER 2.04 OF THE RICHLAND MUNICIPAL CODE RELATED TO THE CITY OF RICHLAND'S ADMINISTRATIVE CODE. ITEM NO. 12 WAS MOVED TO ITEM NO. 1 UNDER ITEMS OF BUSINESS.

COUNCILMEMBER THOMPSON MOVED AND COUNCILMEMBER CHRISTENSEN SECONDED THE MOTION TO APPROVE THE AGENDA AS AMENDED. THE MOTION CARRIED 7-0.

Presentations

1. COVID-19 Update

City Manager Reents stated that Governor Inslee has announced additional statewide restrictions to combat the rapid spread of COVID-19. The statewide restrictions took effect on Monday, November 16, 2020 and will remain in effect until Monday, December 14, 2020. To assist in mitigating the financial impacts on businesses and employees, the State will commit \$50 million in grants for industries most impacted by the pandemic. The State will also allocate an additional \$20 million toward economic relief for individuals and businesses.

City Manager Reents then provided a summary of information shared during the most recent leadership meeting with the Benton-Franklin Health District (BFHD) in response to the local impacts of the COVID-19 pandemic.

City Manager Reents provided an overview on the impacts the pandemic has had on the City of Richland. City of Richland residents who are in jeopardy of utility service interruption due to non-payment as a result of economic hardships caused by the coronavirus are encouraged to apply for the City's Coronavirus Utility Assistance program.

Mayor Lukson announced that he was able to assist with the expansion of the CBC west testing site to accommodate testing seven (7) days per week. Further, the Benton-Franklin Health District is encouraging citizens to participate when contacted by a contact tracer.

Mayor Lukson summarized a conversation he had with staff from Governor Inslee's office regarding closure of businesses and industries. Mayor Lukson then read aloud a joint letter from the mayors of Kennewick, Richland, Pasco and West Richland addressed to Governor Inslee expressing their disagreement with the new restrictions, and urging him to reconsider the mandates.

Each councilmember provided observations and comments regarding Governor Inslee's most recent mandates and restrictions, and the implications they will have on local businesses.

Public Hearing

2. Amendments to the 2020 Budget, Ordinance No. 48-20

Finance Director Allen provided an overview to the proposed ordinance. State law requires a public hearing be held prior to appropriation of unappropriated fund balance.

No individuals signed up to provide testimony for this public hearing item. Mayor Lukson opened and closed the public hearing at 6:44 p.m.

4. 2021 Community Development Block Grant Annual Action Plan and Project Funding Recommendations, Resolution No. 154-20

Development Services Director Jensen presented on the proposed uses of the 2021 funding from the US Department of Housing and Urban Development (HUD) and 2021 anticipated program income from repaid housing loans and CDBG programs.

The proposed items were presented to the Richland Planning Commission for approval before being presented to Council for consideration and action.

No individuals signed up to provide testimony for this public hearing item. Mayor Lukson opened and closed the public hearing at 6:47 p.m.

5. Amendment to the 2020 Community Development Block Grant Annual Action Plan to Allocate Additional Funds Related to Coronavirus Response, Resolution No. 155-20

Development Services Director Jensen presented on the 2020 CDBG CARES Act funding amendment which included allocation recommendations. A public hearing is required to amend the 2020 Annual Action Plan to include the additional funding.

No individuals signed up to provide testimony for this public hearing item. Mayor Lukson opened and closed the public hearing at 6:49 p.m.

6. Amendment to Exhibit A of the Compensation Plan for Unaffiliated Employees - 2015 and Continuing, Resolution No. 159-20

Development Services Director Koch presented on this item, and added that the Richland City Charter requires a public hearing before Council takes action to amend, repeal or add to the City's personnel rules, including the City's classification schedule.

No individuals signed up to provide testimony for this public hearing item. Mayor Lukson opened and closed the public hearing at 6:51 p.m.

7. Relinquishment of a Utility Easement at 2209 Humphreys Street, Resolution No. 160-20

Public Works Director Rogalsky provided an overview of the proposed relinquishment of the easement. This utility easement is no longer needed for municipal purposes and is recommended for surplus. A public hearing is required by state law.

No individuals signed up to provide testimony for this public hearing item. Mayor Lukson opened and closed the public hearing at 6:52 p.m.

8. Relinquishment of an Access Easement on Port of Benton Property, Resolution No. 161-20

Public Works Director Rogalsky presented on the request to relinquish the access easement on Port of Benton property. This access easement is no longer needed for municipal purposes and is recommended for surplus. A public hearing is required by state law.

No individuals signed up to provide testimony for this public hearing item. Mayor Lukson opened and closed the public hearing at 6:53 p.m.

Public Comments

None.

Consent Calendar

City Clerk Rogers read the Consent Calendar.

COUNCILMEMBER CHRISTENSEN MOVED AND COUNCILMEMBER THOMPSON SECONDED THE MOTION TO APPROVE THE CONSENT AGENDA AS AMENDED. THOSE IN FAVOR: MAYOR LUKSON, MAYOR PRO TEM KENT AND COUNCILMEMBERS ALVAREZ, BORING, CHRISTENSEN, LEMLEY AND THOMPSON. THOSE OPPOSED: NONE. THE MOTION CARRIED 7-0.

Minutes

4. Approval of the November 3, 2020 Council Meeting Minutes

Ordinances - First Reading

5. Ordinance No. 48-20, Approving Amendments to the 2020 Budget

Ordinances - Second Reading & Passage

6. Ordinance No. 46-20, Approving the 2021 Budget and the 2021-2026 Capital Improvement Plan

7. Ordinance No. 47-20, Amending Chapter 2.04 of the Richland Municipal Code related to the City of Richland's Administrative Code **(PULLED AND RELOCATED TO ITEMS OF BUSINESS AS ITEM NO. 1)**

Resolutions - Adoption

8. Resolution No. 121-20, Authorizing an Interlocal Agreement with the Port of Kennewick for the Center Parkway Project
9. Resolution No. 122-20, Authorizing an Interlocal Agreement with the Port of Benton for the Center Parkway Project
10. Resolution No. 154-20, Approving 2021 Community Development Block Grant Annual Action Plan and Project Funding
11. Resolution No. 155-20, Amending the 2020 Community Development Block Grant Annual Action Plan to Allocate Additional Funds Related to Coronavirus Response
12. Resolution No. 156-20, Authorizing Circulation of the Badger Mountain Vineyards Annexation Petition
13. Resolution No. 157-20, Authorizing Award of Bid to Apollo, Inc. for the Columbia Park Trail East Improvements Project
14. Resolution No. 158-20, Authorizing Amendments to Consulting Agreements with RGW Enterprises
15. Resolution No. 159-20, Amending Exhibit A of the Compensation Plan for Unaffiliated Employees – 2015 and Continuing
16. Resolution No. 160-20, Authorizing Relinquishment of Certain Portions of a Utility Easement at 2209 Humphreys Street
17. Resolution No. 161-20, Authorizing Relinquishment of an Access and Utility Easement on Port of Benton Property North and East of Roberson Drive
18. Resolution No. 163-20, Authorizing Circulation of the Allenwhite Annexation Petition

Items - Approval

19. Appointment to the Richland Planning Commission: Lizzy Ridley

Expenditures - Approval

20. Expenditures from October 1, 2020 to October 31, 2020 for \$28,567,188.69 including Check Nos. 283463-284258, Travel Check Nos. 19946-19951, Wire Nos. 8298-8299, 8303-8336, Payroll Check Nos. 170182-171779, Payroll Wire/ACH Nos. 11726-11791, and Pension Check Nos. 5626-5654

Items of Business

Ordinance No. 47-20, Amending Chapter 2.04 of the Richland Municipal Code related to the City of Richland's Administrative Code **(PULLED FROM CONSENT CALENDAR)**

Mayor Lukson invited City Attorney Kintzley to expound on the changes Ordinance No. 47-20 will make to Chapter 2.04 RMC. City Attorney Kintzley provided an overview of the proposed changes, and added that the edits will bring the code into alignment with current practices.

There was a lengthy discussion among councilmembers regarding the provisions of RMC 2.04.090, which addresses absence or disability of the City Manager. At the conclusion of the discussion, Council directed City Attorney Kintzley to amend the proposed ordinance to reflect the changes discussed. The revised ordinance will come forward for Council consideration at the next regular meeting.

Mayor Lukson also requested clarification on the attendance provision related to the City Attorney found in RMC 2.04.140. After a brief discussion, Council directed City Attorney Kintzley to amend the language in the proposed ordinance to reflect a change from "mayor" to "city manager" with regard to the authority for excusing the City Attorney from council meetings since this approach is consistent with current practice.

COUNCILMEMBER BORING MOVED AND COUNCILMEMBER CHRISTENSEN SECONDED THE MOTION TO POSTPONE ORDINANCE NO. 47-20 UNTIL THE NEXT SCHEDULED COUNCIL MEETING.

Reports and Comments

City Manager

City Manager Reents clarified that she is in good health and does not have a disability. City Manager Reents also stated that the Richland Public Library continues to operate at twenty-five percent (25%) capacity under the existing guidance.

City Council

Councilmember Thompson shared a medical study published by the *New England Journal of Medicine* regarding the ineffective outcomes of COVID-19 lockdowns. Councilmember Thompson commented directly on the study and shared other thoughts relating to Governor Inslee's COVID-19 mandates.

Councilmember Christensen thanked Councilmember Thompson for his comments. Councilmember Christensen shared his personal thoughts on the vote-by-mail process, and inquired about the software used in the voting machines. Lastly, Councilmember Christensen wished everyone a safe and happy Thanksgiving.

Councilmember Boring wished everyone a safe and happy Thanksgiving. She expressed hope that the joint letter from the local mayors to Governor Inslee will produce positive

outcomes. Councilmember Boring also encouraged everyone to remain positive and thankful during the Thanksgiving holiday.

Councilmember Alvarez asked City Manager Reents to provide clarification on Item No. 11, Ordinance No. 46-20, referencing the Capital Improvement Projects (CIP). City Manager Reents replied that, among other projects, an additional \$500,000 was allocated toward the existing \$1,500,000 funding for a new animal shelter project. The additional allocation brings the City of Richland's contribution in support of a new animal shelter project to \$2 million.

Councilmember Alvarez added that City Council has never been opposed to building a new animal shelter, and that additional information and answers were needed so that fiscally sound decisions could be made. Councilmember Alvarez also thanked the active members of the military and veterans for their service. Lastly, Councilmember Alvarez wished everyone a great Thanksgiving.

Mayor Pro Tem Kent encouraged everyone to shop local to support local businesses during the Small Business Saturday Week-Long Shopping Event that begins the Saturday after Thanksgiving. Mayor Pro Tem Kent stated that despite the differences in opinions, even on Council, everyone should become well-educated in current events to support their beliefs. Lastly, Mayor Pro Tem Kent encouraged everyone to voice and demonstrate thanks towards family and friends during these trying times.

Mayor Pro Tem added her appreciation and thanks for the work of city staff.

Mayor

Mayor Lukson made a personal announcement regarding COVID-19. He then wished everyone well over the Thanksgiving holiday.

AT 7:41 P.M., MAYOR LUKSON ANNOUNCED A FIVE-MINUTE BREAK BEFORE CONVENING IN EXECUTIVE SESSION.

Executive Session

Executive Session Per RCW 42.30.110(1)(i): Discuss Current or Potential Litigation with Retained Legal Counsel

Richland City Council convened in executive session with retained legal counsel at 7:46 p.m. for thirty (30) minutes.

Individuals virtually present included Mayor Lukson, Mayor Pro Tem Kent, Councilmembers Alvarez, Boring, Christensen, Lemley and Thompson, and retained counsel Ann Marie Soto.

COUNCIL EXITED EXECUTIVE SESSION AT 8:16 p.m.

Adjournment:

Mayor Lukson adjourned the meeting at 8:20 p.m.

APPROVED:


Ryan Lukson, Mayor

ATTEST:


Jennifer Rogers, City Clerk

DATE APPROVED: December 1, 2020

DATE PUBLISHED: December 2, 2020