



MINUTES

RICHLAND CITY COUNCIL REGULAR MEETING

Tuesday, December 15, 2020 - 5:45 p.m.

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

Meeting ID No. 505 625 7380

City Council Workshop - 5:15 p.m. via Zoom

Mayor Lukson called the virtual Council Workshop meeting to order at 5:15 p.m.

Agenda Item

1. Executive Session Per RCW 42.30.110(1)(i): Discuss Current or Potential Litigation with Legal Counsel (45 minutes)

At 5:15 p.m., Richland City Council entered executive session with retained legal counsel to discuss current or potential litigation. Individuals virtually present included Mayor Lukson, Mayor Pro Tem Kent, Councilmembers Alvarez, Boring, Christensen and Thompson, and Attorney Ann Marie Soto. Councilmember Lemley was absent.

COUNCIL EXITED EXECUTIVE SESSION AT 5:55 P.M.

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

Mayor Lukson called the remote Council meeting to order at 6:00 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, Public Works Director Rogalsky, Energy Services Director Whitney, Administrative Services Director Koch, Parks & Public Facilities Director Schiessl, Finance Director Allen, Communications & Marketing Manager Logan 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 ADDED TWO ITEMS TO THE MEETING AGENDA: 1) A COVID-19 UPDATE (PRESENTATION), AND DISCUSSION OF A SEPARATION AGREEMENT WITH THE CITY MANAGER (ITEMS OF BUSINESS). MAYOR LUKSON THEN MOVED TO APPROVE THE AGENDA AS AMENDED. COUNCILMEMBER CHRISTENSEN

SECONDED THE MOTION TO APPROVE THE AGENDA AS AMENDED. THE MOTION CARRIED 7-0.

Presentations

2. DECA Month Proclamation

Mayor Lukson read aloud the “DECA Month” Proclamation.

3. COVID-19 Update

City Manager Reents provided a recap of the COVID-19 information shared during the most recent meeting with the Benton-Franklin Health District (BFHD), which included:

- Benton County received 1,950 doses of the COVID-19 vaccine. Additional doses are expected in the near future upon approval of the Moderna vaccine. Distribution and administration of the vaccine will take place in accordance with standardized phases established by the Centers for Disease Control and Prevention (CDC) and the Washington State Department of Health (WSDOH).
- Local hospital representatives report an increase, but clarified that the increase is not as high as is being reported. This is a busy time of year for hospitals, regardless of the pandemic.
- According to information provided on WSDOH’s COVID-19 Data Dashboard, total case counts may include duplicates and a number of test results are considered incomplete. The public should rely on information provided under the ‘Epidemiologic Curves’ tab until these discrepancies are resolved.
- COVID-19 related death rates for Benton and Franklin Counties are 1.5% and 1%, respectively.
- WA Listens (www.walistens.org) is a free, anonymous service providing non-clinical support and referrals to community resources, and is available to all Washington residents. To access this service, call 1-833-681-0211 or go online.

Mayor Lukson mentioned a recent editorial authored by a local emergency room doctor claiming that local hospitals have reached capacity. Mayor Lukson stated that recent data he reviewed conflicts with the article, and asked City Manager Reents if the editorial was discussed during the latest BFHD meeting. City Manager Reents replied that although this particular article was not discussed, local hospital representatives who participated in the meeting provided clarification regarding hospital bed availability.

Mayor Lukson provided a brief overview of a reimbursement program implemented by Pierce County to provide financial funding to eligible local restaurants currently limited to providing take-out service. Mayor Lukson solicited feedback from fellow councilmembers

regarding the possibility of initiating a similar program should the City of Richland secure additional CARES Act funding.

City Manager Reents reminded Council that she had shared information provided by staff at the last Council meeting regarding the potential use of additional CARES Act funding to assist not only restaurants, but all small businesses in the City. Staff suggests that this assistance be made available in the timeframe after Christmas when sales are typically the lowest.

Staff will continue to research the program, and will present information for Council's consideration at a future meeting. Councilmember Alvarez briefly touched on the topic of Business & Occupation (B&O) tax, and Councilmembers Christensen and Boring expressed their support in providing economic assistance to all local small businesses impacted by the pandemic.

Public Hearing

None.

Public Comments

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

There were no public comments.

Consent Calendar

City Clerk Rogers read the Consent Calendar.

COUNCILMEMBER CHRISTENSEN MOVED AND COUNCILMEMBER BORING SECONDED THE MOTION TO APPROVE THE CONSENT CALENDAR AS PUBLISHED. 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 December 1, 2020 Council Meeting Minutes

Ordinances - First Reading

None.

Ordinances - Second Reading & Passage

5. Ordinance No. 49-20, Approving the 2024 Council Compensation Plan

Resolutions - Adoption

6. Resolution No. 166-20, Authorizing a Consultant Agreement with Jacobs Engineering Group, Inc. for the SR-240/Aaron Drive Interchange Improvements Project
7. Resolution No. 167-20, Approving a Second Amendment to Contract No. 221-19 with Shannon & Wilson, Inc. for Wetland Mitigation Monitoring
8. Resolution No. 169-20, Authorizing a Facility Use Agreement with American Cruise Lines, Inc. for Priority Docking Rights
9. Resolution No. 170-20, Authorizing a Consultant Agreement with MacKay Sposito for Shoreline Stabilization Design and Permitting
10. Resolution No. 171-20, Approving the Final Plat of The Reserve at Summerview Terrace, Phase 2
11. Resolution No. 172-20, Authorizing a Grant Agreement with the Department of Ecology for the Stormwater Project at Goethals
12. Resolution No. 173-20, Extending Temporary Waiver Authority Granted by Resolution No. 102-20
13. Resolution No. 174-20, Authorizing an Interlocal Agreement with Benton County for the 2021 Bituminous Surface Treatment Program
14. Resolution No. 175-20, Authorizing a Cooperative Agreement with the United States Department of Agriculture to conduct Wildlife Damage Management at the Horn Rapids Landfill
15. Resolution No. 176-20, Authorizing a Sixth Amendment to Contract No. 184-17 with Tyler Technologies, Inc.
16. Resolution No. 177-20, Authorizing a Grant Agreement with the Washington Traffic Safety Commission for Seatbelt Enforcement Funding
17. Resolution No. 178-20, Approving Reimbursable Agreement for Interconnection Request L0458 of Transmission Line and Substation with Bonneville Power Administration

Items – Approval

None.

Expenditures – Approval

None.

Items of Business

18. Council Ethics & Administration Committee Discussion

City Attorney Kintzley provided an overview of the creation, utilization, evolvement, prohibitions and penalties relating to the City of Richland's Board of Ethics, originally created in 1967 and known today as the Richland Ethics & Administration Committee. Council last made council liaison appointments to the Ethics & Administration Committee in 2004.

Councilmember Lemley expressed support in retaining the Council Ethics & Administration Committee. Councilmember Thompson shared concerns regarding the possibility of the Ethics & Administration Committee being utilized for the purposes of regulating free speech protected by the First Amendment to the United States Constitution.

Councilmember Alvarez asked Councilmember Lemley to share what prompted his recent focus on the Ethics & Administration Committee. Councilmember Lemley replied that he is primarily concerned with Council decorum. He is not concerned with what is said, but rather the manner in which statements are made.

Mayor Pro Tem Kent summarized City Attorney Kintzley's report to Council and suggested that the initial focus should be on updating the Richland Municipal Code (RMC) as it relates to the Ethics & Administration Committee. Mayor Lukson and Councilmember Alvarez agreed with Mayor Pro Tem Kent's suggestion.

Councilmember Boring also agreed with the recommendation to begin by updating the RMC, and expressed appreciation to Councilmember Lemley for initiating the subject. Councilmember Boring also thanked City Attorney Kintzley for the information provided.

Mayor Lukson and Councilmember Christensen each expressed support for retaining the Ethics & Administration Committee as an ad hoc committee, and appointing members to serve if and when the need arises.

Council asked the City Attorney to prepare proposed updates to the Richland Municipal Code related to the Ethics & Administration Committee.

19. Approval of a Separation Agreement with the City Manager

MAYOR LUKSON MOVED AND COUNCILMEMBER CHRISTENSEN SECONDED THE MOTION TO AUTHORIZE THE MAYOR TO EXECUTE A SEPARATION AGREEMENT WITH CITY MANAGER CINDY REENTS TO INCLUDE THE

FOLLOWING: 1) SEVERANCE PAYMENT NOT TO EXCEED THE AMOUNT SET FORTH IN THE CITY MANAGER'S EMPLOYMENT CONTRACT, PLUS AN ADDED SEVEN THOUSAND FIVE HUNDRED DOLLARS (\$7,500) AS CONSIDERATION IN SUPPORT OF THE AGREEMENT; 2) A SEPARATION DATE EFFECTIVE JANUARY 22, 2021; AND 3) OTHER TERMS AS DEEMED APPROPRIATE BY THE MAYOR AND RETAINED LEGAL COUNSEL.

THOSE IN FAVOR: MAYOR LUKSON, MAYOR PRO TEM KENT, AND COUNCILMEMBERS ALVAREZ, BORING, CHRISTENSEN AND THOMPSON. THOSE OPPOSED: COUNCILMEMBER LEMLEY. THE MOTION CARRIED 6-1.

Mayor Lukson announced that the City of Richland and City Manager Reents have mutually agreed to enter into a separation agreement, although the terms of the agreement have yet to be finalized. A joint press release will issue immediately following the City Council meeting.

Councilmember Lemley expressed his disagreement with the separation decision.

Mayor Lukson disagreed with Councilmember Lemley's characterization of City Manager Reents' separation of employment.

Mayor Pro Tem Kent thanked Councilmember Lemley for his spirited commentary, and emphasized that the employment separation was by mutual agreement.

Councilmember Boring praised the work performed by City Manager Reents and her staff, and stated that although she agrees with a couple of comments made by Councilmember Lemley, she is in support of the separation agreement as it was mutually agreed upon.

Reports and Comments

City Manager

City Manager Reents addressed the community, stating that she has been privileged to serve Richland for the last 17 years, 13 of those years in the role of City Manager.

City Manager Reents reflected on the many accomplishments, experiences and challenges faced during her tenure with the City. Two (2) projects that spanned her entire career with the City of Richland are the Center Parkway Extension and the Duportail Bridge. Of the many accomplishments achieved over the years, City Manager Reents emphasized that her greatest accomplishment is her staff. She is confident that staff will remain dedicated to providing excellent service. City Manager Reents expressed her gratitude for the collaborative working relationships developed and partnerships forged with community leaders in neighboring jurisdictions.

City Manager Reents thanked City of Pasco City Manager Dave Zabell, City of Kennewick City Manager Marie Mosley, City of West Richland Mayor Brent Gerry, and City of Prosser

Mayor Randy Taylor for their team approach.

In closing, City Manager Reents expressed confidence that she has laid a foundation for staff to continue operating successfully, and assured the community that the City is in good hands. City Manager Reents stated that she will continue to advocate for the community while focusing primarily on her family.

City Council

Councilmember Boring thanked City Manager Reents for her service, and expressed confidence that she will do well in her future endeavors.

Councilmember Boring also thanked Cassandra Oats and her team at Tri-Cities Face Mask Makers for making and donating over 30,000 face masks since March. She encouraged residents to support local business to the extent possible by purchasing goods and services locally, and provided a reminder of the public art survey available on the City's website to solicit public feedback on possible art types for the community. The survey will be available through January 15, 2021. Councilmember Boring requested that citizens continue to wear face masks, and encouraged everyone to remain positive.

Councilmember Lemley provided words of encouragement to City Manager Reents.

Councilmember Christensen wished everyone a Merry Christmas.

Councilmember Alvarez thanked City Manager Reents for her service and wished her well in her future endeavors. He read aloud and discussed a publication regarding the Washington State Business & Occupation (B&O) tax. Councilmember Alvarez challenged State leadership to either support suspension of the B&O tax while businesses are operating in a limited capacity due to pandemic-related restrictions, or to publicly provide justification of their opposition to suspending the tax. He is in favor of sending a letter, jointly executed by local elected officials, to officials in Olympia addressing this topic. Councilmember Alvarez also commended City staff for a job well done creating the holiday lights display at John Dam Plaza.

Councilmember Thompson commented on the B&O tax and the role it plays in generating tax revenue for the State of Washington. He also commended City Manager Reents for her leadership in the construction of the Duportail Bridge.

Mayor Pro Tem Kent thanked City Manager Reents for her years of service to the City of Richland, and for the legacy she leaves behind. She thanked staff for their hard work in delivering outstanding services despite the pandemic, including but not limited to the partial opening of the library, the beautiful holiday lights display, and the community engagement facilitated by Parks & Public Facilities. Mayor Pro Tem Kent reminded the community to be thoughtful in their decision-making during the holiday season, and to be kind to one another. Mayor Pro Tem Kent closed by wishing everyone happy holidays.

Mayor

Mayor Lukson shared compliments he received from the Mayor of Pasco regarding Richland's holiday lights display. He thanked City Manager Reents and Parks & Public Facilities Director Schiessl and his staff for doing such a tremendous job. Mayor Lukson also thanked City Manager Reents for working alongside him this past year, and for her tenacity and hard work in addressing the global pandemic.

Adjournment

Mayor Lukson adjourned the meeting at 7:04 p.m.

APPROVED:



Ryan Lukson, Mayor

ATTEST:



Jennifer Rogers, City Clerk

DATE APPROVED: January 5, 2021

DATE PUBLISHED: January 6, 2021