



## **MINUTES**

### **RICHLAND CITY COUNCIL REGULAR MEETING**

**Tuesday, April 20, 2021**

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

**Meeting ID No. 505 625 7380**

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#### **City Council Regular Meeting - 6:00 p.m. via Zoom**

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

#### **Welcome and Roll Call**

Mayor Lukson welcomed those attending the remote meeting.

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

Also remotely present were Interim City Manager Amundson, City Attorney Kintzley, Chief of Police Bruce, Fire Chief Huntington, Public Works Director Rogalsky, Energy Services Director Whitney, Administrative Services Director Koch, Parks & Public Facilities Director Schiessl, Planning Manager Stevens 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**

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

#### **Presentations**

- 1 Proclamation Declaring April 18-24, 2021 to be National Infertility Awareness Week

Mayor Lukson read aloud the National Infertility Awareness Week proclamation.

#### **Public Hearings**

None.

#### **Public Comments**

The following individual submitted comments to be read aloud by the City Clerk:

Francesca Maier - 2146 Hudson Ave. Richland, WA: Ms. Maier stated concerns regarding the reported prohibition of e-bikes on soft-surface trails in the City of Richland. Ms. Maier

then suggested that Parks & Public Facilities Director Schiessl consult with subject matter experts to assist with creating a policy that supports the safe use of e-bikes in the community.

The following individual registered to provide comments via telephone:

Max Faulkner - 624 Wellsian Way, Richland, WA: Mr. Faulkner voiced concerns regarding the lack of fresh air alternatives for card rooms, specifically referencing Atomic Bowl and Jokers. Mr. Faulkner requested City Council consider making provisions in the Richland Municipal Code to accommodate businesses which support this type of environment.

Mark Laun - 31 Galaxy Lane, Richland, WA: Mr. Laun stated he is still waiting to receive responses from most councilmembers regarding an inquiry he previously made via email regarding the purpose of government.

Randy Slovic - 74 Newcomer St. Richland, WA: Ms. Slovic shared her opposition to vacating undeveloped Davenport Street right-of-way based on her belief that it serves as a pedestrian path for students. Ms. Slovic also stated concerns regarding relocation of an existing stormwater pipe and the ramifications of not having a stormwater pipe in the vicinity.

## **Consent Calendar**

City Clerk Rogers read the Consent Calendar.

**COUNCILMEMBER THOMPSON PULLED ITEM NO. 3, ORDINANCE NO. 07-21, AMENDING RICHLAND MUNICIPAL CODE SECTION 9.04.085 RELATED TO CYBERSTALKING. ITEM NO. 3 WAS MOVED TO ITEM NO. 1 UNDER ITEMS OF BUSINESS.**

**COUNCILMEMBER BORING PULLED ITEM NO. 7, RESOLUTION NO. 47-21, AUTHORIZING AN INFRASTRUCTURE AND VACATION AGREEMENT WITH ABC WELLSIAN WAY, LLC RELATED TO THE PROPERTY DEVELOPMENT OF 302 WELLSIAN WAY. ITEM NO. 7 WAS MOVED TO ITEM NO. 2 UNDER ITEMS OF BUSINESS.**

**COUNCILMEMBER THOMPSON MOVED AND COUNCILMEMBER BORING 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**

2 Approval of the April 6, 2021 Regular Council Meeting Minutes.

### **Ordinances - First Reading**

None.

### **Ordinances - Second Reading & Passage**

3. Ordinance No. 07-21, Amending Richland Municipal Code Section 9.04.085 related to Cyberstalking **(PULLED AND RELOCATED TO ITEMS OF BUSINESS AS ITEM NO. 1)**
4. Ordinance No. 08-21, Amending Richland Municipal Code Sections 9.10.020, 9.10.025, 9.11.020, and 9.24.070 to add a knowledge element consistent with *State of Washington v. Blake*
5. Ordinance No. 09-21, Amending the 2021 Budget in the General Fund, Public Works Administration & Engineering Fund, Streets Capital Construction Fund, and Solid Waste Fund

### **Resolutions – Adoption**

6. Resolution No. 36-21, Authorizing an Interlocal Agreement with the Washington State Department of Health for COVID-19 Community Vaccination Site Support and Staffing
7. Resolution No. 47-21, Authorizing an Infrastructure and Vacation Agreement with ABC Wellsian Way, LLC related to the Property Development of 302 Wellsian Way **(PULLED AND RELOCATED TO ITEMS OF BUSINESS AS ITEM NO. 2)**
8. Resolution No. 48-21, Authorizing a Consultant Agreement with Marsha Fraser d/b/a Solutions At Work for Performance and Evaluation Planning for the Interim City Manager

### **Items - Approval**

None.

### **Expenditures – Approval**

9. Expenditures from March 1, 2021 to March 31, 2021 for \$32,283,276.70 including Travel Check Nos. 19975-19983, Accounts Payable Check Nos. 287947-288753, Accounts Payable Wire Nos. 8487-8522, Payroll Wires & ACH Nos. 11979-12027, Payroll Direct Deposit & Check Nos. 176026-177088 and Pension Check Nos. 5774-5803

## Items of Business

1. Ordinance No. 07-21, Amending Richland Municipal Code Section 9.04.085 related to Cyberstalking

Councilmember Thompson called on City Attorney Kintzley to speak to the cyberstalking ordinance distinguishes, if at all, between verbal statements and written comments posted in a social media context. Concurrently, Councilmember Thompson offered personal observations regarding potential liability issues associated with laws that regulate speech.

City Attorney Kintzley responded to Councilmember Thompson's inquiry and reiterated that the statute is already codified in the Richland Municipal Code, and was before Council on this occasion for amendment to align with a recent court of appeals decision. City Attorney Kintzley also pointed out that RMC 9.04.085 was adopted by Council in 2020. City Attorney Kintzley engaged in a question and answer session with City Council. Mayor Pro Tem Kent acknowledged the limited scope of the action presented to Council by Ordinance 07-21, which was to remove the term "embarrass" from the code to ensure its constitutionality.

Mayor Lukson requested City Attorney Kintzley to provide Council with a summary of the cyberstalking statute's limitations.

**MAYOR PRO TEM KENT MOVED AND COUNCILMEMBER CHRISTENSEN SECONDED THE MOTION TO ADOPT ORDINANCE NO. 07-21. THOSE IN FAVOR: MAYOR LUKSON, MAYOR PRO TEM KENT, AND COUNCILMEMBERS ALVAREZ, BORING, CHRISTENSEN AND LEMLEY. THOSE OPPOSED: COUNCILMEMBER THOMPSON. THE MOTION CARRIED 6-1.**

2. Resolution No. 47-21, Authorizing an Infrastructure and Vacation Agreement with ABC Wellsian Way, LLC related to the Property Development of 302 Wellsian Way

Public Works Director Rogalsky provided a detailed overview and staff analysis of the proposed property development and right-of-way vacation agreement negotiated between staff, developer, and counsel for 302 Wellsian Way. Public Works Director Rogalsky engaged in a question and answer session with Council throughout the presentation.

**COUNCILMEMBER CHRISTENSEN MOVED AND COUNCILMEMBER THOMPSON SECONDED THE MOTION TO ADOPT RESOLUTION NO. 47-21. THE MOTION CARRIED 7-0.**

## Reports and Comments

### ***City Manager***

Interim City Manager Amundson announced that Energy Services received its first smart

meter for the Automatic Metering Infrastructure (AMI) project. System testing is underway and full deployment will be complete by July 2022.

Interim City Manager Amundson then provided an overview of recently passed and upcoming City-sponsored events. Lastly, Interim City Manager Amundson provided an overview of agenda items listed on the next City Council workshop meeting agenda.

### ***City Council***

Councilmember Christensen requested Interim City Manager Amundson to provide information regarding open space alternatives implemented for specific businesses, such as card rooms, while businesses are operating at limited capacity during the pandemic.

Councilmember Christensen then offered comments relating to the Washington State Supreme Court decision in *State of Washington v. Blake*. Mayor Lukson added that City Attorney Kintzley will report on the City's next steps in the wake of the *Blake* decision at the April 27, 2021 City Council workshop meeting.

Councilmember Boring thanked Public Works Director Rogalsky for addressing her questions in his overview of the ABC Wellsian Way, LLC development and vacation agreement.

Councilmember Thompson commended fellow councilmembers for their ability to address issues and work together to produce solutions for the benefit of the community.

Councilmember Alvarez thanked city staff for providing uninterrupted services during the pandemic.

Mayor Pro Tem Kent encouraged residents to visit the Parks & Public Facilities and Public Library website to view programs and events offered by the departments.

### ***Mayor***

Mayor Lukson announced that all individuals age 16 and over are eligible for the COVID-19 vaccine. Mayor Lukson then shared that a staff member from Governor Inslee Office confirmed that California's reopening plan will not influence Washington's reopening evaluation process and timeline.

Lastly, Mayor Lukson encouraged residents to follow the safety guidance released by the Benton-Franklin Health District.

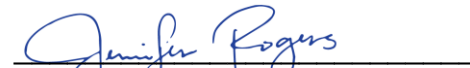
### **Adjournment**

Mayor Lukson adjourned the meeting at 7:11 p.m.

APPROVED:

  
Ryan Lukson, Mayor

ATTEST:

  
Jennifer Rogers, City Clerk

DATE APPROVED: May 4, 2021

DATE PUBLISHED: May 5, 2021