



MINUTES

RICHLAND CITY COUNCIL REGULAR MEETING

Tuesday, September 21, 2021

Richland City Hall ~ 625 Swift Boulevard

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

Meeting ID No. 505 625 7380

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 remote meeting and expressed appreciation for their attendance.

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, Fire Chief Huntington, Chief of Police Bruce, Public Works Director Rogalsky, Energy Services Director Whitney, Parks & Public Facilities Director Schiessl, Development Services Director Jensen, Interim Administrative Services Director Florence, Human Resources Manager Paulsen, Planning Manager Stevens, and City Clerk Rogers.

Pledge of Allegiance

Mayor Pro Tem Kent 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. MOTION CARRIED 7-0.

Presentations

- 1 Proclamation Recognizing Soroptimist International of Three Rivers Day

Mayor Lukson read aloud a proclamation declaring October 3, 2021 to be Soroptimist International of Three Rivers Day in the City of Richland.

Public Hearing

City Clerk Rogers read the public hearing and public comment procedures.

- 2 Proposed Relinquishment of a Certain Portion of a Utility Easement at 1412 Haupt Avenue, Resolution No. 113-21

Public Works Director Rogalsky provided an overview of the proposed relinquishment of an easement as provided in Resolution No. 113-21. A certain portion of the utility easement is surplus to the City's needs and staff recommends its relinquishment.

Mayor Lukson opened and closed the public hearing at 6:07 p.m. No public testimony was offered.

3. Proposed 2021 Collective Bargaining Agreement with the International Brotherhood of Electrical Workers (IBEW), Local No. 77, Resolution No. 114-21

Human Resources Manager Paulsen provided a summary of the proposed bargaining agreement as provided in Resolution No. 114-21.

Mayor Lukson opened and closed the public hearing at 6:09 p.m. No public testimony was offered.

4. Proposed Vacation of an Unopened Portion of Davenport Street Right-of-Way, Ordinance No. 28-21

Using PowerPoint, Public Works Director Rogalsky provided an overview of the proposed vacation of unopened Davenport Street right-of-way as provided in Ordinance No. 28-21.

Mayor Lukson opened and closed the public hearing at 6:16 p.m. No public testimony was offered.

5. Proposed Approval of a Planned Unit Development for the Links Residence at Horn Rapids, Ordinance No. 29-21 (Closed Record) **THIS PUBLIC HEARING WAS HELD IMMEDIATELY PRECEEDING THE CORRELATING ITEM OF BUSINESS ON THIS AGENDA.**

Public Comments

David Coleman - 2109 Davison Avenue, Richland, WA: Mr. Coleman expressed disagreement over the recent hiring of a police officer from Seattle.

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. MOTION CARRIED 7-0.

Minutes

6. Approval of the September 7, 2021 Richland City Council Regular Meeting Minutes

Ordinances - First Reading

7. Ordinance No. 28-21, Vacating an Unopened Portion of Davenport Street Right-of-Way

Ordinances - Second Reading & Passage

8. Ordinance No. 21-21, Amending Richland Municipal Code Section 23.54.020 Related to Minimum Parking Standards
9. Ordinance No. 22-21, Amending the 2021 Budget in the General Fund for the Purchase of Police Camera Systems
10. Ordinance No. 23-21, Amending Richland Municipal Code Section 2.44.010 related to LEOFF I Firefighters' Pension Board Membership
11. Ordinance No. 24-21, Amending Richland Municipal Code Section 2.48.010 related to LEOFF I Police Pension Board Membership
12. Ordinance No. 25-21, Granting a Solid Waste Collection Transition Franchise to Waste Management of Washington, Inc. related to the Zinsli, Allenwhite and Badger Mountain Winery Annexations
13. Ordinance No. 26-21, Granting a Solid Waste Collection Transition Franchise to Basin Disposal, Inc. and Ed's Disposal, Inc. related to the Zinsli, Allenwhite and Badger Mountain Winery Annexations
14. Ordinance No. 27-21, Granting a Solid Waste Collection Transition Franchise to Waste Management of Washington, Inc. related to the Lorayne J Annexation

Resolutions – Adoption

15. Resolution No. 107- 21, Authorizing a Grant Application to the Washington State Library to Increase the Richland Public Library's Digital Collection
16. Resolution No. 108-21, Authorizing a Consultant Agreement with Keller Associates, Inc. for the Tapteal I Booster Station Project
17. Resolution No. 109-21, Authorizing a Consultant Agreement with RH2 Engineering, Inc. related to the North Richland UV Disinfection Facility Improvements Project
18. Resolution No. 112-21, Approving a Commercial Facade Improvement Program Agreement with 707 The Parkway LLC

19. Resolution No. 113-21, Authorizing Relinquishment of a Certain Portion of a Utility Easement at 1412 Haupt Avenue
20. Resolution No. 114-21, Approving the 2021-2023 Collective Bargaining Agreement with the International Brotherhood of Electrical Workers (IBEW), Local Union No. 77, and authorizing periodic Memorandums of Understanding

Items - Approval

21. Appointment to the Americans with Disabilities Act (ADA) Citizens Review Committee: Judith Davis
22. Appointments to the Economic Development Committee: Joseph Potts and Megan Hughes
23. Appointment to the Richland Public Library Board of Trustees: Cara Hernandez
24. Appointment to the Personnel Committee: Barbara Newell
25. Appointments to the Utility Advisory Committee: Don Gregoire and Charles LoPresti

Expenditures - Approval:

26. Expenditures from August 1, 2021 to August 31, 2021 for \$37,834,020.60 including Travel Check Nos. 20001-20014, Accounts Payable Check Nos. 292122-293070, Accounts Payable Wire Nos. 8681-8722, Payroll Wires & ACH Nos. 12235-12284, Payroll Direct Deposit & Check Nos. 182101-183253 and Pension Check Nos. 5915-5941.

Closed Record Review Hearing for Item of Business No. 1: Proposed Approval of a Planned Unit Development for the Links Residence at Horn Rapids, Ordinance No. 29-21

Mayor Lukson, City Attorney Kintzley and City Clerk Rogers read the closed record reviewing hearing procedures.

City Attorney Kintzley called for disclosures from councilmembers regarding potential conflicts of interest and ex-parte contact.

Councilmember Lemley disclosed that he met with several homeowners several months ago to listen to concerns regarding approval of the proposed planned unit development before the restrictive covenant was determined to be unenforceable. Councilmember Lemley stated that the meeting would not affect his ability to make an impartial decision.

Councilmember Thompson disclosed that he received a text message from an unknown individual that may or may not be related to the proposed planned unit development. He added that he did not respond to the text message, and that the receipt of the text

message would not affect his ability to make an impartial decision.

No objections based on appearance of fairness or jurisdictional grounds were made.

Mayor Lukson opened the closed record review hearing at 6:29 p.m. for testimony from individuals with standing based on their participation at the May 10, 2021 open record public hearing before the Richland Hearing Examiner.

Using PowerPoint, Richland Planning Manager Stevens provided an overview of the application submitted by HJBT Properties for a 54-unit Planned Unit Development (PUD) referred to as The Links Residence at Horn Rapids. Planning Manager Stevens advised that the Richland Hearings Examiner conducted an open-record public hearing on the matter on May 10, 2021, and has recommended approval of the PUD subject to specified conditions.

The following individuals reiterated testimony provided at the open-record hearing:

- Larry Libby - 2840 Crosswater Loop, Richland, WA: Mr. Libby provided testimony in support of the proposed PUD contingent on approval of modifications to honor the intent of the 2005 restrictive covenant by preserving the homeowners' view and open space.
- Steve Lorence - 2858 Crosswater Loop, Richland, WA: Mr. Lorence provided testimony generally opposing the PUD as submitted but would support its approval with additional conditions to preserve view and open space.
- Terrie Marshall - 3007 Wild Canyon Way, Richland, WA: Ms. Marshall shared concerns relating to the validity of the 2005 restrictive covenant, encouraged the applicant to negotiate a compromise with the homeowners affected by the proposed development, and urged Council to encourage the applicant to modify the project.
- Tim McLain - 2876 Crosswater Loop, Richland, WA: Mr. McLain agreed with statements made by previous speakers and requested Council to encourage the applicant to reach a compromise with the homeowners affected by the proposed development.
- Jerry Peters - 2846 Crosswater Loop, Richland, WA: Mr. Peters provided testimony opposing the PUD.
- Louise Peters - 2846 Crosswater Loop, Richland, WA: Ms. Peters urged Council to reinstate the 2005 Horn Rapids Golf Course Declaration of Restrictive Use Covenant and encouraged the applicant to reach a compromise with the homeowners affected by the proposed development.
- Michelle Rusk - 1111 3rd Avenue Ste. 3000, Seattle, WA: Ms. Rusk, an attorney with Foster Garvey Law firm, disclosed that she represents a coalition of homeowners residing on Crosswater Loop in the Horn Rapids community. Ms. Rusk conveyed that

the Crosswater Loop homeowners are generally in support of the PUD so long as the City imposes additional conditions to preserve the homeowners' view corridor, preserve the existing pond, and ensure no build on lots 19-32. Ms. Rusk advised that Council has authority to impose these conditions under the RMC for planned unit developments and through SEPA.

- Stew Stone - 1220 20th St. SE, Salem, OR: Mr. Stone provided testimony opposing the PUD as submitted and supporting certain additional conditions of approval recommended by the homeowners affected by the proposed development.
- Gail Wintczak - 2852 Crosswater Loop, Richland, WA: Ms. Wintczak concurred with statements made by previous speakers and encouraged the applicant to compromise with the homeowners affected by the PUD.
- Lucy Yang - 2882 Crosswater Loop, Richland, WA: Ms. Yang expressed disappointment over the Hearing Examiner's recommendation for approval of the PUD without incorporating conditions proposed by homeowners affected by the development.
- Brad Rew - 2860 Hawkstone Court, Richland, WA: Mr. Rew, applicant of the proposed PUD, stated he did not have any additional statements to make and is in attendance for the purpose of responding to questions. Mr. Rew thanked Council for their time and consideration.
- Thera Rew - 1413 Sunset, Richland, WA: Ms. Rew, applicant of the proposed PUD, stated she did not have any additional statements to make and is in attendance for the purpose of responding to questions. Ms. Rew thanked Council for their time and consideration.
- Laurie Baird - 2966 Crosswater Loop, Richland, WA: Ms. Baird agreed with statements made by previous speakers and expressed concerns relating to possible parking issues.

No other testimony was offered. Mayor Lukson closed the hearing at 7:18 p.m.

Items of Business

1. Ordinance No. 29-21, Approving the Links Residence at Horn Rapids Planned Unit Development

COUNCILMEMBER THOMPSON MOVED AND MAYOR PRO TEM KENT SECONDED THE MOTION TO APPROVE ORDINANCE NO. 29-21, APPROVING THE LINKS RESIDENCE AT HORN RAPIDS PLANNED UNIT DEVELOPMENT, FOR FIRST READING BY TITLE ONLY.

Once the motion was on the floor, Council engaged in a lengthy discussion regarding the proposed planned unit development.

At the request of Mayor Pro Tem Kent, City Attorney Kintzley provided a legal overview of Council's role and possible course of actions available in rendering a decision relating to the proposed PUD application. This included a suggestion that the matter be set over to the October 5, 2021 meeting to give staff an opportunity to evaluate whether the established record supported imposition of any additional conditions. Council was responsive to this idea.

City Attorney Kintzley recommended the path forward, which involved voting on the motion on the floor, and then offering a new motion to continue first reading to the next regularly scheduled council meeting.

MAYOR LUKSON CALLED FOR THE VOTE ON THE MOTION TO APPROVE FOR FIRST READING, BY TITLE ONLY. THOSE IN FAVOR: NONE. THOSE OPPOSED: MAYOR LUKSON, MAYOR PRO TEM KENT, AND COUNCILMEMBERS ALVAREZ, BORING, CHRISTENSEN, LEMLEY AND THOMPSON. MOTION FAILED 0-7.

Council provided additional comments and engaged in a question and answer session with City Attorney Kintzley.

Mayor Lukson invited PUD applicants Brad and Thera Rew to respond to Council's comments. Brad and Thera Rew spoke in opposition of delaying a decision on Ordinance No. 29-21.

COUNCILMEMBER THOMPSON MOVED AND MAYOR PRO TEM KENT SECONDED THE MOTION TO MOVE FIRST READING OF ORDINANCE NO. 29-21, APPROVING THE LINKS RESIDENCE AT HORN RAPIDS PLANNED UNIT DEVELOPMENT, TO THE OCTOBER 5, 2021 CITY COUNCIL REGULAR MEETING TO ALLOW STAFF AN OPPORTUNITY TO EVALUATE WHETHER THE ESTABLISHED RECORD SUPPORTED IMPOSITION OF ANY ADDITIONAL CONDITIONS. THOSE IN FAVOR: MAYOR LUKSON, MAYOR PRO TEM KENT, AND COUNCILMEMBERS ALVAREZ, BORING, CHRISTENSEN, LEMLEY AND THOMPSON. THOSE OPPOSED: NONE. MOTION PASSED 7-0.

Reports and Comments

City Manager

Interim City Manager Amundson announced that the Richland School District will hold its 6th Annual #TakeStridesTC Suicide Prevention walk at Fran Rish Stadium on Wednesday, September 22, 2021. Richland Police will assist with ensuring safety during the event.

City Council

Councilmember Alvarez thanked those who provided comments during the meeting.

Councilmember Thompson shared observations regarding the implications of decisions

made by Council, agreed with statements previously made by Councilmembers Boring and Christensen regarding hotel development discussed during the City Council Retreat, and shared personal observations regarding liberty and encroaching limitations on freedom.

Councilmember Boring thanked the hearing participants for their comments, voiced appreciation to staff for their support, and spoke in favor of reaching a compromise regarding the PUD application.

Mayor Pro Tem Kent thanked staff for the well-organized and informative topics addressed at the City Council Annual Retreat held on September 17, 2021. Mayor Pro Tem Kent then encouraged everyone to be educated, be safe, and to be kind to others.

Mayor

Mayor Lukson congratulated staff for the work put forth in reaching a collective bargaining agreement with IBEW, Local No. 77. Mayor Lukson also encouraged everyone to be respectful of others who have different opinions, and then expressed optimism about the overall state of the City of Richland.

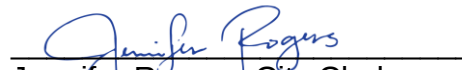
Adjournment

Mayor Lukson adjourned the meeting at 8:10 p.m.

APPROVED:


Ryan Lukson, Mayor

ATTEST:


Jennifer Rogers, City Clerk

DATE APPROVED: October 5, 2021

DATE PUBLISHED: October 6, 2021