



MINUTES

RICHLAND CITY COUNCIL REGULAR MEETING

Richland City Hall ~ 505 Swift Boulevard

Tuesday, September 1, 2015

City Council Pre-Meeting Workshop - 6:30 p.m. (Discussion Only - Annex Building)

Mayor Rose called the pre-meeting workshop to order at 6:30 p.m. in the City Manager's Conference Room in the City Hall Annex building.

Attendance:

Mayor Rose, Mayor Pro Tem Lemley, Council Members Anderson, Christensen, Revell, and Thompson were present.

Also present were City Manager Reents, Assistant City Manager Amundson, Community Development Director Jensen, City Attorney Kintzley, Administrative Services Director Koch, Parks and Public Facilities Director Schiessl and Redevelopment Project Supervisor Moore.

1. Memorandum of Understanding with Confederated Tribes of the Umatilla Indian Reservation (30 minutes)
- Kerwin Jensen, Community Development Director

Mr. Jensen and Mr. Moore gave the following presentation: In 1994, the City entered into a Memorandum of Understanding (MOU) with the Confederated Tribes of the Umatilla Indian Reservation (CTUIR). The purpose of the agreement was to facilitate the development of Columbia Point. The agreement helped the City navigate the cultural issues when various cultural artifacts and ancestral remains were discovered in the development of Columbia Point.

The essence of the 1994 agreement was to provide advanced notice for City projects along the riverfront. Upon receiving notice, the CTUIR provides the City with information regarding the likelihood of discovering cultural resources and provide recommendations for proper handling of those resources. Following this process demonstrates respect and goodwill with the CTUIR, who have an historic presence in the Richland area.

The significant changes from the original agreement to the new agreement are the following two items:

- Added an express desire to work together for economic development projects
- Extended the distance from the rivers where the City provides notice

In addition to the above major items, a list of activity that is exempt from notice is added. Also, an expression of willingness to cooperate when pursuing grant funding for projects related to cultural resources, natural resources, and economic development.

The following are key components of the MOU:

- Government to government meetings once a year
- Protection and education regarding cultural and archaeological resources
- Environmental protections and productive use of land and natural resources
- Voluntary sharing of information
- Notice and recommendations for mitigation
- Economic development activities and projects

This is, as was the original, a voluntary agreement and is non-binding. Entering into this agreement enables the parties to work collaboratively in the areas of cultural resources, natural resource protection, and economic development. The City will be able to demonstrate cross agency and cross cultural partnerships which is very attractive when seeking grant funds to support projects that will better Richland.

Council Members and staff had a lengthy discussion regarding the MOU.

City Council Pre-Meeting - 7:00 p.m. (Discussion Only – Annex Building)

Mayor Rose called the pre-meeting to order at 7:00 p.m. in the City Manager's Conference Room in the City Hall Annex building.

Attendance for the Executive Session:

Mayor Rose, Mayor Pro Tem Lemley, Council Members Anderson, Christensen, Revell and Thompson were present.

Also present were City Manager Reents, City Attorney Kintzley and Administrative Services Director Koch.

1. Executive Session to Discuss Potential Litigation Per RCW 42.30.110(1) (ii) (10 minutes)
- Heather Kintzley, City Attorney

MAYOR PRO TEM LEMLEY MOVED AND COUNCIL MEMBER THOMPSON SECONDED A MOTION TO MOVE INTO EXECUTIVE SESSION AT 7:00 P.M. TO DISCUSS POTENTIAL LITIGATION PER RCW 42.30.110(1)(ii) FOR 10 MINUTES. THE MOTION CARRIED 6-0.

COUNCIL MEMBER THOMPSON MOVED AND MAYOR PRO TEM LEMLEY SECONDED A MOTION TO MOVE OUT OF EXECUTIVE SESSION AT 7:10 P.M. THE MOTION CARRIED 6-0.

2. Discuss Meeting Agenda Items (20 minutes)

- City Council Members

Joining the pre-meeting after the executive session were Energy Services Director Hammond, Administrative Services Director Koch, Purchasing Manager Robinson, Human Resources Manager Jubb and City Clerk Hopkins.

Council and staff briefly reviewed the proposed agenda scheduled for the regular meeting.

Regular Meeting:

Mayor Rose called the Council meeting to order at 7:30 p.m. in the Council Chamber at City Hall.

Welcome and Roll Call:

Mayor Rose welcomed those in the audience and expressed appreciation for their attendance.

Mayor Rose, Mayor Pro Tem Lemley, Council Members Anderson, Christensen, Revell and Thompson were present.

Also present were City Manager Reents, Assistant City Manager Amundson, Energy Services Director Hammond, Fire and Emergency Services Director Huntington, Community Development Director Jensen, City Attorney Kintzley, Administrative Services Director Koch, Public Works Director Rogalsky, Parks and Public Facilities Director Schiessl Police Services Director Skinner, and City Clerk Hopkins.

MAYOR PRO TEM LEMLEY MOVED AND COUNCIL MEMBER THOMPSON SECONDED A MOTION TO EXCUSE COUNCIL MEMBER KENT. THE MOTION CARRIED 6-0.

Pledge of Allegiance:

Mayor Rose led the Council and audience in the recitation of the Pledge of Allegiance.

Approval of Agenda:

MAYOR PRO TEM LEMLEY MOVED AND COUNCIL MEMBER ANDERSON SECONDED A MOTION TO APPROVE THE AGENDA AS PUBLISHED. THE MOTION CARRIED 6-0.

Resolution for Adoption:

1. Resolution No. 159-15, Appointing Ed Revell to Serve the Unexpired Term for Council Position No. 7 and Granting a Leave of Absence from the Utility Advisory Committee (UAC)
- Heather Kintzley, City Attorney

MAYOR PRO TEM LEMLEY MOVED AND COUNCIL MEMBER CHRISTENSEN SECONDED A MOTION TO ADOPT RESOLUTION NO. 159-15, APPOINTING ED REVELL TO SERVE THE UNEXPIRED TERM FOR COUNCIL POSITION NO. 7 AND GRANTING A LEAVE OF ABSENCE FROM THE UTILITY ADVISORY COMMITTEE (UAC). THE MOTION CARRIED 5-0. COUNCIL MEMBER REVELL ABSTAINED.

Presentations:

1. Swearing-In Ceremony for Newly Appointed Councilmember Ed Revell
City Clerk Hopkins preformed the swearing-in ceremony for Council Member Revell.

2. New Hire / Retirements
- Allison Jubb, Human Resources Director

Ms. Jubb said there were two retirees, Manuel Pardini, after 24 years of service and Patricia Towne, after 20 years of service. She announced the new hires that were not able to attend the meeting, Alexis Luchi, Customer Representative, Dylan Thomas, Laborer I, and Colton O'Brien, Zachery Hannibal and Timothy Birch, new firefighters that are currently at the Fire Academy. She introduced Chris Babcock and Josh Jordon, Fire Fighters, in attendance and gave their backgrounds.

Public Comments:

City Clerk Hopkins read the public comments procedure.

There were no public comments.

Consent Calendar:

City Clerk Hopkins read the Consent items.

Minutes:

1. Approve the Minutes of the Council Meetings Held August 18 and 25, 2015
- Heather Kintzley, City Attorney

Ordinances - First Reading:

2. Ordinance No. 48-15, Amending RMC Title 3: Finance, Repealing and Replacing Chapter 3.04 Purchasing, in its Entirety
- Cathleen Koch, Administrative Services Director

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3. Ordinance No. 50-15, Amending RMC Title 2: Administration and Personnel of the Richland Municipal Code to Eliminate Term Limits for the City's Boards, Commissions and Committees except as required by State Law
- Heather Kintzley, City Attorney

4. Ordinance No. 51-15, Amending RMC Title 3: Finance, by Repealing and Replacing Chapter 3.08 Surplus, in its Entirety
 - Cathleen Koch, Administrative Services Director
5. Ordinance No. 52-15, Extending the Cable Television Franchise Agreement with Charter Communications to February 1, 2016
 - Heather Kintzley, City Attorney

Ordinances – Second Reading/Passage:

6. Ordinance No. 39-15, Amending RMC Title 14: Electricity, Relating to Retail Rates
 - Bob Hammond, Energy Services Director
7. Ordinance No. 40-15, Amending RMC Title 9: Crime, Related to Prosecution of Misdemeanor and Gross Misdemeanor Offenses
 - Heather Kintzley, City Attorney
8. Ordinance No. 42-15, Amending RMC Chapter 12.10: Sidewalk Construction
 - Pete Rogalsky, Public Works Director

Resolutions – Adoption:

9. Resolution No. 140-15, Appointment to the Richland Arts Commission: Solani Matta
 - Heather Kintzley, City Attorney
10. Resolution No. 141-15, Expressing Appreciation to Liliana Rasmusen for Service on the Richland Arts Commission
 - Heather Kintzley, City Attorney
11. Resolution No. 152-15, Authorizing Execution of a Purchase and Sale Agreement Acquiring the Right-of-Way for the Duportail Bridge Project
 - Pete Rogalsky, Public Works Director
12. Resolution No. 153-15, Authorizing the City Manager to Enter Into a Contract with Roger Brooks International for the Waterfront 2040 Master Plan
 - Kerwin Jensen, Community Development Director
13. Resolution No. 155-15, Establishing a Public Hearing Date to Consider the Proposed Whitfield Annexation
 - Kerwin Jensen, Community Development Director
14. Resolution 157-15, Granting Standing Authority to the City Manager to Sign and Execute Certain Contracts and Agreements
 - Heather Kintzley, City Attorney

15. Resolution No. 156-15, Declaring Development and Maintenance of Current Records Index Unduly Burdensome
- Heather Kintzley, City Attorney

16. Resolution No. 158-15, Reappointments to the Lodging Tax Advisory Committee: Douglas Sako and Mark Kerber
- Heather Kintzley, City Attorney

Expenditures - Approval:

17. Expenditures from August 10, 2015 - August 21, 2015 for \$4,673,651.43 including Check Nos. 225788-226258, Wire Nos. 5968-5971, Payroll Check Nos. 100093-100107, and Payroll Wire/ACH Nos. 9089-9108
- Cathleen Koch, Administrative Services Director

MAYOR PRO TEM LEMLEY MOVED AND COUNCIL MEMBER THOMPSON SECONDED A MOTION TO APPROVE THE CONSENT CALENDAR AS PUBLISHED LESS ITEM NO. 3. THAT WAS PULLED FOR AN ITEM OF BUSINESS. THE MOTION CARRIED 6-0.

Items of Business:

1. Ordinance No. 49-15, Sale of Electric Revenue and Refunding Bonds (Second Reading / Passage)
- Bob Hammond, Energy Services Director

COUNCIL MEMBER THOMPSON MOVED AND COUNCIL MEMBER CHRISTENSEN SECONDED A MOTION TO ADOPT ORDINANCE NO. 49-15, SALE OF ELECTRIC REVENUE AND REFUNDING BONDS.

Council Member Thompson said this item has been carefully reviewed and discussed by Council and all of the questions regarding this ordinance have been satisfactory answered.

THE MOTION CARRIED 6-0.

2. Resolution No. 154-15, Authorizing a Memorandum of Understanding with the Confederated Tribes of the Umatilla Indian Reservation
- Kerwin Jensen, Community Development Director

COUNCIL MEMBER THOMPSON MOVED AND COUNCIL MEMBER ANDERSON SECONDED A MOTION TO ADOPT RESOLUTION NO. 154-15, AUTHORIZING A MEMORANDUM OF UNDERSTANDING WITH THE CONFEDERATED TRIBES OF THE UMATILLA INDIAN RESERVATION.

Council Member Thompson said the memorandum of agreement primarily was about economic development goals along the waterfront. He said staff has done a thorough job on the agreement.

THE MOTION CARRIED 6-0.

3. Ordinance No. 50-15, Amending RMC Title 2: Administration and Personnel of the Richland Municipal Code to Eliminate Term Limits for the City's Boards, Commissions and Committees except as required by State Law
- Heather Kintzley, City Attorney

Mayor Pro Tem Lemley stated his reasons for being opposed to eliminating term limits on Boards, Commissions and Committees (BCC), including that there are qualified and interested citizens that can serve on the BCCs, not just a select few and the fact that City uses professional consultants and has qualified staff that make recommendations to Council, but it is Council that make the final decisions.

Council Member Anderson is in favor of eliminating the term limits. He believes BCC members with valuable experienced should be retained and not be subject to term limits. He said the BCCs do have a process to remove a member, if the need arises.

Council Member Revell said he supports having term limits. He said serving on the BCCs help develop future Council Members. He believes term limits for elected officials are not appropriate as they are voted into office by the will of the people, but on appointed positions, he believes term limits are necessary so new people can have the opportunity to serve and to prevent power to be consolidated.

Council Member Thompson believes in eliminating term limits and echoes Council Member Anderson's remarks. He said if the vote ties, he would like the ordinance to come back at the next Council meeting. He also would like Council Member Kent to have an opportunity to vote as well.

COUNCIL MEMBER THOMPSON MOVED AND COUNCIL MEMBER CHRITENSEN SECONDED A MOTION TO PASS ORDINANCE NO. 50-15, AMENDING RMC TITLE 2: ADMINISTRATION AND PERSONNEL OF THE RICHLAND MUNICIPAL CODE TO ELIMINATE TERM LIMITS FOR THE CITY'S BOARDS, COMMISSIONS AND COMMITTEES EXCEPT AS REQUIRED BY STATE LAW.

Council Member Christensen is against term limits and believes qualified candidates should be able to stay on a BCC. He said at times, an open BCC position does not attract qualified candidates, so the City should have the ability to keep a qualified BCC member by not having term limits.

Mayor Rose stated he is in favor of term limits.

THE MOTION TIED 3-3. COUNCIL MEMBERS CHRISTENSEN, ANDERSON AND THOMPSON WERE IN FAVOR. MAYOR ROSE, MAYOR PRO TEM LEMLEY AND COUNCIL MEMBER REVELL WERE OPPOSED.

Council Member Thompson stated again for this ordinance to be brought back at the next Council meeting and voted on again with Council Member Kent in attendance.

Reports and Comments:

1. City Manager Reents said the next Council meeting is on September 15 and Ms. Koch will give the mid-year financial review. She said Thursday, September 3, 2015, is the governance meeting with the Confederated Tribes of the Umatilla Indian Reservation in Pendleton, OR.
2. Council Members:

Council Member Anderson said he attended a Seattle Sounders game last Sunday where Hope Solo was presented with the Golden Scarf award and he asked if the City has made progress exploring a plan to honor her as well.

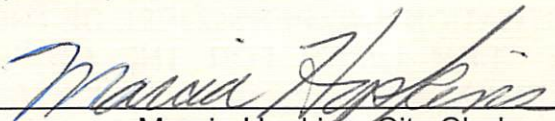
Ms. Reents said she has contacted the School District regarding their willingness to host an event as Ms. Solo is a former student. She said the City has already done a "Hope Solo Day" in 2008 and asked Council if they would like to direct her on what they would like to see happen for Ms. Solo.

Mayor Pro Tem Lemley said he attended Network Tri-City luncheon with U.S. Congressman Dan Newhouse.

Adjournment:

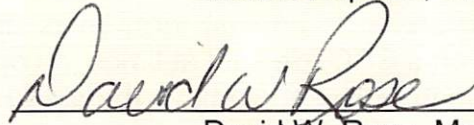
Mayor Rose adjourned the meeting at 7:59 p.m.

Respectfully Submitted,



Marcia Hopkins, City Clerk

FORM APPROVED:



David W. Rose, Mayor

DATE APPROVED:

September 15, 2015