



Agenda
City Council Workshop Meeting
Tuesday, January 26, 2016
City Hall Council Chamber | 505 Swift Boulevard

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

Special Meeting Agenda Item:

1. Ordinance No. 07-16, Extending the Cable Television Franchise with Charter Communications (second reading)
 - Heather Kintzley, City Attorney
2. Ordinance No. 08-16, Budget Amendment for Charter Communications Franchise (second reading)
 - Jon Amundson, Assistant City Manager

City Council Workshop - 6:15 p.m. (City Hall Council Chamber)

Workshop Agenda Items:

1. Council Do's and Don'ts - Risk Management (60 minutes)
 - Ann Bennett, WCIA Executive Director
2. Lorayne J Water System Absorption - South Meadow Springs Irrigation (30 Minutes)
 - Pete Rogalsky, Public Works Director
3. Duportail Street Well Site (15 minutes)
 - Pete Rogalsky, Public Works Director
4. City View Land Exchange (15 minutes)
 - Kerwin Jensen, Community Development Director

Adjournment

Richland City Hall is ADA accessible with special parking and access available at the entrance facing George Washington Way. Requests for sign interpreters, audio equipment, and/or other special services must be received 48 hours prior to the City Council Workshop by calling the City Clerk's Office at 942-7388.



COUNCIL AGENDA ITEM COVERSHEET

Council Date: 01/26/2016

Agenda Category: Special Meeting Agenda Item

Key Element: Key I - Financial Stability & Operational Effectiveness

Subject:

Ordinance No. 07-16, Extending the Cable Television Franchise with Charter Communications (second reading)

Department:
City Attorney

Ordinance/Resolution Number:
07-16

Document Type:
Ordinance

Recommended Motion:

Give second reading, by title only, and pass Ordinance No. 07-16, Extending the Cable Television Franchise with Charter Communications

Summary:

On September 20, 2011, City Council approved an interlocal agreement with the City of Pasco, and a consulting services contract with The Buske Group, for negotiation of a successor cable television franchise agreement with Charter Communications.

Richland's current cable franchise agreement is set to expire on February 1, 2016. The original term of this fifteen-year franchise was through September 30, 2013, but Council previously approved four extensions of the agreement to accommodate the negotiations process.

The cities of Pasco and Richland began diligently negotiating with Charter for a renewed cable franchise agreement in 2012, and pursued both the informal and formal process in an effort to secure a new agreement. However, in 2014, the parties placed active negotiations on hold and entered into a transfer agreement with Charter and Comcast that ultimately fell through. The parties have since resumed informal negotiations, and in the past several months have made significant progress toward reaching agreement on a renewed contract.

This extension is needed in order to continue to pursue informal negotiations with Charter. In the event the parties cannot agree to a new franchise agreement through the informal negotiations process, the City reserves the right to pursue the formal renewal process by making a preliminary decision on Charter's 2013 proposal.

Staff recommends approval of the extension of the existing cable franchise agreement to and through July 31, 2016, and believes that no further extensions will be required. The City is not prejudiced in any way by granting the extension.

First reading of Ordinance No. 07-16 was given at the January 19, 2016 Council meeting.

Fiscal Impact:

Extended provisions include Charter's \$12,500 quarterly capital contributions to the City supporting equipment purchases for the Cityview Tv channel, and the requirement that the City reepay any unspent contributions at the termination of the franchise agreement.

Attachments:

- I. Ordinance No. 07-16

ORDINANCE NO. 07-16

AN ORDINANCE of the City of Richland extending the Cable Television Franchise Agreement with Falcon Video Communications L.P., locally known as Charter Communications, hereinafter referred to as "Grantee," to and through July 31, 2016.

WHEREAS, cable providers are required to hold a franchise agreement with the City of Richland (the "City") to use the City's public rights-of-way to provide cable service; and

WHEREAS, the current cable franchise agreement ("Cable Franchise") was entered into pursuant to Cable Television Franchise Ordinance No. 17-98 on September 8, 1998, and was subsequently amended by Ordinance Nos. 33-99, 59-99, 14-00, 30-00, 24-13, 23-14, 41-14, and 52-15; and

WHEREAS, the Cable Franchise is due to expire February 1, 2016; and

WHEREAS, Grantee and the City have been engaged in informal renewal negotiations in accordance with Section 626(h) of Title VI of the Communications Act of 1934, as amended (the "Cable Act"); and

WHEREAS, the City has been conducting franchise renewal ascertainment in accordance with Section 626(a)(1) of the Cable Act; and

WHEREAS, the parties continue to reserve all rights under the formal procedures of Section 626 of the Cable Act, and do not waive any rights related thereto; and

WHEREAS, Grantee has filed timely notice of intent to renew its franchise agreement with the City pursuant to Section 626 of the Cable Act; and

WHEREAS, the City is willing to grant an extension of the current Cable Franchise until July 31, 2016 to give the parties additional time to complete the renewal process.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Richland as follows:

Section 1. Extension of the Term of the Cable Franchise to and through July 31, 2016.

The Cable Franchise, as amended, is hereby extended, subject to the terms and conditions set forth below, until the earlier of July 31, 2016, or when a new franchise agreement is agreed to by the parties and enacted by the City.

Section 2. Terms and Conditions of Extension of the Cable Franchise.

The City's consent to the extension described above is subject to, and conditioned upon, the following terms and conditions:

- A. All terms and conditions of the existing Cable Franchise shall remain in full force and effect during the extension period.
- B. The extension shall have no adverse effect on Grantee's compliance, nor shall the extension be grounds for any change or modification in the remaining terms, conditions and obligations of the Cable Franchise.
- C. The City and Grantee's agreement to extend the Cable Franchise, as set forth herein, shall not be construed, in any manner whatsoever, to constitute a waiver or release of any rights that the City or the Grantee may have under the Cable Franchise.
- D. Both parties hereby reserve all rights under applicable provisions of the Cable Act, including, without limitation, Sections 626 and 635 of the Cable Act. Nothing herein shall be deemed or construed as a waiver, release or surrender of any right that either party may have under the Cable Act or any applicable law.
- E. Within twelve (12) days after passage of this Ordinance by the City Council, Grantee shall file with the City Clerk its written acceptance of this Ordinance, substantially in the form of Exhibit A, attached hereto.

Section 3. This ordinance shall take effect the day following its publication in the official newspaper of the City of Richland.

PASSED by the City Council of the City of Richland, at a regular meeting on the _____ day of January, 2016.

ROBERT J. THOMPSON
Mayor

ATTEST:

APPROVED AS TO FORM:

MARCIA HOPKINS
City Clerk

HEATHER KINTZLEY
City Attorney

Date Published: _____

EXHIBIT A

Acceptance of Ordinance No. 07-16

City of Richland, Washington
ATTN: Heather Kintzley, City Attorney
P.O. Box 190, MS-7
Richland, WA 99352

This is to advise the City of Richland that Falcon Video Communications, L.P. (the "Grantee"), hereby unqualifiedly accepts Ordinance No. 07-16, passed by the City Council on January ____, 2016, regarding the extension of the Cable Television Franchise Agreement between Grantee and the City to and through July 31, 2016.

FALCON VIDEO COMMUNICATIONS, L.P.
("Grantee")

By: _____

Name: _____

Title: _____

Date: _____



COUNCIL AGENDA ITEM COVERSHEET

Council Date: 01/26/2016

Agenda Category: Special Meeting Agenda Item

Key Element: Key I - Financial Stability & Operational Effectiveness

Subject:

Ordinance No. 08-16, Budget Amendment for Charter Communications Franchise (second reading)

Department:
City Attorney

Ordinance/Resolution Number:
08-16

Document Type:
Ordinance

Recommended Motion:

Give second reading, by title only, and pass Ordinance No. 08-16, Budget Amendment for Charter Communications Franchise

Summary:

In September 2011, the City began the process of negotiating a cable franchise agreement with Charter Communications. At the time, the fifteen-year franchise was set to expire in September 2013. However, since that time the Council has approved four extensions to the agreement to accommodate the negotiations process.

Through an interlocal agreement, the City has partnered with the City of Pasco and jointly entered into a consulting services contract with The Buske Group for its professional services in negotiating a successor cable franchise agreement.

During 2014, the negotiations were on hold and parties entered into a transfer agreement, which ultimately fell through. Recently, the franchise agreement renewal process has resumed, and additional professional services are needed to continue to pursue the informal negotiation process.

First reading of Ordinance No. 08-16, was given at the January 19 2016, Council meeting.

Fiscal Impact:

The proposed Ordinance would increase 2016 appropriations as follows:
Increase the General Fund by \$12,000 from un-appropriated fund balance.

Attachments:

I. Ordinance No. 08-16

ORDINANCE NO. 08-16

AN ORDINANCE of the City of Richland amending the 2016 Budget to provide for additional appropriations in the City's General Fund.

WHEREAS, on November 17, 2015, the Richland City Council approved Ordinance No. 74-15 approving the 2016 Budget; and

WHEREAS, On September 20, 2011, City Council approved an interlocal agreement with the City of Pasco, and a consulting services contract with The Buske Group, for negotiation of a successor cable television franchise agreement with Charter Communications (Charter); and

WHEREAS, the cities of Pasco and Richland (Cities) began diligently negotiating with Charter for a renewed cable franchise agreement in 2012, and pursued both the informal and formal processes in an effort to secure a new agreement; and

WHEREAS, in 2014, the parties placed active negotiations on hold and entered into a transfer agreement with Charter and Comcast that ultimately fell through; and

WHEREAS, the parties have since resumed informal negotiations, and in the past several months have made significant progress toward reaching agreement on a renewed contract; and

WHEREAS, no funds were appropriated in the General Fund for continued informal negotiations during 2016; and

WHEREAS, sufficient unappropriated funds are available in the Beginning General Fund Balance to support the required budget adjustment; and

WHEREAS, a public hearing was held pursuant to RCW 35.33.091 on January 19, 2016, regarding the increase in appropriations from beginning fund balance in the General Fund.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Richland as follows:

Section 1. Facts Constituting Emergency. The expenses contained within this ordinance were not anticipated when the 2016 budget was approved.

Section 2. Declaration of Public Emergency. Due to circumstances described above, the City Council declares that a public emergency exists in the General Fund.

Section 3. Amendment of the 2016 Budget. The 2016 Budget is hereby amended to provide additional appropriations in the General Fund from unappropriated fund balance as follows:

General Fund

Current Appropriation: \$ 49,068,548

Increase in Appropriation: \$ 12,000

Amended Appropriation: \$ 49,080,548

Section 4. This ordinance shall take effect the day following its publication in the official newspaper of the City of Richland.

PASSED by the City Council of the City of Richland, at a regular meeting on the _____ day of _____ 2016.

ROBERT J. THOMPSON
Mayor

ATTEST:

APPROVED AS TO FORM:

MARCIA HOPKINS
City Clerk

HEATHER KINTZLEY
City Attorney

Date Published: _____



COUNCIL WORKSHOP COVERSHEET

Council Date: 01/26/2016

Department: City Council

Key Element:

Subject:

Council Do's and Don'ts - Risk Management (60 minutes)

Summary:

Attachments:



COUNCIL WORKSHOP COVERSHEET

Council Date: 01/26/2016

Department: Public Works

Key Element:

Subject:

Lorayne J Water System Absorption - South Meadow Springs Irrigation (30 Minutes)

Summary:

The purposes of this workshop are to: 1) Inform Council regarding staff discussions with the Kennewick Irrigation District regarding service delivery models for drinking water to the Lorayne J subdivision and irrigation water to the Clearwater Creek and Heights at Meadow Springs subdivisions; and 2) Solicit Council guidance on key decisions points contributing to these discussions. The decision points, or questions, that staff is seeking guidance on are: 1) Should the City provide drinking water supply to the Lorayne J subdivision to support resolution of a public health issue? and 2) Should the City require annexation by Lorayne J residents prior to providing drinking water supply on a permanent basis; and 3) Should the City link the Meadow Springs irrigation supply issue to the Lorayne J water system issue?

Attached to this staff report are vicinity maps and summary descriptions of the issues included in discussions between Public Works staff and Kennewick Irrigation District Officials.

Attachments:

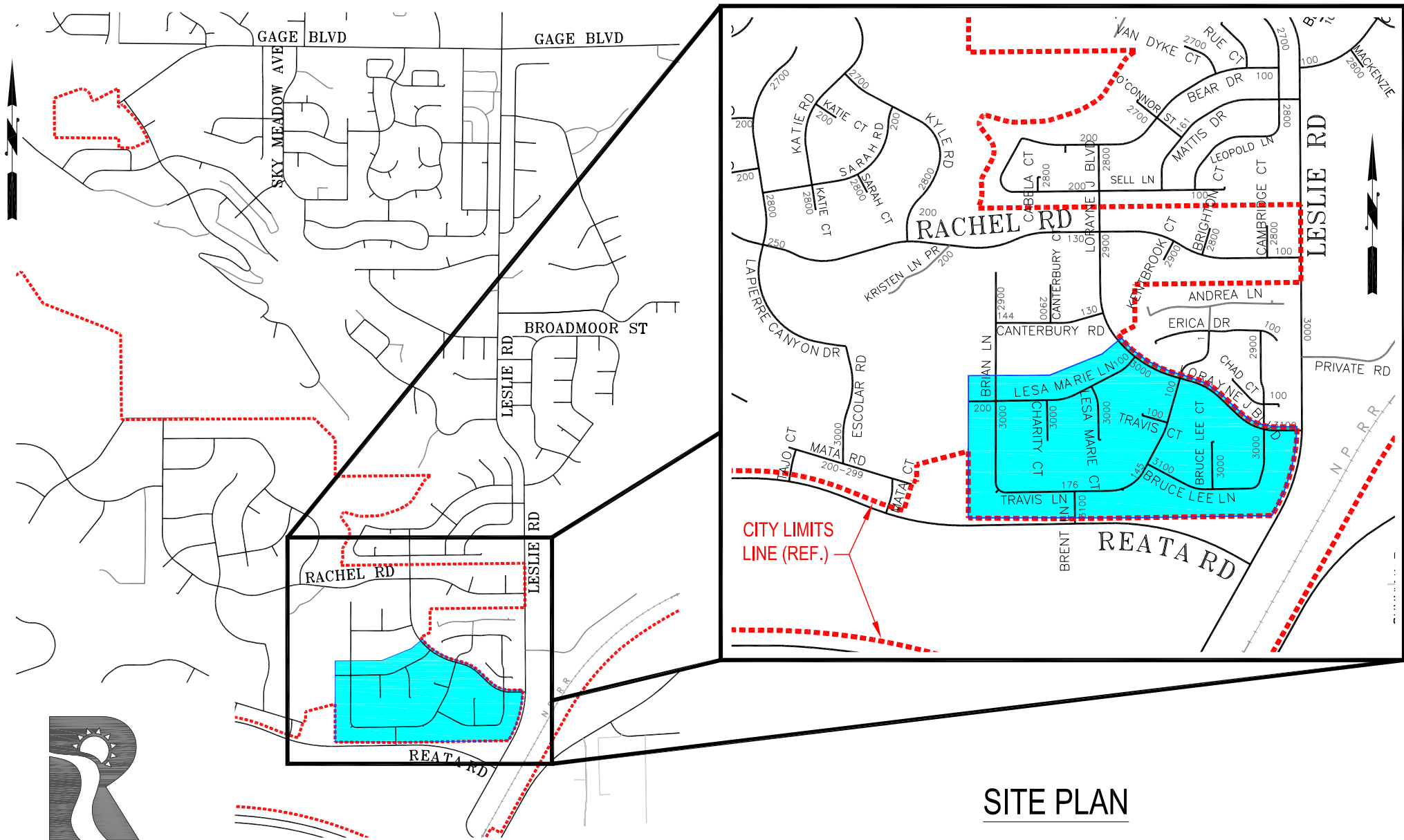
1. Lorayne J Water System Summary and Vicinity Map
2. South Meadow Springs Irrigation Supply Summary with Vicinity Map

Lorayne J Water System

The Lorayne J subdivision, which includes approximately 120 single family homes, was developed in the late 1970's using a privately owned and operated water system. The system consists of four deep wells, a ground level storage reservoir, distribution pipe, fire hydrants, and meters. The system supplies both indoor water uses and landscape irrigation. The Kennewick Irrigation District (KID) has been the system purveyor / operator for more than twenty years. As the system purveyor the KID is responsible for regulatory compliance with federal and state Department of Health requirements. The KID funds operation of this water system through rates without subsidy to or from their primary function as an irrigation water supplier. The City currently acts as an emergency water supplier to this subdivision through an emergency intertie. The emergency intertie has been activated several times in recent years due to mechanical failures of KID pumping equipment and this past year during a water quality event. The system's supply wells are increasingly impacted by nitrate contamination, so much so that the KID and the Washington State Department of Health are seeking a long term solution to this issue. The City's treated water sources provide the most cost-effective solution. Other possible solutions involve expensive water treatment technologies applied to the current well sources. City staff supports provision of drinking water to this subdivision under the following conditions: 1) Residents pay the City's new connection facility fee; and 2) System state of repair deficiencies are addressed prior to the City assuming responsibility for water supply and system maintenance; and 3) The KID constructs and operates a separate landscape irrigation supply system using the current wells and reservoir so that City supplies are limited to indoor uses; and 4) The residents agree to annexation or to paying the 50% utility rate surcharge provided in the RMC for services outside the City limits.

The Washington State Department of Health supports absorption of small water systems by municipal systems because the municipal systems provide the human resources and financial and physical infrastructure to ensure high quality service meeting state and federal requirements. The Department of Health manages a funding assistance program to support this policy. The funding program consists of low interest loans with some principle forgiveness available. Although the Department of Health prefers to fund the process through the acquiring agency, the City and KID staff have been approaching this project with the understanding that the City will not accept a financial burden that includes capital costs or debt service, for accepting water supply and maintenance responsibilities. For that reason the KID is the current lead entity in discussions with the Department of Health.

LORAYNE J KID WATER SYSTEM



PARTIAL VICINITY MAP

SITE PLAN

South Meadow Springs Irrigation System

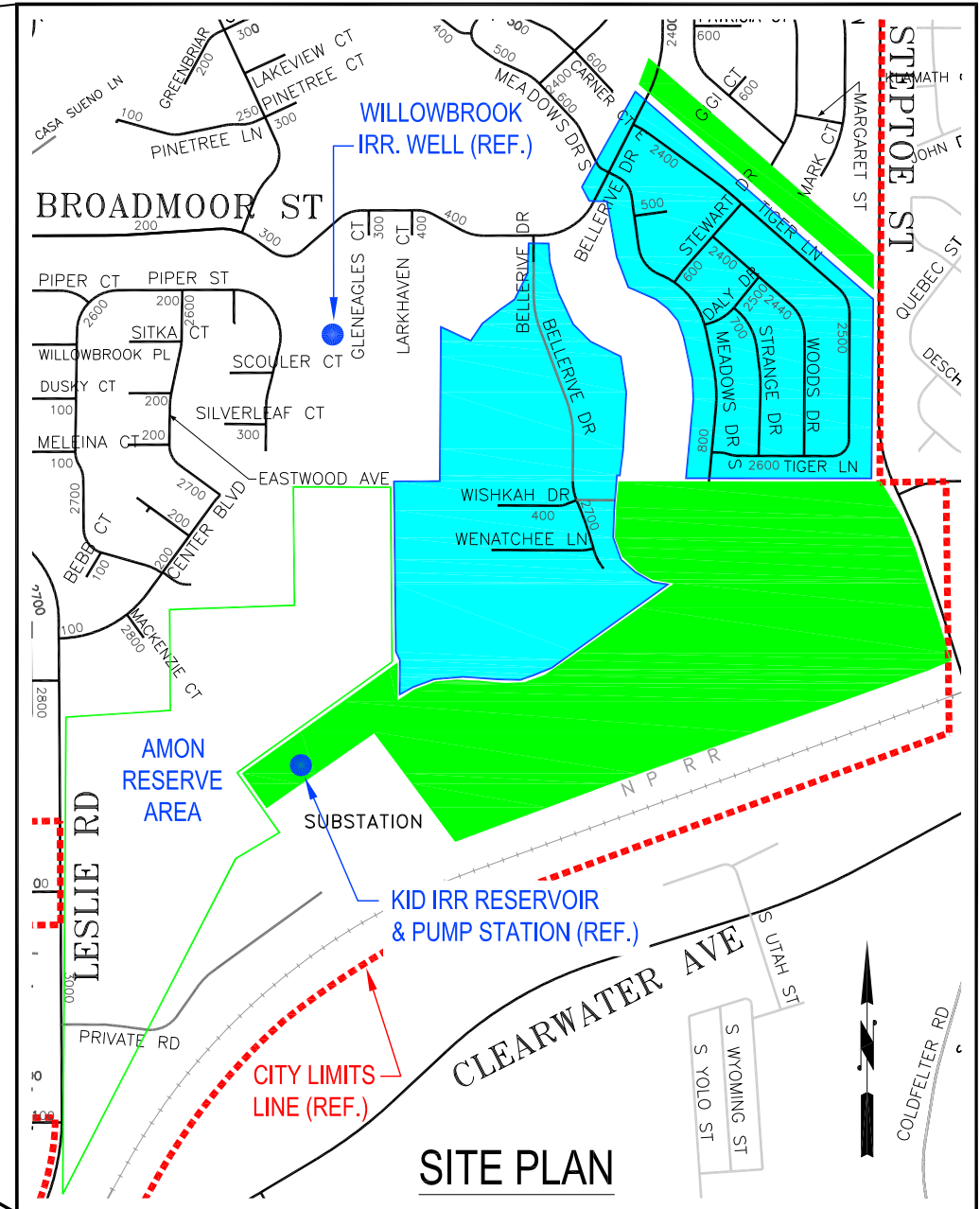
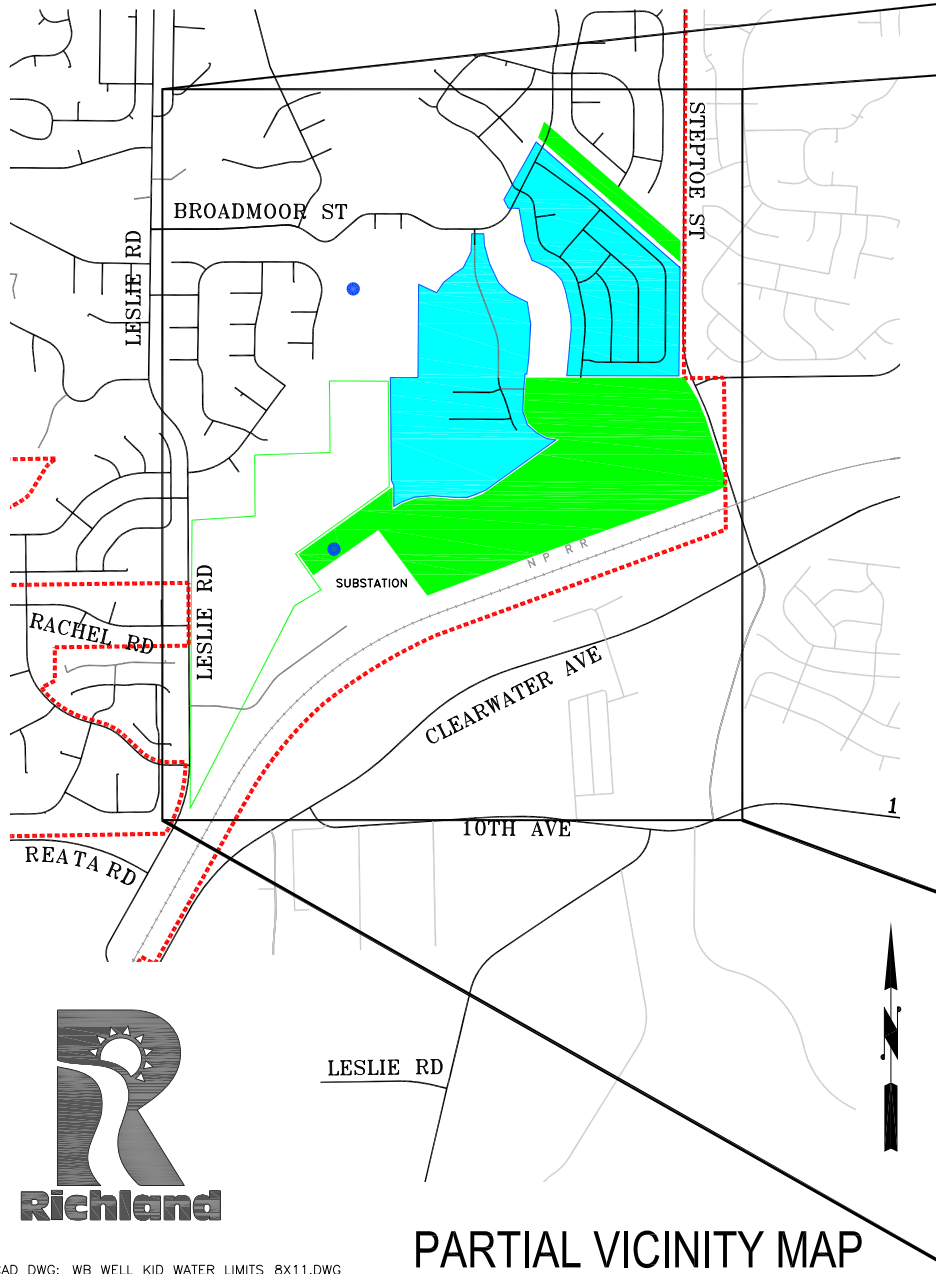
Water supply to properties south of the Yakima River was planned several decades ago based on a dual supply system. Indoor and commercial water uses were to be provided by the City and its treated supplies. Landscape irrigation water was to be provided by untreated supplies. This principle was established after the first developments were authorized using City treated water for all uses. After this two source planning principle was adopted developing properties were responsible for ensuring the availability of an untreated irrigation source prior to development. Those properties located within the service boundaries of the three established irrigation districts had the simplest route to satisfying this requirement. Those without access to irrigation district supplies could develop their own locally developed supply through Department of Ecology – managed water rights awards. This process quickly proved nearly impossible, making development of some properties infeasible under the City’s planning principle.

Property south of Broadmoor Street, east of Leslie Road, and west of Steptoe Street, excluding the Willowbrook subdivision, has historically been designated by the Kennewick Irrigation District as within the District boundary, but without assigned water resources. This meant that no Kennewick Irrigation District managed landscape irrigation water supply was available to this property. City development regulations, since the 1970’s, required a source of landscape irrigation water supply separate from the City-supplied drinking water supply to support new development. These circumstances impeded development of these properties for decades as no landscape irrigation water sources were available for this property. A 2005 study, commissioned by the City’s Public Works Department, identified blocks of property south of the Yakima River with similar circumstances and recommended landscape irrigation supply strategies to support development as contemplated in the City’s Comprehensive Land Use Plan. The strategy adopted for the South Meadow Springs area involved repurposing the City’s Willowbrook Well as a landscape irrigation supply source. The strategy began implementation with the Heights at Meadow Springs subdivision and continues with the Clearwater Creek subdivision. The Willowbrook Well irrigation source also supplies the City’s Claybell Park with untreated irrigation water.

The Kennewick Irrigation District has an ongoing process of re-evaluating its water resource allocation, which occasionally results in properties either relinquishing water availability or acquiring water availability. In 2015 the Clearwater Creek property was reviewed and granted new water availability by the KID board. KID staff and representatives of Clearwater Creek began a planning process for infrastructure to support KID irrigation delivery to that property. This effort did not include the Heights at Meadow Springs or the irrigated green belt within the Bonneville Power Administration transmission right of way east of Bellerive Drive, areas currently receiving service from the City’s Willowbrook Well.

Operation of the City’s Willowbrook Well as a landscape irrigation source has not been without issues. City staff believes that, in general, operating larger more robust systems results in better service and more stable rates. City staff believes that combining the BPA Green Belt, Heights at Meadow Springs, and Clearwater Creek irrigation supply systems will provide improved service to residents, especially if under KID management. Transferring the Willowbrook Well to the KID and integrating it into the KID source of supply matrix for this area will provide more source reliability and reduced water quality complaints from the current segregated systems. City staff believes this combined service model should be implemented along with the Lorayne J subdivision service model changes.

SOUTH MEADOW SPRINGS IRRIGATION SYSTEM





COUNCIL WORKSHOP COVERSHEET

Council Date: 01/26/2016

Department: Public Works

Key Element:

Subject:

Duportail Street Well Site (15 minutes)

Summary:

The purposes of this workshop are to: 1) Inform Council of the design development work related to a new water supply well to be located near Duportail Street south of the Yakima River; and 2) Solicit Council input on the site preferred by staff.

The 2016 - 2030 Capital Improvement Plan includes an item named the New South Richland Well Water Source, funded by Water Facility Fees. The new well was planned many years ago to provide a drinking water source south of the Yakima River. The majority of current water sources are located north of the Yakima River and a single pipeline provides water supply across the river. A new well source south of the river would help mitigate the risk of water supply interruptions from a damaged pipeline. This plan was preserved through the major water rights review associated with the Quad-Cities Water Right Permit, finalized in 2003. In 2010 the Department of Ecology issued a new well permit to the City to support this plan. The current project development would bring this long-held plan to reality. The pipeline replacement contemplated in the Duportail Bridge will further secure water supplies to the growing part of the City south of the Yakima River.

The City's consulting hydrogeologist has recommended a site near the planned alignment of the Duportail Bridge for this well. The recommendation is based on his opinion that this location provides the City with the best opportunity to develop a high quality drinking water source at the least cost. The site is part of a larger City-owned parcel planned for sale and development. Community Development and Public Works staff have conferred about the proposed well site and believe it to be compatible with highest and best use development plans for the larger parcel.

The well site, once developed, would consist of a modest size block building requiring relatively infrequent activity from City staff.

Council input on the proposed site is needed.

Attachments:

1. Duportail Well Site Photo
2. Duportail Street Well Site Map

YAKIMA RIVER

CANAL



PROPOSED
WATER WELL
BLDG

PROPOSED WELL SITE

PROPOSED SOUTH RICHLAND WATER WELL SOURCE

CITY SHOPS

CITY SHOPS
LAYDOWN YARD

CITY VIEW DR. (GRVL.)

EXISTING
EASEMENTS

PROPOSED 43,040.00 S.F.
WELL SITE EASEMENT
(TO BE DETERMINED)

YAKIMA RIVER

CANAL

PROPOSED WATER
WELL & BLDG LOCATION
APPROXIMATE ONLY

WELL SITE

PROPOSED 14' WELL
ACCESS PATH (PRE-
DUPORTAIL BRIDGE
CONSTRUCTION)

FUTURE
BRIDGE

PROPOSED 14' WELL
ACCESS PATH (POST-
DUPORTAIL BRIDGE
CONSTRUCTION)

BEGIN ACCESS PATH
AT END OF EXST.
DUPORTAIL DR.





COUNCIL WORKSHOP COVERSHEET

Council Date: 01/26/2016

Department: Community & Development Services

Key Element: Key 3 - Economic Vitality

Subject:

City View Land Exchange (15 minutes)

Summary:

In 2015, Milo Bauder proposed to give the City eighty eight (88) acres of land at the summit of the western ridge of Little Badger Mountain in exchange for a City-owned surplus trail corridor and an option on ten (10) acres in the City View commercial center north of the City shops.

In the course of reviewing the proposed exchange with Milo Bauder since the spring of 2015, progress on completing any deal has stalled. In recent months, however, the City has received interest from developers for the availability of the 10-acre property for multi-family development. In light of this interest, City staff reached out to Mr. Bauder to finalize an agreement on the exchange. However, no agreement between Mr. Bauder and the City could be reached.

Therefore, City staff is recommending that the City Council direct staff to actively market for sale the 10-acre property in the City View commercial center.

Staff will provide further background on the failed land exchange, and the recent interest in the potential sale of the City View property.

Attachments:

- I. Bauder Trade Map

