



Agenda
City Council Workshop Meeting
Tuesday, August 25, 2015
City Hall Council Chamber | 505 Swift Boulevard

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

- I. Discussion and Possible Selection of Interim Councilmember per Section 2.04 of the Charter of the City of Richland (15 minutes)
 - Cindy Reents, City Manager

City Council Workshop - 6:15 p.m.

Agenda Items:

- I. Recognition of Council Member Greg Jones (5 minutes)
 - David Rose, Mayor
2. Term Limits for Richland Boards, Commissions and Committees (15 minutes)
 - Heather Kintzley, City Attorney
3. Discussion - Adoption of Cyberstalking Statute (Ordinance No. 40-15) (15 minutes)
 - Heather Kintzley, City Attorney
4. Discussion - Department of Energy (DOE) Land Transfer (10 minutes)
 - Kerwin Jensen, Community Development Director
5. Review Proposed CIP Projects, Priorities and Funding Strategies (60 minutes)
 - Cathleen Koch, Administrative Services 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: 08/25/2015

Agenda Category: Special City Council Meeting

Key Element: Key I - Financial Stability & Operational Effectiveness

Subject:

Discussion and Possible Selection of Interim Councilmember per Section 2.04 of the Charter of the City of Richland (15 minutes)

Department:
City Manager

Ordinance/Resolution Number:

Document Type:
General Business Item

Recommended Motion:

Summary:

Due to an impending vacancy of Position No. 7, City Council has occasion to appoint an interim City Council Member to serve from approximately September 1, 2015 through December 15, 2015.

On August 19, 2015, applications for eight (8) candidates were provided to City Council for review and consideration. During tonight's Special Meeting, Council has the opportunity to discuss the prospective candidates and may either vote to appoint one of the eight, or provide staff with further direction regarding the selection process.

Fiscal Impact:

None.

Attachments:



COUNCIL WORKSHOP COVERSHEET

Council Date: 08/25/2015

Department: City Council

Key Element: Key I - Financial Stability & Operational Effectiveness

Subject:

Recognition of Council Member Greg Jones (5 minutes)

Summary:

Recognizing Council Member Jones for his one-year and 8 months dedicated service on the Richland City Council.

Attachments:



COUNCIL WORKSHOP COVERSHEET

Council Date: 08/25/2015

Department: City Attorney

Key Element: Key I - Financial Stability & Operational Effectiveness

Subject:

Term Limits for Richland Boards, Commissions and Committees (15 minutes)

Summary:

During the regular Council meeting on August, 5, 2015, Council Member Thompson asked staff to prepare an ordinance that would expand the term limits on the Utility Advisory Committee so that UAC Member Hank Kosmata would be eligible to serve additional time on the Committee.

During the regular Council meeting on August 18, 2015, Council Member Christensen indicated a desire to expand the notion of no term limits to all of Richland's Boards, Commissions and Committees. Councilmember Thompson supported this approach.

At this time, staff is looking for further direction from a majority of Council Members regarding possible removal of identified term limits for Richland's Boards, Commissions and Committees. In the event Council indicates a desire to remove the existing term limit requirements, staff will bring the appropriate ordinance for first reading at the September 1, 2015, regular Council meeting.

Attachments:



COUNCIL WORKSHOP COVERSHEET

Council Date: 08/25/2015

Department: City Attorney

Key Element: Key I - Financial Stability & Operational Effectiveness

Subject:

Discussion - Adoption of Cyberstalking Statute (Ordinance No. 40-15) (15 minutes)

Summary:

At the regular Council meeting on August 5, 2015, Council Member Thompson moved to table proposed Ordinance No. 40-15, until the matter could be further discussed at a Council Workshop. Council Member Thompson's objection to the proposed ordinance centers on adoption of a Cyberstalking statute that, if adopted, would grant jurisdiction to the City of Richland to prosecute charges of Cyberstalking that occur within city limits. Currently, Benton County has jurisdiction over prosecution of this particular offense when it is alleged to have been committed in Richland.

Staff brought the proposed Cyberstalking ordinance forward at the request of the contracted City of Richland Prosecutor, who advised that these crimes are occurring within the City, and that adoption of a code provision granting jurisdiction to Richland to prosecute the charge makes sense based on an increase in occurrence. Richland Police also support adoption of the Cyberstalking ordinance.

Cyberstalking is already a crime under state law, so in the event Council chooses not to adopt the proposed Cyberstalking code language, criminal cases will still be prosecuted by the Benton County Prosecuting Attorney's Office.

Depending on Council's direction, staff could continue to further refine the code language to articulate that to commit the crime of Cyberstalking, the conduct of the defendant must be such that he or she is, as part of a persistent campaign, intending to harass, intimidate, embarrass or torment the victim through one of the three means listed.

Staff's position is that the ordinance, as proposed, does not run afoul of First Amendment free speech protections. Further, adoption of the statute is timely and appropriate given that approximately 48 states have passed some form of cyberstalking law, and the matter has gained increasing prevalence in recent years due to media attention to suicides committed in relation to cyberstalking and cyberbullying.

Attachments:

I. Proposed ORD 40-15 Amending Title 9

ORDINANCE NO. 40-15

AN ORDINANCE of the City of Richland amending Title 9: Crime of the Richland Municipal Code by creating new Sections 9.04.010: Cyberstalking; 9.01.011: Leaving a child in the care of a sex offender; 9.06.130: Reckless burning second degree; 9.08.070 Rendering criminal assistance second degree, and 9.12.110: Computer trespass second degree; and amending Sections 9.06.090: Destruction of property, and 9.14.010: Disorderly persons defined and enumerated.

WHEREAS, the City of Richland has need, from time to time, to amend the Richland Municipal Code (RMC) to promote the health, safety, and general welfare of the citizens of the community; and

WHEREAS, the City of Richland shares concurrent jurisdiction with Benton County for the prosecution of misdemeanor and gross misdemeanor offenses within City limits; and

WHEREAS, the City is authorized to pursue criminal prosecution of misdemeanor and gross misdemeanor crimes occurring in the City of Richland only so long as the City has adopted an ordinance prohibiting specified conduct and setting a penalty that involves criminal sanction; and

WHEREAS, the City of Richland has determined to adopt ordinances to prohibit conduct that is currently unlawful under state law so that it may exercise jurisdiction over the prosecution of said offenses as opposed to forwarding the cases to the Benton County Prosecuting Attorney's Office for charging decisions; and

WHEREAS, the City of Richland also has need to modify some of the language in the existing criminal ordinances in the Richland Municipal Code to bring them into conformance with state law.

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

Section 1. New sections, entitled Cyberstalking and Leaving child in the care of a sex offender, are hereby created and codified as RMC 9.04.010 and 9.04.011 respectively, and shall read as follows:

Chapter 9.04 CRIMES AGAINST PERSONS

Sections:

- 9.04.010 Simple assault.
- 9.04.020 Harassment.
- 9.04.030 Intimidation.

- 9.04.040 Provoking assault.
- 9.04.045 Use of force – When allowed.
- 9.04.050 Harassing telephone calls.
- 9.04.060 Solicitation of a minor.
- 9.04.070 Reckless endangerment – Second degree.
- 9.04.080 Stalking – Penalties.
- 9.04.090 Coercion.
- 9.04.010 Cyberstalking.
- 9.04.011 Leaving child in the care of a sex offender.

9.04.010 Cyberstalking.

A. Unless engaged in protected political speech, a person is guilty of cyberstalking if he or she, with intent to harass, intimidate, torment, or embarrass any other person, and under circumstances not constituting telephone harassment, makes an electronic communication to such other person or a third party:

1. Using any lewd, lascivious, indecent, or obscene words, images, or language, or suggesting the commission of any lewd or lascivious act;
2. Anonymously or repeatedly whether or not conversation occurs; or
3. Threatening to inflict injury on the person or property of the person called or any member of his or her family or household.

B. For purposes of this section, “political speech” is defined as expressive activity, the point of which is to comment on government action, including criticizing the conduct of an official acting under color of law. Expressive activity is not protected political speech if it creates an objectively reasonable fear of bodily injury or property damage, focuses on a private party, or focuses on private conduct of a public official that is unrelated to his or her role in government.

C. Cyberstalking is a gross misdemeanor, except as provided in (C) of this section.

D. Cyberstalking is a class C felony if either of the following applies:

1. The perpetrator has previously been convicted of the crime of harassment, as defined in RCW 9A.46.060, with the same victim or a member of the victim's family or household or any person specifically named in a no-contact order or no-harassment order in this or any other state; or
2. The perpetrator engages in the behavior prohibited under (A)(3) of this section by threatening to kill the person threatened or any other person.

E. Any offense committed under this section may be deemed to have been committed either at the place from which the communication was made or at the place where the communication was received.

F. For purposes of this section, "electronic communication" means the transmission of information by wire, radio, optical cable, electromagnetic, or other similar means. "Electronic communication" includes, but is not limited to, electronic mail, internet-based communications, pager service, and electronic text messaging.

9.04.011 Leaving a child in the care of a sex offender.

A. A person is guilty of the crime of leaving a child in the care of a sex offender if the person is (a) the parent of a child; (b) entrusted with the physical custody of a child; or (c) employed to provide to the child the basic necessities of life, and leaves the child in the care or custody of another person who is not a parent, guardian, or lawful custodian of the child, knowing that the person is registered or required to register as a sex offender under the laws of this state, or a law or ordinance in another jurisdiction with similar requirements, because of a sex offense against a child.

B. It is an affirmative defense to the charge of leaving a child in the care of a sex offender under this section, that the defendant must prove by a preponderance of the evidence, that a court has entered an order allowing the offender to have unsupervised contact with children, or that the offender is allowed to have unsupervised contact with the child in question under a family reunification plan, which has been approved by a court, the department of corrections, or the department of social and health services in accordance with department policies.

C. Leaving a child in the care of a sex offender is a misdemeanor.

Section 2. Section 9.06.090, entitled Destruction of property, is hereby amended to read as follows:

9.06.090 Destruction of property.

It is unlawful for any person to intentionally, and without lawful authority:

A. ~~Intentionally~~ eCause physical damage to the property of another; or

B. Write, paint, draw or create any inscription, figure or mark of any type on any public or private building or other structure or any real or personal property owned by any other person, unless the person has obtained the express permission of the owner or operator of the property.

Any person found in violation of the provisions of this section shall be guilty of destruction of property, which is a gross misdemeanor if the damage to the property is in an amount less than \$750.00. [Ord. 99-76 § 1.01; Ord. 4-85; Ord. 23-09; Ord. 20-11 § 1.09; Ord. 02-13 § 1].

Section 3. A new section, entitled Reckless burning second degree, is hereby created and codified as RMC 9.06.130, and shall read as follows:

Chapter 9.06
CRIMES AGAINST PROPERTY

Sections:

- 9.06.010 Theft of services or property.
- 9.06.020 Possession of stolen property.
- 9.06.030 Value defined.
- 9.06.040 Unlawful issuance of checks.
- 9.06.050 Possession of burglary tools.
- 9.06.060 Vehicle prowling.
- 9.06.070 Trespass – First degree.
- 9.06.075 Trespass – Second degree.
- 9.06.080 *Repealed.*
- 9.06.090 Destruction of property.
- 9.06.100 Frauds on innkeepers and business establishments.
- 9.06.110 Criminal possession of leased or rented property.
- 9.06.120 Theft of subscription television services.
- 9.06.130 Reckless burning second degree.

9.06.130 Reckless burning second degree.

A. A person is guilty of reckless burning in the second degree if he or she knowingly causes a fire or explosion, whether on his or her own property or that of another, and thereby recklessly places a building or other structure, or any vehicle, railway car, aircraft, or watercraft, or any hay, grain, crop or timber, whether cut or standing, in danger of destruction or damage.

B. Reckless burning in the second degree is a gross misdemeanor.

Section 4. A new section, entitled Rendering criminal assistance second degree, is hereby created and codified as RMC 9.08.070, and shall read as follows:

Chapter 9.08
OBSTRUCTION – ARREST – ESCAPE

Sections:

- 9.08.010 Obstructing a public officer.
- 9.08.015 Making a false or misleading statement to a public officer.
- 9.08.018 Definition of public officer.
- 9.08.020 Resisting arrest.
- 9.08.030 Refusing to summon aid for a peace officer.
- 9.08.040 Escape from custody.
- 9.08.050 Rescuing or aiding escape from custody or confinement.
- 9.08.055 Introducing or possessing contraband in detention facility.

9.08.060 Criminal impersonation.

9.08.070 Rendering criminal assistance second degree.

9.08.070 Rendering criminal assistance second degree.

A. A person is guilty of rendering criminal assistance in the second degree if he or she renders criminal assistance to a person who has committed or is being sought for a class B or class C felony or an equivalent juvenile offense or to someone being sought for violation of parole, probation, or community supervision.

B. Except as provided in (C) of this section, rendering criminal assistance in the second degree is a gross misdemeanor.

C. Rendering criminal assistance in the second degree is a misdemeanor if it is established by a preponderance of the evidence that the actor is a relative as defined in RCW 9A.76.060.

Section 5. A new section, entitled Computer trespass second degree, is hereby created and codified as RMC 9.12.110, and shall read as follows:

**Chapter 9.12
MISCELLANEOUS CRIMES**

Sections:

- 9.12.010 Conspiracy.
- 9.12.020 Riot.
- 9.12.030 Failure to disperse.
- 9.12.040 Unlawful discharge of a laser in the second degree.
- 9.12.050 *Repealed.*
- 9.12.055 Illegal dumping.
- 9.12.060 Abandoned refrigerators.
- 9.12.070 Cold storage lockers.
- 9.12.080 Hunting.
- 9.12.090 Tormenting or harassing birds and animals.
- 9.12.100 *Repealed.*
- 9.12.110 Computer trespass second degree.

9.12.110 Computer trespass second degree.

A. A person is guilty of computer trespass in the second degree if the person, without authorization, intentionally gains access to a computer system or electronic database of another under circumstances not constituting the offense in the first degree.

B. Computer trespass in the second degree is a gross misdemeanor.

Section 6. Section 9.14.010, entitled Disorderly persons defined and enumerated, is hereby amended to read as follows:

9.14.010 Disorderly persons defined and enumerated.

The following persons are declared to be disorderly persons:

~~A. Any person found intoxicated from the use of illegal drugs, in any public place in the city; or~~

~~AB.~~ Any person found to be ingesting any illegal drug in a place where it can be viewed by a member of the public; or

~~BC.~~ Any person fighting or encouraging others to fight in any public place in the city; or

~~D. Any person who, by noisy, riotous or tumultuous conduct, disturbs the quiet and peace of the city between the hours of 9:00 p.m. and 7:00 a.m., or of any meeting or assemblage within the city; or~~

~~CE.~~ Any person who uses, in the presence of another person, vulgar, profane, or indecent language, or who makes any vulgar, profane, obscene or indecent gesture, under circumstances which create a reasonable fear of imminent assault; or

~~DF.~~ Any person who intentionally obstructs vehicular or pedestrian traffic:

1. By the linking of arms or joining of hands, lying down, sitting or standing in the street or public right-of-way thus preventing the flow of vehicular or pedestrian traffic, or by placing a parked vehicle or other objects in such a manner to obstruct the flow of traffic; or

2. Obstructs pedestrian or vehicular traffic and refuses or intentionally fails to cease such activity when ordered to do so by a police officer; or

~~EG.~~ Any person who intentionally inhales vapors or fumes of any substance listed in RCW 9.47A.010 as it currently exists, or as it may be amended, for the purpose of inducing euphoria, hallucination or intoxication, except as authorized by law; or

~~FH.~~ Any person who visits or resorts to any place with knowledge that any of the above acts are being conducted, practiced or carried on illegally therein;

~~GI.~~ It shall be an affirmative defense to the crime of disorderly conduct that the action constituting disorderly conduct was permitted by the city pursuant to a permit issued. [Ord. 99-76 § 1.01; Ord. 4-87; Ord. 20-11 § 1.18; Ord. 18-12 § 5].

Section 7. 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 4th day of August, 2015.

DAVID W. ROSE
Mayor

ATTEST:

APPROVED AS TO FORM:

MARCIA HOPKINS
City Clerk

HEATHER KINTZLEY
City Attorney

Date Published: _____



COUNCIL WORKSHOP COVERSHEET

Council Date: 08/25/2015

Department: Community & Development Services

Key Element: Key 3 - Economic Vitality

Subject:

Discussion - Department of Energy (DOE) Land Transfer (10 minutes)

Summary:

The City continues to work with the Department of Energy (DOE) and TRIDEC on the acquisition of property north of Horn Rapids Road and west of Stevens Drive. The property consists of approximately 1,621 acres that will be deeded to TRIDEC from the Department of Energy and then deeded from TRIDEC to both the City of Richland and the Port of Benton.

At the workshop last month, a scenario was presented to the City Council on how the ownership of the property was proposed to be divided between the Port and the City based on discussions at the staff level. Discussions have continued with Port of Benton staff and we have a much more amenable proposal that we feel can be supported by both the Port and the City.

Attached you will find the proposed conveyance boundaries for the DOE land transfer. The proposal includes the following:

Immediate transfer (December 31st or earlier) of:

- 507 acres to the City of Richland
- 834 acres to the Port of Benton

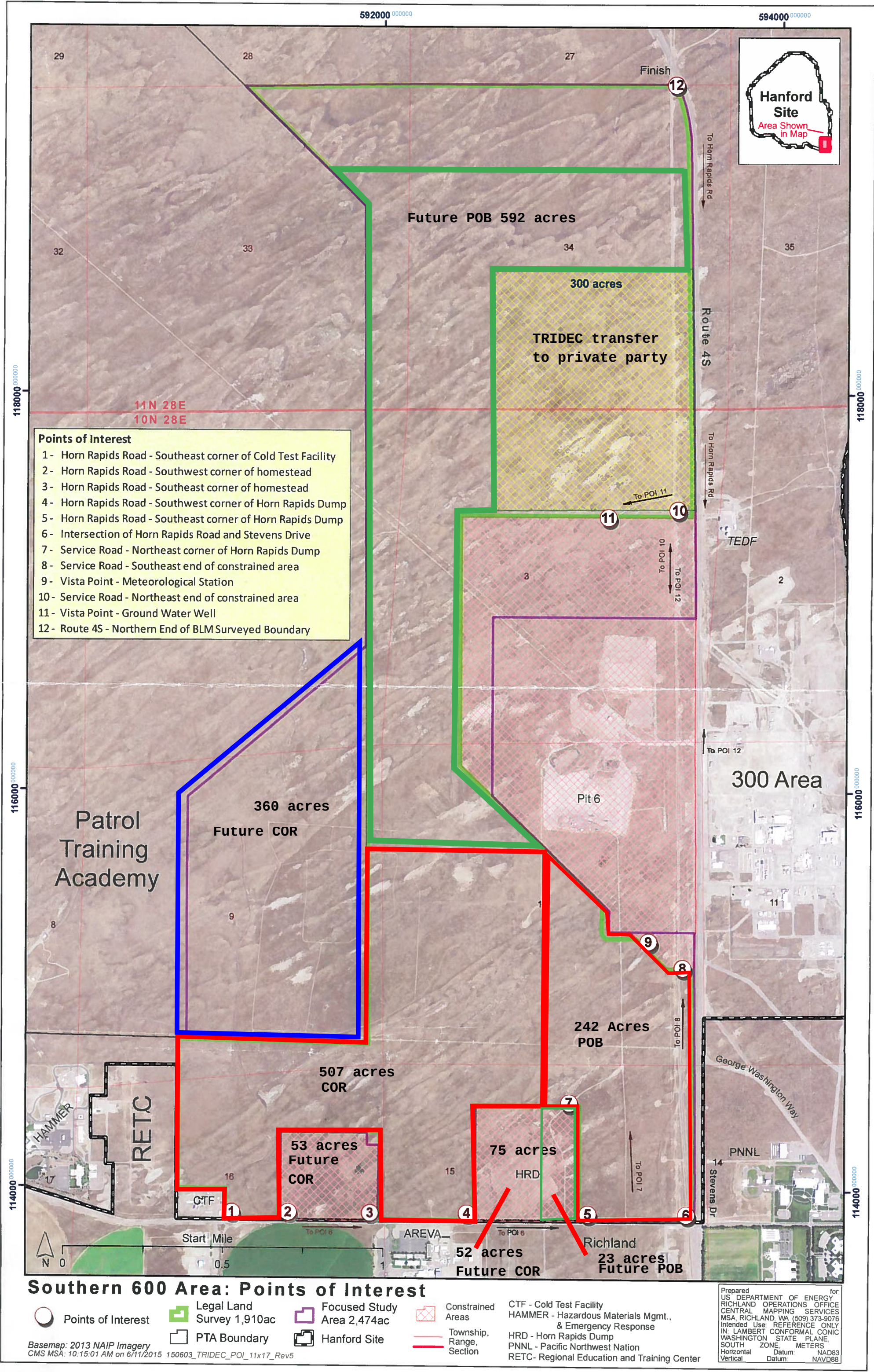
Future transfer (following necessary assessments and/or cleanup) of:

- 105 additional acres to the City of Richland
- 23 additional acres to the Port of Benton

Plus the potential of an additional 360 acres transferred to the City of Richland in the future.

Attachments:

I. Map - DOE Land Transfer



- Points of Interest**
- 1 - Horn Rapids Road - Southeast corner of Cold Test Facility
 - 2 - Horn Rapids Road - Southwest corner of homestead
 - 3 - Horn Rapids Road - Southeast corner of homestead
 - 4 - Horn Rapids Road - Southwest corner of Horn Rapids Dump
 - 5 - Horn Rapids Road - Southeast corner of Horn Rapids Dump
 - 6 - Intersection of Horn Rapids Road and Stevens Drive
 - 7 - Service Road - Northeast corner of Horn Rapids Dump
 - 8 - Service Road - Southeast end of constrained area
 - 9 - Vista Point - Meteorological Station
 - 10 - Service Road - Northeast end of constrained area
 - 11 - Vista Point - Ground Water Well
 - 12 - Route 4S - Northern End of BLM Surveyed Boundary

Southern 600 Area: Points of Interest

- | | | | | |
|--------------------|---------------------------|----------------------------|-------------------|--|
| Points of Interest | Legal Land Survey 1,910ac | Focused Study Area 2,474ac | Constrained Areas | CTF - Cold Test Facility |
| PTA Boundary | Hanford Site | Township, Range, Section | | HAMMER - Hazardous Materials Mgmt., & Emergency Response |
| | | | | HRD - Horn Rapids Dump |
| | | | | PNNL - Pacific Northwest Nation |
| | | | | RETC - Regional Education and Training Center |

Prepared for
US DEPARTMENT OF ENERGY
RICHLAND OPERATIONS OFFICE
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COUNCIL WORKSHOP COVERSHEET

Council Date: 08/25/2015

Department: Administrative Services

Key Element: Key I - Financial Stability & Operational Effectiveness

Subject:

Review Proposed CIP Projects, Priorities and Funding Strategies (60 minutes)

Summary:

Several meetings were held with the Department Directors to prioritize projects and funding sources/strategies for the 2016-2030 Capital Improvement Plan (CIP) in order to make recommendations to the CIP Subcommittee. They also looked at revenue sources, such as lodging taxes, business license reserve funds, and other potential funding sources, to see how they could or should be re-purposed for City priorities.

The Directors then forwarded their recommendations through 2020 to the Subcommittee who reviewed the details. Funding strategies through 2020 have been mapped out and recommendations for the 2016 CIP are ready for the full Council to discuss at the workshop with the following in mind:

- The majority of the projects through 2019 are paired up with a funding source.
- The Subcommittee and staff focused on determining potential funding sources for the following projects: Duportail Bridge, Swift Corridor/City Hall, and the Pavement Management Program.
- Project priorities and funding strategies could change in the CIP based on grant availability or other unforeseen reasons.

Attachments: