



MINUTES

CITY COUNCIL SPECIAL MEETING / WORKSHOP

Richland City Hall ~ 505 Swift Boulevard

Tuesday, August 25, 2015

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

Attendance:

Mayor Rose, Mayor Pro Tem Lemley, Council Members Anderson, Christensen, Kent, Jones, 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 Deputy City Clerk Barham.

Agenda Item:

1. Discussion and Possible Selection of Interim Councilmember per Section 2.04 of the Charter of the City of Richland
- Cindy Reents, City Manager

Ms. Reents said due to an impending vacancy of Position No. 7, Council has occasion to appoint an interim 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.

Council Member Jones recused himself from the meeting, during the possible Council appointment, as he stated it is a conflict of interest. He left the Council Chamber at 6:01 p.m.

Council Members expressed great appreciation to the eight qualified candidates that applied for the vacant position. They briefly discussed the appointment process and then discussed the desired skill-set for the interim position, as the individual will need to fully participate in the 2016 budget process and possible bond rating issues.

COUNCIL MEMBER THOMPSON MOVED AND MAYOR PRO TEM LEMLEY SECONDED A MOTION TO APPOINT ED REVELL TO POSITION NO. 7 EFFECTIVE AUGUST 26, 2015. THE MOTION CARRIED 7-0.

Council Member Jones returned to the meeting at 6:12 p.m.

Council Member Kent announced that she and the Council Assignments Subcommittee will be meeting to discuss Council Member Jones' Council Assignments and the upcoming Tri-Cities Regional Public Facilities District Board term expiration and will provide a recommendation to Council within the next 30 to 45 days.

Mayor Rose adjourned the Special Meeting and opened the Workshop at 6:13 p.m.

City Council Workshop

Agenda Item:

1. Recognition of Council Member Greg Jones
- David Rose, Mayor

Mayor Rose read Council Member Jones' recognition plaque and presented it to him, noting this is Council Member Jones' last meeting, as he will be moving to Los Alamos for a career opportunity.

Council Member Jones expressed gratitude for the opportunity to serve as a Council Member.

2. Term Limits for Richland Boards, Commissions and Committees
- Heather Kintzley, City Attorney

Ms. Kintzley stated that 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 (UAC) 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 and Council Member Thompson supported this approach.

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 (BCC). Ms. Kintzley distributed a list detailing the term limits for each BCC to Council noting that most BCCs have a 12-year term limit.

Council discussion included the merits, as well as the drawbacks of keeping the term limits as is, amending the term limits or disbanding the term limits from the Richland Municipal Code.

Ms. Kintzley stated that she would prepare an ordinance regarding the term limits for the City's Boards, Commissions and Committees and will bring it forward to the September 1, 2015, Council Meeting for Council consideration.

3. Discussion - Adoption of Cyberstalking Statute (Ordinance No. 40-15)
- Heather Kintzley, City Attorney

Ms. Kintzley asserted that 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, could 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 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.

Council asked for clarification of the proposed ordinance that includes cyberstalking statute and Ms. Kintzley provided additional explanation to answer Council's inquiries.

At the end of the discussion, Ms. Kintzley said she would bring the ordinance forward to the September 1, 2015, Council Meeting for Council consideration for second reading and passage. If Council's desire was to not enact the cyberstalking statute into the Richland Municipal Code (RMC), then she asked Council to adopt an amended ordinance that includes the other items within the proposed ordinance that need still to be updated within the RMC.

4. Discussion - Department of Energy (DOE) Land Transfer - Kerwin Jensen, Community Development Director

Mr. Jensen distributed a map that was included within the Council Packet. He said 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 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.

The proposal includes the immediate transfer (December 31st or earlier) of 507 acres to the City of Richland and 834 acres to the Port of Benton. Future transfers (following necessary assessments and/or cleanup) include 105 additional acres to the City of Richland and 23 additional acres to the Port of Benton. There is also potential of an additional 360 acres transferred to the City of Richland in the future.

Council briefly discussed the proposed acquisitions with the City, Port of Benton and TRIDEC with Mr. Jensen, regarding the buildout of utilities, proposed the TRIDEC acquisition and access to some of the parcels, as well as the boundary lines for the three entities.

Council Member Kent left the meeting at 6:57 p.m.

5. Review Proposed CIP Projects, Priorities and Funding Strategies

- Cathleen Koch, Administrative Services Director

Ms. Koch distributed copies of a memorandum and preliminary 2016-2030 Capital Improvement Plan to Council. She said 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 repurposed 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 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.

Ms. Koch said project priorities and funding strategies could change in the CIP based on grant availability or other unforeseen reasons.

Council and staff discussion included various aspects of the CIP projects and the proposed funding strategies.

Ms. Koch asked that Council review the preliminary CIP and provide feedback to City Manager Reents by Friday, September 4.

Other Items:

City Manager Reents announced that Finance Director Marsh will be retiring effective September 18 and an internal recruitment for the position will be conducted.

Council Member Christensen asked for an update on the John Dam Plaza Stage and the possibly of additional funding for the project.

Parks and Public Facilities Director Schiessl confirmed that there is an additional \$300,000 available from the Washington State Recreation and Conservation Office (RCO) for the project. The project will be more extensive than originally planned because of the additional funding.

Mayor Rose inquired about the upcoming meeting with the Confederate Tribes of the Umatilla Indian Reservation (CTUIR) scheduled for September 3, 2015, and a proposed Memorandum of Understanding (MOU).

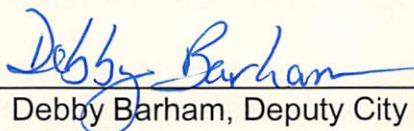
Ms. Reents and Mr. Jensen confirmed the proposed MOU will be included in the Council agenda packet for the September 1, 2015, Council meeting.

Council Member Jones expressed appreciation to Council and staff again and wished them great success with future endeavors.

Adjournment:

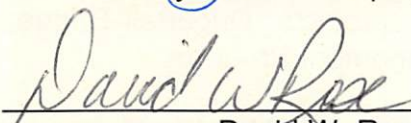
Mayor Rose adjourned the workshop at 7:30 p.m.

Respectfully Submitted,



Debby Barham, Deputy City Clerk

FORM APPROVED:



David W. Rose, Mayor

DATE APPROVED:

September 1, 2015