



Agenda
City Council Workshop Meeting
Tuesday, April 28, 2015
City Hall Council Chamber | 505 Swift Boulevard

City Council Workshop - 6:00 p.m.

Agenda Items:

1. Update On Department of Energy Land Conveyance and National Park (30 minutes)
 - Bill King, Deputy City Manager
2. Park Rule Enforcement - Swimming from Boat Docks (15 minutes)
 - Joe Schiessl, Parks and Public Facilities Director
3. Panhandling (30 minutes)
 - Heather Kintzley, City Attorney
4. Discussion of Horn Rapids Golf Course Community Option Agreement (20 minutes)
 - Bill King, Deputy City Manager

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 WORKSHOP COVERSHEET

Council Date: 04/28/2015

Department: Community & Development Services

Key Element: Key 3 - Economic Vitality

Subject:

Update On Department of Energy Land Conveyance and National Park (30 minutes)

Summary:

The purpose of this workshop is to update Council on the exciting opportunities occurring north of our City.

Staff has been working with our economic development partners TRIDEC and the Port of Benton to facilitate the transfer of surplus DOE land to local ownership. While there is considerable industrial land now available in north Richland, we no longer have sites that would accommodate a land intensive industrial use. The Tri-Cities has therefore been unable to compete for these large scale uses which could be an important part of our economic diversification. For this reason, the community has request the transfer of surplus DOE lands north of the City. Recent legislation mandates that the transfer of 1641 acres be accomplish buy this coming September. As the exact boundaries of the transfer property is being negotiated, the City must consider if and how much of this land should be included in our Urban Growth Area. Later this year staff will begin undertake preparation of a Specific Area Plan to help determine the best use of this land and infrastructure required to support it future development.

Also planning has begun for the Manhattan Project National History Park. Staff and representative of our community partners will be available to discuss these activities with Council.

Attachments:



COUNCIL WORKSHOP COVERSHEET

Council Date: 04/28/2015

Department: Parks & Public Facilities

Key Element:

Subject:

Park Rule Enforcement - Swimming from Boat Docks (15 minutes)

Summary:

The City provides safe swimming opportunities in a variety of locations including the George Prout Memorial Pool, the Howard Amon Wading Pool, Badger Mountain Splash and Play, Leslie Groves Swim Beach, and the Howard Amon Swimming Dock. There are a number of locations where the City favors boating access, as opposed to swimming, including boat ramps, marinas, and specialty docks such as the Lee Boulevard Dock. Swimming in a location designated for boats is unsafe and against posted park rules. Swimming in a designated "no swimming" area is currently a civil infraction under the Richland Municipal Code.

Staff has developed a tsofold approach to reinforce the swimming prohibition in certain areas. First, Staff will pursue a number of public service announcements and other communication tools to promote safe swimming. This educational campaign is designed to deter violations in prohibited areas and encourage use of the City's swimming facilities in a responsible manner.

In addition, staff recommends reinstituting the trespass option for individuals who violate park rules. Since September 2014, the City has not issued any civil trespass notices to individuals on City property based on a need to update the Richland Municipal Code. In May, staff will bring forward, for Council's consideration, a trespass ordinance that designates who has the authority to trespass violators from City parks, and under what circumstances. The ordinance will also create an appeal process, which is the piece currently lacking under the RMC. The trespass action is preferred to the current civil infraction process given that many of individuals who swim in prohibited areas are minors.

Attachments:



COUNCIL WORKSHOP COVERSHEET

Council Date: 04/28/2015

Department: City Attorney

Key Element: Key I - Financial Stability & Operational Effectiveness

Subject:

Panhandling (30 minutes)

Summary:

On occasion, the City receives complaints related to begging/panhandling in our community. The Cities of Pasco and Kennewick have passed legislation to address panhandling, aggressive panhandling, and intentional interference with pedestrian and vehicular traffic in their respective jurisdictions. Because this topic is garnering increased attention in the City of Richland, a conversation with Council is in order to determine what approach, if any, Council would like to take when it comes to regulating panhandling within City limits.

Staff's workshop discussion with Council will focus on the legal landscape of regulating and/or banning panhandling, examples of legislation from surrounding and state-wide jurisdictions, and a recommended path forward.

For purposes of discussion, attached are the current ordinances for the Cities of Pasco, Kennewick, and Lakewood, Washington.

Attachments:

1. Lakewood Ordinance - Aggressive Begging
2. Kennewick Ordinance - Interference with Pedestrian/Vehicular Traffic
3. Pasco Ordinance - Panhandling Prohibited

09A.4.000 - Aggressive Begging

Chapter 9A.04
Aggressive Begging

Sections:

9A.04.010 Aggressive begging.

9A.04.020 Definitions.

9A.04.020A Restrictive Areas

9A.04.030 Violation.

09A.4.010 - Aggressive Begging

It is unlawful for any person to engage in aggressive begging in any public place in the City, as those terms are defined by this section. (Ord. 526 § 2 (part), 2010.)

09A.4.020 - Definitions

- A. Aggressive Begging means: (a) begging with intent to intimidate another person into giving money or goods by any means including repeated requests for money while approaching or following the person from whom funds are being requested; (b) continuing to solicit from a person or continuing to engage that person after the person has given a negative response to such soliciting; (c) soliciting from anyone who is waiting in line; (d) following a person with intent to solicit money or other things of value; (e) begging with use of false, misleading information, where the person knew or reasonably should have known of the falsity or misleading nature of the information; (f) (c) begging with or involving activities that are unsafe or dangerous to any person or property; (g) begging in a manner that exploits children; or (e) willfully providing or delivering, or attempting to provide or deliver unrequested or unsolicited services or products with a demand or exertion of pressure for payment in return.
- B. "Automated Teller Machine" means a machine, other than a telephone: (1) that is capable of being operated by a customer of a financial institution; (2) by which the customer may communicate with the financial institution a request to withdraw, deposit, transfer funds, make payment, or otherwise conduct financial business for the customer or for another person directly from the customer's account or from the customer's account under a line of credit previously authorized by the financial institution for the customer; and (3) the use of which may or may not involve personnel of a financial institution;
- C. Financial Institution means any banking corporation, credit union, foreign exchange office. For purposes of this section, it shall also include any check cashing business.
- D. Major/Principal Arterial Intersections are the intersections of the principal arterials identified in Lakewood Municipal Code 12A.09.022 .
- E. Begging means asking for money or goods as a charity, whether by words, bodily gestures, signs or other means.
- F. To intimidate means to coerce or frighten into submission or obedience or to engage in conduct which would make a reasonable person fearful or feel compelled.
- G. Public place means: (a) any public road, alley, lane, parking area, sidewalk, or other publicly-owned building, facility or structure; (b) any public playground, school ground, recreation ground, park, parkway, park drive, park path or rights-of-way open to the use of the public; or (c) any privately-owned property adapted to and fitted for vehicular or pedestrian travel that is in common use by the public with the consent, expressed or implied, of the owner or owners;
- H. "Public Transportation Facility" means a facility or designated location that is owned, operated, or maintained by a city, county, county transportation authority, public transportation benefit area, regional transit authority, or metropolitan municipal corporation within the state for the purpose of facilitating bus and other public transportation.

- I. Exploit means using in an unethical, selfish or abusive manner or in any other manner that seeks an unfair advantage; and
- J. On and Off Ramps refers to the areas commonly used to enter and exit public highways from any City roadway or overpass.
- K. "Public Transportation Vehicle" means any vehicle that is owned by a City, County, County Transportation Authority, Public Transportation Benefit Area, Regional Transit Authority, or Metropolitan Municipal Corporation within the State for the purpose of facilitating bus and other public transportation.

(Ord. 532 § 1 (part), 2011; Ord. 526 § 2 (part), 2010.)

09A.4.020A - Restrictive Areas

Begging shall be deemed a violation of this section of the municipal code under the following conditions: (1) at on and off ramps leading to and from state intersections from any City roadway or overpass; (2) at intersections of major/principal arterials (or islands on the principal arterials) in the City; (3) within twenty five (25) feet of an ATM machine, or financial institution; (4) within fifteen (15) feet of any (a) occupied handicapped parking space, (b) taxicab stand, or (c) bus stop, train station or in any public parking lot or structure or walkway dedicated to such parking lot or structure; (5) before sunrise or after sunset at any public transportation facility or on any public transportation vehicle or (6) while a person is under the influence of alcohol or controlled substances. (Ord. 532 § 1 (part), 2011.)

09A.4.030 - Violation

Violation of this section shall be a misdemeanor, punishable by a fine up to \$1000 or by a jail sentence of up to 90 days, or by both such fine and jail time. (Ord. 526 § 2 (part), 2010.)

- (4) Cyberstalking is a gross misdemeanor. (Ord. 5084 Sec. 1, 2005)

10.08.120: Interference with Pedestrian or Vehicular Traffic:

(1) The purpose of this section is to promote the City's fundamental interest in public peace, health, and safety, by regulating acts of solicitation that occur under circumstances which pose substantial risks to the solicitor, as well as, vehicular and pedestrian traffic.

(2) The following definitions apply in this section:

- (a) "Aggressively Solicit" means to solicit anything of value and intentionally engage in conduct that would likely intimidate a reasonable person, including, but not limited to, touching, following, persistent solicitation after being refused, or using violent or threatening language or gestures during solicitation;
- (b) "Intimidate" means to engage in conduct which would make a reasonable person feel threatened or would make a reasonable person fearful of imminent harm to his person or property;
- (c) "Obstruct Pedestrian or Vehicular Traffic" means to walk, stand, sit, lie, or place an object in such a manner as to block passage by another person or a vehicle, or to require another person or a driver of a vehicle to take evasive action to avoid physical contact. Acts authorized as an exercise of one's constitutional right to picket or to legally protest, and acts authorized by a permit issued pursuant to Title 6 of the Kennewick Municipal Code shall not constitute obstruction of pedestrian or vehicular traffic;
- (d) "Solicit" means to ask, beg, or plead whether orally, non-verbally, or in a written or printed manner, for the purpose of immediately receiving contributions, alms, charity, gifts, or items of value for oneself or another person;
- (e) "Public Place" means an area generally open to the public and includes alleys, bridges, buildings, driveways, parking lots, parks, playgrounds, plazas, sidewalks, streets, and any place, public or private, open for use by the public with express or implied consent of the owner.

(3) Restricted places include:

- (a) Within 25 feet of an Automatic Teller Machine or a financial institution;
- (b) On Columbia Center Boulevard, between Clearwater Avenue and Arrowhead Avenue. This restricted roadway includes within 250 feet in all directions of intersecting streets;
- (c) On Edison Street between SR 240 and Clearwater Avenue. This restricted roadway includes within 250 feet in all directions of intersecting streets;
- (d) On 27th Avenue, between SR 395 and South Quillan Street and within 250 feet in all directions of the intersections of these streets; and
- (e) Within 250 feet of the following intersections:
 - (i) Kennewick Avenue and SR 395;
 - (ii) Clearwater Avenue and SR 395;
 - (iii) Columbia Drive and Washington Street.

(4) A person is guilty of interference with pedestrian or vehicular traffic if the person:

- (a) Intentionally obstructs pedestrian or vehicular traffic in a public place; or
- (b) Aggressively solicits in a public place; or
- (c) Intentionally solicits at a restricted place.

(5) Interference with pedestrian or vehicular traffic is a misdemeanor. (Ord. 5514 Sec. 1, 2013; Ord. 5482 Sec. 1, 2013)

CHAPTER 9.14 PANHANDLING

Sections:

9.14.010 PANHANDLING DEFINED	24
9.14.020 PROHIBITED CONDUCT	24
9.14.030 DEFENSES	24

9.14.010 PANHANDLING DEFINED. "Panhandling" as used in this chapter means to request or solicit of another person that they give money or anything of value for the private use of the person making the request. Panhandling is a misdemeanor. (Ord. 3487 Sec. 1, 2001; Ord. 2560 Sec. 1, 1985.)

9.14.020 PROHIBITED CONDUCT. Panhandling is unlawful in or upon the premises of any retail, commercial or food service business in the City of Pasco. (Ord. 2560 Sec. 1, 1985.)

9.14.030 DEFENSES. It is an affirmative defense to a prosecution for violation of Section 9.14.020 that the retail, commercial or food service business has posted on or about the entry way to the premises a written notice authorizing or permitting panhandling in or upon the premises. (Ord. 2560 Sec. 1, 1985.)



COUNCIL WORKSHOP COVERSHEET

Council Date: 04/28/2015

Department: Community & Development Services

Key Element: Key 3 - Economic Vitality

Subject:

Discussion of Horn Rapids Golf Course Community Option Agreement (20 minutes)

Summary:

In 2007, the City entered into an option agreement with North Stone, allowing them to acquire and develop property in the Horn Rapids Golf Course Community. Over the years, North Stone has made major investments in the property and generated significant new development in this once defunct project. In order to maintain their option rights, North Stone is required to make an annual \$100,000 option payment and purchase a minimum of 25 acres each year. At this stage of the project, none of the additional property can be developed without major off-site infrastructure improvements. North Stone is already carrying an inventory of undeveloped property and believes their resources can be better directed to funding of the needed infrastructure. They have proposed an amendment to the terms of the option agreement that would allow them to defer the purchase of additional property for three years. North Stone would still pay the \$100,000 annual fee and spend over \$1 million on the needed offsite improvements.

While the details of this potential amendment are still under discussion, staff is generally supportive of the concept. Accelerating the infrastructure improvements will greatly improve the value of the City's remaining property and allow for the continuing development of this planned community. The purpose of this workshop is to have an initial discussion with Council about the outlines of this potential option amendment.

Attachments:

- I. Fourth Amendment to Northstone Option Agreement

FOURTH AMENDMENT TO REAL ESTATE OPTION AGREEMENT

This Fourth Amendment to Real Estate Option Agreement (the "Amendment") is dated and effective as of May ____, 2015, and amends the terms of the Real Estate Option Agreement dated as of January 10, 2007 (the "Option") between the City of Richland ("Seller") and North Stone Richland LLC ("Purchaser") and as amended on February 6, 2009, December 1, 2009 and October 2, 2012. Capitalized terms not defined in this Amendment shall have the meaning given to them in the Agreement.

For valuable consideration, the receipt of which is acknowledged, Seller and Purchaser agree that the Option is modified as follows:

1. 4.3 Option Exercise Schedule. Purchaser shall, at a minimum, exercise this Option Agreement as provided below:

Initial Option Term (ends June 21, 2009)	25 acres
1 st Extension (ends June 21, 2010)	25 acres
2 nd Extension (ends June 21, 2011)	25 acres
3 rd Extension (ends June 21, 2012)	0 acres
4 th Extension (ends June 21, 2013)	25 acres
5 th Extension (ends June 21, 2014)	0 acres
6 th Extension (ends June 21, 2015)	0 acres
7 th Extension (ends June 21, 2016)	0 acres
8 th Extension (ends June 21, 2017)	25 acres
9 th Extension (ends June 21, 2018)	25 acres
10 th Extension (ends June 21, 2019)	25 acres
11 th Extension (ends June 21, 2020)	25 acres

3. Except as modified by this Amendment, the terms of the Option remain in full force and effect. In case of a conflict between the terms of this Amendment and the terms of the Option, the terms of the Amendment shall control.

4. This Amendment may be signed in one or more counterparts and by facsimile or electronic mail, and each counterpart, facsimile and electronic mail copies so signed shall be deemed an original thereof.

SELLER: CITY OF RICHLAND

PURCHASER: NORTH STONE RICHLAND, LLC

By: Cynthia D. Johnson
Its: City Manager

By:
Its: Member

Approved as to Form:

By: Heather Kintzley
Its: City Attorney

By: Stew Stone
Its: Member