

13. A PUBLIC MEETING ON DOWNTOWN PARKING ISSUES.

STAFF REPORT

QUESTIONS FROM COUNCIL ON STAFF REPORT

DISCUSSION

ACTION TAKEN


NOTES:



CITY OF PULLMAN

325 S.E. Paradise Street, Pullman, WA 99163
(509) 338-3208 Fax (509) 334-2751
admin@ci.pullman.wa.us

MEMORANDUM

TO: Mayor and City Council
FROM:  John Sherman, City Supervisor
RE: Public Meeting on Downtown Parking Issues
DATE: July 1, 2008

The purpose of this public meeting is to allow the City Council to receive input on downtown parking issues. City and Pullman Chamber of Commerce representatives have distributed the attached flier to downtown businesses. In addition to seeking comments on the regulation of the Downtown Riverwalk Parking Lot next to the Spot Shop, we are also allowing downtown businesses to express their views on other parking issues. For example, some have suggested that the downtown 2-hour limit be raised to a 3-hour limit. Others have recommended the creation of a downtown parking enforcer position.

The Riverwalk Parking Lot has proven to be a wonderful asset in addressing downtown parking issues. However, its effectiveness in relieving downtown parking congestion has been greatly eroded by those who are using the lot as a park-and-ride lot for trips to the WSU campus. The Riverwalk Parking lot opened in August 2006. With respect to time restrictions for the parking lot, Public Works Director Mark Workman made the following recommendation to the City Council in his staff memorandum for the August 22, 2006, City Council meeting:

The parking time limits have not yet been established for this lot although the general opinion seems to be that a large portion of the spaces should be long term with downtown employees being encouraged to use these spaces as opposed to downtown street parking. There are 76 total spaces in the lot, including 3 disabled parking spaces and 23 compact spaces. My suggestion is that 50 of the spaces to the back of the lot be designated long term (12 hours) and 26 to the front of the lot be designated 2 hour parking as shown on the attached plan. To be consistent with other parking lots in the downtown area, it is also proposed to include the Riverwalk Parking Lot in the Downtown Free Parking Zone (DFPZ). The Chamber of

Commerce has been approached about this proposal and there seems to be general consensus to proceed as suggested.

At the August 22, 2006, City Council meeting the City Council concurred with the staff recommendation. However, in the discussion preceding the City Council's decision to accept the staff recommendation it is interesting to note that concerns were raised about the lot turning into a park-and-ride lot. The minutes of the August 22, 2006, meeting state, "Councilmember Benjamin expressed concerns that the Riverwalk Parking Lot would be used as a park-and-ride for WSU."

At the City Council meeting on December 6, 2006, an ordinance to formally enact the recommended parking restrictions was introduced. However, due to feedback received from downtown businesses, the staff recommendation was to reject the proposed ordinance. In his request for City Council action Public Works Director Mark Workman stated:

Since the August 22nd Council meeting, staff has continued to monitor the operation of the lot and solicited input from several downtown businesses and the Chamber of Commerce. The overwhelming opinion is that the lot in its current unregulated status had addressed a large amount of the downtown parking problems and that it should continue to be unregulated. If Council concurs, the ordinance should simply be defeated. We would still intend to post the lot for no parking from 3 am to 6 am so that we can remove snow in the winter and sweep it in the summer. If the lot is left unregulated for now, we could always implement parking limits in the future should conditions change.

The City Council accepted the staff recommendation not to pass the proposed ordinance and to leave the lot unregulated. The minutes of the December 6, 2006, City Council meeting state:

Mayor Johnson announced that an ordinance had been prepared relating to parking. Public Works Director Workman presented the staff report and recommended that the Council not adopt the ordinance. Fritz Hughes, Executive Director of the Chamber of Commerce, supported Public Works Director Workman's recommendation to not adopt the ordinance thus leaving the parking lot unregulated. There was no motion on the ordinance.

During 2007 the use of the Downtown Riverwalk as a park-and-ride lot grew. Concerns by Mayor Glenn A. Johnson and others of this increased park-and-ride use led staff to periodically monitor the lot to determine its use. These concerns were also reflected in one of the goals that were advanced at the City Council goal setting retreat on Saturday, March 22, 2008. The minutes from the March 22, 2008, City Council retreat state:

Explore turning the Downtown Riverwalk parking lot behind the Spot Shop into a two-hour parking lot with an exception to be provided for downtown employee parking permits. In order to allow shoppers at certain businesses to remain on downtown streets longer than the two-hour parking restriction, explore the possibility of providing merchants with customer parking vouchers.

In the flier that we distributed last week to downtown businesses, we made the following statement relative to gaining input relevant to the Riverwalk Parking lot:

The new downtown Riverwalk parking lot by the Spot Shop has definitely helped to ease the downtown employee parking problem. However, this lot is experiencing a significant increase in park-and-ride users who board the bus to ride to the WSU campus. The following are options we are considering relative to the Spot Shop lot:

1. Leave the lot as is, without parking time limits, except for the provision for “no parking between 3 a.m. and 6 a.m.”
2. Sign the parking lot for “two-hour parking from 8 a.m. to 5 p.m. Monday through Friday except by downtown business parking permit”. Under this system you would not be able to park in the lot longer than two hours without displaying a downtown business parking permit. One of the suggestions from some downtown businesses has been to request that the City Council sell permits to downtown businesses. The businesses would then distribute the permits to their employees. Several issues need to be considered including the cost of the permits; how the use of the permits would be controlled if they are not issued to individual purchasers; and how many total permits would be issued. If such a system were to be implemented, there would still be the restriction of “no parking between 3 a.m. and 6 a.m.”

After taking public input we would like you to provide us direction with respect to how you would like us to proceed. If you choose to go with the downtown business parking permit option, we will need specifics with respect to the cost and number of permits that would be issued. If you do choose to change the time limit to two hours and to issue permits, we will need to take formal action to implement this directive at the City Council meeting on August 12 so that the program can be put into place prior to the start of the next school year.

Another suggestion that was made was that the city should consider changing the time limit from two hours to three hours in the downtown area. The feedback we have received on this concept has been mixed. Some feel the two-hour limit is necessary to generate needed turnover. Others feel the three-hour limit would allow more time for

shoppers. After receiving input from the public on this issue we would like you to direct us on how to proceed.

The final issue from a staff perspective that we would like you to consider is whether or not you would like to create a parking enforcement position. In his August 2007 Pullman Police Department Strategic Staffing Concept, Police Chief Ted Weatherly recommended that a new position be created which would be dedicated to parking enforcement only. Human Resources Manager Karen Sires addresses the creation of a downtown parking enforcement position under a separate agenda item.

Public Meeting on Downtown Parking Issues

There will be a public meeting on downtown parking issues at the City Council meeting on Tuesday, July 8. The meeting starts at 7:30 p.m. in the City Council Chambers. The purpose of the public meeting will be to allow the City Council to receive public input on downtown parking issues.

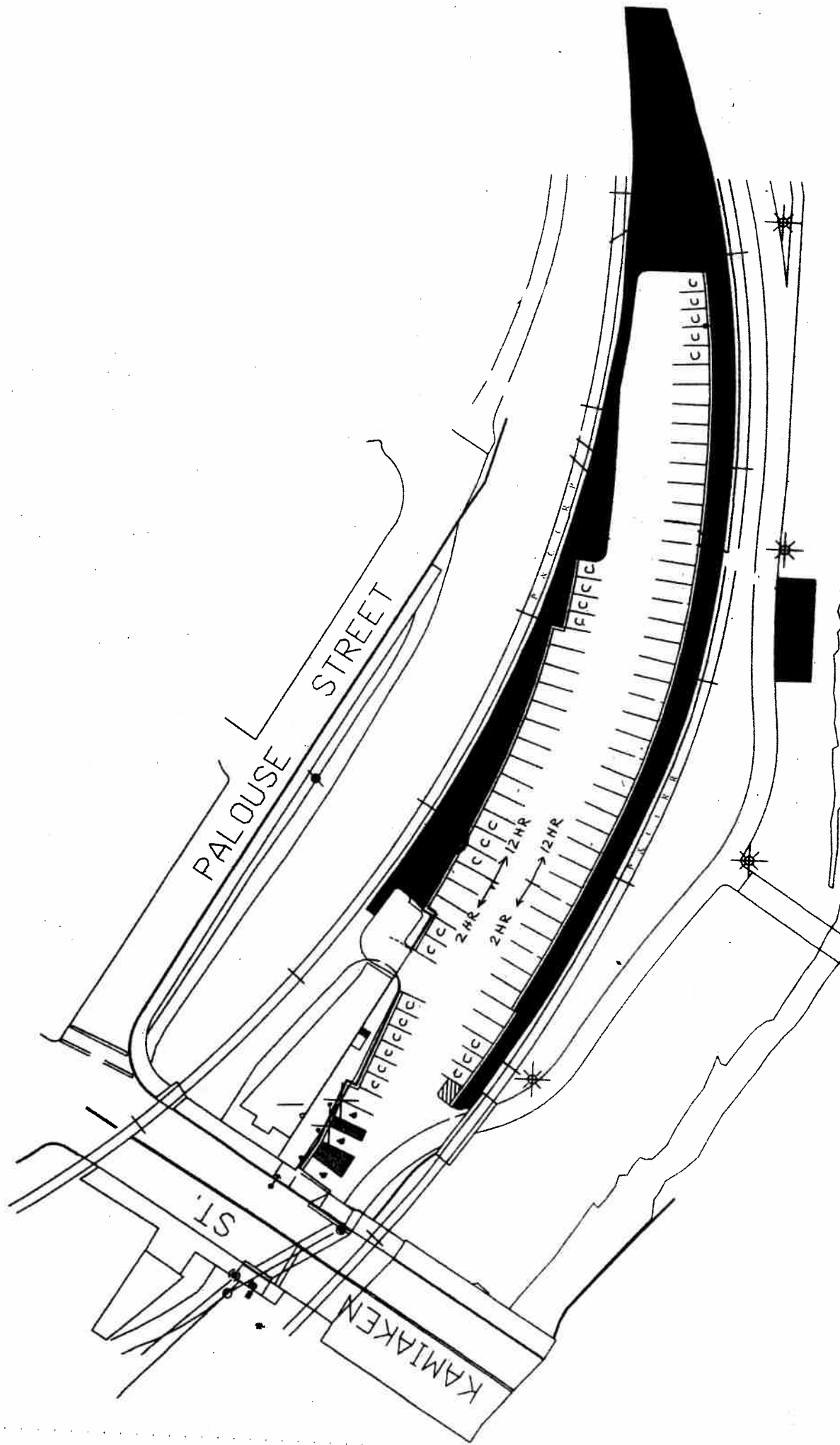
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In addition, individuals may want to consider making other suggestions to the City Council relative to downtown parking changes. For example, in his August 2007 Pullman Police Department Strategic Staffing Concept, Police Chief Ted Weatherly recommended that a new position be created which would be dedicated to parking enforcement only. Some within the downtown have suggested that the 2-hour limit be changed to a 3-hour limit. With respect to increasing downtown parking capacity the City Council has adopted a 2008 City Council goal that states:

Engage the WSU Architecture School to provide design concepts for multi-story parking garages at the intersections of Grand Avenue/Davis Way and Paradise Street/High Street that would not require interior vehicle ramps.

If you have questions or comments relative to any of the downtown parking proposals please feel free to call City Supervisor John Sherman at 338-3208 or to e-mail him at john.sherman@pullman-wa.gov by 5 p.m. on Wednesday, July 2 if you would like to have your comments included in the City Council packet for the July 8 meeting.

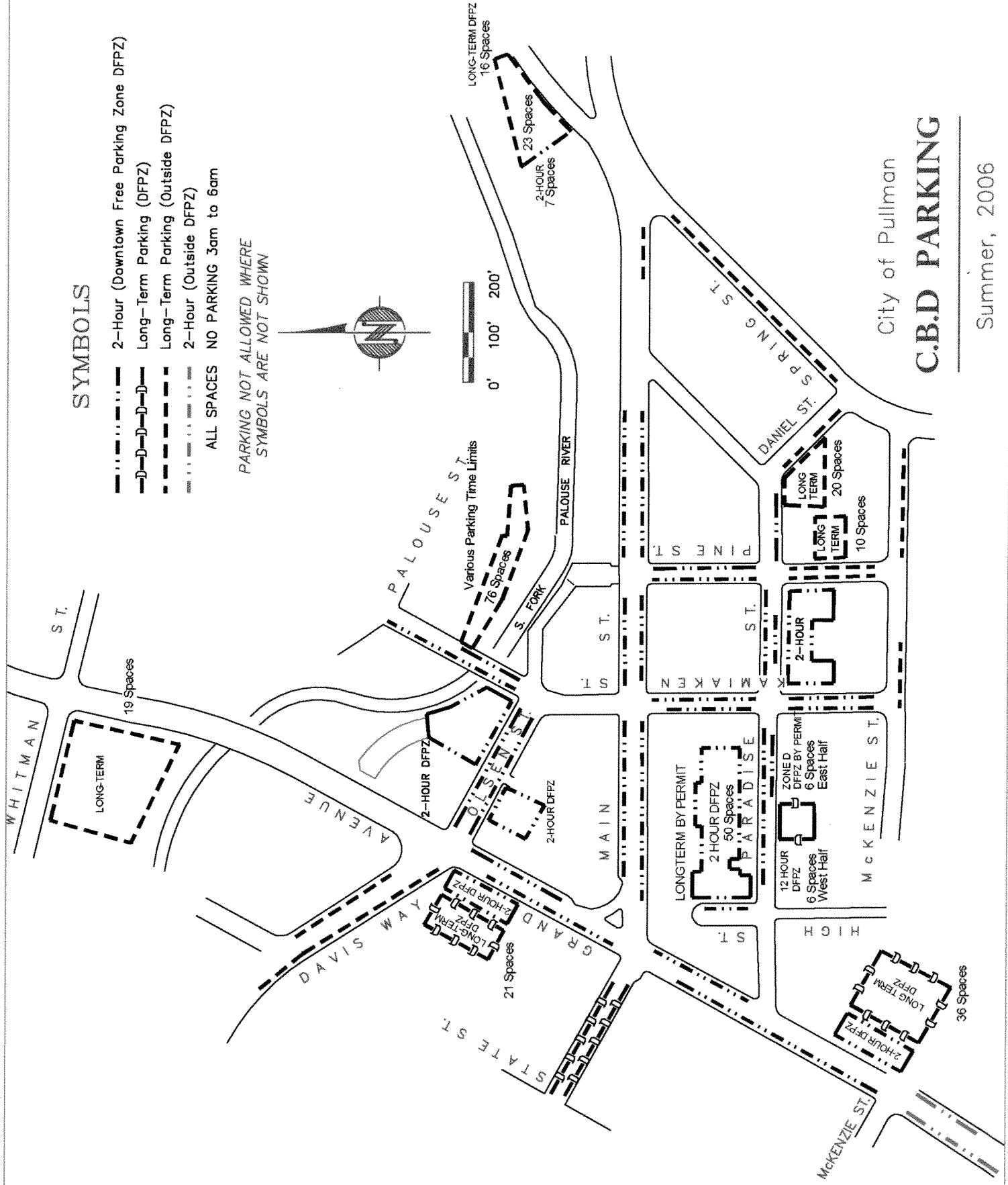
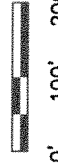
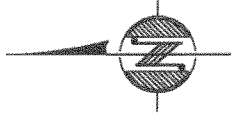


SYMBOLS

- 2-Hour (Downtown Free Parking Zone DFPZ)
- D-D-D-D- Long-Term Parking (DFPZ)
- - - Long-Term Parking (Outside DFPZ)
- 2-Hour (Outside DFPZ)

ALL SPACES NO PARKING 3am to 6am

PARKING NOT ALLOWED WHERE
SYMBOLS ARE NOT SHOWN



City of Pullman

C.B.D. PARKING

Summer, 2006

ATTACHMENTS

RIVERWALK PARKING LOT FEEDBACK

Mike Brindamour, owner of the Spot Shop, stated that there is a major problem with park-and-ride use of the Riverwalk Parking lot and that something definitely needs to be done about it. He said he could support a three-hour time limit for the lot.

MEMORANDUM

TO: Mayor and Council

FROM: Mitchell Chandler

RE: Downtown parking issues

DATE: July 1, 2008

I am writing as a 35-year downtown Pullman business owner. It is my observation and opinion that no matter what kind of restrictions the city puts into law, without good enforcement, parking habits and problems won't change.

Regarding the Spot Shop parking area, I feel that the city should go to a permit system for downtown employers. Permits which would allow the holder to park in the Spot Shop lot, should he or she be able to find a parking space, should be purchased for a \$10-15 annual fee from the city by the employer for distribution to the employees.

Regarding parking limits in the Spot Shop lot for those other than downtown business employees, 2 hours is a reasonable limit. However, now that there are three hair stylists located downtown and considering that many beauty treatments exceed two hours, I would not be opposed to a 3-hour parking limit.

Sherman, John

From: Justin Rogers [justin@hrdllc.net]
Sent: Monday, June 30, 2008 7:52 AM
To: Sherman, John
Cc: Dickinson, Pete; 'John Shaheen'; 'Mike Yates'; 'Jamie Hawes'; Jeff Guyett; cdbeaumont2000@yahoo.com
Subject: Downtown Parking

Attachments: John Shaheen's Downtown Parking Concept.pdf



John Shaheen's
Downtown Parkin...

Hi John,

I received the flyer regarding the upcoming public meeting concerning downtown parking. I have just a few thoughts on this.

Perhaps we are already doing this to a degree, but I think the overall goal and focus should be to come up with a comprehensive solution to downtown parking - one that works well now and can be further implemented in the future. Proposed parking changes to, for instance the Spot Shop Lot, should all fall in line with the overall long term comprehensive parking plan.

Perhaps changes could even be phased in so it is not so much of a shock to the community. In thinking through all this, I wanted to share the concept (see attached) that John Shaheen discussed with Mike Yates and I. You may already have it and perhaps some of the ideas have already been generated from this.

As you know, John knows parking very well and has visited many other communities to study parking. I think John has a great concept for our downtown. He said generally speaking, "the longer someone is wanting to stay in downtown the farther they are willing to walk." His concept kind of goes along with this; 1hr free parking near the inner core (stalls with highest demand) and 3hr free parking on the parking lots further out (stalls with less demand). For example perhaps some areas along Grand could even be 1/2 free parking so that patrons know that if they need something quick in downtown they will likely have a place to park. Other permitting that would go in conjunction with this is detailed in the attached concept.

In regard to the proposed changes to the Spot Shop Lot I like the idea of going with 2hr free or by permit option. Perhaps every business could get one or two permits free just for locating a business in downtown. Additional employee permits could be purchased in addition to this.

Another brief thought - and no offense to the "Spot Shop", but we should all start calling this parking lot the "Swilly's Parking Lot" opposed to the "Spot Shop Lot" as this is more in line with the image and branding we want people to associate with downtown Pullman :)

Anyway, thanks for taking the time to get our input and I appreciated the opportunity to do so.

Sincerely,

Justin Rogers
H&R Development LLC

cc: Pete Dickinson, John Shaheen, Mike Yates, Jamie Hawes, Jeff Guyett, Craig Beaumont


Pullman Downtown Parking Concept Map Legend

One hour free; additional time with permit @\$1.00 per hour.

 Two hours free; additional time with permit @\$1.00 per hour.

 Three hours free; additional time with permit @\$1.00 per hour.

Note: The permits described above would be paper, "scratch" permits, numbered serially. They can be pre-purchased from various locations and either resold or given away by downtown merchants to customers.

 12 hours free. Parking for periods longer than 12 hours can be arranged at a cost TBD through the City.

 Two hours free or by permit, Monday through Friday, 7:00am to 3:00pm.

- Annual permit = \$50; no pro-rate.
- Semester permit = \$25; no pro-rate.
- Monthly permit = n/a
- Daily permit = \$1.00; Daily permits could be vended from a machine located on-site.

Commercial Permit: Permit would be valid everywhere for unlimited time. Limited availability and eligibility. E.g. Available to downtown owners only?

- Annual permit = \$500; pro-rate available.
- Daily permit = \$10

 **City-imposed residential permit zone.**

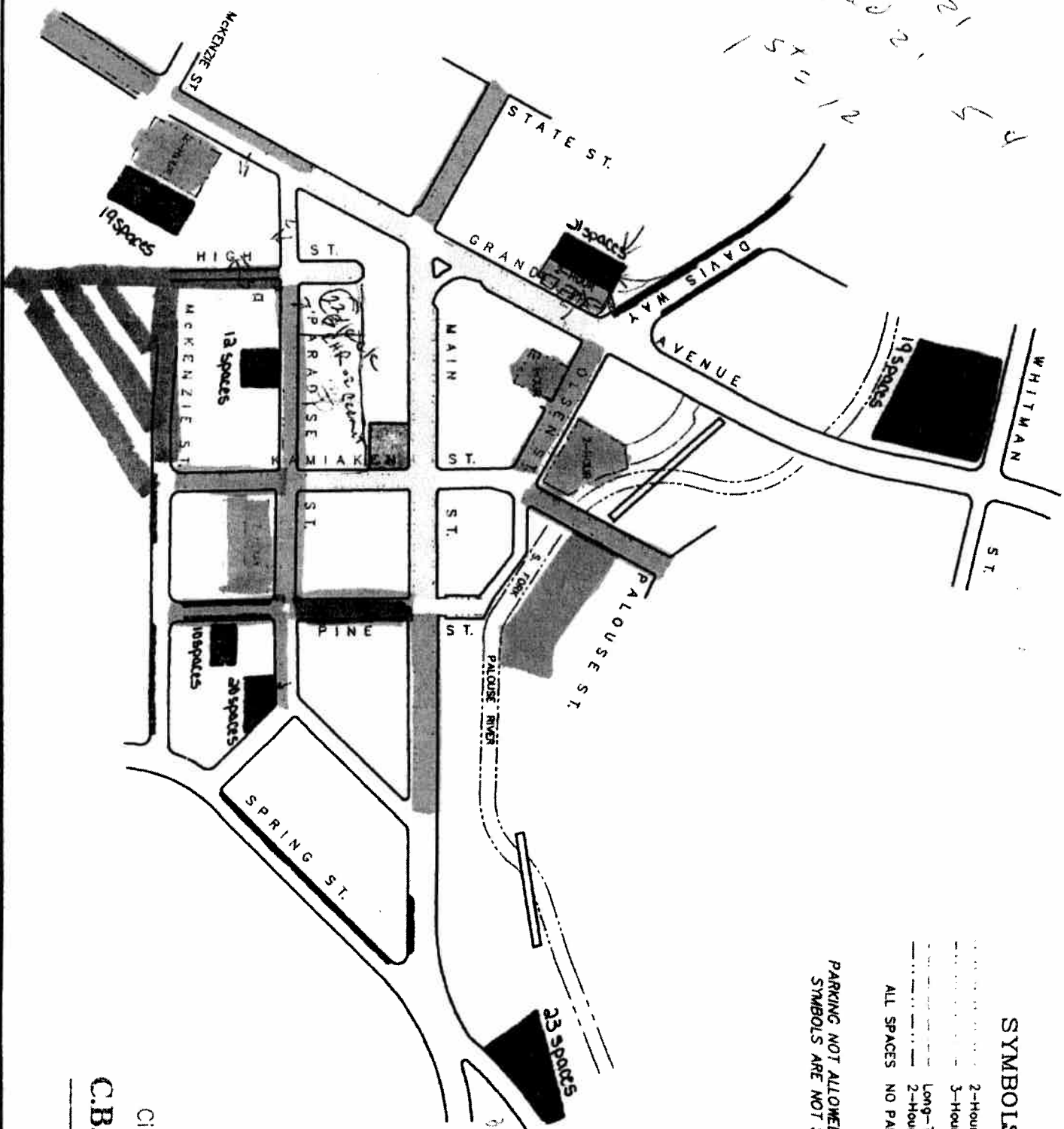
- Permits would be free to eligible residents.
- Subsidized by parking revenue, developers, and landlords.
- In cases where a variance is requested.
- Parking mitigation fee.

*Exempt
weekend*

SYMBOLS

..... 2-Hour (Downtown)
 - - - - - 3-Hour
 - - - - - Long-Term Parking
 - - - - - 2-Hour (Outside Of
 ALL SPACES NO PARKING 3am to 6am

PARKING NOT ALLOWED WHERE
 SYMBOLS ARE NOT SHOWN



City of Pa
 C.B.D PA

ONE HOUR

VALID FOR ONE HOUR ONLY

Instructions: Scratch off today's time and date and hang from rear view mirror with this side facing out.

Scratch off entire coating for starting time (hour, minute, am/pm) and date (month, date, and year).

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Minute: :00 :05 :10 :15 :20
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Time: AM PM

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Year: 2006 2007 2008

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TWO HOUR

VALID FOR TWO HOURS ONLY

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Scratch off entire coating for starting time (hour, minute, am/pm) and date (month, date, and year).

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2006 2007 2008

WASHINGTON STATE



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Instructions: Scratch off today's date and hang from rear view mirror with this side facing out.

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14. AN ORDINANCE AND RESOLUTION RELATING TO ITINERANT VENDORS.

STAFF REPORT

QUESTIONS FROM COUNCIL ON STAFF REPORT

READING OF ORDINANCE NO. 08-10

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PULLMAN, WHITMAN COUNTY, WASHINGTON, RELATING TO ITINERANT VENDORS, ADDING CHAPTER 8.95 TO PULLMAN CITY CODE, ITINERANT VENDORS, AND OTHER MATTERS PROPERLY RELATED THERETO.

READING OF RESOLUTION NO. R-67-08

A RESOLUTION ADOPTING A FEE SCHEDULE FOR ITINERANT VENDOR PERMITS REQUIRED PURSUANT TO THE PROVISIONS OF THE PULLMAN CITY CODE 8.95 AND EFFECTIVE JULY 8, 2008.

DISCUSSION

ACTION TAKEN

NOTES:

REQUEST FOR COUNCIL ACTION

For Meeting of: July 8, 2008

ACTION REQUESTED

Adopt Ordinance establishing a permit requirement and process for itinerant vendors, and a Resolution establishing the fees for said permit.

BACKGROUND

Per Council direction, an Ordinance was prepared requiring all itinerant vendors within city limits to register with the Police Department and to undergo a criminal background check prior to issuance of a vendor permit. The permits are effective for 90 days. Based on the council discussion on June 24th, I am recommending an appeal of the denial or revocation of a permit to the Board of Adjustment due to their training and expertise in similar City Code appeals. Time limits have been inserted for both processing of a application and processing of any appeal in order to protect the rights of the vendor(s).

In addition, after consultation with the Police Department, I am recommending a flat permit fee of \$15. Since the costs to the City for processing of renewal permits will be the same, and the City's costs for criminal background checks may actually increase due to the additional volume, I do not recommend a reduced fee for subsequent permits. I suggest that the fee and actual costs be reviewed after a year's experience with the permitting program.

RECOMMENDATION

- 1) By motion, adopt an Ordinance establishing an Itinerant Vendor permit requirement; and
- 2) By motion, adopt a Resolution establishing the fees for an Itinerant Vendor permit.

FISCAL IMPACT

\$ n/a

BARS Code Number

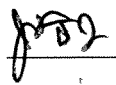
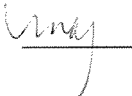
SUBMITTED BY

Name: Laura D. McAloon
Title: City Attorney
Department: Administration

ATTACHMENTS FOR COUNCIL REVIEW/ACTION

1. Ordinance No. 08-10
2. Resolution No. R-67-08

REVIEWED BY

	Initial	Date
Department Head	<u> </u>	<u> </u>
City Supervisor	<u></u>	<u>7-3-08</u>
City Attorney (As To Form)	<u></u>	<u>7-1-08</u>

ORDINANCE NO. 08-10

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PULLMAN, WHITMAN COUNTY, WASHINGTON, RELATING TO ITINERANT VENDORS, ADDING CHAPTER 8.95 TO PULLMAN CITY CODE, ITINERANT VENDORS, AND OTHER MATTERS PROPERLY RELATED THERETO.

WHEREAS, the City Council desires to establish a system of registration for itinerant vendors who operate within the City of Pullman in the interests of public health and safety; and

WHEREAS, the City of Pullman is a charter code city organized under Title 35A RCW and possesses broad police powers.

NOW, THEREFORE, the City Council of the city of Pullman do ordain as follows:

Section 1: There is hereby added a new Chapter 8.95 to the Pullman City Code entitled Itinerant Vendors.

Section 2: There is hereby added a new section 8.95.010 to the Pullman City Code to read as follows:

8.95.010 Definition of Itinerant Vendor.

Unless otherwise exempt under the provisions of this chapter, an "Itinerant Vendor" is defined as follows:

- (1) All persons, both principals and agents, as well as employers and employees, who shall sell, offer for or expose for sale, or who shall trade, deal or traffic in any goods or services in the City by going from house to house or from place to place or by indiscriminately approaching individuals.
- (2) Sales by sample or for future delivery, and executory contracts of sale by solicitors or Itinerant Vendors are embraced within the preceding subsection; provided, however, that this chapter is not applicable to any sales person or canvasser who solicits trade from wholesale or retail dealers within the City.
- (3) Any person, both principals and agents, as well as employers and employees, who, while selling or offering for sale, any goods, wares, merchandise or anything of value, stands in a doorway or any unenclosed vacant lot, parcel of land or in any other place not used by such person as a permanent place of business.

Section 3: There is hereby added a new section 8.95.020 to the Pullman City Code to read as follows:

8.95.020 Permit Required - Exemptions.

- (1) No person, corporation, partnership or other organization shall engage in the business of an Itinerant Vendor within the City limits without first obtaining a permit from the Pullman Police Department. If any individual is acting as an agent for or employed by an individual, corporation, partnership or other organization, both the individual and the employer or principal for whom the individual is acting must obtain a permit as provided in this chapter.
- (2) The following persons are exempt from the permit requirements and fee provisions of this chapter:
 - (a) Persons who offer for sale agricultural, horticultural, or farm products which they have personally grown, harvested or produced;
 - (b) Any person who is specifically requested to call upon others for the purpose of displaying goods, literature or giving information about any article, service or product;
 - (c) Charitable, religious or nonprofit organizations or corporations which have received tax exempt status under 26 USC 501(c)(3) or other similar civic, charitable or nonprofit organizations;
 - (d) Newspaper carriers;
 - (e) Itinerant Vendors operating at any City-sponsored or authorized civic event for a time period not to exceed five consecutive days; and
 - (f) Itinerant Vendors operating at a public market or other City-sponsored or approved activity so long as the activity does not occur more than one time per week for more than five months of each calendar year; and provided further, that the name, address and telephone number of each vendor is provided in advance to the Chief of Police.

Section 4: There is hereby added a new section 8.95.030 to the Pullman City Code to read as follows:

8.95.030 Permit - Application.

- (1) Applicants for a permit under this chapter must file with the Chief of Police a sworn application in writing on a form to be furnished by the City.
- (2) All applications shall provide the following information on the application, with sufficient proof of identification:
 - (a) Name, date of birth and description of the applicant;
 - (b) Current address and telephone number, including local contact information;
 - (c) A brief description of the nature of the business and the goods or services to be sold and the anticipated period of time during which the business will be conducted within the City;
 - (d) If employed or acting as an agent, the name and address of the employer or principal, together with the description of the exact relationship with the principal or employer;
 - (e) If a vehicle is to be used for purposes of the Itinerant Vendor's business, a description of the same, including the license number;
 - (f) A photograph of the applicant, taken within 60 days immediately prior to the date of filing the application, which picture shall be two inches by two inches showing the head and shoulders of the applicant in a clear and distinguishing manner;
 - (g) A statement as to whether or not the applicant has been convicted of any crime within the last 10 years, including misdemeanors, gross misdemeanors, or criminal violations of any municipal ordinance, the nature of the offense, and the punishment or penalty assessed therefor; and
 - (h) All Itinerant Vendor stands must be located upon property zoned C1, C2, C3, I1, I2, or IRP and the following must accompany the application:

- (i) Signature of the property owner authorizing use of parcel;
 - (ii) A site plan showing the location of the sales area, the nearest driveway and the nearest fire hydrant.
 - (iii) Such other information as may be required by the City.
- (3) Any individual, corporation, partnership or other organization which acts as the principal or employer for individual Itinerant Vendors shall obtain a permit as provided herein and shall provide the following information on the application in addition to any information required as set forth above:
 - (a) The applicant's name, address and telephone number and the names and addresses of all individuals who are employed by or acting as an agent for the applicant;
 - (b) If the applicant is not an individual person, the application shall include current contact information for the business entity, inclusive of the name, address, telephone number and registered agent of the entity;
 - (c) Name, address and telephone numbers (business and home) of the individual, if applicable, acting as the manager for the applicants;
 - (d) A list of all other cities, towns and counties where the applicant has obtained an Itinerant Vendor's permit or similar permit within the past five years; and
 - (e) Such other information as may be required by the City.
- (4) At the time of filing the application, each applicant shall pay a nonrefundable fee as set forth in the current fee resolution to cover the City's cost of investigation and the issuance of a permit, including each vendor, principal and/or employer.

Section 5: There is hereby added a new section 8.95.040 to the Pullman City Code to read as follows:

8.95.040 Investigation of Applicant - Issuance and Denial of Permit.

- (1) The Police Department shall determine the accuracy of the information contained in the application and conduct a criminal history background investigation of the applicant within fourteen (14) days of the application being completed. The Police Department shall promptly forward the results of the investigation, together with a recommendation for approval or denial, to the Chief of Police.
- (2) The Chief of Police may deny the applicant the permit if the applicant has:
 - (a) Committed any act consisting of fraud or misrepresentation;
 - (b) Committed any act which, if committed by a permit holder, would be grounds for suspension or revocation of a permit;
 - (c) Within the previous 10 years, been convicted of a misdemeanor or felony directly relating to the occupation of vendor, including, but not limited to, those misdemeanors and felonies involving moral turpitude, fraud or misrepresentation;
 - (d) Been previously refused a permit under the provisions of this chapter; providing, however, that any applicant denied a permit under the provisions of this chapter may reapply if and when the reasons for denial no longer exist; or
 - (e) Made any false or misleading statement in the application.
- (3) The denial of a permit to an individual, corporation, partnership or other organization which serves as the employer or principal for individual Itinerant Vendors shall be a sufficient basis to deny a permit to the individual applicants who are employed by or acting as an agent for the applicant.
- (4) The denial of a permit shall be provided to the applicant in writing by personally delivering the

notice of denial to the applicant or by mailing the notice of denial, postage prepaid, to the address stated on the application.

Section 6: There is hereby added a new section 8.95.050 to the Pullman City Code to read as follows:

8.95.050 Permit - Exhibit. Itinerant Vendors are required to exhibit their permit displayed on their person and vehicle used in the business, which permit shall be fully visible while conducting any Itinerant Vendor activities.

Section 7: There is hereby added a new section 8.95.060 to the Pullman City Code to read as follows:

8.95.060 Permit - Expiration. All permits issued pursuant to this chapter are nontransferable and shall be valid for ninety (90) days.

Section 8: There is hereby added a new section 8.95.070 to the Pullman City Code to read as follows:

8.95.070 Permit - Revocation.

- (1) Permits issued pursuant to this chapter may be revoked by the Chief of Police after notice and hearing for any of the following causes:
 - (a) Fraud, misrepresentation or false statement contained in the application for permits;
 - (b) Fraud, misrepresentation or false statements made in the course of carrying on the business as an Itinerant Vendor;
 - (c) Any other violation of this chapter;
 - (d) Conviction after submission of the application for an Itinerant Vendor's permit of a felony or misdemeanor directly relating to the occupation of Itinerant Vendor, including, but not limited, those misdemeanors and felonies involving moral turpitude, fraud or misrepresentation;
 - (e) Conducting the business of an Itinerant Vendor in any unlawful manner or such manner as to constitute a breach of the peace or to constitute a menace to the health, safety and general welfare of the public; or

- (f) Violation of any part of this chapter by any employer of a permit holder, regardless of whether the employer is separately licensed under this chapter.
- (2) The revocation of any permit held by an individual, corporation, partnership or other organization which serves as the employer or principal for individual Itinerant Vendors may constitute a basis for revoking the permit issued to individual applicants who are employed by or acting as agents for such individual, corporation, partnership or organization.
- (3) The revocation of a permit for three or more persons who are employees or agents of an individual, corporation, partnership or organization shall constitute a basis for revoking the permit issued to the employer or principal, as well as the permits issued to all other employees or agents of that employer or principal.
- (4) Notice of revocation of a permit shall be given by the Chief of Police in writing, setting forth specifically the grounds of the revocation and the time and place of hearing, which hearing shall be held no more than ten (10) days after the date of the written notice. In addition, the notice shall state that the Itinerant Vendor's permit shall be suspended pending the outcome of such hearing. Such notice shall be personally delivered to the Itinerant Vendor or mailed, postage prepaid, to the permit holder at his or her last known address. Following the hearing, the Chief of Police shall issue a written decision within forty-eight (48) hours, upholding or dismissing the revocation of the permit. The decision of the Chief of Police upholding the revocation of the permit shall become final if no appeal is requested as set forth further in this Chapter. If the permit holder is an individual, corporation, partnership or organization which employs or serves as the principal for individual permit holders, a copy of the written decision shall also be mailed to the individual permit holders.

Section 9: There is hereby added a new section 8.95.080 to the Pullman City Code to read as follows:

8.95.080 Right of Appeal. Any person aggrieved by the action of the Chief of Police in the denial of an application for permit or in the decision to uphold the revocation of a permit as provided in this chapter shall have the right to appeal to the Board of Adjustment. Such appeal shall be taken by filing a written appeal with the City Clerk, within ten (10) days after notice of the action complained of has been delivered or mailed to such person's last known address, and shall include a written statement setting forth fully the grounds for the appeal. The City Clerk shall promptly set a time and place for a de novo hearing on such appeal and notice of such hearing shall be given to the applicant in the same manner as provided in this chapter for notice of hearing on revocation. The decision and order of the Board of Adjustment on such appeal shall be final and conclusive. Hearings shall be held within 21 days of the day the appeal is received by the City.

Section 10: There is hereby added a new section 8.95.090 to the Pullman City Code to read as follows:

8.95.090 Use of Streets. No Itinerant Vendor shall have any exclusive right to any location in the public streets, nor be permitted a stationary location, nor be permitted to operate in any congested area where operations might impede or inconvenience the public. For the purpose of this section, the judgment of a police officer, exercised in good faith, shall be conclusive as to whether the area is congested or the public impeded or inconvenienced.

Section 11: There is hereby added a new section 8.95.100 to the Pullman City Code to read as follows:

8.95.100 Hours and Notice. No person shall engage in the business of an Itinerant Vendor between the hours of 8:00 p.m. and 8:00 a.m. unless permitted by other applicable city ordinance.

Section 12: There is hereby added a new section 8.95.110 to the Pullman City Code to read as follows:

8.95.110 Records. The Police Department shall maintain a record for each permit issued and record the reports of violation therein.

Section 13: There is hereby added a new section 8.95.120 to the Pullman City Code to read as follows:

8.95.120 Violation - Penalty. Violation of any of the provisions of this chapter shall be a Class 2.5 civil infraction and punishable by the penalty for the same as established by ordinance.

Section 14: This ordinance shall be in full force and take effect five (5) days from and after its publication, or a summary thereof is published, in the official newspaper of the city of Pullman.

PASSED by the City Council of the city of Pullman at a regular meeting held on the _____ day of _____, 2008.

Mayor
ATTEST:

City Clerk/Finance Director

Approved as to form:

City Attorney

Summary Published:_____

RESOLUTION NO. R-67 -08

A RESOLUTION ADOPTING A FEE SCHEDULE FOR ITINERANT VENDOR PERMITS REQUIRED PURSUANT TO THE PROVISIONS OF THE PULLMAN CITY CODE 8.95 AND EFFECTIVE JULY 8, 2008.

WHEREAS, the City Council for the city of Pullman has adopted, by Ordinance No. 08-10, the provisions Pullman City Code 8.95, Itinerant Vendors; and,

WHEREAS, pursuant to the provisions of Pullman City Code 8.95.030(4), the City Council is to set by resolution a nonrefundable permit application fee to cover the City's cost of investigation and the issuance of a permit; and,

BE IT RESOLVED by the City Council for the city of Pullman that the following fee schedule is hereby adopted for the Itinerant Vendor Permit required pursuant to the provisions of 8.95, to-wit:

PCC SECTION	TYPE OF PERMIT	FEE
8.95.020(1)	Itinerant Vendor	\$15/permit

IT IS HEREBY RESOLVED by the City Council of the city of Pullman that the fee schedule shall become effective after the July 8, 2008, and shall remain in effect until the effective date of any subsequent revisions of the fee schedule.

ADOPTED by the City Council of the City of Pullman at the regular meeting this ____ day of _____, 2008.

DATED this ____ day of _____, 2008.

Mayor

ATTEST:

Finance Director

Approved at to form:

City Attorney

15. AN ORDINANCE VACATING A PORTION OF SOUTH STREET.

STAFF REPORT

QUESTIONS FROM COUNCIL ON STAFF REPORT

READING OF ORDINANCE NO. 08-11

AN ORDINANCE VACATING A PORTION OF SOUTH STREET BETWEEN SPRING STREET AND PINE STREET IN THE ORIGINAL TOWN OF PULLMAN.

DISCUSSION

ACTION TAKEN

NOTES:

REQUEST FOR COUNCIL ACTION

For Meeting of: 07/08/08

ACTION REQUESTED:

Vacate a portion of South Street between Spring Street and Pine Street.

BACKGROUND:

Early in 2007 we went through the process to vacate a 10-foot strip of South Street right of way adjacent to Lots 7 and 8, Block 28, Original Town of Pullman. All of the required measures were accommodated, including notice and public hearing, culminating in Council adoption of Ordinance 07-7 authorizing the vacation. In the past, we often had vacation ordinances that were never paid for and we had no way to finalize them without additional Council action. To rectify this, vacation ordinances now have a provision that all required payments need to be received by the City within one year of adoption or the ordinance becomes null and void. Due to miscommunication between the land owner and the developer for the South Street vacation, the required payment was not received by the ordinance deadline, even though the vacation is still desired and is necessary to accommodate ongoing construction.

To address this, a new vacation ordinance is offered for Council consideration. The Planning Commission found the proposed vacation consistent with the Comprehensive Plan at their meeting on January 24, 2007. After appropriate notice, Council held a public hearing on the proposed vacation on May 1, 2007 and, after hearing all comments in support of and in opposition to the vacation, determined that said vacation is in the best interests of the City of Pullman. Compensation due the City will be \$2,367.36. As background information, a copy of the staff report (064) for the original vacation effort, without noted attachments, is attached.

RECOMMENDATION:

Adopt the attached ordinance vacating a portion of South Street between Spring Street and Pine Street

FISCAL IMPACT:

(\$2,367.36)

001.xxxx.xxx.xx.xx

BARS Code Number

SUBMITTED BY:

Name Mark Workman
Title Public Works Director
Dept. Public Works

ATTACHMENTS FOR COUNCIL REVIEW/ACTION:

1. Ordinance No. 08-11
2. Staff Report 064

REVIEWED BY:

Department Head
City Supervisor
City Attorney
(As to Form)

Initial	Date
<u>MW</u>	<u>6/30/08</u>
<u>gms</u>	<u>7/31/08</u>
<u>msaj</u>	<u>7-1-08</u>

S.R. #077

ORDINANCE NO. 08- 11

AN ORDINANCE VACATING A PORTION OF SOUTH STREET BETWEEN SPRING STREET AND PINE STREET IN THE ORIGINAL TOWN OF PULLMAN.

WHEREAS, a petition by the adjacent property owner was submitted to the City Council requesting vacation of a portion of South Street between Spring Street and Pine Street; and,

WHEREAS, on January 24, 2007, the Planning Commission determined that said proposed vacation was consistent with the Comprehensive Plan; and,

WHEREAS, notice of a hearing on the petition for vacation of said right-of-way was duly given according to law; and,

WHEREAS, the City Council heard all comments in support of and in opposition to this vacation during a public hearing on May 1, 2007, and determined, and hereby reaffirms, that the vacation is in the best interests of the city of Pullman; now therefore,

THE CITY COUNCIL OF THE CITY OF PULLMAN DO ORDAIN AS FOLLOWS:

SECTION 1: That the northerly ten (10) feet of South Street, located adjacent to Lots 7 and 8, Block 28 of the Original Town of Pullman, as more particularly described in Exhibit "A" attached hereto and by this reference made a part hereof, is hereby vacated to the adjoining property to the north.

SECTION 2: Said vacation shall not become effective until the city of Pullman is compensated for the property vacated by the owners of said lots at a rate of \$2.3674 per square foot of property vacated.

SECTION 3: Payments received under Section 2 above are hereby appropriated to the General Fund (001).

SECTION 4: This vacation is made subject to the following conditions:

- A. That the city of Pullman retains an easement for all existing and future city and franchise utility facilities in that portion of South Street which is vacated, the boundaries of said easement being the same as the boundaries of the vacated street, described in Exhibit "A". Said easement is granted for the purpose of construction, reconstruction, use, operation, inspection, repair, maintenance, removal, and replacement and upgrading of public and franchise utilities and appurtenances. The owners of Lots 7 and 8, Block 28 of the Original Town of Pullman, their successors or assigns, do hereby covenant with the city of Pullman, its successors and assigns, to make no improvements nor construct nor erect any buildings or structures over, under, or across said easement which would interfere with the use and enjoyment herein granted.

The grant and other provisions of the easement shall constitute a covenant running with the land for the benefit of the city of Pullman, its successors and assigns, and the terms, conditions, and covenants herein shall be binding upon and inure to the benefit of the successors and assigns of the owners of said lots and the city of Pullman.

- B. That all payments to be made to the city of Pullman under Section 2 above are received by the city of Pullman within thirty (30) days after the date of publishing of this ordinance; otherwise, any and all payments received under Section 2 above shall be returned without interest and this ordinance shall become null and void.

Section 5: This ordinance shall be in full force and take effect five (5) days from and after its publication, or a summary thereof is published, in the official newspaper of the city of Pullman.

PASSED by the City Council of the city of Pullman at a regular meeting held on the _____ day of _____, 2008.

SIGNED by the Mayor in Authentication and Approval Thereof on the _____ day of _____, 2008.

Mayor

ATTEST:

Finance Director

Approved as to form:

City Attorney

Summary Published: _____

RECEIPT

The undersigned hereby acknowledges that the conditions set forth in Sections 2 and 4 of Ordinance No. 08- have been satisfied.

DATED this _____ day of _____, 2008.

Mayor

ATTEST:

Finance Director

LEGAL DESCRIPTION
South Street Vacation

In the city of Pullman, county of Whitman, Washington, to wit:

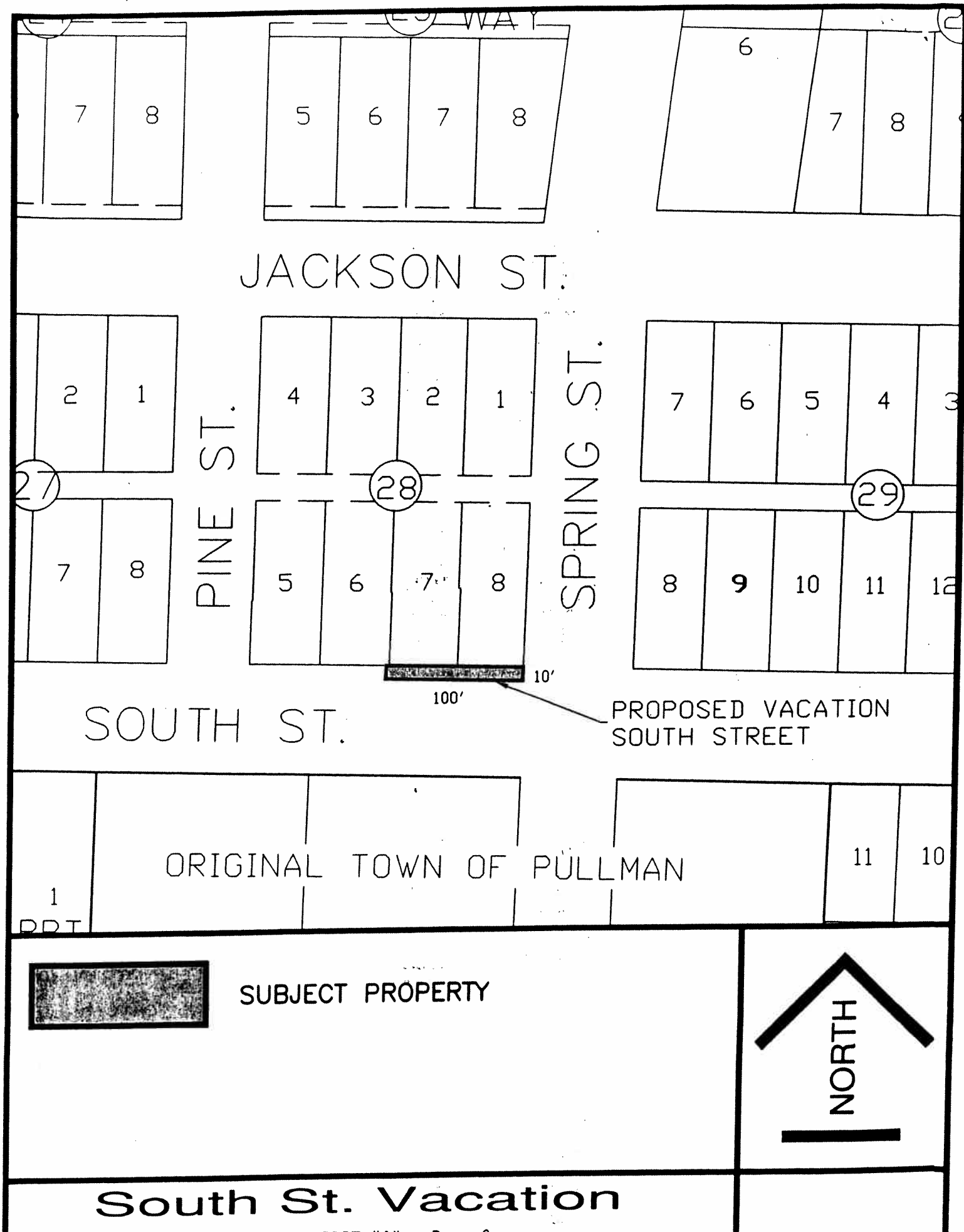
The northerly 10.00 feet of the South Street right of way measuring 100.00 feet in length parallel with said right-of-way, and lying adjacent to Lots 7 and 8, Block 28 in Original Town of Pullman, according to the plat thereof filed in Book A of Plats, page 75, records of said county,

And containing 1,000 square feet, more or less.

Approved for Form:

Mark D. Workman, P.E.
Mark D. Workman, P.E.

2/27/07
Date



Staff Report No. 064

On December 21, 2006, a petition to vacate a 10-foot-wide by 100-foot-long portion of South Street near its intersection with Spring Street was submitted to the Pullman Finance Director. The requested vacation and associated legal description are shown in Exhibit "A" to the attached ordinance that is identified as Attachment 2 to this Request for Council Action. There is one party that owns property adjacent to the section of street right of way proposed for vacation, which is the same party that initiated the vacation request. Therefore, this represents 100% of the parcel frontage along the proposed street vacation. An additional signatory of the petition was Mr. Mike Monahan of Pullman Downtown Development LLC (PDD). It is staff's understanding that Pullman Downtown Development has an earnest money agreement with the current owners, Richard and Pamela DeBowes, to purchase the property. Mr. Monahan has been the primary contact during the vacation process.

Mr. Monahan has indicated that the total project being considered by PDD consists of up to five duplexes, which includes additional adjacent lots 1 & 2 of Block 28, of the Original Town of Pullman along with a concurrent vacation petition of a portion of Jackson Street.

The vacation request on South Street is between Spring Street and Pine Street. The existing street right-of-way width at the location of the vacation request is eighty (80) feet. South Street at the location of the vacation petition is listed as a collector arterial. The street is currently developed as a residential street with curb and sidewalk on both sides. The existing street section, including sidewalks (both sides – no planter strip) is approximately forty (40) feet wide. The existing use of the area included in the vacation request is sloping grass lawn.

The Planning commission considered this proposal at their January 24, 2007 meeting, addressing the various issues associated with right of way vacations. Their conclusion was that the proposed vacation was consistent with the City's Comprehensive plan, but recommended that a public utility easement be retained over the property where necessary. For reference a copy of the staff report to the planning commission is included with this Request for Council Action as Attachment 3.

City staff have identified a fire hydrant that may be within the proposed vacation area. In addition, overhead power lines and poles exist in the proposed vacation area. To accommodate these and future utilities, an easement will be retained that will allow the use of the property for City facilities and Franchise Utility facilities.

City Code provides that the City be compensated for vacated property at a rate not to exceed the appraised value of the area being vacated. Typically, this value has been determined by Public Works staff using assessed valuations for property abutting, and in the vicinity of, the right of way being vacated. The analysis for this proposed vacation has determined an assessed valuation of \$2.3674 per square foot. Therefore, the proposed amount to be charged for this vacation is \$2.3674 per square foot. The total compensation to the City, based on this rate, for the vacation area is \$2,367.36. For reference, a copy of the valuation worksheet for this proposed vacation is also attached to the Request for Council Action as Attachment 4.

Two (2) lots about the proposed vacation area having the same owners. The total compensation for the vacated right of way will come from said owners and title of the property will transfer to the same owners.

At the Council's April 3, 2007 meeting, May 1, 2007 was set as the day to hold the public hearing to consider this vacation.

The general action requested of the City Council at this time is to consider the information presented, to hold a public hearing to receive comments in favor of and in opposition to the proposed vacation, and to act upon the petition for vacation. An ordinance has been prepared which, if adopted, will provide for the vacation of the noted right of way upon compensation to the City at the rate of \$2.3674 per square foot of right of way vacated. By ordinance provision, the compensation due the City for this vacation must be paid within one year or the ordinance becomes null and void.