

AGENDA

*Port of Kennewick
Regular Commission Business Meeting
Port of Kennewick Commission Chambers
350 Clover Island Drive, Suite 200, Kennewick, Washington*

Tuesday, July 26, 2016
2:00 p.m.

I. CALL TO ORDER

II. PLEDGE OF ALLEGIANCE

III. APPROVAL OF THE AGENDA

IV. PUBLIC COMMENT *(Please state your name and address for the public record)*

V. CONSENT AGENDA

- A. Approval of Direct Deposit and ePayments Dated July 18, 2016
- B. Approval of Warrant Registers Dated July 26, 2016
- C. Approval of Regular Commission Business Meeting July 12, 2016

VI. PRESENTATION

- A. Brand Implementation Leadership Team (BILT) Presentation, Kyle Cox, Chairman

VII. OLD BUSINESS

- A. Vista Field Various Policy Directives (**TIM**)
 - 1. Guidelines for Development Proposals; Resolution 2016-20

VIII. REPORTS, COMMENTS AND DISCUSSION ITEMS

- A. Vista Field Update (**LARRY**)
- B. Benton City Riverfront Development (**TIM**)
- C. Columbia Drive
 - 1. Update (**LARRY**)
 - 2. Columbia Gardens Wine & Artisan Village Tenant Selection Committee; Resolution 2016-21 (**TIM**)
- D. Clover Island Marina Update (**AMBER**)
- E. Commissioner Meetings (formal and informal meetings with groups or individuals)
- F. Non-Scheduled Items

IX. PUBLIC COMMENT *(Please state your name and address for the public record)*

X. EXECUTIVE SESSION, if necessary *(Ask public if they are staying, and if not, where they can be located if the Executive Session ends early.)*

- A. Real Estate, per RCW 42.30.110(1)(b) – Site Selection
- B. Real Estate, per RCW 42.30.110(1)(c) – Minimum Price

XI. ADJOURNMENT

Action may be taken on any item on the Agenda.

PLEASE SILENCE CELL PHONES



REGULAR COMMISSION MEETING

PORT OF KENNEWICK

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CALL TO ORDER

Commission President Skip Novakovich called the Regular Commission meeting to order at 2:00 p.m. in the Port of Kennewick Commission Chambers located at 350 Clover Island Drive, Suite 200, Kennewick, Washington 99336.

The following were present:

Board Members: Skip Novakovich, President
Thomas Moak, Vice-President
Don Barnes, Secretary

Staff Members: Tim Arntzen, Chief Executive Officer
Tana Bader Inglima, Deputy Chief Executive Officer
Amber Hanchette, Director of Real Estate and Operations
Nick Kooiker, Chief Financial Officer/Auditor
Larry Peterson, Director of Planning and Development
Lisa Schumacher, Special Projects Coordinator
Bridgette Scott, Executive Assistant
Lucinda Luke, Port Counsel

PLEDGE OF ALLEGIANCE

Mr. Cal Coie led the Pledge of Allegiance.

APPROVAL OF THE AGENDA

MOTION: *Commissioner Barnes moved to approve the Agenda, as published; Commissioner Moak seconded. With no further discussion, motion carried unanimously. All in favor 3:0.*

PUBLIC COMMENT

Don Engleman, 3910 Northlake Drive, West Richland. Mr. Engleman, City of West Richland Councilman, has been observing the Port over the past six months since he was assigned as the liaison for the Council and is very impressed by the work the Port has done. Mr. Engleman stated the Port is a very impressive organization and the changes on Clover Island and Duffy's Pond and what is taking place at Vista Field has been gratifying to watch. Mr. Engleman stated in regards to the Rural County Capital Funds, it seems that there is an opportunity for the Port and the City of West Richland to move ahead with the former raceway property and utilize the Rural County Capital Funds to make the same kind of strides the Port has made elsewhere.

Ed Frost, 609 West Albany Street, Kennewick. Mr. Frost stated eleven months ago the Port decided to develop a letter of understanding with a local non-profit organization (Arts Center Task Force) for a Performing Arts Center at Vista Field. Mr. Frost explained after eleven months, the entity (Arts Center Task Force) has yet to receive a letter and at this pace, it will take 75 years to build the performing arts center.



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Boyce Burdick, 414 Snyder Street, Richland. Mr. Burdick stated, in reference to the reconveyance of the shoreline presentation at the June 28, 2016 meeting, he observed that the proponents have gone out of their way to speak to every jurisdiction but not with the citizens of the Tri-Cities. In every published “Letter to the Editor” written by a private citizen in the *Tri-City Herald*, there is a distinct opposition to the reconveyance. Mr. Burdick believes it would be a good idea for the proponents to visit Chicago, where there is a protected shoreline by city ordinance. At one time, there was a proposition for a commercial museum going up along the shoreline, however, due to the citizens voicing their displeasure, the museum chose to build elsewhere.

No further comments were made.

CONSENT AGENDA

Consent agenda consisted of the following:

- A. ***Approval of Direct Deposit and E-Payments Dated July 1, 2016***
Direct Deposit and E-Payments totaling \$67,572.11
- B. ***Approval of Warrant Registers Dated July 12, 2016***
Expense Fund Voucher Numbers 38058 through 38095 for a grand total of \$156,443.17
- C. ***Approval of Commission Meeting Minutes Dated June 28, 2016***

MOTION: *Commissioner Moak moved for approval of the Consent Agenda, as presented; Commissioner Barnes seconded. With no further discussion, motion carried unanimously. All in favor 3:0.*

PUBLIC HEARING

- A. ***Proposition 16-8; for The Link Theater, Toyota Center Improvements and Convention Center Expansion***

Mr. Arntzen introduced Ballot Measure 16-8 and stated he has been working on a statement that addresses “The Link” project and the Port’s development of Vista Field and the potential synergy of those two projects. The statement is neutral and neither endorses or opposes Ballot Measure 16-8 but offers clarification of the Port’s position and how the project could interface with the work at Vista Field. Ms. Luke will address the procedural and legal requirements that should be followed in this situation.

Ms. Luke stated the Port is using extreme caution by following the statutes regarding use of public office to either endorse or oppose a ballot measure. In order to proceed with that action, RCW 42.17A.555 requires that the Port provide notice of meeting, including title and number, which the Port has done and that members of the Commission provide the public an opportunity to express support or lack thereof for the ballot measure through a public hearing. The time allotted for public statements versus the Commission discussion should be essentially equal. During the public hearing the Port will follow standard procedure for public comment and allow two minutes for each individual to address the ballot measure. To the process, the Commission President will open the public hearing and open the floor for public comment, once the comments are completed, the meeting will close and the Commission can discuss the ballot measure and proceed with regard to the letter.



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Mr. Arntzen requested the statement be read into the record, and indicated comments should be directed to the statement. Ms. Luke concurred.

Ms. Scott read the following statement into the record:

The Port of Kennewick is planning to develop the former Vista Field Airport as a mixed-use community, consistent with input received through an extensive public outreach process. Successful efforts will require many community partners. Development elements will include:

- ✓ *A variety of streets, from thoroughfares to small, pedestrian-friendly lanes;*
- ✓ *A variety of local shops and businesses;*
- ✓ *Multiple types of housing, including units with storefront below and owner's living space above; and*
- ✓ *Public amenities such as a central plaza, water features, entertainment venues and green space.*

Separate from the Port's development of Vista Field, the Kennewick Public Facilities District, associated with the City of Kennewick, is requesting voters consider 2/10% sales tax increase to fund expansion of the convention center, construction of a Broadway-style theater and connection to the Toyota Center.

The Port Commission believes that performing arts and other public facilities can be a catalyst to bring vibrancy and energy to the Port's Vista Field redevelopment efforts.

PUBLIC HEARING TO TAKE TESTIMONY FOR OR AGAINST PROPOSITION 16-8; FOR THE LINK THEATER, TOYOTA CENTER IMPROVEMENTS AND CONVENTION CENTER EXPANSION

Commissioner Novakovich opened the Public Hearing at 2:12 p.m. and invited the public to make comments.

PUBLIC COMMENT

No comments were made.

Mr. Novakovich reconvened the Regular Meeting at 2:13 p.m.

Mr. Moak is in favor of approving the Port's statement as written and stated personally, he is in favor of the proposition. The statement clearly identifies the difference between the Kennewick Public Facilities proposal and the Vista Field proposal and he believes both projects can be mutually harmonious.



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Mr. Barnes supports the Port's statement and thanked staff and Ms. Luke for ensuring the proper procedures were followed with the Public Disclosure Commission. Mr. Barnes believes there can be synergy and mutual benefit to the successful addition of the Convention Center as well as the successful redevelopment of Vista Field. Mr. Barnes believes both elements are harmonious and stated it is up to the citizens of Kennewick to approve the proposal.

Mr. Novakovich is in agreement and stated staff and legal council did a great job drafting the statement and feels it clearly states the Port's position.

MOTION: Commissioner Moak moved for approval of the Port of Kennewick's statement related to 2016 Ballot Measure 16-8, as read; Commissioner Barnes seconded. With no further discussion, motion carried unanimously. All in favor 3:0.

PRESENTATION

A. *Vista Field Update, Laurence Qamar & Michael Mehaffy*

Mr. Peterson stated Laurence Qamar and Michael Mehaffy are here to update the Commission on items specifically related to design guidelines, which are subjective guidelines and elements that the Commission can adopt in the development, beyond the basic city zoning and design standards. The update will include a refined look at elements that have been discussed over the past two years and staff, Mr. Qamar and Mr. Mehaffy are seeking Commission comments, specifically related to the design guidelines and whether or not the element should be included in the design guidelines.

Mr. Mehaffy stated the process has been a collaborative effort since the beginning and as Mr. Peterson mentioned, the design guidelines are an important document that the Port will maintain with its partners.

Mr. Mehaffy and Mr. Qamar presented the Commission with a project update which included the following:

- Design Standards (modified City document);
- Design Precedents Library (Port maintains);
- Phase 1A Design Concepts.

Mr. Barnes stated it is important to partner with the professionals for help in establishing criteria and design guidelines and appreciates the guidance from DPZ as the Port moves forward and focuses on the design guidelines.

Mr. Novakovich likes the following elements: building passages, the live/work housing option, the special lighting on the canopies, garden walls, alcove seating, and the attention to the minor details such as downspouts. Mr. Novakovich thanked Mr. Qamar and Mr. Mehaffy for paying attention to the smallest of details and stated it will make a big difference in the aesthetics of the development.

Mr. Barnes stated we are very fortunate to live in the Pacific Northwest, which showcases the beauty and diversity of the Olympic Peninsula, the Cascades and the eastern Washington desert. He appreciates the traditional northwest character for the Tri-Cities and stated what is appropriate for Leavenworth would not be appropriate for our region.



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Mr. Mehaffy stated authenticity and expression from place is important and in Vista Field there are great architectural roots such as northwest Cascadia and the great American western town. Out of those architectural themes, we can synthesize a design that feels rooted here.

Mr. Qamar stated there are tremendous architecture traditions that have translated from across the world to where we are and they are successful when they transform the local climate and the local culture, for example, Spanish architecture is seen throughout, from the Middle East to New Mexico and even in the Tri-Cities, it's not about style, but pattern.

Mr. Novakovich stated 18 years ago a study was done for downtown Kennewick and Al Zelinka stated, "Don't be what you're not, celebrate what you have been." Mr. Novakovich appreciates the hearing the same message from Mr. Mehaffy and Mr. Qamar.

Mr. Qamar presented design specifics that will add character to the Vista Field vision.

Mr. Mehaffy inquired if the Commission had comments regarding the drawings and water features.

Mr. Peterson stated a rough cost estimate for water features is as follows:

- Small Water Feature (2x4): \$600,000;
- Medium Water Feature (4x8): \$700,000;
- Large Water Feature (12x20): \$1,000,000;
- Extra-Large Water Feature (12x30): \$5,000,000.

Mr. Mehaffy stated the extra-large water feature would be similar to what is seen in San Antonio and deep enough for boats to run and pass under bridges.

Mr. Qamar stated the small and medium water feature would have an authentic feel in the development, whereas the extra-large water feature may feel out of place.

Mr. Moak stated the \$600,000 to \$700,000 price range is more palatable and smaller does not mean substandard. Mr. Moak stated if we spend more money on the water, it is at the expense of other elements.

Mr. Barnes stated we are blessed with the Columbia River, the Snake River and the Yakima River and does not want to create something that competes with the rivers. Mr. Barnes emphasized it is very important to build a water feature that distracts water fowl. There are several areas in this region that draw water fowl and it can create a very unpleasant atmosphere. Mr. Barnes stated the water feature is an important design element and is in favor of a small or medium water feature that is compatible with the desert environment, year around. Mr. Barnes is interested in creating an authentic water feature that may include a babbling brook sound, which makes for a pleasant surrounding area.

Mr. Novakovich agrees with Mr. Barnes regarding the water fowl and stated there is an incremental cost between the small and medium water feature and stated if he were to take a position today, it would be for the medium water feature. Mr. Novakovich likes the designs of the



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masonry tower and water feature option, the diversity of housing prices and the gateway arch, which gives Vista Field a sense of arrival and place.

Mr. Barnes believes there should be a prominent higher elevated feature that helps identify the arrival at Vista Field.

Mr. Mehaffy stated regarding the specific design of the tower, it would be beneficial to collaborate with others.

Mr. Moak likes the architecture of the masonry tower and would like to see any art that is incorporated stand on its own. Of the different treatments proposed for the hangars, Mr. Moak likes the design that looks most like a hangar, for historic preservation and loves the use of the arcades throughout.

Mr. Mehaffy and Mr. Qamar are looking at possibly repurposing the aircraft hangar doors as canopies for seating areas, which will make the project interesting and memorable.

Mr. Novakovich inquired what the square footage range will be for the housing options.

Mr. Mehaffy stated the average home will be around 1500 square feet and the Tri-City medium is 1544 square feet.

Mr. Peterson introduced David Robison of Strategic Construction Management, who has been working as the liaison between the Port and the City.

Mr. Robison stated as DPZ continues to work on the design and architecture of Vista Field, it is his job to work with the City on the approval and implementation of the Master Plan Agreement. The Port and City have already gone through the traffic study, the fire study, public works and utilities, and the only item left is the Master Plan, which we are hoping to go before the City for approval in August. The team has been working for several months to get the Master Plan approved, which is the first step of implementation for the ideas and visions and the public utility requirements for roadways, extensions and expansions. Mr. Robison asked if the Commission could work with staff to determine the decision making points before the team submits the final Master Plan and agreements to the City for approval. Mr. Robison stated time is of the essence and it is imperative that the Port keeps moving forward.

OLD BUSINESS

A. *City of Richland, Bateman Island Causeway Modification Letter*

Ms. Bader Inglima stated at the previous meeting Joe Schiessl, City of Richland Parks and Public Facilities Director outlined the current issue regarding the Bateman Island Causeway and the Mid-Columbia Fisheries Enhancement Group. Ms. Bader Inglima introduced Mike Ritter, a local habitat biologist from the Fish and Wildlife Service, who has been assisting the Port with the habitat improvements to Clover Island and Duffy's Pond. Ms. Bader Inglima presented the Commission with a draft letter supporting the City of Richland's request for environment



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restoration and public access concerns for the Bateman Island Causeway and asked for Commission direction regarding the letter.

Mr. Schiessl reviewed the letter and stated it summarizes the conversation from the prior meeting and the City is pleased with the draft letter.

Ms. Bader Inglima stated the Fish and Wildlife Service has reviewed the letter as well.

Mr. Moak inquired if the Port will be notified of any meetings or further conversations regarding Bateman Island.

Ms. Bader Inglima believes so and as indicated in the letter, the Port appreciates the public approach the Washington Department of Fish and Wildlife is taking.

Mr. Moak approves of the letter and stated it is important that all sides work together to come up with solution that is good for everyone.

The Commission supports the letter to the Washington Department of Fish and Wildlife and authorizes Mr. Arntzen to sign the letter.

B. Vista Field Developer Guidelines Update

Mr. Arntzen presented the working draft of the Vista Field Developer Guidelines which captures comments from the Commission, the public and staff. Mr. Arntzen inquired if the Commission has additional comments regarding the document.

Mr. Novakovich inquired if Mr. Moak's comments were included in the draft.

Mr. Moak indicated his comments were addressed in the draft very well and appreciated Mr. Arntzen seeking additional advice from Mr. Mehaffy and others who are involved in New Urbanism. Mr. Moak is very satisfied with the draft document.

Mr. Barnes likes the additions to the document and finds them very helpful. Mr. Barnes stated the document should be considered a living document that can be adapted and adjusted as the Port moves forward with the redevelopment of Vista Field.

Mr. Novakovich asked staff to prepare a resolution approving the Developer Guidelines for the next meeting.

Mr. Arntzen stated the Developer Guidelines and other documents such as the Precedents Library, the Master Plan and the Pattern Language are important pieces to have in place prior to speaking with developers. Mr. Arntzen is optimistic the Port policies will offer guidance to developers for the development.

Mr. Novakovich believes the guidelines to be fair and equitable to developers.



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REPORTS, COMMENTS AND DISCUSSION ITEMS

A. *Clover Island Professional Building Fence Update*

Ms. Hanchette reported the fence project at the Clover Island Professional Building was recently completed. In Port installed the fence because of the Clover Island Yacht Club's concerns over trespassing on outdoor spaces. Architect Chris Herath designed a fence that serves the purpose of a barrier, while keeping the view unobstructed. The fence design is complementary to the building and current improvements to the boat launch. John Fetterolf created the biddable documents for the Port to create a small works invitation for the custom designed fence, which went out February 2016. The bid documents received for installation and materials, came in at \$40,000, which was higher than anticipated. Staff reevaluated the project and removed the installation of the fence and the frame work for the boater safety sign and rebid for materials only with installation to be completed in-house. The bid was awarded to Banlin Construction for the cost of \$20,000 including sales tax. Banlin Construction worked with Apollo on the fence fabrication and Mike Melia and Mike Boehnke, with assistance from the Coyote Ridge Work Crew, installed the fence and frame for the boater safety sign.

B. *Rural County Capital Fund*

Mr. Arntzen reported Benton County has drafted a proposed resolution which outlines the retirement of the jail expansion debt and the remaining funds will be utilized for economic development projects for the County, cities and ports.

Ms. Scott stated Benton County will be holding a press conference on July 20, 2016 at 11:00 a.m. at the Benton County Justice Center. Benton County has asked representatives from the local jurisdictions within Benton County to attend and Mr. Novakovich will be attending on behalf of the Port.

Mr. Arntzen stated local jurisdictions have been working on the processes since 2015 and the Port appreciates Benton County looking at an alternative use for the remaining funds. The Benton County Commission has been thorough about the rules for releasing funds and established provisions where jurisdictional partnering and meaningful economic projects will be considered. Mr. Arntzen has had some discussions with other jurisdictions about partnering on projects and has spoken briefly to Brent Gerry, City of West Richland Mayor. At this time, staff has a directive from the Commission to seek out partnership opportunities with other jurisdictions on projects.

C. *Commissioner Meetings (formal and informal meetings with groups or individuals)*

Commissioners reported on their respective committee meetings.

D. *Non Scheduled Items*

1. Mr. Novakovich recently met with Ron Dunning, Port of Walla Walla Commissioner and Mr. Dunning had recently spoken with a Clover Island Marina tenant who indicated he was very pleased with the marina and feels the Port has the best public marina around.

Mr. Novakovich reported at a recent Council of Government meeting, the Federal Highway Department indicated they would like to see the community be forward thinking for long range



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plans and are dragging their feet on the Red Mountain Interchange, which is fully funded at the state level. Mr. Novakovich will continue to update the Commission as he hears more.

The Washington State Transportation Commission will be meeting on September 30, 2016 in Kennewick.

2. Ms. Bader Inglima reported the Port recently issued a media release for the Columbia Gardens Tenancy application process.
3. Mr. Arntzen shared that a joint meeting is scheduled with the Confederated Tribes of the Umatilla Indian Reservation (CTUIR) in Pendleton on July 22, 2016.

Mr. Moak inquired if the Agenda, location and time has been finalized.

Ms. Scott indicated the CTUIR Board of Trustees met yesterday and we are waiting to hear back on the final details.

Mr. Arntzen reported he will be attending the Washington Public Port Association Executive Director Conference in LaConner, Washington. The conference is very educational because we are able to speak with our peers in a structured environment and learn from the experiences of others.

Mr. Arntzen thanked Mr. Peterson, Mr. Qamar and Mr. Mehaffy on their excellent presentation and stated it is very exciting to see Vista Field take shape and know that project is achievable. Mr. Arntzen would like to bring the Design Precedents Library back at a future meeting for possible Commission approval.

Mr. Peterson noted the Commission comments will be folded into the Design Precedents Library.

Mr. Arntzen thanked Mr. Robison and stated our team has been doing an excellent job and they have received a lot of support from the City.

Mr. Moak asked if Mr. Arntzen could respond to Mr. Frost's earlier comments regarding the Arts Center Task Force.

Mr. Arntzen stated there has been continued dialogue with the Arts Center Task Force. Mr. Arntzen expected the Master Plan would have been completed sooner, however, it has taken longer than initially anticipated. The Arts Center Task Force, staff and consultants have conducted a number of meetings and are working slowly to come to an arrangement. Mr. Arntzen and Ms. Luke forwarded a draft letter of intent, a draft lease, and a draft property transfer document to the Arts Center Task Force several months ago. The Port was notified recently that the Arts Center Task Force submitted proposed modifications to the letter of intent. Mr. Arntzen is aware that the process is taking some time, but is comfortable with the momentum. Furthermore, there has been a lot of discussion between the lawyers and Ms.



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Luke is currently reviewing the paperwork.

4. Mr. Peterson reported the work on the utilities system has begun at Columbia Gardens.

PUBLIC COMMENTS

Ed Frost, 609 West Albany Street, Kennewick. Mr. Frost inquired if the Vista Field presentation will be available on the website. Mr. Frost stated the City of Richland recently passed on the concept of a public market and he believes that Columbia Drive or Vista Field would be the perfect place for such a project. A public market is a wonderful idea for the community and the group behind the Richland proposal have done a lot of research to get the project moving. Mr. Frost is concerned about the proposed water feature in Vista Field and stated water is becoming scarce and a bottled water costs more than an ounce of gasoline. Additionally, water evaporates in 100 degrees and the Tri-Cities is known for hot weather. Mr. Frost encouraged the Commission to be sensitive to environmental concerns.

Mr. Peterson stated the presentation will be available on the Port's website tomorrow.

Barb Carter, 3121 West 30th Avenue, Kennewick. Ms. Carter sincerely appreciates the opportunity to see the latest iteration for what is planned at Vista Field. Ms. Carter believes a smaller scaled water feature, as recommended, would be appropriate. Ms. Carter appreciates Mr. Moak's comments about retaining the characteristics of the airplane hangar, because it is important to recognize this was Vista Field airport. Ms. Carter believes a vertical element belongs at Vista Field and she would like to see a significant statement art piece that would be an icon, which designates Vista Field, approximately 60-80 feet tall.

Chuck Eaton, 2309 Davison Avenue, Richland. Mr. Eaton stated he noticed on the study sketch slide where a park was named "Vista Field Central Park" and he loves that name. Mr. Eaton thanked Mr. Moak for sharing the books he purchased from the Congress of New Urbanism with the vista pioneers. Mr. Eaton stated the pictures were amazing and asked the design team to look at the Oak Bluffs community, where front porches are used as additional outdoor spaces with privacy, like a patio, only on a higher elevation, or a porch open on all sides and right on the street, which allows you converse with all your neighbors. Front porches create another social space built into the community.

No further comments were made.

COMMISSIONER COMMENTS

No comments were made.



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ADJOURNMENT

With no further business to bring before the Board; the meeting was adjourned 4:12 p.m.

APPROVED:

**PORT of KENNEWICK
BOARD of COMMISSIONERS**

Skip Novakovich, President

Thomas Moak, Vice President

Don Barnes, Secretary



AGENDA REPORT

TO: Port Commission

FROM: Tim Arntzen, Executive Director

MTG. DATE: 7/26/16

AGENDA ITEM NO.: Resolution 2016-20,
Guidelines for Vista Field Development Proposals

- I. **REFERENCE(S):** Resolution 2016-20 attached.
- II. **FISCAL IMPACT:** N/A.
- III. **DISCUSSION:** The attached guidelines identify the procedure by which the Port of Kennewick (Port) provides public notice of Vista Field development opportunities and the process by which the Port shall receive, evaluate and accept development proposals. These guidelines have been discussed in several Commission Meetings and amendments have been offered and incorporated into the final edit, which is presented herewith.
- IV. **STAFF RECOMMENDATION:** Approve Resolution 2016-20, adopting the Guidelines for Vista Field Development Proposals.
- V. **ACTION REQUESTED OF COMMISSION:**

Motion: I move approval of Resolution 2016-20, adopting the Guidelines for Vista Field Development Proposals.

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RESOLUTION 2016-20

**A RESOLUTION OF THE BOARD OF COMMISSIONERS
OF PORT OF KENNEWICK ADOPTING THE
GUIDELINES FOR VISTA FIELD DEVELOPMENT PROPOSALS**

WHEREAS, this policy is intended to provide the procedure by which the Port of Kennewick (Port) shall provide public notice of Vista Field development opportunities and the process by which the Port shall receive, evaluate and accept development proposals; and

WHEREAS, the Commission shall evaluate the effectiveness of this policy over time and reserves the right to expand, amend or rescind this policy as appropriate; and

WHEREAS, the Guidelines were prepared in consultation with DPZ architects and legal counsel; and

WHEREAS, the Guidelines have been discussed in several commission meetings and amendments have been offered and incorporated into the final edit, which is presented herewith.

NOW, THEREFORE BE IT RESOLVED, that the Board of Commissioners of the Port of Kennewick hereby approves and adopts the Guidelines for Vista Field Development Proposals as attached in Exhibit A, and directs the Chief Executive Officer (CEO) to take all action necessary to implement these procedures.

ADOPTED by the Board of Commissioners of the Port of Kennewick this 26th day of July, 2016.

***PORT OF KENNEWICK
BOARD OF COMMISSIONERS***

By:

SKIP NOVAKOVICH, *President*

By:

THOMAS MOAK, *Vice President*

By:

DON BARNES, *Secretary*

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GUIDELINES FOR VISTA FIELD DEVELOPMENT PROPOSALS

These guidelines identify the procedure by which the Port of Kennewick (Port) provides public notice of Vista Field development opportunities and the process by which the Port shall receive, evaluate and accept development proposals. The Port Commission shall evaluate the effectiveness of this policy over time and reserves the right to expand, amend or rescind this policy as appropriate.

I. NOTICE OF DEVELOPMENT OPPORTUNITIES

In providing notice of opportunities for Vista Field development, the Port will prepare project information including a description of development-ready site(s); a description of the development types and styles desired; whether sites are for sale or lease; minimum price/terms; and reference to applicable Port planning documents (i.e. master plans, design standards, etc.).

The Port may post notice:

- A. On its website; on the “LoopNet” real estate site; on the MLS service for local real estate (if applicable);
- B. In the Tri-City Herald; Tri-City Business Journal; the Spokane Business Journal; the Puget Sound Business Journal and other similar publications;
- C. With specialty listing services, including:
 - 1. "Bidsync" (<https://www.bidsync.com/>);
 - 2. Urban Land Institute’s "Marketplace" (<http://uli.org/programs/marketplace/>);
 - 3. “Findrfp.com” (<https://www.findrfp.com/State-RFP-Bid/Government-RFPS-bids-Washington-WA.aspx>);
 - 4. RFP Database (<http://www.rfpdb.com/>); and
- D. By other methods as appropriate, including making direct contact with potential developers.

II. RECEIPT OF DEVELOPMENT PROPOSALS

A developer wishing to develop available Vista Field property shall submit a Letter of Intent (LOI) describing the developer’s experience and the proposed development concept for the site. In describing its experience, the developer shall address its:

- A. Demonstrated experience with municipal planning and permitting processes;
- B. Demonstrated experience with “New Urbanism”, “Smart Growth”, “Green Building” or similar development principles (if any);

- C. Financial capability, as evidenced by a letter of credit or other acceptable means, as confirmation of its ability to complete its proposed development, including a description of funding sources for property acquisition and construction of infrastructure and facilities;
- D. Relevant experience with similar development projects including:
 - 1. Project name, location, and description;
 - 2. Color images or other graphic material depicting the project;
 - 3. Total project budget and budget per phase (if applicable);
 - 4. Budget funding sources – equity partner, development lender, permanent lender, etc.;
 - 5. Total duration of project development and details regarding whether project schedule was met;
 - 6. Brief description of the development process;
 - 7. Consultants and contractors utilized and the role of each; and
 - 8. Major tenants (if applicable).
- E. Price and terms offered;
- F. A list of developer's key personnel anticipated to participate in the development, including a summary of their relevant experience;
- G. A list and short description of all litigation and/or claims that the developer (or any entity or individual named in the developer's proposal) is currently or in the last 10 years was, a named party (if any), including a description of how the litigation and/or claim was resolved;
- H. A list of past community, charitable and/or civic contributions; and
- I. A minimum of three references, one of which shall be a financial institution.

III. EVALUATION OF DEVELOPMENT PROPOSALS

LOIs will be reviewed by the Port CEO. If the LOI demonstrates that the developer possesses the relevant experience, that the development concept is likely to assist with the redevelopment of the property and that the price and terms are reasonable, then the CEO will arrange for the parties to participate in a preliminary collaborative design process described below. If more than one LOI is received by the Port, the CEO shall exercise his discretion as to which proposal(s), if any, shall be referred to the preliminary collaborative design process. The decision of the Port CEO on all matters shall be final and not subject to appeal or review.

- A. Preliminary Collaborative Design Process. The Port and developer (working through each party's design team) shall meet to refine the development concept described in the LOI. Initiation of the collaborative design process may be by telephone conference or other preliminary discussion. The preliminary collaborative design process shall consist of:

1. Pre-Development Meeting. A pre-development meeting shall take place in Kennewick, Washington (or other location mutually agreed upon) where the developer, its design team and principal(s) shall be interviewed, and where the initial project development concept will be reviewed. The parties will endeavor to produce rough project sketches and assemble precedent photographs and other illustrative materials.
 2. Design Workshop. Upon successful completion of the pre-development meeting, a design workshop will be conducted whereby the parties will refine the development concept and the rough sketches in order for the developer to produce a schematic design mutually acceptable to the parties.
- B. Initial Evaluation by Port Commission. Upon successful completion of the preliminary collaborative design process, the CEO, together with appropriate staff and the Town Architect, shall present all relevant project information to the Port Commission for evaluation. The Port Commission may evaluate the proposal utilizing the following criteria:
1. Quality of the project and consistency with Port planning documents;
 2. Price and terms;
 3. Knowledge, financial capability and references of the developer;
 4. Developer's recent experience with similar projects; and
 5. Other factors including but not limited to the developer's past community, charitable and/or civic contributions.

The Port Commission, in its discretion, may interview a developer as part of the review process.

The Port Commission may take any action deemed appropriate with respect to proposal evaluation, including but not limited to requesting the parties to further refine the proposal through the final collaborative design process described below. In this case, the Port Commission shall grant the developer exclusive negotiating rights with respect to the proposal and site for a period of 90 days.

During the exclusive negotiating period, the Port will not accept any other proposal for the site. In the event that the parties are not able to negotiate a purchase and sale agreement for the site within the exclusive negotiating period, the LOI shall terminate and be of no further force and effect, and the Port shall have no further obligations to the developer. In consideration of providing the developer with the exclusive negotiating rights period, developer shall pay to the Port of \$2,500.00 which is intended to reimburse the Port for administrative and other costs.

- C. Final Collaborative Design Process. Provided the parties enter into the final collaborative design process, the developer, at its sole expense, shall produce of a set of drawings acceptable to the Port including site and representative floor plans with elevations for the major elements of the project. Schematic drawings shall also include exterior sections reflecting proposed architectural design and building materials. Substantial emphasis will be placed on exteriors, and especially, elevations facing streets and public spaces. The plans shall include a conceptual site plan and a description of specific noteworthy site features that will be preserved (i.e. trees, etc.). The plans should include a sample or conceptual planting plan for site vegetation.

Additionally, the developer shall describe the components, planning tools and means of implementing the project to completion; the proposed schedule of development; and its ability to secure tenants and market the property to end-users. At this time, the developer shall also develop a project timeline (subdivided into phases, if necessary) identifying the estimated length of time to reach key development milestones, including: commencement and completion of design; financing; commencement and completion of construction; and availability for tenant occupancy. Any contingencies that may affect this timeline shall be identified by developer. The Port may request additional project information.

- D. Final Presentation to Port Commission. Provided the parties successfully complete the final collaborative design process, the CEO shall report to the Port Commission related to the overall progress of the project, including a staff recommendation related to the project, including, under appropriate circumstances whether the proposal should be accepted or rejected by the Port Commission. The Port Commission, in its sole discretion, shall either reject the development proposal or direct the CEO to negotiate a purchase and sale agreement (or ground lease) with the developer related to the site. If the parties are unable to execute a purchase and sale agreement within 45 days, the development proposal shall expire, the Port shall take no further action, and each party shall be relieved of all further obligations related to the proposed development.

IV. POST PURCHASE AND SALE AGREEMENT MATTERS

- A. Project Refinement. Upon execution of a purchase and sale agreement, the developer shall apply to the City of Kennewick (City) for project review and permitting, which shall be the sole and exclusive responsibility of the developer. Should the City require changes to the project, which in the sole discretion of the Port CEO, materially alters the proposed project, the parties will then attempt to negotiate the changes required in order for the developer to receive City approval of its project. If the parties are unable to negotiate changes required in order for the developer to receive City approval of its project within a 45 day period of commencing such negotiations, the development proposal shall expire, the Port shall take no further action and each party shall be relieved of all further obligations related to the proposed development. Any earnest money deposited by the developer shall be refunded to the developer, less any applicable administrative fee.
- B. Construction Progress. The Port CEO, together with assistance of a construction manager or other appropriate professional, will monitor construction and provide periodic updates to the Port Commission.

V. MISCELLANEOUS MATTERS

- A. All discussions between the parties are to explore the developer's qualifications and the viability of a development proposal. A binding obligation shall only be created by a written agreement setting forth all material terms and conditions of the proposed transaction, signed by the parties; and no agreement shall be binding except upon an affirmative vote by a majority of the Port Commission;

- B. The Port may arrange for further action including introducing the concept to the Port Commission or appropriate third parties in order to gather information, analyze proposal feasibility and cost, and to perform due diligence; the parties understand that complete confidentiality cannot be guaranteed;
- C. Each party shall be responsible for all costs it incurs with respect to this matter, including but not limited to professional and attorney's fees and costs;
- D. The Port makes no representations with respect to the property and the developer agrees to exercise all due diligence it deems necessary;
- E. Development proposals may be subject to disclosure under the Washington State Public Records Act. However, any information within a development proposal that is claimed to be proprietary or a trade secret may be marked as "confidential". Prior to disclosure of any such information, the Port will provide the developer statutory notice of developer's right to seek a court order to preclude such disclosure; and
- F. The Port reserves the right to verify developer credentials and to request supplemental information or documents at any time during the process that it determines the necessity therefore.
- G. The Port Commission, in its discretion, may waive any of the requirements set forth herein for small scale developments including the sale of individual residential lots or developments where the total project value, including land price, is expected to be less than \$1,000,000.

PORT OF KENNEWICK

Resolution No. 2016-21

**A RESOLUTION OF THE BOARD OF COMMISSIONERS
OF THE PORT OF KENNEWICK
APPOINTING THE COLUMBIA GARDENS WINE & ARTISAN VILLAGE
TENANT SELECTION COMMITTEE**

WHEREAS, staff has proposed the formation of a tenant selection committee to review applications and provide recommendations to the Board of Commissioners for selecting tenants for the Columbia Gardens Wine & Artisan Village; and

WHEREAS, each member of the committee is willing to serve and can provide valuable input during the selection process; and

WHEREAS, the Winery Tenancy Policy, approved during the June 28, 2016 Commission Meeting, defines the evaluation criteria, selection process and the lease term and rental rates for the Columbia Gardens Wine & Artisan Village.

NOW, THEREFORE; BE IT HEREBY RESOLVED the Board of Commissioners of the Port of Kennewick hereby appoints the following members to the Columbia Gardens Wine & Artisan Village Tenant Selection Committee to serve under the terms of the Winery Tenancy Policy, approved by the Commission on June 28, 2016; and further authorizes the Chief Executive Officer to take all action to implement this Resolution.

The following individuals shall comprise the membership of the Gardens Wine & Artisan Village Tenant Selection Committee:

- Amber Hanchette, Port of Kennewick, Director of Real Estate & Operations
- Terry Walsh, City of Kennewick, Executive Director Employee & Community Relations
- Ken Robertson, Port of Kennewick Winery Consultant

ADOPTED by the Board of Commissioners of the Port of Kennewick this 26th day of July, 2016.

**PORT OF KENNEWICK
BOARD OF COMMISSIONERS**

By: _____
SKIP NOVAKOVICH, President

By: _____
THOMAS MOAK, Vice President

By: _____
DON BARNES, Secretary