

13. A RESOLUTION APPROVING AND ADOPTING THE OFFICIAL WATER PLAN.

STAFF REPORT

QUESTIONS FROM COUNCIL ON STAFF REPORT

READING OF RESOLUTION NO. R-60-08

A RESOLUTION APPROVING AND ADOPTING THE WATER SYSTEM PLAN UPDATE,  
MAY 2008, AS THE OFFICIAL WATER PLAN FOR THE CITY OF PULLMAN.

DISCUSSION

ACTION TAKEN

NOTES:

## REQUEST FOR COUNCIL ACTION

For Meeting of: 06/24/08

### ACTION REQUESTED:

Adopt the Water System Plan Update, May 2008.

### BACKGROUND:

As required by state law, the City's Water System Plan has been updated in conformance with Department of Health guidelines, which now include an aggressive conservation element. In addition to these required guidelines, the scope of this plan update was expanded to analyze projected water use for the 20 and 50 year period and the adequacy of the city's existing water rights to meet the projected demand. This analysis predicts a likely water rights deficiency beginning in 2042. In addition to procuring additional water rights as an option to address this, other potential measures identified include conservation, effluent reuse, and aquifer storage and recovery (ASR). The Water System Plan scope was also extended, with financial assistance from the Department of Ecology, to include an intake siting evaluation for ASR as well as preparation of a development plan with a preliminary assessment of key issues surrounding ASR. Further pursuit of the ASR option will be recommended in the near future.

The Water System Plan is extensive and too large to include in the Council packet, but it is available in the Public Works office for review if desired. However, a copy of the Executive Summary is attached for reference as well as the Table of Contents. Our consultant for this project, Ben Floyd from the firm of HDR out of their Pasco office, will present a short discussion of the Water System Plan and will help answer questions. Following that, it is requested that the Water System Plan be formally adopted by Council.

### RECOMMENDATION:

Adopt the attached resolution approving and adopting the Water System Plan Update, May 2008, as the official water plan for the City of Pullman

### FISCAL IMPACT:

BARS Code Number

### SUBMITTED BY:

Name Mark Workman  
Title Public Works Director  
Dept. Public Works

### ATTACHMENTS FOR COUNCIL REVIEW/ACTION:

1. Executive Summary
2. Table of Contents
3. Resolution No. R-60-08

### REVIEWED BY:

	Initial	Date
Department Head	<u>mw</u>	<u>6/16/08</u>
City Supervisor	<u>gft</u>	<u>6/20/08</u>
City Attorney	<u>cmj</u>	<u>6-16-08</u>

(As to Form)

## **Executive Summary**

### **Introduction**

The City of Pullman's (City's) 2008 Water System Plan Update (WSP) has been prepared to revise and refine the City's previous WSP, prepared in 2001. This WSP provides a long-term planning strategy for the City's water utility over 6, 20, and 50-year planning periods. In coordination with Washington State Department of Health (DOH) guidelines, the following is a list of the objectives for this project.

- Review and reassess planning criteria to consider impacts of recent changes in growth patterns and land use policies.
- Review the existing capabilities and limitations of the system and establish a schedule of system improvements recommended to meet the needs of existing and future customers in a cost-effective manner.
- Incorporate water utility policies and minimum design standards for the water system.
- Examine the City's operations program and update, as necessary, to enable the City to improve routine operations and respond to emergency conditions.
- Examine water quality issues associated with the water system and develop measures to provide source water protection.
- Update existing information including a review of previous studies regarding water resources, water quality, supply alternatives, and prioritization of improvement projects.

This WSP will be used by the City to manage utility operations and made system improvements to meet future growth demands. This approach benefits current and future residents of the City by enhancing quality of life through improved water quality, planned growth, scheduled improvements, and equitable distribution of the costs needed for the system.

### **Overview**

The City provides water service to an estimated population of 21,535 (2007). The water system consists of five active wells, nine storage reservoirs, nine booster stations, and approximately 82 miles of distribution lines. The five active wells have a capacity of 5,960 gallons per minute (gpm). Total active storage of the system is 6.3 million gallons (MG). The City also shares four interties with Washington State University, which maintains its own water system, for emergency situations.

### **Demand Projections**

Past water production data and metered water use data along with population projections were used to project future system requirements. The average day demand for 2007 is estimated at 2.65 million gallons per day (MGD) and maximum day demand (MDD) is estimated at 5.98 MGD. The 2057 average and maximum day demand forecasts are 4.80 and 10.85 MGD, respectively. With conservation, the 2057 average and maximum day demand forecasts are 4.74 and 10.69 MGD, respectively.

### **Existing System Evaluation**

The overall quality of service, regulatory compliance, and operational care provided by the City's water system is excellent. However, there are improvements necessary to address specific issues in several areas.

The City's water system was analyzed by a hydraulic model in order to identify deficiencies relative to current and future conditions. Modeling indicated that slight deficiencies in fire flow was evident at various locations within the distribution system, due to aging infrastructure, small pipe diameters in older residential areas, and long dead end lines.

There is currently adequate source in the system to meet the projected demand through approximately 2013. Following that date demand begins to exceed the existing capacity and will be approximately 1.4 MGD (1,298 gpm with 18-hour pumping cycle) deficient under 2027 demands.

Water rights were evaluated for a 50-year planning period to identify when the projected demand exceeds the existing water rights. Based on the projected demands, the annual demand exceeds the existing water right in approximately 2042 at current per capita demand. Available water rights can serve 14,281 ERUs based on annual quantities and 17,192 ERUs based on instantaneous flows.

## Conservation Program

The City's conservation program, which has been updated to meet DOH Water Efficiency Rule regulations, is included in Chapter 5 of this WSP. The conservation measures Pullman is implementing or has proposed to implement are consistent with DOH's required and recommended measures. Pullman's conservation program for the 2008 to 2013 planning period will consist of:

- A conservation goal
- Conservation Pricing
- Bills Showing Consumptive History
- Landscape Management Practices on City Property
- Education
- Free Toilet Leak Detection Dye Tablets
- Free Bathroom Faucet Aerators
- Free Showerheads
- Toilet Rebates

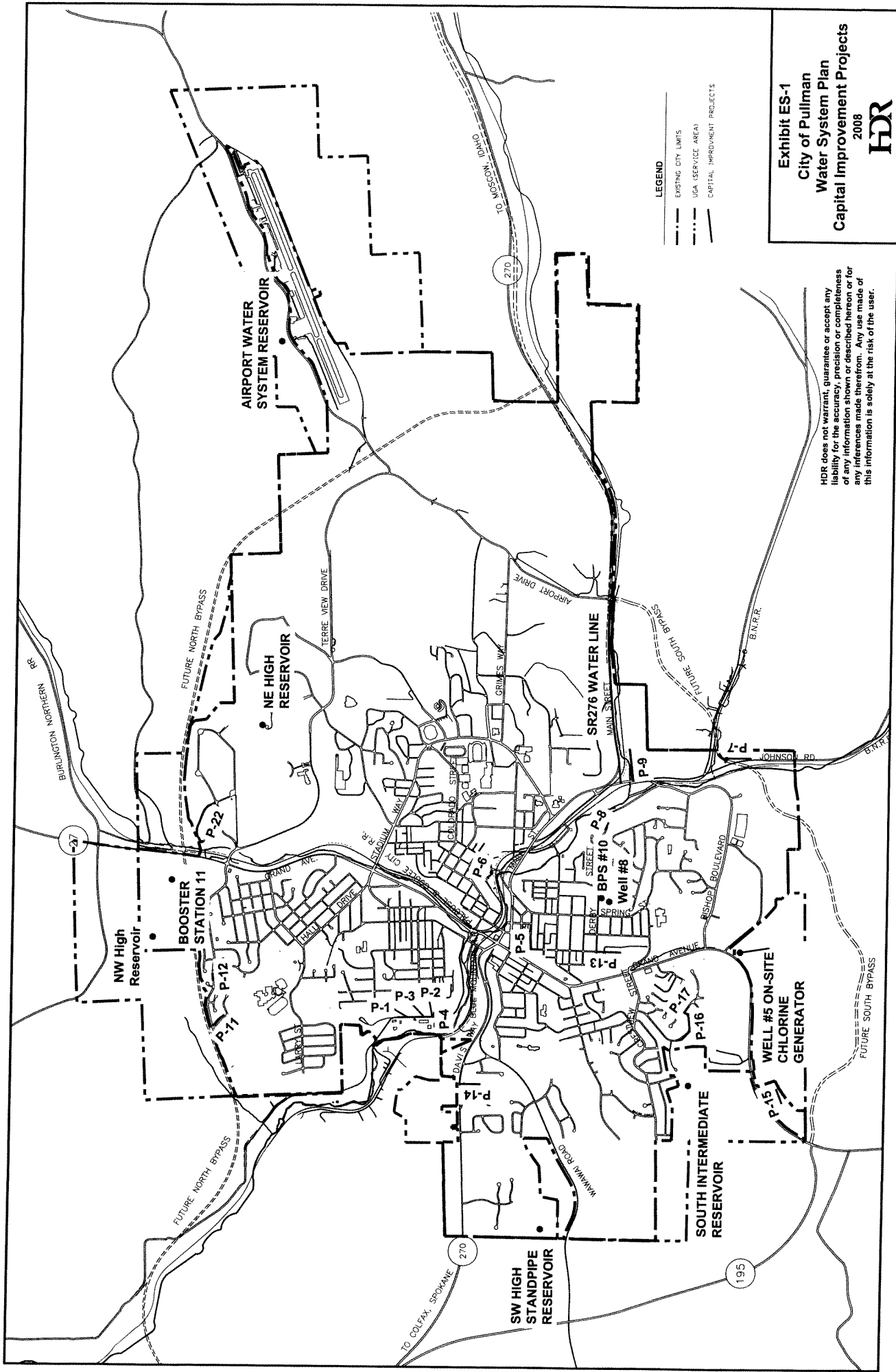
The City anticipates conservation savings of 1.4% of demand by 2013 from implementation of the conservation program described above. It is assumed that Pullman will continue to implement a conservation program past 2013 and a savings of 1.4% of demand will be achieved in 2057.

## Capital Improvement Program

The following is a list of capital and operating source, storage, and distribution system improvements (projects are shown in Exhibit ES-1).

### Source Improvements

- 6-year Capital Improvement Plan (CIP)
  - Complete installation of Well No. 8.
  - Add new booster pumping from Low Pressure Zone into South-Intermediate zone in the amount of 0.55 mgd (firm pumping capacity of 600 gpm operating 18 hours per day) to be in place by 2015 (Booster Pump Station 10). Provide additional capacity to replace the capacity of the Derby BPS (550 gpm). This will result in a total combined capacity of 1150 gpm. This pumping capacity will be further enhanced by Well 8 installation.



HDR does not warrant, guarantee or accept any liability for the accuracy, precision or completeness of any information shown or described herein or for any inferences made therefrom. Any use made of this information is solely at the risk of the user.



- Install new booster pumping to serve the Future Airport Zone as development is planned and built. Projected capacity is 0.24 mgd (firm pumping capacity of 225 gpm operating 18 hours per day).
- Install new booster pumping to serve the Future SR 270 Zone as development is planned and built. Projected capacity is 0.11 mgd (firm pumping capacity of 100 gpm operating 18 hours per day).
- Year 7 to 20 CIP
  - Add new booster pumping from North-Intermediate pressure Zone into Northwest high zone in the amount of 0.04 mgd to be in place by 2015.

### **Storage Improvements**

- 6-year CIP
  - Install new storage in the Southwest High pressure zone containing a minimum of 280,000 gallons between elevation 2,723 feet and 2,756 feet.
  - Install new storage in the South-Intermediate pressure zone containing a minimum of 1.1 mg between elevation 2,616 feet and 2,660 feet.
- Year 7 to 20 CIP
  - Install new 450,000 gallons of storage to serve the Future Airport Zone as development is planned and built. Location and elevation of reservoir to be determined as development is planned.
  - Install new 440,000 gallons of storage to serve the Future SR 270 Zone as development is planned and built. Location and elevation of reservoir to be determined as development is planned.
  - Install new storage in the Northeast High pressure zone containing a minimum of 210,000 gallons between elevation 2,725 feet and 2,756 feet.

### **Distribution System Improvements**

Hydraulic modeling of the distribution system identified several locations where the required level of fire flow could not be delivered while maintaining a minimum of 20 psi within the pressure zone under current demand conditions. Specific pipeline upgrades have been recommended in Chapter 11.

## **Water Quality**

The City of Pullman has historically provided high quality water to its residents and is currently in compliance with all water quality monitoring requirements. The City often monitors more comprehensively than required by current state and federal requirements in order to ensure Pullman residents receive the highest quality water.

## **Design Standards and Construction Specifications**

Key standards, specifications, and detailed drawings governing the design, construction, expansion and extension of new infrastructure for the water system are provided in this WSP. Design standards are presented within the body of the WSP and in Appendix G. Construction specifications and detailed drawings are also included in Appendix G.

Any and all new infrastructure construction for, and connected to, the City's water system must receive prior approval by the City's Public Works Department. Furthermore, all new infrastructure and related extensions must meet or exceed the requirements of DOH, as well as the City's standards and policies.

---

## Financial Information

The City's rate structure for metered customers consists of a minimum charge either by meter size or by the number of dwelling units. The financial plan results presented in this plan indicates that water rates for the 6-year planning period will need to be adjusted to provide adequate funding of O&M, capital, and debt service coverage requirements. The total adjustment required to rates of the 6-year planning period is projected to be 33.2%.

# Table of Contents

## ES Executive Summary

Introduction .....	ES-1
Overview .....	ES-1
Demand Projections .....	ES-1
Existing System Evaluation .....	ES-1
Conservation Program .....	ES-2
Capital Improvement Program .....	ES-2
Water Quality .....	ES-4
Design Standards and Construction Specifications .....	ES-4
Financial Information .....	ES-5

## List of Acronyms and Abbreviations

### 1 Introduction

1.1 Water System Requirement and Plan Development .....	1-1
1.2 New Requirements .....	1-1
1.2.1 Municipal Water Law .....	1-1
1.2.2 New Requirements of the Water Use Efficiency Rule .....	1-2
1.3 Plan Overview .....	1-2

### 2 Water System Description

2.1 Background and Description of Service Area .....	2-1
2.1.1 Water System Ownership and Management .....	2-1
2.1.2 Background .....	2-1
2.1.3 Physical Characteristics .....	2-5
2.1.4 Inventory of Existing Facilities .....	2-5
2.2 Source of Supply .....	2-6
2.2.1 Wells .....	2-6
2.2.2 Interties .....	2-6
2.3 Water Treatment Facilities .....	2-6
2.3.1 Chlorination .....	2-6
2.3.2 Fluoridation .....	2-6
2.4 Storage .....	2-12
2.5 Booster Stations .....	2-12
2.6 Distribution System .....	2-15
2.7 Pressure Reducing Valves .....	2-15
2.8 Telemetry .....	2-16

### 3 Service Area Policies, Plans, and Agreements

3.1 Service Policies .....	3-1
3.2 Interties .....	3-2
3.3 Growth Management Act Considerations .....	3-3
3.4 Land Use .....	3-4
3.4.1 Existing Land Use .....	3-4
3.4.2 Future Land Use .....	3-7



3.5	Retail Service Area .....	3-9
3.5.1	Existing Retail Service Area .....	3-9
3.5.2	Future Retail Service Area .....	3-9
3.6	Watershed Consistency .....	3-9
3.6.1	Relevant Basin-Wide Objectives .....	3-15
3.6.2	Relevant South Fork Management Area Objectives and Actions .....	3-15
<b>4</b>	<b>Planning Data and Demand</b>	
4.1	Introduction .....	4-1
4.2	Demographics – Historical and Projected .....	4-1
4.3	Water Use Characteristics .....	4-4
4.3.1	Production and Peaking Factor .....	4-4
4.3.2	Customer Categories, Connections, and Sales .....	4-6
4.3.3	Water Balance, Non-Revenue, and Leakage .....	4-12
4.3.4	Water Use Factors and ERUs .....	4-13
4.4	Demand Forecast .....	4-14
4.4.1	Demand Forecast Results .....	4-14
4.4.2	Demand Forecast Methodology .....	4-20
<b>5</b>	<b>Conservation Program</b>	
5.1	Conservation Requirements and Compliance Summary .....	5-1
5.2	Existing Conservation Program .....	5-4
5.2.1	Measures .....	5-4
5.2.2	Estimated Savings .....	5-9
5.3	Conservation Program for 2008-2013 .....	5-9
5.3.1	Goals .....	5-9
5.3.2	Measures .....	5-9
5.3.3	Estimated Savings and Budget .....	5-11
5.3.4	Impact on Demand Forecast .....	5-12
<b>6</b>	<b>Water Rights and Future Supply Options</b>	
6.1	Water Rights Evaluation .....	6-1
6.1.1	Existing Water Rights .....	6-1
6.1.2	Comparison of Water Rights to Demand Forecast .....	6-1
6.2	Interties .....	6-7
6.3	Future Supply Options .....	6-7
6.3.1	Conservation Program .....	6-7
6.3.2	Aquifer Storage and Recovery .....	6-8
6.3.3	Water Reclamation .....	6-11
6.3.4	Additional Water Right .....	6-13
<b>7</b>	<b>System Analysis</b>	
7.1	Hydraulic Analysis .....	7-1
7.1.1	Methodology .....	7-1
7.1.2	System Components .....	7-1
7.1.3	Current and Future System Demands .....	7-1
7.1.4	Calibration .....	7-4
7.1.5	Modeling Scenarios .....	7-4

7.2	Fire Flow Analysis.....	7-6
7.3	Source Analysis .....	7-8
7.3.1	Full System .....	7-8
7.3.2	Future – SR 270 Pressure Zone.....	7-10
7.3.3	Southwest High Pressure Zone.....	7-11
7.3.4	Southwest High and South Intermediate Pressure Zones .....	7-12
7.3.5	Future – Airport Pressure Zone .....	7-13
7.3.6	Northwest High Pressure Zone .....	7-14
7.3.7	Northeast High Pressure Zone .....	7-15
7.3.8	Airport, Northwest High, Northeast High, and North Intermediate Pressure Zones.....	7-16
7.3.9	Low Zone (Assuming No Connection to Higher Pressure Zones .....	7-16
7.3.10	Proposed Mitigation Schedule.....	7-17
7.4	Storage Analysis.....	7-19
7.4.1	Full System .....	7-20
7.4.2	Future – SR 270 Pressure Zone.....	7-24
7.4.3	Southwest High Pressure Zone.....	7-26
7.4.4	Southwest High and South Intermediate Pressure Zones .....	7-28
7.4.5	Future – Airport Pressure Zone .....	7-30
7.4.6	Northwest High Pressure Zone .....	7-32
7.4.7	Northeast High Pressure Zone .....	7-34
7.4.8	Airport, Northwest High, Northeast High, and North Intermediate Pressure Zones .....	7-35
7.4.9	Low Zone Storage.....	7-38
7.4.10	Proposed Mitigation Schedule.....	7-39
7.5	Water Rights Analysis.....	7-42
7.6	Summary of System Capacity.....	7-42

## 8 Water Quality Review and Regulatory Compliance

8.1	Safe Drinking Water Act & Washington Administrative Code .....	8-1
8.2	System Overview.....	8-1
8.3	Summary of Effective Source Water Quality Regulations.....	8-2
8.3.1	Phase I, II, and V Regulations .....	8-2
8.3.2	Radionuclides.....	8-4
8.3.3	Secondary Drinking Water Standards .....	8-5
8.3.4	Source Water Protection .....	8-6
8.3.5	Total Coliform.....	8-7
8.3.6	Lead and Copper .....	8-8
8.3.7	Consumer Confidence Report (CCR) & Public Notification Rule (PNR).....	8-9
8.3.8	Long-Term Enhanced Drinking Water .....	8-10
8.3.9	Stage 2 D/DBP Rule.....	8-10
8.3.10	Groundwater Rule .....	8-11
8.4	Proposed and Anticipated Regulations .....	8-11
8.4.1	Proposed Aldicarb.....	8-12
8.4.2	Proposed Radon .....	8-12
8.4.3	Proposed Groundwater Rule .....	8-12
8.4.4	Anticipated Total Coliform Rule .....	8-11
8.4.5	Proposed Unregulated Contaminants.....	8-12
8.4.6	Anticipated Lead & Copper.....	8-14
8.5	Laboratory Certification.....	8-15

8.6	Summary of Regulatory Status by Source .....	8-15
8.7	Summary of Monitoring Requirements and Plans .....	8-16
<b>9</b>	<b>Operations and Maintenance</b>	
9.1	Regulatory Overview .....	9-1
9.2	Elements of an Operation and Maintenance Plan .....	9-1
9.3	Purpose and Scope .....	9-1
<b>10</b>	<b>Design Standards and Construction Specifications</b>	
10.1	Design Standards .....	10-1
	10.1.1 Supply .....	10-1
	10.1.2 Storage .....	10-1
	10.1.3 Distribution System .....	10-3
10.2	Construction Specifications .....	10-5
<b>11</b>	<b>Water System Improvements</b>	
11.1	Capital Improvements .....	11-1
	11.1.1 Capital Improvement Projects .....	11-1
	11.1.2 Operational and Management Improvements .....	11-6
11.2	Cost Development .....	11-6
11.3	Improvement Schedule .....	11-6
<b>12</b>	<b>Financial Plan</b>	
12.1	Introduction .....	12-1
12.2	Past Financial History .....	12-1
12.3	Development of the Financial Plan .....	12-2
	12.3.1 Internal Source of Funds .....	12-5
	12.3.2 External Source of Funds .....	12-5
12.4	Summary of the Financial Projections .....	12-7
12.5	Rate Impacts .....	12-8
12.6	Review of the City's Water Rates .....	12-8

## References

## Appendices

- A Water Facilities Inventory (WFI) Form and Annual Report
- B City of Pullman and Washington State University Water System Intertie Agreement
- C Water Rights
  - C1 Water Rights
  - C2 Reports of Examination
- D Wellhead Protection
  - D1 Potential Contaminant Sources Summary Report, 2007
  - D2 Wellhead Protection Plan Regulatory Agency Contact Information
  - D3 Potential Contaminant Sites "Windshield Survey" Results, 2007
  - D4 S03 Sources with High Susceptibility Rating
  - D5 S04 Sources with High Susceptibility Rating
  - D6 S05 Sources with High Susceptibility Rating
  - D7 S06 Sources with High Susceptibility Rating
  - D8 S08 (Well No. 7) Sources with High Susceptibility Rating
  - D9 Source Susceptibility Rating by Time of Travel
  - D10 S08 (Well No. 7) Susceptibility Assessment Report with Calculated Fixed Radius WPA
  - D11 Wellhead Protections Delineations Exhibit
  - D12 Letter of Notification to Businesses and Distribution List
- E Coliform Monitoring Plan and Map
- F Operation and Maintenance Plan (includes the following appendices)
  - A Operator Certifications
  - B Pump Curves
  - C Leak Detection Reports
  - D Emergency Water Operations Plan
  - E Emergency On Call Time
  - F MSDS Sheets
  - G Cross Connection Control Program and Ordinance
- G Design Standards and Construction Specifications
  - G1 2001 Design Standards
  - G2 2006 Standard Construction Specifications
- H Financial Plan
  - H1 Financial Plan
  - H2 Rate Structure
- I Nesting-Storage Letter
- J SEPA Checklist
- K Consistency Statement/Letter of Concurrence
- L Hydraulic Modeling
- M Source of Supply Memos
- N Response to DOH Comments

RESOLUTION NO. R- 60 -08

A RESOLUTION APPROVING AND ADOPTING THE WATER SYSTEM PLAN UPDATE, MAY 2008, AS THE OFFICIAL WATER PLAN FOR THE CITY OF PULLMAN.

WHEREAS, the city of Pullman is periodically required by state law to update its Water Plan; and,

WHEREAS, the Water System Plan Update, May 2008, has been prepared to satisfy this requirement; and,

WHEREAS, a majority of the entire City Council has determined that it is in the public interest to approve this Water Plan Update as the official Water Plan for the city of Pullman; now, therefore,

IT IS HEREBY RESOLVED by the City Council of the city of Pullman that the Water System Plan Update, May 2008, is hereby approved and adopted as the official Water Plan for the city of Pullman.

ADOPTED by the City Council of the city of Pullman at a regular meeting held on the \_\_\_\_ day of \_\_\_\_\_, 2008.

DATED this \_\_\_\_\_ day of \_\_\_\_\_, 2008.

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
Finance Director

Approved as to Form:

\_\_\_\_\_  
City Attorney

14. UNIVERSITY DISTRICT PROPOSAL

---

---

STAFF REPORT \_\_\_\_\_

---

QUESTIONS FROM COUNCIL ON STAFF REPORT \_\_\_\_\_

---

---

---

---

DISCUSSION \_\_\_\_\_

---

---

---

---

ACTION TAKEN \_\_\_\_\_

NOTES:



# CITY OF PULLMAN

## Administration/Finance

325 S.E. Paradise Street, Pullman, WA 99163

(509) 338-3208 Fax (509) 334-2751

[admin@pullman-wa.gov](mailto:admin@pullman-wa.gov)

### MEMORANDUM

TO: Mayor and City Council

FROM: John Sherman, City Supervisor

RE: Discussion of University District Proposal

DATE: June 16, 2008

At the last City Council meeting on June 3, 2008, a discussion was held on the WSU University District proposal. WSU President Elson S. Floyd made a PowerPoint presentation to the City Council regarding the University District concept. A draft proposal of the College Hill University District dated May 27, 2008, was also included within the City Council agenda packet for the meeting. The narrative portion of the WSU University District proposal is attached.

The staff recommendation at the June 3 City Council meeting was to listen to the presentation by President Floyd and to defer staff comments until a future meeting. We felt it was only appropriate to allow President Floyd to present the University District concept before we provided a staff response. We also feel it is important to make major decisions regarding students when WSU is in session. At this point we are simply requesting that you provide us with a conceptual authorization to move forward with the overall University District concept subject to legal, labor, and other considerations. Decisions at City Council meetings relating to specific recommendations within the WSU University District proposal will be deferred until after the WSU Fall Semester starts on August 25.

Many of the concepts contained within the WSU University District proposal have previously been discussed in great depth in previous City Council meetings. For example, the concept of implementing a residential parking permit system has been discussed on numerous occasions. The current parking permit system has been in effect since 1996. It provides for the initiation of a parking permit proposal by property owners.

At the City Council meeting on September 19, 2006, Thomas Brennan of Nelson/Nygaard Consulting Associates, presented the recommendations of the College Hill Parking Study. One of the recommendations of the study was that the petition requirement be dropped and that the City Council initiate a parking permit program when certain threshold parking standards were met.

On April 3, 2007, Bill Grimes of Studio Cascade presented the recommendations of the College Hill Neighborhood Study. His report stated, "The City may wish to consider expanding the residential street parking program into all areas of College Hill without requiring neighborhood initiation of the program." As a result of the recommendations by Nelson/Nygaard and Studio Cascade, a College Hill On-Street Residential Parking Permit Proposal was formulated and presented at a joint meeting of ASWSU and the City Council on October 9, 2007.

At the City Council meeting on January 22, 2008, we held an in-depth discussion of the College Hill residential parking permit proposal. At the meeting we reported that President Floyd had requested a delay in the implementation of the program. My memorandum for the City Council meeting stated:

On January 7, 2008, Mayor Glenn A. Johnson and I met with WSU President Elson S. Floyd and Greg Royer, Vice President Business & Finance. One of the topics we discussed was the proposed residential parking permit program. President Floyd suggested that we continue to address residential parking as a "long-range" issue. He was supportive of the concept of the creation of an off-campus housing office and even suggested the exploration of the concept of creating a "university district" adjacent to campus.

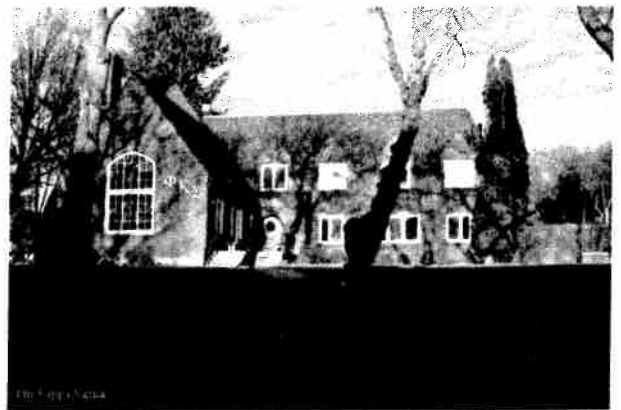
Now that a specific University District proposal has been formulated and presented by President Floyd, we feel it is appropriate to gain City Council conceptual approval to move forward with the overall University District concept subject to legal, labor, and other considerations.

Do you concur with this recommendation?



*DRAFT May 27, 2008*

**College Hill  
University District  
for  
Pullman, Washington**



## Table of Contents

<b>Executive Summary</b>	<b>Page</b>
Purpose and Intent	2
University District Area	2
Benefits of a WSU University District	2
Background	2
Recommendations	3
 <b>University District Proposal Details</b>	
<b>Planning and Coordination</b>	<b>4</b>
1. Neighborhood Organization/Outreach	4
2. Site and Exterior Lighting Improvements	4
3. Planning Studies and Geographic Information System Services	4
4. Development and Adoption of University District Design Guidelines	5
 <b>Implementation and Operations</b>	
1. "WSU Certified" Off-Campus Housing	6
2. College Hill On-Street Residential Permit Parking Program	6
3. WSU Police Services in the U District	9
 <b>Maps</b>	

## **Executive Summary**

### **College Hill University District for Pullman, Washington**

*DRAFT 5/27/2008*

#### **Purpose and Intent**

The Washington State University District (UDistrict) purpose is to assure safe housing and services for students, faculty and staff, while protecting the larger community, nearby neighborhoods, and the environment from negative impacts accompanying increasing density. The UDistrict has potential to enable WSU to help provide stability in the Greek community so that the Greek system can become a safe, healthy and vibrant form of student housing.

Development in the UDistrict shall be designed for a balanced mix of university-related and private uses linked by pedestrian oriented services and shall encourage reduced auto use, mitigate environmental impacts, conserve energy resources and achieve visual continuity in the siting, scale and restoration of buildings.

#### **University District Area (See Map A)**

The College Hill area affected directly by the UDistrict proposal is located south of Stadium Way, east of Grand Avenue and North of Reaney Way. The University District has a core area within this zone that is shown with an orange boundary as illustrated on the attached UDistrict Map A. The Historic District is also illustrated (in grey) to show the importance of adjacent neighborhoods and properties. The core UDistrict includes most of the Greek houses, some apartments, and a neighborhood business district on Colorado Street.

#### **Benefits of a WSU University District**

Many universities across the U.S. are establishing UDistricts for the purpose of assisting communities in the redevelopment and revitalization of neighborhoods. WSU proposes a similar strategy that will enable them to provide additional services to students and to create safe and healthy environments for the community. Because College Hill and the proposed UDistrict is perceived to be university owned property, WSU is interested in creating a positive image at those gateways to the university. Some of the community benefits that WSU anticipates will be realized include:

- Healthy, safe and vibrant Greek housing system
- Cleaner neighborhoods
- Better traffic control
- Controlled on-street parking
- Code enforcement
- Improved street lighting
- Students with service orientation
- Better prepared student citizens
- Quality housing
- Design standards for landscaping and environmental improvements.

#### **Background**

Since 1999, WSU Office of Business and Finance along with Capital Planning and Development (CPD) have worked with the City of Pullman, the College Hill Neighborhood, students and landlords to find solutions to common concerns for living conditions and behavior on College Hill. In 2002, WSU published the "College Hill Real Estate Business Plan and Investment Policy" to explain their policy and approach to investing in College Hill properties.

About that same time, the College Hill Association (CHA) and CPD organized a series of six community workshops and a door-to-door survey to begin the process of gathering ideas about how to make College Hill a safe and healthy neighborhood. In 2005 CHA issued "A Better Tomorrow for Pullman: A Master Plan for College Hill," which stated the vision, values, and goals for College Hill. It also summarized what was discussed in the workshops.

A product of this initial planning effort was the formation of "Better Neighborhoods for Pullman (BNP)," which is a group of decision-makers and community representatives who meet bi-monthly to discuss neighborhood issues and possible solutions. BNP provides a forum to openly evaluate issues and to seek common ground for a collaborative approach to improve Pullman neighborhoods. If good neighborhood stewardship can be achieved on College Hill, it becomes possible for all Pullman neighborhoods.

An important study that was commissioned by City of Pullman and WSU is the 2006 "College Hill On-Street Parking Study" by transportation consultants, Nelson/Nygaard. This study established that College Hill has a 74% parking occupancy. This is a reasonable density for on-street parking to enact a zone residential permit program.

In 2007, the City of Pullman and WSU commissioned a planning firm, Studio Cascade, to "describe the problems that have arisen on College Hill, the approaches various actors have taken to resolve those problems, and possible new strategies the community may wish to employ in the near future (Studio Cascade, College Hill Neighborhood Study, March 2007)." After looking at demographics, land use planning and issues on The Hill, recommendations were made for actions that could be taken to respond to identified priorities.

Also, in 2007 President Elson Floyd became WSU's 10<sup>th</sup> president. He quickly became concerned with issues on College Hill, the safety of WSU students, the living conditions on College Hill, and proposed developing a University District (UDistrict) that would enable WSU to provide resources to help resolve issues identified in the previous two studies.

## **Recommendations**

A UDistrict could enable WSU to provide financial and staff resources to help revitalize and control the predominantly Greek area of College Hill. As identified in the "College Hill Neighborhood Study (March 2007), a series of actions have been described, which if pursued by all involved groups (e.g. City, WSU, CHA, WSU Students, WSU Greek Community, landlords and property managers, and developers) could improve College Hill. WSU could begin to address issues associated with the Greek Community if an interlocal agreement for a UDistrict is established.

Many recommended actions will require collaboration between various groups. The actions proposed specifically for the UDistrict include:

- **Facilitating Capital Planning and Urban Design** – planning studies and GIS mapping, participating in community development planning, developing UDistrict design guidelines, collaborating on WSU certified off-campus housing program.
- **A Residential Permit Parking Program** – WSU Parking Services providing parking enforcement in the UDistrict.
- **Increased WSU Police Services** – WSU Police Services providing policing enforcement within the UDistrict.
- **Collaboration with City Officials** – most importantly, all programs mentioned above will work closely with the City of Pullman to help create a safer and more vibrant neighborhood.

## **University District Proposal Details**

There are two distinctions to be made when establishing a university district plan. The first is the “**planning and coordination**” component. The second is the “**implementation and operations**” component.

### **Planning and Coordination**

#### **1. Neighborhood Organization/Outreach: 1.25 FTE**

Continue WSU CPD community development activity. Participate as active members of the College Hill Association Board to facilitate implementation and awareness of physical and policy improvements. Demonstrated results since 2000 include:

- A Master Plan for College Hill: “College Hill: A Better Tomorrow for Pullman”
- 2007 College Hill Neighborhood Study by Studio Cascade
- Six community-wide physical planning workshops
- Funds raised and installation of multiple trash receptacles in public areas of College Hill
- Organized Move-out & Pitch-In Recycling Program in the College Hill Neighborhood in 2007 and 2008; Organized WSU Students to Adopt-A-Block programs.
- Coordinated with the College Hill Neighborhood Association to implement Neighborhood Clean-Up Days for WSU students
- “Better Neighborhoods for Pullman” forum with City of Pullman administrative leaders, citizens, and WSU staff.
- City Ordinances addressing College Hill include: a Nuisance Ordinance, Open Container Ordinance, Fighting Ordinance.

#### **2. Site and Exterior Lighting Improvements within Public Right of Way:**

##### **One-time \$50,000**

CPD has expertise in developing public exterior lighting projects in Pullman including Stadium Way, Colorado Street, the College of Education Precinct, Library Road, and soon for Terrell Mall and Wilson Road. This is being accomplished through design/engineering collaboration with professional lighting engineering firms, the serving Public Utility, and CPD staff. *See Map B.*

#### **3. Planning Studies and Geographic Information System Services: 0.5 FTE**

Since 2000 CPD has provided geographic data and mapping analyses of city address, land use, zoning, transportation, public right of way improvements, urban design, landscape and site planning, Historic District planning, parking planning, and other graphic documentation services which have enhanced WSU and City of Pullman improvements in College Hill.

#### 4. Development and Adoption of University District Design Guidelines:

##### One-time \$250,000

University District Design Guidelines would provide information and guidance to property owners regarding the physical appearance of existing and future development within University District. This will involve the development of a design guidelines document created through an open public process.



Students pick up trash in the neighborhood and sort recyclables after a weekend of parties.



The architectural character on College is part of the history of Pullman and WSU.



Couches on lawns and other nuisance/trash violations will be enforced.



Citizenship can become a cultural norm.

## **Implementation and Operations**

### **1. "WSU Certified" Off-Campus Housing:**

#### **1.25 FTE Inspector/Coordinator**

WSU is committed to the security and well being of its students. Voluntary residential "WSU Certification" would provide information and guidance to residential property owners about what they need to achieve and maintain in order to become approved and certified WSU off-campus rental housing. An Off-Campus WSU Certified Housing program would help parents and students make more informed decisions when selecting rental housing. Activities could include the following among others:

- Regular house inspections based the Voluntary Residential "WSU Certification" Guidelines to maintain certification.
- New house inspections to participate in the Voluntary Residential "WSU Certification" program.
- Staff would write inspection reports, establish a web site that advertised WSU Certified Housing; work with landlords and rental agencies to encourage them to become Certified Housing participants.
- Provide monitoring and enforcement as it pertains to the City of Pullman Nuisance Ordinance
- Coordinate clean-up trash programs with Pullman Disposal
- Develop an Off-Campus WSU Certified Housing Web Site.
- Marketing of WSU Certified Housing

### **2. College Hill On-Street Residential Permit Parking Program**

#### **3 – 4 FTE Parking Enforcement Staff**

**Overall Goal:** In order to improve safety and the quality of life for the residents of College Hill (both WSU students and year-round residents), the City of Pullman and WSU are interested in implementing a uniform on-street residential parking permit program.

#### **Benefits:**

1. Would give priority for on-street parking to residents of College Hill.
2. Would provide more reliable, predictable parking for College Hill residents.
3. Would reduce congestion and traffic on College Hill residential streets.
4. Would provide opportunities to make additional safety improvements, and improve streetscape aesthetics.
5. Would encourage WSU commuters to explore alternative modes, such as transit use, in lieu of short trips in a single occupancy vehicle.

#### **Recommendations**

Residential Permit Parking (RPP) on College Hill cannot be limited solely to the proposed University District. By limiting parking in the U District, the problem is pushed to the College Hill streets outside the U District. To be successful, a RPP must be uniformly implemented by WSU within the U District and by the City of Pullman outside the U District. The problem of commuter parking displacement to other neighborhoods off of College Hill is not expected to be a concern because of the separation of College Hill by major streets, the steepness of streets, and the walking distance to campus outside the College Hill neighborhood.

For a RPP to be successful, the following recommendations should occur:

- College Hill and U-District parking should operate under an interlocal agreement with the City.
- The City should make minor legislative changes allowing for the implementation of a RPP zone without the need for a property owner-initiated petition. This would require amending Pullman City Code (PCC) 12.50.040 that provides for the initiation of a petition by owners of property abutting at least sixty percent of the frontage of each side of the street or streets in the areas proposed for the RPP zone.
- A RPP should be implemented by WSU in the College Hill UDistrict neighborhood and by the City of Pullman in the remaining neighborhoods south of Stadium Way.
- A clear strategy for parking enforcement jurisdiction must be established between the City and the University.

**Operational Concept:**

1. UD parking district should operate under interlocal agreement with the City.
2. Operating under the interlocal agreement would allow for the application of WSU's existing permit, enforcement and adjudication processes and established software and hardware resources and other materials and supplies, assuming the City agree to that structure for the UD. This is a legal issue.
3. Care needs to be taken in establishing UD boundaries so that residents living on the edge of the district are not confused about jurisdiction. For example, boundaries should not split streets down the middle where one side is WSU and the other is City of Pullman.
4. Residential parking in the UD could be a zone-style based on the Nelson/Nygaard study.
5. Parking rates and fines in the UD for residents and commuters would be set so as to cover the initial and ongoing costs of operations, maintenance, and enforcement. Parking rates for existing private commercial parking lots on College Hill may be helpful in determining the local market rate.
6. Parking zone rates could be tiered and designed to distribute demand across the available supply of parking within the UD.
7. The number of permits issued for each zone will be carefully managed and limited.
8. Parking permits for each zone could be allocated on a limited basis to high density living groups. A priority system could be established for this purpose similar to what is currently done with on campus residence parking.
9. High density, high demands parking zones could be priced higher than those of lower density and parking demand.
10. Commuter parking zones could be established in zones where parking surplus exists. A limited number of permits could be available to commuters at a price which will discourage use and encourage the use of alternative modes of transportation.
11. Relatively low-fee, long-term, secure storage parking could be established along the North Fairway Road corridor to take advantage of existing transit services. Additional shuttle service could be made available on a user-fee basis.
12. Comprehensive signing, painting, and striping of spaces will be needed for efficient and effective operation of the UD parking system.
13. A UDistrict Parking website would be developed to provide information to residents and commuters. This could include on-line parking services similar to those offered by WSU Pullman.



### **Parking Services Considerations:**

1. Legal questions:
  - a. Can there be higher parking fines in the UDistrict than in the rest of the City?
  - b. Who will be liable for poorly maintained parking spots that require an increase in accident investigation for slips or falls?
2. Estimated Costs:
  - a. 3-4 FTE at a cost of \$130,000 – \$170,000
  - b. Estimated cost of permits is \$250 - \$350 per year, for \$130,000 - \$180,000 respectively.
  - c. Fine revenue could be \$50,000 - \$100,000 annually if WSU is able to retain fine revenue and apply current due process and collection procedures.
3. Consider the impact of the UDistrict on Transit, other CH neighborhoods, and WSU parking system.
4. Off-Campus Park & Ride lots and student storage lots will need to be established.  
*See Map C*



The City Parking Ordinance against parking on lawns will be strictly enforced.



Parking on streets directly affects the safety of the neighborhood. Fire trucks must be able to pass safely.

### 3. WSU Police Services in the U District

#### Operational Concept

WSU Police assume shared police responsibilities in the University District in the areas of criminal investigations and community oriented policing strategies through an area task force arrangement. The policing emphasis balances traditional patrol strategies with investigative and Community Oriented Policing designed to maximize efficiency and expertise in needed areas. Additional resources will be phased into the University District as follows.

#### PHASE ONE

Creation of a task force partnering three (3) professionally trained WSU police detectives with existing City of Pullman police detectives to strengthen investigative effectiveness and efficiency in the U-district and throughout the WSU/Pullman area. This partnered approach will mitigate resource limitations faced by both departments and will foster the development of investigative expertise in areas of common concern (i.e. serious assaults, sexual assaults, other labor and expertise intensive crimes).

#### PHASE TWO

Creation of a task force partnering three (3) Community Oriented Policing beat officers with existing City of Pullman beat officers to strengthen police and student relationships in student areas. This approach will provide face-to-face policing throughout the U-District, Residence Halls, and other living areas as well as in targeted areas of concern among our student population (i.e. private property managers, athletics, fraternity and sorority organizations, and other student/staff groups).

#### PHASE THREE

Hiring of three (3) additional patrol officers to perform routine and traditional patrol functions and to provide more police presence in targeted areas. The addition of three officers (one per existing shift) will provide patrol flexibility and reduce overtime that has traditionally prohibited increased patrol presence.

#### SUPERVISORY FUNCTION

In addition to the three phases outlined above, one (1) additional supervisory position will be created to direct the specialized functions related to the U-district (detectives and beat officers). The new supervisor will act as the liaison between the WSU professional staff and the specialists working in the U-District.



Apartments and Greek Houses provide the impression that the UDistrict is part of WSU.

15. ITINERANT BUSINESS ORDINANCE

---

---

STAFF REPORT \_\_\_\_\_

---

QUESTIONS FROM COUNCIL ON STAFF REPORT \_\_\_\_\_

---

---

---

---

DISCUSSION \_\_\_\_\_

---

---

---

---

ACTION TAKEN \_\_\_\_\_

NOTES:

**TO:** Mayor Glenn Johnson  
City Council  
City Supervisor John Sherman

**FROM:** Laura D. McAloon

**DATE:** June 19, 2008

**RE:** Discussion of Draft Itinerant Vendor Ordinance

As requested by the City Council, I have prepared a draft of an Ordinance requiring itinerant vendors to register with the Pullman Police Department prior to conducting their business within the Pullman city limits. I have circulated a draft to City staff, including the Police Department and Planning Departments, and have made additional edits based on their comments.

The draft before you requires persons who conduct door to door sales or establish a sales stand on property within the City to register with the Police Department. Exemptions from the registration requirement are granted to non-profits, City-sponsored civic events (i.e. National Lentil Festival), farmers, and public markets. Exemptions are also granted to persons who are invited to a residence or business to display or offer their products, i.e. Mary Kay salespersons or wholesale distributors.

The proposed penalty for failure to obtain a permit is \$100.00. There are provisions for the revocation of a permit by the Chief of Police based on criminal conduct, inappropriate business conduct or acts that would infer a lack of honesty or truthfulness on the part of the vendor.

Some of the specific issues on which I would appreciate guidance are:

- Term of the permit. I have inserted 30 days or 180 days as a place holder. What do you prefer?
- Appeals procedure. Since a Department Head (the Chief of Police) issues the decision on revocation or denial of a permit, I recommend an opportunity for an appeal before a neutral party. The Hearing Examiner is one such entity, although such appeals will cost the City money. I have listed the City Council as an another alternative, although this Council has historically delegated all forms of appeals to other bodies. The Board of Adjustment is qualified to consider appeals and does so in certain land use matters, however, police permitting is not really in their area of expertise. I do believe an appeal is necessary since a permit to do business in the City implicates the vendor's property interests in his/her business. What form of appeal do you prefer?

Please discuss the proposed draft ordinance and provide me with your comments and suggestions on any language changes.

ORDINANCE NO. 08-

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PULLMAN, WHITMAN COUNTY, WASHINGTON, RELATING TO ITINERANT VENDORS, ADDING CHAPTER X.XX, 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 X.XX to the Pullman City Code entitled Itinerant Vendors.

Section 2: There is hereby added a new section X.XX.010 to the Pullman City Code to read as follows:

X.XX.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 X.XX.020 to

the Pullman City Code to read as follows:

X.XX.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 X.XX.030 to the Pullman City Code to read as follows:

X.XX.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 X.XX.040 to the Pullman City Code to read as follows:

X.XX.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. Upon completion, the Police Department shall 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 X.XX.050 to the Pullman City Code to read as follows:

X.XX.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 X.XX.060 to the Pullman City Code to read as follows:

X.XX.060 Permit - Expiration. All permits issued pursuant to this chapter are nontransferable and shall be valid for thirty (30)/ one hundred eighty (180) days.

Section 8: There is hereby added a new section X.XX.070 to

the Pullman City Code to read as follows:

X.XX.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 shall 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 X.XX.080 to the Pullman City Code to read as follows:

X.XX.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 City Hearing Examiner/City Council. Such appeal shall be taken by filing 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 Hearing Examiner 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 Hearing Examiner 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 X.XX.090 to the Pullman City Code to read as follows:

X.XX.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 X.XX.100 to the Pullman City Code to read as follows:

5.15.100 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.

Section 12: There is hereby added a new section X.XX.110 to the Pullman City Code to read as follows:

5.15.110 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 X.XX.030 to the Pullman City Code to read as follows:

5.15.120 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: \_\_\_\_\_

K11722314100001117035\_LDM17035N20CX