

**City Motto:** HIGH Tech, HIGHER Education, HIGHEST Quality of Life

**City Mission Statement:** The mission of the City of Pullman is to provide the highest quality of life through essential infrastructure, public safety, recreation, and welcoming growth within the constraints of fiscally responsible government.

The Pullman City Council welcomes you to tonight's meeting. The Council appreciates and encourages public participation. For regular agenda items, an opportunity for public comment is usually provided after the staff report. However, the formality of procedures varies with the purpose and subject of the agenda item; therefore, the Mayor may exercise discretion in deciding when to allow public comment during the course of the proceedings and limitations will be placed on the time allowed for comments. Citizens wishing to comment on business which is not on the agenda will be provided the opportunity to do so under NEW BUSINESS. If you plan to address the Council, you will find a list of "Tips for Addressing the Council" on the public information table in the City Council Chambers. Thank you for your interest in City government.

A. Roll Call: \_\_\_\_\_ Francis Benjamin                      \_\_\_\_\_ Barney Waldrop  
                                 \_\_\_\_\_ Keith Bloom                      \_\_\_\_\_ Nathan Weller  
                                 \_\_\_\_\_ Jeff Hawbaker                      \_\_\_\_\_ Pat Wright  
                                 \_\_\_\_\_ Bill Paul

B. Announcements

C. Consent Agenda

The items listed under the Consent Agenda are considered to be routine in nature and will be enacted by a single motion of the Council without separate discussion. If separate discussion is desired, that item may be removed from the Consent Agenda and placed on the Regular Agenda by Council action.

**Motions**

1. Dispense with the reading of the minutes of the regular meeting of April 27, 2010, and approve them as submitted.
2. A motion to approve Accounts Payable Checks, Payroll Checks, and Electronic Transfers for May, 2010.

3. A motion to refer a Claim for Damages submitted by Pamela A. Lee for the sum of \$33,907.33 to the Washington Cities Insurance Authority (WCIA).
4. A motion to accept as complete Contract No. 05-13, Digester System Improvements Project.

#### **Resolutions**

5. Resolution No. R-34-10 - A RESOLUTION PREAUTHORIZING THE ACCEPTANCE OF U.S. DEPARTMENT OF TRANSPORTATION FEDERAL AVIATION ADMINISTRATION AIRPORT IMPROVEMENT PROGRAM GRANT MONIES FOR MULTIPLE PULLMAN-MOSCOW REGIONAL AIRPORT PROJECTS.
6. Resolution No. R-35-10 - A RESOLUTION AUTHORIZING THE ACCEPTANCE OF THE FIRST AMENDMENT TO FEDERAL TRANSIT ADMINISTRATION OPERATING ASSISTANCE GRANT AGREEMENT (GCA6146) TO ADD FTA 5311 FUNDS AND STATE RURAL MOBILITY FUNDS.

#### **D. Regular Agenda**

##### **Public Hearing**

- 7a. Conduct first of two public hearings to consider a proposed prezone change from R2 Low Density Multi-Family Residential to R1 Single Family Residential with respect to property located adjacent to Brayton Road.
- 7b. Set a date by motion for the second public hearing on this matter.

#### **Ordinances**

8. Ordinance No. 10-8 - AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PULLMAN, WHITMAN COUNTY, WASHINGTON, RELATING TO TITLE 2 CONSTRUCTION CODE, AMENDING SECTIONS 2.10.090, 2.10.110, 2.10.140, 2.15.010, 2.15.015, 2.15.020, 2.15.035, 2.15.070, 2.20.010, 2.20.050, 2.25.010, 2.25.020, 2.30.010 and 2.35.010 OF THE PULLMAN CITY CODE AND PULLMAN CITY ORDINANCES NOS. 86-11 §§1, 10, 12 AND 15 (1986); 86-12 §§1, 2 AND 7 (1986); 86-13 §1 (1986); 86-14 §§1 AND 2 (1986); 86-15 §1 (1986); 86-16 §1 (1986); 86-34 §1 (1986); 87-15 §1 (1987); 89-4 §1 (1989); 89-14 §§3, 5, 6, 7, 9, 10 AND 11 (1989); 90-24 §1 (1990); 91-24 §1 (1991); 92-22 §§3, 4, 5, 6, 9 AND 10 (1992); 93-3 §1 (1993); 96-2 §§2, 3, 8, 9, 10 AND 11 (1996); 97-14 §1 (1997); 97-16 §2 (1997); 99-2 §§2, 4, 5, 6, 7, 9, 10, 11 AND 12 (1999); 02-41 §§1, 2, 3 AND 4 (2002); AND 05-2 §§3, 5, 6, 8, 10, 13, 14, 16, 17, 20, 23 AND 24 (2005); 08-2 §§3, 4, 6, 7, 10, 11 AND 12 (2008) ADDING SECTION 2.30.015; AND REPEALING SECTION 2.15.030 AND PULLMAN CITY ORDINANCES NOS. 86-12 §3 (1986); 97-16 §1 (1997); 05-2 §7 (2005) AND 08-2 §8 (2008) AND OTHER MATTERS PROPERLY PERTAINING THERETO.

9. Ordinance No. 10-9 - AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PULLMAN, WHITMAN COUNTY, WASHINGTON, RELATING TO ZONING, AMENDING SECTION 17.175.030 OF THE PULLMAN CITY CODE AND PULLMAN CITY ORDINANCES NOS. 87-9 §1 (1987); 03-33 §61 (2003) AND 06-15 §7 (2006) AND OTHER MATTERS PROPERLY RELATED THERETO.

### Resolution

10. Resolution No. R-36-10 - A RESOLUTION APPROVING AND ADOPTING THE GENERAL SEWER PLAN UPDATE, APRIL 2010, FOR THE CITY OF PULLMAN.

### Discussions

11. Downtown Sidewalk Plaques  
12. Code Enforcement Update

#### E. New Business

Members of the public may bring items of new business to the attention of the Council under this agenda item. However, we strongly encourage advising the Mayor or City Supervisor of your intention prior to the meeting to ensure the item is properly an item of new business and, if not, if the matter could be addressed in some other manner.

#### F. Tentative Council Agenda for May 18, 2010

PAC Davis Way Entry  
Year-End Report and First Quarter Financial Report  
Public Hearing - Upper/Wheatland/Lybecker Restricted Residential Parking Area

#### Tentative Planning Commission Agenda for May 26, 2010

Continuation of College Hill Historic District Rezone Hearing  
Vacation of alley near Monroe and Oak Streets

#### Tentative Board of Adjustment Agenda for May 17, 2010

Canceled

THE COUNCIL CHAMBERS ARE ACCESSIBLE TO PERSONS WITH DISABILITIES. PERSONS REQUIRING SPECIAL ACCOMMODATIONS, SHOULD CONTACT THE FINANCE DEPARTMENT BEFORE 5:00 P.M. THE MONDAY PRECEDING THE COUNCIL MEETING. THE FINANCE DEPARTMENT IS LOCATED ON THE FIRST FLOOR OF CITY HALL, 325 SE PARADISE STREET, PULLMAN, WA 99163. TELEPHONE NUMBER 338-3209 or 338-3208, FAX NUMBER 334-2751, ADD NUMBER 7-1-1.

MINUTES OF THE CITY COUNCIL  
OF THE CITY OF PULLMAN  
APRIL 27, 2010

**Roll Call**

A regular meeting of the City Council of the City of Pullman was held on April 27, 2010, at 7:30 p.m. in Council Chambers, City Hall, Pullman, Washington with the following present:

Glenn A. Johnson	Mayor
William F. Mulholland	Finance Director
Francis Benjamin	Councilmember
Keith Bloom	Councilmember
Jeff Hawbaker	Councilmember
Bill Paul	Councilmember
Barney Waldrop	Councilmember
Nathan Weller	Councilmember
Pat Wright	Councilmember

**Call to Order**

Mayor Johnson called the regular meeting to order at 7:30 p.m.

**Announcements**

Mayor Johnson made three announcements.

**Confirmation of  
Appointments**

Lodging Tax Advisory  
Committee and  
Library Board of  
Trustees

Mayor Johnson announced that he had appointed Charlene Jasper, Pullman, to a term on the Lodging Tax Advisory Committee and Elizabeth Hindman, Pullman, to a term on the Library Board of Trustees. Councilmember Bloom moved, Councilmember Wright seconded to confirm these appointments. The motion carried unanimously.

**Reports**

ATVP Report

Mayor Johnson announced that ATVP was unable to attend this meeting.

Police Department  
2009 Annual Report  
and Public Works  
2009 Annual Report

Mayor Johnson announced that these reports had been sent out with the agenda packet. There were no questions on these reports. Councilmember Wright commended both departments for their excellent reports.

**ORDER OF BUSINESS**

Approval of Recommendations of Consent Agenda  
Items

**CONSENT AGENDA**

Mayor Johnson reviewed the items on the Consent Agenda with the Council and audience. He stated that items listed on the Consent Agenda are considered to be routine in nature and will be enacted by a single motion of the Council without separate discussion. If separate discussion is desired, that item may be removed from the Consent Agenda and placed on the Regular Agenda by Council request. Councilmember Benjamin moved, Councilmember Wright seconded to read the items on the Consent Agenda by title only.

Motion Carried.

City Attorney McAloon read the items on the Consent Agenda by title only. Mayor Johnson asked if there were any requests for removal of items from the Consent Agenda from the Council. There were none. Councilmember Paul moved, Councilmember Bloom seconded to adopt the Consent Agenda as presented.

Motion Carried.

#### Motions

- |   |    |  |
|---|----|--|
| Minutes - March 23, 2010  | 1. | The Council dispensed with the reading of the minutes of the regular meeting of March 23, 2010, and approved them as submitted.  |
| Minutes - April 13, 2010  | 2. | The Council dispensed with the reading of the minutes of the special meeting of April 13, 2010, and approved them as submitted.  |
| Accounts Payable, Payroll, and Electronic Transfers - April, 2010 | 3. | The Council approved disbursements represented by accounts payable checks numbered _____ through _____ totaling \$_____ inclusive, payroll checks numbered _____ through _____ totaling \$_____ inclusive, and electronic transfers totaling _____ and directed that they be paid upon approval of the Auditing Officer and Audit Committee. |
| Public Hearing Date   | 4. | The Council set May 18, 2010, as the public hearing date to consider establishing a restricted residential parking area for Upper Drive, a portion of Wheatland Drive, and a portion of Lybecker Road.   |
| Public Hearing Date   | 5. | The Council set May 11, 2010, as the date for a public hearing to consider a prezone change from R2 Low Density Multi-Family Residential to R1   |

Single Family Residential for property located east of Brayton Road.

### Resolutions

- Resolution No. 6. Resolution No. R-24-10  
R-24-10 - Wawawai  
Basin Lift Station  
A RESOLUTION AUTHORIZING THE EXECUTION OF AN ENGINEERING SERVICES AGREEMENT BETWEEN THE CITY OF PULLMAN AND AEI ENGINEERING, INC. FOR THE WAWAWAI BASIN LIFT STATION PROJECT.  
Resolution No. R-24-10 was adopted unanimously.
- Resolution No. 7. Resolution No. R-25-10  
R-25-10 - Street  
Crackfill 2010  
A RESOLUTION ACCEPTING THE BID OF BCV, INC. FOR STREET CRACKFILL 2010 AND AUTHORIZING EXECUTION AND DELIVERY OF THE CONTRACT FOR SAID PROJECT.  
Resolution No. R-25-10 was adopted unanimously.
- Resolution No. 8. Resolution No. R-26-10  
R-26-10 - M & O Shop  
Roof Painting  
A RESOLUTION ACCEPTING THE BID OF HAY-U PAINTING, LLC FOR M & O SHOP ROOF PAINTING AND AUTHORIZING EXECUTION AND DELIVERY OF THE CONTRACT FOR SAID PROJECT.  
Resolution No. R-26-10 was adopted unanimously.
- Resolution No. 9. Resolution No. R-27-10  
R-27-10 - Coca-Cola  
Bid  
A RESOLUTION ACCEPTING THE BID OF SWIRE COCA-COLA, SWIRE CLASS VENDING FOR SNACK AND BEVERAGE CONCESSIONAIRE SERVICES IN PUBLIC RECREATIONAL FACILITIES MANAGED BY THE CITY OF PULLMAN PARKS AND RECREATION AND AUTHORIZING EXECUTION AND DELIVERY OF THE CONTRACT FOR SAID SERVICES.  
Resolution No. R-27-10 was adopted unanimously.
- Resolution No. 10a. Resolution No. R-28-10  
R-28-10 -  
ARRA/Energy  
Efficiency and  
Conservation Block  
Grant  
A RESOLUTION AUTHORIZING THE ACCEPTANCE OF AN ARRA/ENERGY EFFICIENCY AND CONSERVATION BLOCK GRANT (EECBG) FROM WASHINGTON STATE DEPARTMENT OF COMMERCE.  
Resolution No. R-28-10 was adopted unanimously.
- Resolution No. 10b. Resolution No. R-29-10  
R-29-10 - Arch-  
itectural Services

## Agreement

A RESOLUTION AUTHORIZING THE EXECUTION OF AN ARCHITECTURAL SERVICES AGREEMENT BETWEEN THE CITY OF PULLMAN AND DESIGN WEST ARCHITECTS, P.A. FOR THE PURPOSE OF COMPLETING THE PIONEER CENTER/FIRE STATION NO. 2 ENERGY EFFICIENCY RETROFIT PROJECT.

Resolution No. R-29-10 was adopted unanimously.

## REGULAR AGENDA

### Public Hearing

Resolution No. 11.  
R-20-10 - Six-Year  
Transit Development  
Plan

Mayor Johnson announced that a public hearing is scheduled on the Six-Year Transit Development Plan for calendar years 2010-2015 and the 2009 annual report for the City of Pullman. Transit Manager Thornton presented the staff report and gave six-year projections for approval. After his report was concluded the Mayor commented on the thoroughness of the report and stated he was glad to see that future acquisitions would be hybrid buses. Transit Manager Thornton made some additional comments on how hybrid buses would be suitable for this area.

Mayor Johnson asked if there were any questions. Councilmember Bloom commented that they do a great job and he personally, as well as his family, use the buses and have found them to be very clean and the drivers friendly.

Mayor Johnson then opened the public hearing. There were no questions or comments from the public. Mayor Johnson closed the public hearing.

Resolution No. R-30-10 by title only reads as follows:

A RESOLUTION APPROVING A SIX-YEAR TRANSIT DEVELOPMENT PLAN FOR CALENDAR YEARS 2010-2015 AND 2009 ANNUAL REPORT FOR THE CITY OF PULLMAN.

Councilmember Paul moved, Councilmember Bloom seconded to adopt Resolution No. R-30-10. The motion carried unanimously.

### Ordinance

Ordinance No. 12.  
10-7 - Monetary  
Donation

Mayor Johnson announced that an ordinance had been prepared accepting a monetary donation. Finance Director Mulholland presented the staff report and recommended approval of the ordinance.

Ordinance No. 10-7 by title only reads as follows:

AN ORDINANCE ACCEPTING A RESTRICTED MONETARY DONATION FROM THE BIBLIOGRAPHICAL CENTER FOR RESEARCH, ON BEHALF OF THE GATES FOUNDATION, TO THE CITY OF PULLMAN FOR REPLACEMENT OF PATRON INTERNET COMPUTERS AT NEILL PUBLIC LIBRARY.

Councilmember Bloom moved, Councilmember Wright seconded to adopt Ordinance No. 10-7. The motion carried unanimously.

### **Resolutions**

Resolution No. 13. Mayor Johnson announced that a resolution had been prepared establishing a public art program. City Attorney McAloon presented the staff report and invited Mike Yates of the Arts Commission to answer any questions. Councilmember Bloom was concerned on who specifically defined whether art is objectionable and asked who has the final say. City Attorney McAloon interjected that the Arts Commission basically makes recommendations to Council, but the Council would have the final say.

Mike Yates stated that basically the Arts Commission acts as filter for the Council to help bring items up for their approval.

Councilmember Waldrop agreed with the resolution, however he wanted to amend it to include that works would be beautiful, inspiring and where they could, historically appropriate. He also added this should also be a goal of the Arts Commission. Councilmembers Weller thought that the resolution was good as it stood. Councilmember Paul commended the Arts Commission on their long and hard work leading up to putting this resolution together. He agreed with Councilmember Weller in the fact that the resolution was fine as it stood.

Councilmember Waldrop moved, Councilmember Bloom seconded to adopt Resolution No. R-31-10 as amended. Councilmember Paul voting nay.

Resolution No. 14. Mayor Johnson announced that a resolution had been prepared authorizing the termination of the Pullman Transit senior shuttle service. Transit Manager Thornton presented the staff report. He went through the history starting in June 2009 and how they progressed from longer routes to



shorter routes, switching to just serving the south area due to limited ridership in the north. Mayor Johnson asked about the Bishop and Whitman Center vans. He asked how they were utilized because he sees them around a lot. Transit Manager Thornton was not certain but agreed that they were seen a lot around town. He went through a chart on the amount of ridership the Senior Shuttle has and that is was not a cost effective program. Mayor Johnson noted that there were several seniors in the audience and asked for comments.

Dorothy Gollickson, Pioneer Square, noted that the Bishop van and possibly the Whitman van were only for medical or group activities. She stated that part of the problem is that if you are not visible you do not get picked up in the winter. They stay inside until the bus was coming, but the bus driver did not see them and passed on by. She thought the Transit department should sit down with those who use the bus to see why they use it and what works for them to come up with a different plan. She also felt that with Walmart coming it was more important than ever to have this flexibility. They all seem to enjoy the fixed time schedule of the Senior Shuttle.

Paulette McCollom, resident of Pioneer Square and president of the resident council, stated that this started in June and she was not even aware of it until October. She was concerned because she felt it should have been on Channel 13 and a lot more publicity given to it. She stated they had purchased some tokens and taken some of the residents around to show where the routes were. She said that the short runs were much better than what they had before and she could not understand why the shuttles stopped over spring break seeing as the seniors are still here and still need the shuttle. She also said that with Walmart coming that they need access to this service more than ever.

Steve Bell, Senior Center Coordinator, stated that the routes are away from where the seniors live. Most of the individuals that frequent the Senior Center live in their own homes and most have their own transportation so it is not really a factor. They use Dial-A-Ride and that seems to work for them. He is a great supporter of Dial-A-Ride, but he also indicated that something could be worked out for the individuals in senior

housing to be able to fill their need for transportation and still not overtax the system.

Gary Collins, Pioneer Square, stated that the hill down to Paradise is more like a mountain for some of the residents because they are older and infirm. His complaint with Dial-A-Ride is that the window for pickup is too wide, twenty to thirty minutes. He thought that the Senior Shuttle was more reliable since it is a fixed route and there is not the time delay in waiting for it. He understood the fact that ridership is down and stated that several times he was the only one on the shuttle. He stated he really would hate to see it go and would like to see a plan to make it work out for the residents of not only Pioneer Square but other areas of town.

Samantha Petri, Pioneer Square, stated that the shuttle was very handy and requested that it not be taken away from her and the other residents. She also reiterated how hard it was to get up the hill when they are trying to catch a route from down below the hill and thought they should be able to run it at least a couple of days a week.

Carol Wise, Pioneer Square, stated she was a new resident of Pullman. She thanked the City for Dial-A-Ride and the shuttle stating that she uses it a lot and they complement one another. She said the shuttle works better for errands and she would like to see more ridership as she does not want to see it end.

Donna Fisher, Pioneer Square, stated she does not have her own transportation and she encouraged the Council to consider keeping the shuttle.

Mayor Johnson stated that maybe other options should be considered before just ending the service. He requested that staff come back at a later date with recommendations. Councilmember Waldrop said it was a difficult problem with three main points. One, the service not being used, two, it seemed to work better for errands than for scheduled doctor appointments, and three, maybe the service could at a minimum be limited to certain days of the week. Councilmember Bloom asked Transit Manager Thornton what was the approximate cost for the Senior Shuttle to see if this could be jobbed to the taxicabs or other groups. Transit Manager Thornton responded approximately \$80,000. Transit Manager Thornton then noted that since

there were several issues brought up regarding Dial-A-Ride he would address them. He said even though the ridership is down for Dial-A-Ride, they had tried to give it a lot more flexibility. An individual expressed concern that if they were there for doctor appointment that ran over there was concern about getting picked up. Transit Manager Thornton said that is usually not a problem because they do have people that will get back there and pick them up. Mike Wagner, Transit, stated that they had done a lot of advertising such as radio advertising for the shuttle service, put information up at senior centers as well as inside Dial-A-Ride buses and they were proactive in getting information on out even though it appeared that some of the ridership that would be using it did not get this information. Councilmember Paul questioned Steve Bell's utilization of the Senior Center van. He said that on Monday they usually take people shopping. But on Monday and Friday they primarily use it to haul people in for the meal that they have in the Center. They also use it for group activities. The Council consensus was that more input was needed on this, especially from the seniors.

Councilmember Bloom moved, Councilmember Waldrop seconded to table this resolution and come back at a later date with other possibilities for keeping the Senior Shuttle going. The motion carried unanimously.

Resolution No. 15.  
R-33-10 - Taxicab  
Fee Schedule

Mayor Johnson stated that a resolution had been prepared adopting a fee schedule for taxicab licenses. Chief Weatherly presented the staff report stating that, when passed, the ordinance did not have a fee schedule and as a result the application process is not done. They took possible fees to the Police Advisory Committee and the conclusion was that if the costs were too high, it would curtail taxis from operating in the area so they wanted to reflect reasonable costs as the basis for the fee schedule. Chief Weatherly stated that the costs in this resolution were the result of checking with other agencies across the state.

Resolution No. R-33-10 by title only reads as follows:

A RESOLUTION ADOPTING A FEE SCHEDULE FOR TAXICAB SERVICE OPERATOR'S OR OWNER'S INITIAL LICENSE FEE AND RENEWAL REQUIRED PURSUANT TO THE PROVISIONS OF THE PULLMAN CITY CODE 6.94.

Councilmember Bloom moved, Councilmember Wright seconded to adopt Resolution No. R-33-10. The motion carried unanimously.

### Motion

- 2010 Goals                      16.    Mayor Johnson announced that a motion is requested to adopt the 2010 City Council goals. City Supervisor Sherman presented the staff report. Councilmember Bloom wanted to make certain that the public was aware that No. 8 and other goals were recommended by Lincoln Middle School students.

Councilmember Weller moved, Councilmember Bloom seconded to adopt the 2010 City Council goals. The motion carried unanimously.

### Discussions

- Current Economic    17.    Mayor Johnson announced that a discussion is Conditions                      scheduled on current economic conditions. City Supervisor Sherman presented the staff report. He updated the Council as to where the Nation, State, and City are in relation to one another and especially where the City is and how we are doing. He also went over a handout of slides from a PowerPoint presentation from Arun Raha, the States's economist, which showed areas where the State was coming back and where they are still lagging.

- 2010 First                      18.    Mayor Johnson announced that a discussion is Quarter Preliminary                      scheduled on the 2010 First Quarter Preliminary Financial Summary                      Financial Summary. Finance Director Mulholland presented the staff report. He went through where the City was and noted that expenditures can be impacted by timing issues. The total of \$190,000 down below where we were last year is alarming but not alarming enough to be a major concern at this time and we would continue to review our revenues and expenditures monthly to make sure that we do not get into a bad situation.

Councilmember Waldrop thought it might be a good idea to possibly get an economist from WSU to talk to the Council and citizens on the economy.

### **NEW BUSINESS**

Mayor Johnson asked if there was any new business from either the Council or audience. Dorothy Gollickson stated that the Council should consider seniors to contribute in the public arena to help provide solutions as they have been

around and have a lot of experience. Some of these issues may impact them and as she said seniors have tasted the wine and they do not want to give up what they have.

#### **EXECUTIVE SESSION**

Mayor Johnson announced that the Council would now adjourn to Executive Session for:

Conferring with legal counsel representing the City concerning potential litigation that has been specifically threatened to which the City, the governing body, or a member acting in an official capacity is, or is likely to become, a party and to discuss the strategy or position to be taken by the City during the course of collective bargaining or grievance proceedings.

Mayor Johnson adjourned the meeting at 9:12 p.m. and announced that the City Council would reconvene in open session in thirty minutes.

At 9:47 p.m. the Executive Session was extended for ten minutes. At 9:56 the Executive Session was extended another five minutes and they added evaluating the qualifications of an applicant for public employment to the Executive Session.

Mayor Johnson reconvened the regular meeting at approximately 10:03 p.m.

#### **ADJOURNMENT**

Councilmember Weller moved, Councilmember Wright seconded to adjourn the regular meeting of the City Council.

Motion Carried.

Mayor Johnson adjourned the regular meeting of the City Council at 10:03 p.m.

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Mayor

ATTEST:

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Finance Director

REQUEST FOR COUNCIL ACTION

For Meeting of: May 11, 2010

ACTION REQUESTED

Motion approving disbursements represented by accounts payable checks numbered \_\_\_\_\_ through \_\_\_\_\_ totaling \$ \_\_\_\_\_ inclusive, payroll checks numbered \_\_\_\_\_ through \_\_\_\_\_ totaling \$ \_\_\_\_\_ inclusive, and electronic transfers totaling \$ \_\_\_\_\_ and direct that they be paid upon approval of the Auditing Officer and Audit Committee.

BACKGROUND

Motion will approve payment of claims, wages, and transfers for May, 2010.

RECOMMENDATION

Passage of the motion.

FISCAL IMPACT

\$ \_\_\_\_\_ Budgeted Expenditures

\_\_\_\_\_  
BARS Code Number

SUBMITTED BY

ATTACHMENTS FOR COUNCIL REVIEW/ACTION

William F. Mulholland  
Name

1. None

Finance Director  
Title

Finance  
Department

REVIEWED BY

	Initial	Date
Department Head	<u>LMJ</u>	<u>5/4/10</u>
City Supervisor	<u>JFB</u>	<u>5-6-10</u>
City Attorney (As To Form)	<u>Cmaj</u>	<u>5-6-10</u>

3. A motion to refer a Claim for Damages submitted by Pamela A. Lee for the sum of \$33,907.33 to Washington Cities Insurance Carrier (WCIA) .

NOTES:

REQUEST FOR COUNCIL ACTION

For Meeting of: May 11, 2010

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ACTION REQUESTED

A motion to refer a Claim for Damages submitted by Pamela A. Lee for the sum of \$33,907.33 to the Washington Cities Insurance Authority (WCIA).

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BACKGROUND

On April 22, 2010, Pamela A. Lee submitted a Claim for Damages for the sum of \$33,907.33 for damages allegedly occurring due to City negligence. In accordance with the provisions of Section 1.98.030 of the Pullman City Code, the Council should direct that this claim be referred to WCIA.

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RECOMMENDATION

That the motion be passed.

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FISCAL IMPACT

\$\_\_\_\_\_ Budgeted Expenditures

\_\_\_\_\_  
BARS Code Number

=====

SUBMITTED BY

ATTACHMENTS FOR COUNCIL REVIEW/ACTION

\_\_\_\_\_  
Jane Joyce  
Name

1. Claim for Damages - Lee

\_\_\_\_\_  
Deputy City Clerk  
Title

\_\_\_\_\_  
Finance  
Department

=====

REVIEWED BY

	Initial	Date
Department Head	<u>mmj</u>	<u>4-26-10</u>
City Supervisor	<u>JFA</u>	<u>5-6-10</u>
City Attorney (As To Form)	<u>Cmaj</u>	<u>5-6-10</u>



# STANDARD TORT CLAIM FORM Claim for Damages

Pursuant to Chapter 4.96 RCW, this form is for filing a tort against the city of Pullman. Information requested on this form is required by law and may be subject to public disclosure. Claim forms cannot be submitted electronically (via e-mail or fax).

After filing with the city, you subsequently will be contacted by our insurance carrier, usually within 10 days. Washington Cities Insurance Authority, P.O. Box 88030, Tukwila, WA 98138 Phone (206) 575-6046 Fax (206) 575-7426

Date form received by city staff

4.22.10  
1:51 p.m. JJ

(Rev. Sept. 1, 2009)

PLEASE TYPE OR PRINT IN INK

Mail or deliver to: Finance Director  
City of Pullman  
325 SE Paradise St.  
Pullman, WA 99163  
Business Hours: Mon.-Fri. 8 a.m.-5 p.m.  
Closed on official city holidays

## CLAIMANT INFORMATION

1. Claimant's name: Lee Pamela A 11-26-1951  
Last name First Middle Date of birth (mm/dd/yyyy)  
2. Current residential address: 625 NW Gary Street  
3. Mailing address (if different): Same as above  
4. Residential address for on/at the date of the incident (if different from current address):  
Same as above  
5. Claimant's daytime telephone number: 509-338-5859 509-335-1230  
Home Cell Business Work  
6. Claimant's e-mail address: pamela-lee@wsu.edu or awanalee@gmail.com

## INCIDENT INFORMATION

Narrative account attached  
7. Date of the incident: 12/9/2009 Time: 1 wake to a sewage flooded ☒ a.m. ☐ p.m. (check one)  
(mm/dd/yyyy) basement early on Dec 9, 2009. In hindsight, the flooding may have begun the night before.  
8. If the incident occurred over a period of time, date of first and last occurrences:  
I discovered the flood early on 12-11/2009. Please read the narrative account, included.  
from time: ☐ a.m. ☐ p.m. (check one) to time: ☐ a.m. ☐ p.m. (check one)  
(mm/dd/yyyy) (mm/dd/yyyy)  
9. Location of incident: Washington state/Whitman County / Pullman / Basement of 625 NW Gary Street.  
State and county City, if applicable Place where occurred  
10. If the incident occurred on a street or highway: See above

Name of street or highway Milepost number At the intersection with or nearest intersecting street  
11. City department alleged responsible for damage/injury:  
Sewage (Water/Sewage) Department, Pullman, WA  
12. Names, addresses and telephone numbers of all persons involved in or witness to this incident:  
On December 9, I called the plumber and the city of Pullman's maintenance department. Two city workers brought the camera truck to the intersection of Gary and Cleveland. A sewer blockage was found on Cleveland.  
13. Names, addresses and telephone numbers of all city employees having knowledge about this incident: These workers gave me a DVD of the blockage and this claim form  
Art Garro (509-338-3238 / City of Pullman 325 SE Paradise Street, Pullman 99163-2631) -  
two of his employees operated the camera truck and then cleaned the sewer blockage on Cleveland street  
14. Names, addresses and telephone numbers of all individuals not already identified in #12 and #13 above that have knowledge regarding the liability issues involved in this incident, or knowledge of the Claimant's resulting damages. Please include a brief description as to the nature and extent of each person's knowledge. Attach additional sheets if necessary.  
Todd at Gormsen's Plumbing arrived after the city maintenance people, but since the blockage was on Cleveland, not on Gary or in my sewer line, he left without snaking my line. He left his cell number, but my sewer did not need anything so no plumbing service was provided.  
15. Describe the cause of the injury or damages. Explain the extent of property loss or medical, physical or mental injuries. Attach additional sheets if necessary.  
The entire basement was flooded with disgusting human waste. I have a finished basement. There was feces and debris and toilet paper everywhere, even under finished hardwood floors. The basement was flooded with "black water"  
16. Has this incident been reported to law enforcement, safety or security personnel? If so, when and to whom?  
no - the police would not have cleaned!  
17. Names, addresses and telephone numbers of treating medical providers. Attach copies of all medical reports and billings.  
Doctor Jaime Bowman's letter is included in the file documents.

18. Please attach documents which support the claim's allegations. Receipts included. I also have a video of the sewage blockage  
19. I claim damages from the city of Pullman in the sum of \$ 33,907.33

This claim form must be signed by the Claimant, a person holding a written power of attorney from the claimant, by the attorney in fact for the Claimant, by an attorney admitted to practice in the state of Washington on the Claimant's behalf, or by a court-approved guardian or guardian ad litem on behalf of the Claimant.

I declare under penalty of perjury under the laws of the State of Washington that the foregoing is true and correct.

Pamela Lee on 4-22-2010, 625 NW Gary Street, Pullman, WA 99163  
Signature of Claimant Date and residential address, city and county

4. A motion to accept as complete Contract No. 05-13, Digester System Improvements Project.

NOTES:

## REQUEST FOR COUNCIL ACTION

For Meeting of : 05/11/10

### ACTION REQUESTED:

Accept the Digester System Improvements Project contract as complete.

### BACKGROUND:

The scope of contract 05-13, Digester System Improvements Project, consisted of construction of a new primary digester, new digester control building, and modifications/repairs to the existing digesters and digester control building. Modifications to the existing digesters included new external mixing/heating systems and recoating of the inside of the digester lids. Modifications to the existing digester control building included upgrades to comply with NFPA 820 requirements. Work also included replacement of the existing backup diesel generator, electrical switchgear, and the addition of a new split-bus motor control center for redundancy. The project was identified in the "City of Pullman Wastewater Treatment Plant Evaluation Summary Report, December 2002" prepared by CH2M Hill and Pullman's Capital Improvement Program.

The contractor for this project was Apollo, Inc. and all work has now been completed in substantial conformance with the contract documents. The final contract amount, which includes seven previously approved change orders, is \$7,783,003.30. A copy of the final estimate of work completed is attached for reference. Funding for this project was from the New Digester budget of the Utility Capital Projects Fund. This project was included in the identified wastewater treatment plant upgrades outlined in the MOU between the City of Pullman and Washington State University regarding capital cost apportionment.

### RECOMMENDATION:

By motion, accept contract 05-13, Digester System Improvements Project, as complete.

### FISCAL IMPACT:

\$7,783,003.30
<u>403.3333.594.35.62.00</u>
BARS Code Number

### SUBMITTED BY:

Name Kevin Gardes  
Title Deputy Public Works Director  
Dept. Public Works

### ATTACHMENTS FOR COUNCIL REVIEW/ACTION:

1. Final Estimate of Work Completed

### REVIEWED BY:

	Initial	Date
Department Head	<u>KA for MW</u>	<u>5/5/10</u>
City Supervisor	<u>[Signature]</u>	<u>5-6-10</u>
City Attorney	<u>[Signature]</u>	<u>5-5-10</u>
(As to Form)		

S.R.#041

**CITY OF PULLMAN**  
**ESTIMATE OF WORK COMPLETED**

Contract Title:  
Contract No.:  
Contractor:

WWTP Digester System Improvements Project  
05-13  
Apollo, Inc.

Progress Payment No.: (32) FINAL  
Month of: January  
P.O. No.: pw-81137

Item No.	Bid Item	Estimated Quantity	Unit Price	Amount	Previous Units to Date	Units This Month	Total Units to Date	Total Amount to Date
1	Lump Sum Bid Price	1	L.S.	\$ 6,708,786.00	1.00	0.003	1.00	\$ 6,708,786.00
2	Trench Safety Systems	1	L.S.	\$ 1.00	1.00	0.00	1.00	\$ 1.00
3	Extended Unit Bid Prices	1	L.S.	\$ 52,500.00	0.22	0.00	0.22	\$ 11,700.00
4	Cash Allowances	1	L.S.	\$ 74,500.00	0.97	0.00	0.97	\$ 72,000.00
5	Change Order No.1	1	L.S.	\$ 18,427.51	1.00	0.00	1.00	\$ 18,427.51
6	Change Order No.2	1	L.S.	\$ 63,406.41	1.00	0.00	1.00	\$ 63,406.41
7	Change Order No.3	1	L.S.	\$ 35,015.08	1.00	0.00	1.00	\$ 35,015.08
8	Change Order No.4	1	L.S.	\$ 35,201.84	1.00	0.00	1.00	\$ 35,201.84
9	Change Order No.5	1	L.S.	\$ 32,414.31	1.00	0.00	1.00	\$ 32,414.31
10	Change Order No.6	1	L.S.	\$ 168,393.99	1.00	0.00	1.00	\$ 168,393.99
11	Change Order No.7	1	L.S.	\$ 74,508.50	1.00	0.00	1.00	\$ 74,508.50
<b>PREVIOUS PAYMENTS:</b>								
1	\$171,436.64	18	\$104,619.90	<b>SUMMARY:</b>				
2	\$308,406.10	19	\$189,257.49	Total Work to Date				
3	\$371,749.59	20	\$19,306.98	Sales Tax 7.8%				
4	\$228,018.82	21	\$41,181.58	Due to Date				
5	\$168,074.75	22	\$109,818.29	Less Previous Payments				
6	\$197,380.56	23	\$111,478.46	Amount Due This Payment				
7	\$341,584.34	24	\$75,771.81					
8	\$175,821.80	25	\$138,211.08					
9	\$467,701.08	26	\$28,812.68					
10	\$317,681.00	27	\$14,014.00					
11	\$342,329.68	28	\$4,851.00					
12	\$354,015.20	29	\$6,679.83					
13	\$1,157,901.36	30	\$80,320.16					
14	\$533,625.09	31	\$26,626.60					
15	\$565,137.19	32						
16	\$323,421.56	33						
17	\$783,621.48	34						
			Total Previous Payments:	\$7,758,856.10				

ATTACHMENT 1  
**APOLLO, INC.**

APR 12 2010

**RECEIVED**

BARS Code 403.3333.594.35.62.00

Checked: \_\_\_\_\_ Date: \_\_\_\_\_  
Inspector  
Approved: Kevin Ford Date: 4/8/10  
Engineer  
Approved: \_\_\_\_\_ Date: \_\_\_\_\_

5. RESOLUTION NO. R-34-10

A RESOLUTION PREAUTHORIZING THE ACCEPTANCE OF U.S. DEPARTMENT OF TRANSPORTATION FEDERAL AVIATION ADMINISTRATION AIRPORT IMPROVEMENT PROGRAM GRANT MONIES FOR MULTIPLE PULLMAN-MOSCOW REGIONAL AIRPORT PROJECTS.

NOTES:

REQUEST FOR COUNCIL ACTION

For Meeting of: May 11, 2010

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ACTION REQUESTED

By resolution, approve in advance the acceptance of multiple, tentative grant offers from the U.S. Department of Transportation, Federal Aviation Administration through the Airport Improvement Program (AIP) and preauthorize the Mayor and Finance Director to sign all documents when they become available.

BACKGROUND

Because Congress has not reauthorized the Airport Improvement Program, the FAA has not finalized its 2010 grant program. The maximum expected grant offers combined total \$1.6 Million. The grants will provide compensation for multiple projects elements, described in the resolution attachments.

RECOMMENDATION

In order to expedite the execution and return of grant acceptance documents, it is recommended that the City Council, by resolution, approve in advance the acceptance of multiple, tentative U.S. Department of Transportation, Federal Aviation Administration grant offers up to a maximum of \$1,600,000 and preauthorize the Mayor and Finance Director to sign the grant agreements as they become available.

FISCAL IMPACT

\$ \_\_\_\_\_

\_\_\_\_\_  
BARS Code Number

SUBMITTED BY

=====

ATTACHMENTS FOR COUNCIL REVIEW/ACTION

\_\_\_\_\_  
Robb Parish

Resolution No. R- 34 -10

Name

\_\_\_\_\_  
Airport Manager

Title

\_\_\_\_\_  
Airport  
Department

=====

REVIEWED BY

Initial      Date

Department Head

City Supervisor

City Attorney  
(As To Form)

JSD

5-6-10

Cmaj

5-6-10

RESOLUTION NO. R- 34-10

A RESOLUTION PREAUTHORIZING THE ACCEPTANCE OF U.S. DEPARTMENT OF TRANSPORTATION FEDERAL AVIATION ADMINISTRATION AIRPORT IMPROVEMENT PROGRAM GRANT MONIES FOR MULTIPLE PULLMAN-MOSCOW REGIONAL AIRPORT PROJECTS.

WHEREAS, Pullman-Moscow Regional Airport will be offered U.S. Department of Transportation Federal Aviation Administration Grant monies up to a maximum of \$1.6 Million to be used for multiple airport improvement projects; and,

WHEREAS, information about said grant monies and project elements is before the City Council of the city of Pullman and attached hereto and marked as Exhibit "A"; and,

WHEREAS, the turnaround time between receipt and return of executed grant authorization documents will be very limited; and,

WHEREAS, this Council believes it to be in the best interests of the city of Pullman to preauthorize the acceptance of said grant monies; now, therefore,

IT IS HEREBY RESOLVED that the Mayor and the finance director be and they are hereby preauthorized and directed to accept the U.S. Department of Transportation Federal Aviation Administration Grant monies.

IT IS FURTHER RESOLVED that the Mayor and finance director are each hereby preauthorized and directed to take such further action as may be appropriate in order to effect the purpose of this Resolution.

ADOPTED by the City Council of the city of Pullman at a regular meeting held on the \_\_\_\_\_ day of \_\_\_\_\_, 2010.

DATED this \_\_\_\_\_ day of \_\_\_\_\_, 2010.

\_\_\_\_\_  
Mayor Glenn A. Johnson

ATTEST:

\_\_\_\_\_  
Finance Director  
William F. Mulholland

Approved as to Form:

\_\_\_\_\_  
City Attorney Laura D. McAloon

# **Pullman-Moscow Regional Airport**



3200 Airport Complex North • Pullman, WA 99163  
(509) 338-3223 • Fax (509) 334-5217

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## **2010 FAA Grant Offer Request for Council Action Information for the City of Pullman**

**FAA Grant Offer (Tentative):** \$1,600,000

**Local Match**

**PFC:** \$80,000

**State Grant:** Unknown

Congress has not passed the FAA reauthorization as of this date, which has caused uncertainty and delay in the FAA's Airport Improvement Program (AIP) grants. At this point, FAA does not expect to issue grants until July or August and they believe a very short turnaround will be required for acceptance of grant offers. In anticipation of this situation, we consulted with FAA and asked them if a pre-approval of the grant offer would expedite the process. They responded in support of this action by both the Cities of Moscow and Pullman.

At this time we know that the maximum possible grant for 2010 project will be \$1,600,000. That amount includes our 2010 entitlement grant of \$1,000,000 and \$600,000 in carry-over funds from 2009.

We are requesting council action to authorize Mayor Johnson to accept one or more 2010 FAA grant offers up to a total amount of \$1,600,000.

Project elements for 2010 depend on the final funding but could include:

- **Acquisition of an Aircraft Rescue Firefighting (ARFF) truck;**
- **Acquisition of approximately 20 acres of property northeast of the airport boundary;**
- **Survey of the entire airport boundary;**
- **Drainage Master Plan;**
- **Installation of additional drainage tile;**
- **Re-dredging Airport Creek.**

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### **Pullman-Moscow Regional Airport Board**

Glenn Johnson, Chair

Nancy Chaney, Vice-Chair

Barney Waldron • Ron Wachter • Mel Taylor • Robert Jahns • Jon Kimberling



6. RESOLUTION NO. R-35-10

A RESOLUTION AUTHORIZING THE ACCEPTANCE OF THE FIRST AMENDMENT TO FEDERAL TRANSIT ADMINISTRATION OPERATING ASSISTANCE GRANT AGREEMENT (GCA6146) TO ADD FTA 5311 FUNDS AND STATE RURAL MOBILITY FUNDS.

NOTES:

# REQUEST FOR COUNCIL ACTION

For Meeting of: 5/11/10

## ACTION REQUESTED:

Authorize the acceptance of an amendment to Pullman Transit's Operating Assistance Grant (GCA6146) for \$587,356 in additional Federal funds.

## BACKGROUND:

For the 2009-2011 biennium, Pullman Transit was awarded a Federal Transit Administration (FTA) 5311 operating assistance grant for \$1,100,000 to assist us in paying for the operation of our fixed-route and Dial-A-Ride services. As is the common practice, we receive a portion of the grant as the federal funds are made available to the State's Public Transportation Office. For the first part of the grant cycle we received authorization for \$435,075, which was all that was available at the beginning of the 2009-2010 biennium.

Since that time the FTA has made available for Pullman Transit through the Public Transportation Office an additional \$587,356. These funds are essential for the continued operation of the fixed route and Dial-A-Ride services. With the approval of this amendment, the total award Pullman Transit will receive in operating assistance from State (\$84,688) and Federal (\$1,022,431) sources will total \$1,107,119 for the 2009-2010 biennium.

This will not be the last amendment to this agreement, because the total award from the FTA 5311 operating assistance grant is \$1,100,000 there is still \$77,563 in FTA funds to be made available to Pullman Transit before the end of the 2009-2010 biennium.

## RECOMMENDATION:

That the City Council by resolution accepts this amendment to Pullman Transit's Operating Assistance Grant (GCA6146) for an additional \$587,356 in FTA Section 5311 funds and authorize the Mayor and Finance Director to sign all documents.

**FISCAL IMPACT :**                      \$ 587,356

## SUBMITTED BY:

Name Rod Thornton  
Title Transit Manager  
Dept. Public Works/Transit

## ATTACHMENTS FOR COUNCIL REVIEW/ACTION

1. Resolution No. R-35-10

## REVIEWED BY:

Department Head

City Supervisor

City Attorney

(As to form)

Initial

Date

<u>[Signature]</u>	<u>5-6-10</u>
<u>[Signature]</u>	<u>5-6-10</u>

S.R. #038

RESOLUTION NO. R- 35 -10

A RESOLUTION AUTHORIZING THE ACCEPTANCE OF THE FIRST AMENDMENT TO FEDERAL TRANSIT ADMINISTRATION OPERATING ASSISTANCE GRANT AGREEMENT (GCA6146) TO ADD FTA 5311 FUNDS AND STATE RURAL MOBILITY FUNDS.

WHEREAS, the City Council for the city of Pullman accepted a Federal Transit Administration Operating Assistance Grant (GCA6146) and State Rural Mobility Allocation; and,

WHEREAS, the Washington State Department of Transportation agrees to amend the existing operating grant agreement for the 2010-2011 fiscal year as detailed in Exhibit "A" attached hereto; and,

WHEREAS, this Council believes it to be in the best interests of the city of Pullman to authorize the acceptance of said grant amendment; now, therefore,

IT IS HEREBY RESOLVED that the Mayor and the finance director be and they are hereby authorized and directed to accept the grant amendment, Exhibit "A" attached hereto.

IT IS FURTHER RESOLVED that the Mayor and finance director are each hereby authorized and directed to take such further action as may be appropriate in order to effect the purpose of this Resolution.

ADOPTED by the City Council of the city of Pullman at a regular meeting held on the \_\_\_\_\_ day of \_\_\_\_\_, 2010.

DATED this \_\_\_\_\_ day of \_\_\_\_\_, 2010.

\_\_\_\_\_  
Mayor Glenn A. Johnson

ATTEST:

\_\_\_\_\_  
Finance Director  
William F. Mulholland

Approved as to Form:

\_\_\_\_\_  
City Attorney Laura D. McAloon

The FIRST AMENDMENT to AGREEMENT GCA6146 entered into between the Washington State Department of Transportation (hereinafter referred to as "WSDOT"), and Pullman Transit (hereinafter referred to as "CONTRACTOR"), and/or individually referred to as the "PARTY" and collectively referred to as the "PARTIES",

WHEREAS, both PARTIES agree to amend GCA6146 to add \$587,356 of the 2010-11 projected FTA 5311 funds into current funds for Project A, add \$2,133,202 of the 2010-11 projected contractor's funds into current funds for Project A.

WHEREAS, both PARTIES agree to amend AGREEMENT GCA6146 Payment clause, part C, in order to comply with new state financial reporting requirements.

NOW THEREFORE, the following AMENDMENTS are hereby incorporated into AGREEMENT GCA6146:

1. Amend Caption heading 'PROJECT COST', on the first page of the AGREEMENT to read as follows:

<b>Project Costs</b>		
Federal Funds	\$	1,022,431
State Funds	\$	84,688
Contractor Funds	\$	4,704,497
Total Project Cost	\$	5,811,616

2. Amend the existing funding table in Exhibit I SCOPE OF PROJECT AND BUDGET to read as follows:

**EXHIBIT I  
SCOPE OF PROJECT AND BUDGET**

<b>Total Project Costs</b>		
Federal Funds	\$	1,022,431
State Funds	\$	84,688
Contractor Funds	\$	4,704,497
Total Project Cost	\$	5,811,616

3. Amend the current funding table set forth in Exhibit I, Funding by Project: **Project A** to read as follows:

<b>Funding</b>	<b>Percentage</b>	<b>2009-2010 Current</b>	<b>2010-2011 Projected</b>	<b>Total Project Cost</b>
FTA 5311	18%	1,022,431	77,569	\$ 1,100,000
State Revenue Equity Tax Formula	<1%	11,320	TBD	\$ 11,320
Contractor's Funds	82%	4,704,497	438,094	\$ 5,142,591
Total Project Cost	100%	5,738,248	515,663	\$ 6,253,911

4. Amend Payment Section part C to read:

C. The CONTRACTOR shall submit an invoice by July 15, 2010, for any unreimbursed eligible expenditures incurred between July 1, 2009, and June 30, 2010. If the CONTRACTOR is unable to provide an invoice by this date, the CONTRACTOR shall provide an estimate of the charges to be billed so WSDOT may accrue the expenditures in the proper fiscal period. Any subsequent reimbursement request submitted will be limited to the amount accrued as set forth in this section. The CONTRACTOR's final payment request must be received by WSDOT by July 15, 2011, within 30 days of the completion of the Project, or within 30 days of the termination of this AGREEMENT, whichever is sooner. Any payment request received after July 15, 2011, will not be eligible for reimbursement.

5. A copy of this AMENDMENT to the AGREEMENT shall be attached to and made a part of the original AGREEMENT. Any references to the "AGREEMENT" shall mean "AGREEMENT as amended".

6. All other terms and conditions of the original AGREEMENT not hereby amended shall remain in full force and effect. This document may be simultaneously executed in several counterparts, each of which shall be deemed original having identical legal effect.

IN WITNESS WHEREOF, the PARTIES hereto have executed this AMENDMENT the day and year last written below.

**WASHINGTON STATE  
DEPARTMENT OF TRANSPORTATION**

By: \_\_\_\_\_  
Kathryn W. Taylor, Director  
Public Transportation, WSDOT

Date: \_\_\_\_\_

**CONTRACTOR**

By: \_\_\_\_\_  
Authorized Representative

Title: \_\_\_\_\_

Print Name: \_\_\_\_\_

Date: \_\_\_\_\_

Attest: \_\_\_\_\_  
William F. Mulholland  
Finance Director