

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 August 23, 2011, and approve them as submitted.
2. A motion to ratify Change Order No. 1 to the Wawawai Basin Lift Station contract.
3. A motion to accept as complete Contract No. 11-06, B Street Sidewalk-Alpha to Michigan.

4. A motion to accept as complete Contract No. 11-07, Sidewalks 2011.

Resolution

5. Resolution No. R-59-11 - A RESOLUTION ACCEPTING THE BID OF ACE ELLIOTT LANDSCAPING FOR THE LAKE STREET SEWER MONITORING PROJECT AND AUTHORIZING EXECUTION AND DELIVERY OF THE CONTRACT FOR SAID PROJECT.

D. Regular Agenda

Resolution

6. Resolution No. R-60-11 - A RESOLUTION DECLARING A MORATORIUM PROHIBITING MEDICAL CANNABIS COLLECTIVE GARDENS IN ALL ZONING DISTRICTS WITHIN THE CITY OF PULLMAN, WASHINGTON AND SETTING A PUBLIC HEARING THEREON.

Discussion

7. Pullman School District Presentation

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 September 6, 2011 - Canceled

Tentative Council Agenda for September 13, 2011 - Canceled

Tentative Council Agenda for September 20, 2011

Ordinance - Ward Redistricting

Fire District No. 12 EMS Agreement

Executive Session - Labor Negotiations

Tentative Planning Commission Agenda for September 28, 2011

Discussion regarding Pullman 2020/Comp Plan update, medical marijuana regulations, public records, and quasi-judicial rules.

Tentative Board of Adjustment Agenda for September 19, 2011

No Business Scheduled at this Time

MINUTES OF THE CITY COUNCIL
OF THE CITY OF PULLMAN
AUGUST 23, 2011

Roll Call

A regular meeting of the City Council of the City of Pullman was held on August 23, 2011, 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. Councilmember Wright moved, Councilmember Weller seconded to excuse Councilmember Bloom from this meeting.

Motion Carried.

Announcements

There were three announcements.

**Confirmation of
Appointments**

Arts Commission

Mayor Johnson announced that he had appointed Victor P. Hudak to a term on the Arts Commission expiring December 31, 2013, and Richard Berry to a term on the Arts Commission expiring December 31, 2011.

Councilmember Waldrop moved, Councilmember Weller seconded to confirm these appointments. The motion carried unanimously.

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 Wright moved, Councilmember Paul 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 Benjamin seconded to adopt the Consent Agenda as presented.

Motion Carried.

Motions

- | | | |
|--|----|--|
| Minutes - July 26, 2011 | 1. | The Council dispensed with the reading of the minutes of the special meeting of July 26, 2011, and approved them as submitted. |
| Accounts Payable, Payroll, and Electronic Transfers - August, 2011 | 2. | 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. |
| Claim for Damages - Landrum | 3. | The Council referred a Claim for Damages submitted by Carl S. Landrum for the sum of \$20,925.60 to the Washington Cities Insurance Authority (WCIA). |
| Claim for Damages - Koller | 4. | The Council referred a Claim for Damages submitted by Nolan Jarett Koller for the sum of \$58.75 to the Washington Cities Insurance Authority. |
| Change Order on Pioneer Center/Fire Station No. 2 | 5. | The Council ratified Change Order No. 1 to Contract No. 10-03, Pioneer Center/Fire Station No. 2 EECBG Improvements. |
| Budget Schedule | 6. | The Council approved the 2012 budget schedule. |
| 2011 Football Agreement | 7. | The Council authorized the 2011 Football Agreement with Washington State University Athletics. |

Resolutions

- Resolution No. 8. Resolution No. R-52-11
R-52-11 - Right-of-Way Easement
A RESOLUTION ACCEPTING A RIGHT-OF-WAY EASEMENT FROM PULLMAN LODGING, LLC.
Resolution No. R-52-11 was adopted unanimously.
- Resolution No. 9. Resolution No. R-53-11
R-53-11 - Worldthree
A RESOLUTION AUTHORIZING THE EXECUTION OF A PROFESSIONAL SERVICES AGREEMENT BETWEEN THE CITY OF PULLMAN AND WORLDTHREE, LLC FOR THE PURPOSE OF PERFORMING THE INFILTRATION AND INFLOW INVESTIGATION PROJECT.
Resolution No. R-53-11 was adopted unanimously.
- Resolution No. 10. Resolution No. R-54-11
R-54-11 - Fire Station Exhaust Systems
A RESOLUTION AUTHORIZING THE EXECUTION OF A PROFESSIONAL SERVICES AGREEMENT BETWEEN THE CITY OF PULLMAN AND DESIGN WEST ARCHITECTS, P.A. FOR THE FIRE STATION EXHAUST SYSTEMS AND BAC CHARGING SYSTEM PROJECT.
Resolution No. R-54-11 was adopted unanimously.
- Resolution No. 11. Resolution No. R-55-11
R-55-11 - WWTP Operations and Maintenance Manual
A RESOLUTION AUTHORIZING THE EXECUTION OF A PROFESSIONAL SERVICES AGREEMENT BETWEEN THE CITY OF PULLMAN AND BROWN ENVIRONMENTAL, INC. FOR THE PURPOSE OF UPDATING THE WWTP OPERATIONS AND MAINTENANCE MANUAL.
Resolution No. R-55-11 was adopted unanimously.
- Resolution No. 12. Resolution No. R-56-11
R-56-11 - Ratifying Airport Grant
A RESOLUTION RATIFYING THE ACCEPTANCE OF A WASHINGTON STATE DEPARTMENT OF TRANSPORTATION, AVIATION DIVISION AIRPORT AID GRANT FOR PROJECT NUMBER PUL-01-11.
Resolution No. R-56-11 was adopted unanimously.
- Resolution No. 13. Resolution No. R-57-11
R-57-11 - Transit Grant
A RESOLUTION AUTHORIZING THE ACCEPTANCE OF GCA 6146 - A CONSOLIDATED FEDERAL TRANSIT ADMINISTRATION, SECTION 5311 OPERATING ASSISTANCE, STATE RURAL MOBILITY COMPETITIVE,

STATE SPECIAL NEEDS, AND STATE RURAL
MOBILITY/SALES TAX EQUALIZATION GRANT FOR PULLMAN
TRANSIT FIXED-ROUTE AND DIAL-A-RIDE SERVICES.

Resolution No. R-57-11 was adopted unanimously.

Resolution No. 14.
R-58-11 - Transit
Grant

Resolution No. R-58-11

A RESOLUTION AUTHORIZING THE ACCEPTANCE OF A
FEDERAL/STATE CAPITAL CONSOLIDATED GRANT #GCA6808
FOR THE PURPOSE OF PURCHASING A PULLMAN TRANSIT
DIAL-A-RIDE VAN AND A SENIOR CENTER MINI-BUS.

Resolution No. R-58-11 was adopted unanimously.

REGULAR AGENDA

Public Hearing

Ward Redis-
tricting

15. Mayor Johnson announced that a public hearing is scheduled on the Ward Redistricting Plan. Planning Director Dickinson gave the staff report going through the background and parts of his memo regarding the redistricting plan for Pullman. Planning Director Dickinson requested any questions from the Council. Mayor Johnson thought he should talk about how close the wards were. Planning Director Dickinson referenced the numbers for the various wards and said that was through the work of Michol Ann Jensen to get them as close as they were, which he said was really remarkable.

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

Mayor Johnson closed the public hearing.

Councilmember Paul thought that the population would have shifted more and the boundaries would have changed more than they did.

Planning Director Dickinson said they would proceed with the necessary paperwork to bring to Council in September for approval.

Food Drive

16. Mayor Johnson announced that a discussion is scheduled on a food drive. City Supervisor Sherman had Councilmember Weller introduce Rev. Kristine Zakarison to make a presentation on the community event she is holding with other community groups that is called "Bare to Bursting". It is a food drive and she would like

to encourage additional people to participate in this event.

Rev. Zakarison first talked about the cutoff of funding for the Libyan students. They were provided a list of local charities and churches to seek aid. A coalition was put together of churches, a Muslim Mosque, and a Jewish Temple to provide food and to provide interim funding for the students. As a result, none of the students lost their Visas and subsequently they were able to get their money restored through governmental action.

The next crisis they had was the Community Action Center's lack of space as well as the fact that the pantry was empty. She stated we have three food banks in Whitman County and Pullman and the thought was to establish a food drive to help fill the pantry shelves. This was the reason for the "Bare to Bursting Drive". She stated the need is greater than ever and they need to get more effective as a community to establish a community food bank with adequate storage. Rev. Zakarison thought maybe the Human Rights Commission might be interested in helping with this situation.

Mayor Johnson asked if there was any questions or comments. Councilmember Weller asked to clarify the date of the drive. Rev. Zakarison indicated it would be August 31 and there is a Facebook page connected with a list of food items and other products they are trying to obtain.

Medical
Marijuana

17. Mayor Johnson announced that a discussion is scheduled on local regulation of medical marijuana and community gardens. City Attorney McAloon went through her memorandum. She highlighted several areas. She said a review of these materials, as well as media coverage of the legislature's passage of ESSB5073 and the Governor's veto of portions of the act, demonstrates that confusion has developed for local governments in regards to regulation of medical marijuana. The act was initially thought to clarify legal use of medical marijuana as originally permitted by the passage in 1998 of Initiative 692. The actual result of the legislation has been the creation of more confusion in the area of medical marijuana possession, dispensing, and manufacturing. In addition, the Federal government through our local U.S. Attorney, has indicated that State

laws legalizing possession and manufacturing of marijuana do not preempt federal laws that criminalize such acts. The Drug Enforcement Agency has reinforced the federal government's position in recent weeks with raids on dispensaries located in Spokane County and elsewhere. Whereas most of the portions of the act were vetoed by the Governor, she did leave changes authorizing cities, towns, and counties to adopt and enforce zoning requirement business license requirements, health and safety requirements, and business taxes.

The statute makes it clear that local laws and ordinances that are inconsistent with requirements of State laws shall not be enacted and are unenforceable. As a result, Pullman cannot prohibit or exclude collective gardens entirely. Since July 22, 2011, it is lawful in the State of Washington for qualifying patients to raise and participate in a collective garden for the purpose of producing, processing, transporting, and delivering cannabis for medical use. These gardens consist of up to ten qualified patients joined together to have the collective garden for a maximum of 45 plants.

Police Chief Jenkins gave a staff report regarding the public safety impact of medical marijuana distribution in Pullman. He indicated that recent legislation in Washington Senate Bill 5073, with a partial veto from the Governor, provides restrictions that now make it clear that dispensaries for medical marijuana distributions are illegal in the State of Washington. The provision with perhaps the most chilling impact on dispensaries which restricts designated care providers from providing medical marijuana to more than one qualifying patient within a 15-day period. However, SB5073 does allow qualifying patients and their designator providers to form a collective garden. Collective gardens are limited to ten qualifying patients and a total of 45 marijuana plants and 72 ounces of useable marijuana. However, he stated that this is in conflict with federal law. The growing, manufacturing, and distribution of marijuana is unlawful even if such activities are permitted under State law. The Department of Justice will vigorously enforce the law against individuals and organizations that participate in an unlawful manufacturing and distribution activity involving marijuana.

City Attorney McAloon asked, that based on the background information they had provided, would the Council like to prepare such a moratorium ordinance for consideration at the August 30 Council meeting. Four Councilmembers voted for the moratorium, Councilmembers Waldrop and Paul voted to take no action.

Pullman 2020

18. Mayor Johnson announced that a discussion is scheduled on Pullman 2020. City Supervisor Sherman indicated that the kickoff for the Pullman 2020 Visioning process would be at 10:00 a.m. to 11:30 a.m. on Thursday, September 8, 2011, at the SEL Event Center. The keynote speaker will be WSU President Floyd and SEL President Ed Schweitzer. Mayor Johnson will be master of ceremonies for the event. The motto for the City of Pullman is "High Tech, Higher Education, Highest Quality of Life". Ed Schweitzer will represent the high tech sector, President Floyd will represent higher education, and a (SEWEDA) Southwest Economic Development Association's "Palouse Business...Palouse Life" video will be shown as the quality of life in our area. The Pullman 2020 process is a component of an adopted 2011 City Council goal which stated "place a strong emphasis on visioning, explore low cost options for conducting the Comprehensive Plan Update over the next few years." Engage in the City Council exercise a list of major issues that will impact Pullman in the years ahead, provide opportunity for Pullman 2020 visioning sessions where local civic groups can convey their ideas concerning Pullman's future.

Planning Director Dickinson added to the discussion on looking ahead to the completion of the Pullman 2020 process in 2012. The logical next step is a full update to the City's 1999 Comprehensive Plan. This update would build upon the Pullman 2020 input as well as appending the urban growth area expansion proposal. Given budget consideration and likely workload demands for this plan update, it is anticipated the project would be conducted by in-house staff. He had a tentative schedule indicating it would be completed in 2015.

Fire Chief
Vacancy

19. Mayor Johnson announced that a discussion is scheduled on the Fire Chief vacancy. Human Resources Manager Sires asked for any input on the proposed job announcement that was attached to her memo. Councilmember Waldrop indicated it

would be good to include the number of reserve fire officers that are currently on the force.

NEW BUSINESS

Mayor Johnson asked if there was any new business from either the Council or audience.

Dave Gibney complimented the new website although he did indicate tonight's agenda packet was not on the website. He said it was available on the older website so technologically, information should be transferred over to the new website as well as other info that was not yet available on the new website.

Charles Rawlings, President of Responsible Drug Use, commented on the community gardens.

Janice Brown commented on the website and indicated that we should be able to move over older material that has not been moved over yet.

EXECUTIVE SESSION

Mayor Johnson announced that the Council would adjourn for ten minutes and reconvene in Executive Session which would last for approximately 30 minutes.

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

Conferring with legal counsel representing the City concerning potential litigation or 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 8:30 p.m. At 9:10 p.m. it was extended for an additional 25 minutes. At 9:35 p.m. the Executive Session ended.

ADJOURNMENT

Councilmember Benjamin 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 9:35 a.m.

Mayor

ATTEST:

Finance Director

2. A motion to ratify Change Order No. 1 to the Wawawai Basin Lift Station contract.

NOTES:

REQUEST FOR COUNCIL ACTION

For Meeting of: 08/30/11

ACTION REQUESTED:

Ratify approval of Change Order No. 1 to the Wawawai Basin Lift Station contract.

BACKGROUND:

The Wawawai Basin Lift Station project provided for the construction of a new 30-foot deep, 10-foot diameter wet well sewer lift station at the waste water treatment plant to replace an old and failing lift station. During the course of construction the contractor was directed to perform additional work that was included in the contract by change order. Solid rock excavation was required at the bottom of the excavation that the contractor performed with a rock breaker attached to a backhoe. The measured solid rock removed was 67.02 cubic yards. The cost for this unanticipated work at the negotiated rate of \$95.00 per cubic yard was \$6,366.90. To extend the fiber optic cable network to two buildings near the new lift station, the contractor was directed to install a 2-inch conduit between the facilities. The cost for this work was \$3,251.00. An existing sump pump drain from an electrical vault to a stormdrain line was found to be plugged and not functioning. To correct this, the contractor was directed to install a new pressure discharge pipe from the electrical vault sump pump to a catch basin north of the lift station at a cost of \$675.00. These three items were incorporated into the contract by Change Order No. 1 at a total cost, including sales tax, of \$11,095.75. The resulting contract amount is \$344,045.75.

RECOMMENDATION:

By motion, ratify approval of Change Order No. 1 to the Wawawai Basin Lift Station contract

FISCAL IMPACT:

\$11,095.75
403.3368.595.35.63.00
BARS Code Number

SUBMITTED BY:

ATTACHMENTS FOR COUNCIL REVIEW/ACTION:

Name Mark Workman
Title Public Works Director
Dept. Public Works

1. Change Order No. 1

REVIEWED BY:

	Initial	Date
Department Head	<u>MW</u>	<u>8/22/11</u>
City Supervisor	<u>JFA</u>	<u>8-26-11</u>
City Attorney	<u>may</u>	<u>8-23-11</u>

(As to Form)

City of Pullman
CONTRACT CHANGE ORDER NO. 1

Date: July 21, 2011
Contract No.: 10-09
Contract Title: Wawawai Basin Lift Station
To: (Contractor) M.L. Albright & Sons, Inc.

You are hereby requested to comply with the following changes from the contract plans and specifications:

Item No. (1)	Description of Changes - Quantities, Units, Unit Prices, Change in Completion Schedule, Etc. (2)	Decrease in Contract Price (3)	Increase in Contract Price (4)
14	Rock Excavation: Includes all costs associated with breaking bedrock for excavation. Lump Sum Increase. (67.02 C.Y. x \$95.00/C.Y.)		\$6,366.90
15	Install 2-inch communication conduits for the expansion of the onsite fiber optic network at the wastewater treatment plant. Lump Sum Increase.		\$3,251.00
16	Extend the pump discharge piping from an electric vault to a nearby catch basin. Lump Sum Increase.		\$675.00
TOTAL INCREASE			\$10,292.90
7.8 Tax		\$0.00	\$802.85
Net Change		\$0.00	\$11,095.75

X Price changes for item 1 is lump sum.

Price changes for items in Columns 3 and 4 are estimates; final costs will be based on contract unit prices and final quantities.

Price changes in Columns 3 and 4 are estimates; this change order work will be performed by force account.

The sum of \$11,095.75 is hereby added to the total contract price, and the total adjusted contract price to date thereby is \$344,045.75.

This document will become an amendment to the contract and all provisions of the contract will apply hereto.

Accepted by:


Contractor's Representative

8-2-11
Date

Title:

Project Manager

Approved by:

Mark D. Workman, P.E.
Director of Public Works

7/27/11
Date

3. A motion to accept as complete Contract No. 11-06, B Street Sidewalk-Alpha to Michigan.

NOTES:

REQUEST FOR COUNCIL ACTION

For Meeting of: 08/30/11

ACTION REQUESTED:

Accept the B Street Sidewalk-Alpha to Michigan contract as complete.

BACKGROUND:

The scope of contract 11-06, B Street Sidewalk-Alpha to Michigan, provided for the construction of modular block retaining wall, concrete sidewalk, and pedestrian rail to widen the sidewalk on B Street from Alpha Street to Michigan Street from approximately 4 feet to 7 feet to the extent that it could reasonably be done. This was the completion of a project started last year to improve a high-traffic sidewalk located west of and elevated above B Street used by pedestrians to and from the WSU campus at all times of the day and night. Funds budgeted in the Street Fund for sidewalk construction, typically meant for infilling gaps in the sidewalk system, were used to fund this project. The contractor for this project was Ace Elliott Land. and all work has now been completed in substantial conformance with the contract documents. The final contract amount, which includes one previously approved change order, was \$38,746.00. The original contract amount was \$34,477.00. A copy of the Final Estimate of Work Completed is attached for reference. As noted, funding for this project was from the Street Fund.

RECOMMENDATION:

By motion, accept contract 11-06, B Street Sidewalk-Alpha to Michigan, as complete.

FISCAL IMPACT:

\$38,746.00
105.4300.595.61.63.00
BARS Code Number

SUBMITTED BY:

Name Mark Workman
Title Public Works Director
Dept. Public Works

ATTACHMENTS FOR COUNCIL REVIEW/ACTION:

1. Final Estimate of Work Completed

REVIEWED BY:

	Initial	Date
Department Head	<u>MW</u>	<u>8/22/11</u>
City Supervisor	<u>Joe</u>	<u>8/26/11</u>
City Attorney	<u>C. Maj</u>	<u>8-23-11</u>
(As to Form)		

CITY OF PULLMAN
B STREET SIDEWALK -ALPHA TO MICHIGAN

Contract Title: B Street Sidewalk-Alpha to Michigan
Contract No.: 11-06
Contractor: Ace Elliott Land

Progress Payment No.: 2
Month of: July
P.O. No.: en-80944

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	Mobilization	1 L.S.	807.00	807.00	1.00	0.00	1.00	\$ 807.00	
2	Clearing	1 L.S.	200.00	200.00	1.00	0.00	1.00	200.00	
3	Sawcut Sidewalk	24 L.F.	10.00	240.00	34.00	0.00	34.00	340.00	
4	Remove Sidewalk	10 S.Y.	20.00	200.00	44.00	0.00	44.00	880.00	
5	Excavation and Haul	95 C.Y.	40.00	3,800.00	104.00	0.00	104.00	4,160.00	
6	Portland Cement Concrete Sidewalk 4" Thick	120 S.Y.	47.00	5,640.00	154.00	0.00	154.00	7,238.00	
7	Modular Block Retaining Wall	250 S.F.	28.00	7,000.00	279.00	0.00	279.00	7,812.00	
8	Pedestrian Railing	310 L.F.	45.00	13,950.00	202.00	0.00	202.00	9,090.00	
9	Erosion Control	1 L.S.	520.00	520.00	1.00	0.00	1.00	520.00	
10(a)	Construction Signs, Class A	3 Ea.	100.00	300.00	4.00	0.00	4.00	400.00	
10(b)	Construction Signs, Class B	1 L.S.	500.00	500.00	1.00	0.00	1.00	500.00	
10(c)	Traffic Control Labor	30 Hr.	44.00	1,320.00	25.50	0.00	25.50	1,122.00	
CHANGE ORDER NO. 1									
1	Remove four trees	1 L.S.	5,677.00	5,677.00	0.00	1.00	1.00	5,677.00	
SUMMARY:									
1	\$	36,808.70	7		Total Work to Date				\$ 38,746.00
2			8		Less Retainage (5%)				-
3			9		Sales Tax 0.0%				-
4			10		Due to Date				38,746.00
5			11		Less Previous Payments				36,808.70
6			12		Amount Due This Payment				\$ 1,937.30
Total Previous Payments: \$ 36,808.70									

BARS Code 105.4300.595.61.63.00

Checked: _____ Date: _____

Inspector

Approved: Mark Workman Date: 7/28/11
Engineer

Approved: Ace Elliott Date: 7/30/11
Contractor

4. A motion to accept as complete Contract No. 11-07, Sidewalks 2011.

NOTES:

REQUEST FOR COUNCIL ACTION

For Meeting of: 08/30/11

ACTION REQUESTED:

Accept the Sidewalks 2011 contract as complete.

BACKGROUND:

The scope of contract 11-07, Sidewalks 2011, provided for the repair of sidewalk tripping hazards by grinding raised panel edges and replacing certain panels where grinding was not appropriate. This was the City's annual sidewalk repair project that typically focuses on one hill each year. This year's project was the second of a two-year effort on Pioneer Hill and extended from Dexter Street to Bishop Boulevard. The contractor for this project was Motley-Motley, Inc. and all work has now been completed in substantial conformance with the contract documents. The final contract amount, which includes one previously approved change order, was \$35,611.00. The original contract amount was \$33,771.00. A copy of the Final Estimate of Work Completed is attached for reference. Funding for this project was from the Street Budget.

RECOMMENDATION:

By motion, accept contract 11-07, Sidewalks 2011, as complete.

FISCAL IMPACT:

\$35,611.00
<u>105,4300,542.80.48.00</u>
BARS Code Number

SUBMITTED BY:

Name Mark Workman
Title Public Works Director
Dept. Public Works

ATTACHMENTS FOR COUNCIL REVIEW/ACTION:

1. Final Estimate of Work Completed

REVIEWED BY:

	Initial	Date
Department Head	<u>MW</u>	<u>8/23/11</u>
City Supervisor	<u>JFB</u>	<u>8/26/11</u>
City Attorney	<u>may</u>	<u>8-23-11</u>
(As to Form)		


CITY OF PULLMAN
SIDEWALKS 2011

Contract Title: Sidewalks 2011
Contract No.: 11-07
Contractor: Motley-Motley

Progress Payment No.: 3
Month of: August
P.O. No.: en-80949

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	Sawcut Sidewalk	294 L.F.	4.50	1,323.00	352.00	0.00	352.00	\$ 1,584.00	
2	Remove Sidewalk	345 S.Y.	14.00	4,830.00	338.00	0.00	338.00	4,732.00	
3	Portland Cement Concrete Sidewalk	252 S.Y.	49.00	12,348.00	243.00	0.00	243.00	11,907.00	
4	Portland Cement Concrete Sidewalk	95 S.Y.	64.00	6,080.00	95.00	0.00	95.00	6,080.00	
5	Remove and Replace PCC Curb or	140 L.F.	40.00	5,600.00	146.00	0.00	146.00	5,840.00	
6	Grind Raised Panel Edges	142 L.F.	10.00	1,420.00	146.00	0.00	146.00	1,460.00	
7	Adjust Gate Valve Box	2 Ea.	125.00	250.00	3.00	0.00	3.00	375.00	
8	3" Class 1/2" HMA Patch	16 S.Y.	60.00	960.00	25.60	0.00	25.60	1,536.00	
9	Traffic Control Labor	24 Hours	40.00	960.00	10.50	0.00	10.50	420.00	
	CHANGE ORDER NO. 1				0.00	0.00	0.00	-	
1	Storm Drain Repair	1 T&M	162.00	162.00	1.00	0.00	1.00	162.00	
2	Repair Two Driveways in Military Hill	1 L.S.	1,515.00	1,515.00	1.00	0.00	1.00	1,515.00	
PREVIOUS PAYMENTS:				SUMMARY:					
1	\$32,369.35	7			Total Work to Date			\$ 35,611.00	
2	\$1,461.10	8			Less Retainage (5%)			-	
3		9			Sales Tax 0.0%			-	
4		10			Due to Date			35,611.00	
5		11			Less Previous Payments			33,830.45	
6		12			Amount Due This Payment			\$ 1,780.55	
				Total Previous Payments: \$ 33,830.45					

BARS Code 105.4300.595.61.63.00

Checked:  Inspector

Date: _____

Approved:  Engineer

Date: 7/28/11

Approved:  Contractor

Date: 7/29/11

5. RESOLUTION NO. R-59-11

A RESOLUTION ACCEPTING THE BID OF ACE ELLIOTT LANDSCAPING FOR THE LAKE STREET SEWER MONITORING PROJECT AND AUTHORIZING EXECUTION AND DELIVERY OF THE CONTRACT FOR SAID PROJECT.

NOTES:

REQUEST FOR COUNCIL ACTION

For Meeting of: 08/30/11

ACTION REQUESTED:

Award the Lake Street Sewer Monitoring contract.

BACKGROUND:

The scope of contract 11-10 provides for construction of a permanent flow and sampling station at the Lake Street interconnection between the WSU and city sanitary sewer systems. WSU commissioned a wastewater flow monitoring study in 2009 that showed excessive concentrations of BOD (biological oxygen demand) and TSS (total suspended solids) at its Lake Street interconnection with the City's sanitary sewer system. The City and WSU have worked together to identify and reduce high loading contributors into this line. Excessive BOD and TSS loading, especially in the form of a slug load can lead to violations of the city's wastewater treatment plant NPDES permit. The city has asked that WSU fund a permanent flow and sampling station at Lake Street, so that current and future periodic monitoring can be used to determine whether there are high strength wastewater contributors on campus over time. The City and WSU executed an agreement in May of this year that was approved by the Council. The agreement calls for WSU to contribute \$40,000 toward the construction cost of this station. Bids for this project were opened on August 17, 2011 with two bids received. The low bidder was Ace Elliot Landscaping of Pullman at \$61,248.73. The Engineer's Estimate was \$42,861.28. A copy of the bid summary is attached for reference. While the low bid exceeds the engineer's estimate, it appears to staff, after reviewing the bids, that it represents the realistic cost of the project. The main discrepancy is within the electrical bid item, which can sometimes be difficult to estimate on small projects. We do not feel there would be much, if anything, to be gained by rebidding, as there is nothing significant to cut from the project. Funding for this project will be from the Sewer Maintenance Budget of the Utility Fund, with partial reimbursement from WSU (\$40,000).

RECOMMENDATION:

Adopt the attached resolution awarding contract 11-10, Lake Street Sewer Monitoring, to Ace Elliot Landscaping for the bid amount of \$61,248.73.

FISCAL IMPACT:

\$61,248.73
<u>401.4100.594.35.65.00</u>
BARS Code Number

SUBMITTED BY:

Name	<u>Kevin Gardes</u>
Title	<u>Deputy Public Works Director</u>
Dept.	<u>Public Works</u>

ATTACHMENTS FOR COUNCIL REVIEW/ACTION:

1. Resolution No. R-59-11
2. Bid Summary

REVIEWED BY:

	Initial	Date
Department Head	<u>MW</u>	<u>8/23/11</u>
City Supervisor	<u>JFA</u>	<u>8/26/11</u>
City Attorney	<u>my</u>	<u>8-23-11</u>
(As to Form)		

S.R. #071

RESOLUTION NO. R- 59 -11

A RESOLUTION ACCEPTING THE BID OF ACE ELLIOTT LANDSCAPING FOR THE LAKE STREET SEWER MONITORING PROJECT AND AUTHORIZING EXECUTION AND DELIVERY OF THE CONTRACT FOR SAID PROJECT.

WHEREAS, Ace Elliott Landscaping submitted the low bid for Contract No. 11-10, Lake Street Sewer Monitoring, in the amount of Sixty-One Thousand, Two Hundred Forty-Eight and Seventy-Three/100 DOLLARS (\$61,248.73); and,

WHEREAS, a contract has been prepared to provide for performance of said project; and,

WHEREAS, the City Council deems it to be in the best interests of the city of Pullman to enter into said contract; now, therefore,

IT IS HEREBY RESOLVED by the City Council of the city of Pullman that the bid of Ace Elliott Landscaping for the above-described project be and it is hereby accepted.

BE IT FURTHER RESOLVED that the Mayor and the Finance Director be and they are hereby authorized and directed to execute the contract for said project and to deliver an executed copy thereof to Ace Elliott Landscaping.

BE IT FURTHER RESOLVED that pursuant to the provisions of WAC 308-330-265(2), the traffic engineer is hereby authorized to place and maintain official traffic control devices as the traffic engineer may deem necessary to regulate, warn, or guide traffic during construction.

IT IS FURTHER RESOLVED that the mayor is hereby authorized to take whatever further action is necessary, including but not limited to the execution of a Contractor's Escrow Agreement if requested by the Contractor, in order to effect the purposes of this resolution.

ADOPTED by the City Council of the city of Pullman at a regular meeting held on the _____ day of _____, 2011.

DATED this _____ day of _____, 2011.

Mayor Glenn A. Johnson

ATTEST:

Finance Director
William F. Mulholland

Approved as to Form:

City Attorney Laura D. McAloon

**ENGINEER'S ESTIMATE AND BID SUMMARY
LAKE STREET SEWER MONITORING
BID OPENING 08-17-11**

Item No.	Bid Item	Estimated Quantity	Engineer's Estimate		Ace Elliott Landscaping		Kirby-Hunt Construction, Ltd.	
			Unit Price	Amount	Unit Price	Amount	Unit Price	Amount
1	Mobilization	1 L.S.	3,000.00	3,000.00	2,500.00	2,500.00	8,000.00	8,000.00
2	Traffic Control	1 L.S.	1,000.00	1,000.00	500.00	500.00	5,500.00	5,500.00
3	Remove, Replace Asphalt Concrete Pavt.	40 S.Y.	52.00	2,080.00	60.00	2,400.00	174.00	6,960.00
4	Furnish and Install Flow Monitoring Vault	1 L.S.	12,675.00	12,675.00	18,997.00	18,997.00	20,000.00	20,000.00
5	Select Trench Backfill Material	75 Ton	18.00	1,350.00	12.00	900.00	20.00	1,500.00
6	Erosion Control	1 L.S.	300.00	300.00	100.00	100.00	500.00	500.00
7	Landscaping	1 L.S.	1,000.00	1,000.00	100.00	100.00	100.00	100.00
8	Furnish and Install Electrical Facilities	1 L.S.	18,355.00	18,355.00	31,320.00	31,320.00	35,200.00	35,200.00
SUBTOTAL				39,760.00		56,817.00		77,760.00
Sales Tax 7.8%				3,101.28		4,431.73		6,065.28
TOTAL			\$	42,861.28	\$	61,248.73	\$	83,825.28

6. A RESOLUTION DECLARING A MORATORIUM.

STAFF REPORT

QUESTIONS FROM COUNCIL ON STAFF REPORT

READING OF RESOLUTION NO. R-60-11

A RESOLUTION DECLARING A MORATORIUM PROHIBITING MEDICAL CANNABIS
COLLECTIVE GARDENS IN ALL ZONING DISTRICTS WITHIN THE CITY OF
PULLMAN, WASHINGTON AND SETTING A PUBLIC HEARING THEREON.

DISCUSSION

ACTION TAKEN

NOTES:

REQUEST FOR COUNCIL ACTION

For Meeting of: August 30, 2011

ACTION REQUESTED Adopt the attached Resolution establishing an immediate moratorium prohibiting medical cannabis collective gardens in all zoning districts within the city, adopting preliminary findings and setting a public hearing on the moratorium for October 6, 2011, at 7:30 p.m. in the Council Chambers.

BACKGROUND At the meeting on August 23, 2011, Council directed staff to prepare a moratorium ordinance for consideration by the Council for adoption. The moratorium would prevent any establishment of a collective garden for the cultivation of medical cannabis (marijuana) within City limits for an initial period of six months. The moratorium will provide time for City staff to research and evaluate the need for local zoning or licensing regulation of such laws, and the impact of federal laws on the recently enacted state law that purports to permit such collective gardens and the use of marijuana for medical purposes. Additional research has confirmed that the moratorium may be adopted by resolution of the Council, as compared to an ordinance. A resolution is effective immediately upon adoption, thus there is no need to determine whether an emergency exists so as to justify the waiver of the publication time period required before an ordinance would be effective. Thus, the action presented for you tonight is the adoption of a resolution making findings regarding the current uncertainty and conflict between state and federal law and public safety concerns, instituting a moratorium on the establishment of collective cannabis gardens within any zoning district of the City and directing staff to develop a work plan for the study of the issue and provide future recommendations for action.

A public hearing must be scheduled within 60 days of adoption of the moratorium. I am proposing that the hearing take place on October 6. Additional findings may be adopted by the Council following the public hearing.

RECOMMENDATION Adopt the proposed Resolution prohibiting medical cannabis collective gardens in all zoning districts within the city and setting a public hearing for October 6, 2011, at 7:30 p.m.

FISCAL IMPACT

\$ _____

BARS Code Number

SUBMITTED BY

ATTACHMENTS FOR COUNCIL REVIEW/ACTION

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

1. Resolution R-60 -11

REVIEWED BY

	Initial	Date
Department Head	_____	_____
City Supervisor	<u>JFB</u>	<u>8-26-11</u>
City Attorney (As To Form)	<u>Chuj</u>	<u>8-25-11</u>

RESOLUTION NO. R-60 -11

A RESOLUTION DECLARING A MORATORIUM PROHIBITING MEDICAL CANNABIS COLLECTIVE GARDENS IN ALL ZONING DISTRICTS WITHIN THE CITY OF PULLMAN, WASHINGTON AND SETTING A PUBLIC HEARING THEREON.

WHEREAS, the Washington legislature, by Engrossed Second Substitute Senate Bill 5073 (the Medical Cannabis Bill), provided for the establishment of State regulated medical cannabis dispensaries and collective cannabis gardens to provide a source of medical cannabis for qualifying patients, however, Washington Governor Christine Gregoire vetoed significant portions of the Bill, including all State agency regulations of the production, processing, and distribution of medical cannabis; and

WHEREAS, as a response to the Governor's veto, the legislature attempted, in the last hours of the 2011 legislative session, to introduce Senate Bill 9555 addressing the concerns raised by the Governor's veto, however, this Bill did not survive the closing of the legislative session and, therefore, further legislative action is unlikely until the convening of the 2012 legislature; and

WHEREAS, the portions of the Medical Cannabis Bill that survived the veto permits collective cannabis gardens subject to the City's determination of appropriate zoning, business license, health and safety requirements to serve the best interests of the City; and

WHEREAS, the veto of major sections of the Medical Cannabis Bill has resulted in great confusion as to its application and future legislation, including a recently filed Initiative which raises further questions in regards to the future affect and application of this Act; and

WHEREAS, the City of Pullman does not currently have a specific provision addressing the conditions or locations of collective cannabis gardens within the City; and

WHEREAS, it is anticipated that collective cannabis gardens may require an increased risk to health and safety, require increased police and code enforcement activities, and affect the use and enjoyment of surrounding properties without appropriate regulations; and

WHEREAS, the City may adopt zoning regulations for collective cannabis gardens provided the regulations directly

and materially serve a legitimate government purpose, are unambiguous and are reasonably calculated to achieve the City's governmental purpose; and

WHEREAS, the City intends undertake an analysis of the need for appropriate zoning and land use regulations to accommodate collective cannabis gardens and develop such regulations if deemed necessary; and

WHEREAS, Washington law authorizes the City to adopt a moratorium with a public hearing which must be held within sixty (60) days of the date of the adoption of a moratorium; and

WHEREAS, the City Council has determined that it is in the best interest of the City that a moratorium be established to provide the City an opportunity to study appropriate regulations for such collective gardens, and to develop a work plan for the implementation of such regulations;

NOW, THEREFORE, BE IT HEREBY RESOLVED BY THE CITY COUNCIL OF THE CITY OF PULLMAN, WASHINGTON, AS FOLLOWS:

Section 1. Preliminary Findings of Fact. The recitals and findings set forth above are hereby adopted as findings of the City Council in support of the moratorium imposed by this Resolution. The City Council may, in its discretion, adopt additional findings at the conclusion of the public hearing referenced in Section 4 below.

Section 2. Moratorium Established. A moratorium is imposed prohibiting the establishment, maintenance, cultivation, or operation of a collective garden for growing medical cannabis as defined by Section 1, Subsection 2 of the Engrossed Second Substitute Senate Bill 5073 and RCW 69.51A.010 as amended, within all zoning districts within the City of Pullman; and a moratorium is imposed on the filing with the City, or the Courts of Competent Jurisdiction, any applications for registrations, licenses, permits, or other approvals for the location of a collective garden, as defined above, during the term of this moratorium.

Section 3. Term of Moratorium. The moratorium imposed by this Resolution shall become effective on the date hereof, and shall continue in effect for an initial period of six (6) months, unless repealed, extended, or modified by the City Council after a public hearing and the entry of appropriate findings of fact as required by RCW 35A.63.200, provided,

however, that the moratorium shall automatically expire upon the effective date of zoning regulations adopted by the City Council to address collective gardens for medical cannabis within the City of Pullman.

Section 4. Public Hearing. A public hearing shall be scheduled for 7:30 p.m., or as soon thereafter as the matter may be heard, on the 4th day of October, 2011, at the City Council Chambers of the Pullman City Hall, where it will hear evidence and consider the comments and testimony of those wishing to speak at such public hearing regarding the moratorium.

Section 5. Effective Date. This Resolution shall be in full force and effect upon its passage and signature below.

ADOPTED by the City Council of the city of Pullman, Washington at a regular meeting held on the _____ day of _____, 2011.

DATED this _____ day of _____, 2011.

Mayor Glenn A. Johnson

ATTEST:

Finance Director
William F. Mulholland

Approved as to Form:

City Attorney Laura D. McAloon

K:\1722314\00001\17035_LDM\17035R20NE

7. PULLMAN SCHOOL DISTRICT PRESENTATION

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

MEMORANDUM

TO: Mayor and City Council

FROM:  John Sherman, City Supervisor

RE: Discussion of Pullman School District Issues

DATE: August 25, 2011

School Superintendent Paul Sturm will be present at the City Council meeting on Tuesday night to give a presentation on Pullman School District issues. He will give a PowerPoint presentation and distribute additional materials at the meeting.

School Superintendent Paul Sturm's last presentation to the City Council took place at the City Council meeting on January 19, 2010. A copy of the minutes from that meeting are attached.

EXCERPT OF CITY COUNCIL MINUTES OF JANUARY 19, 2010

or an environmental impact study would be required. Assistant Public Works Director Gardes responded it would have to be done.

Resolution No. R-5-10 by title only reads as follows:

A RESOLUTION AUTHORIZING THE ACCEPTANCE OF A WATER REUSE GRANT FROM WASHINGTON STATE DEPARTMENT OF ECOLOGY.

Councilmember Bloom moved, Councilmember Weller seconded to adopt Resolution No. R-5-10. The motion carried unanimously.

Resolution No. R-6-10 by title only reads as follows:

A RESOLUTION AUTHORIZING THE EXECUTION OF AN ENGINEERING SERVICES AGREEMENT BETWEEN THE CITY OF PULLMAN AND J-U-B ENGINEERS, INC. FOR THE PURPOSE OF COMPLETING THE WASTEWATER REUSE SYSTEM DESIGN UPDATE PROJECT.

Councilmember Weller moved, Councilmember Benjamin seconded to adopt Resolution No. R-6-10. The motion carried unanimously.

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

A RESOLUTION AUTHORIZING THE EXECUTION OF AN ENGINEERING SERVICES AGREEMENT BETWEEN THE CITY OF PULLMAN AND TAYLOR ENGINEERING, INC. FOR THE PURPOSE OF PROVIDING PROFESSIONAL ENGINEERING SERVICES FOR THE SOUTH FORK OF THE PALOUSE RIVER RIPARIAN RESTORATION PROJECT.

Councilmember Weller moved, Councilmember Benjamin seconded to adopt Resolution No. R-7-10. The motion carried unanimously.

Discussions

Presentation by 6.
Pullman School
Superintendent Paul
Sturm

Mayor Johnson announced that a presentation is scheduled by Paul Sturm, Pullman School District Superintendent. Pullman School District Superintendent Sturm introduced Assistant Superintendent Reyes. Superintendent Sturm stated that the levy held in 2008 has really given them some breathing room in light of the cuts in financial aid from the State to the School District. Their full-time equivalent students have been relatively flat in the 98-99 to the 07-08 school years. In the last two years it has increased several hundred to around 2200 students. He also said the free lunch program has gone from 20 percent utilization to 30 percent due to the changes in economics. He stated that with the 2.6 additional deficit the School District could possibly lose one million dollars which would equate to either 15 teachers or 30 classified positions. The fund balance is offset by the levies and will mitigate part of that situation for at least this year and possibly next year before any cuts would have to be made. In the facilities, the elementary schools are crowded and near capacity but he noted that Franklin Elementary was designed for extra classrooms which could be added to help alleviate the situation. The high school has infrastructure problems. He noted the boilers as

an example. The problem the schools now have is they are near the limit on their bond capacity and they would not be able to take on a major remodel of the high school. So they are looking at about an eight-or ten-year period to reduce the bond indebtedness down to a point where they could borrow for a remodel which he figured would be somewhere in the vicinity of ten million dollars. He applauded the voters for supporting the levy for the use of technology and education. Technology as a teaching tool has been very useful for them. He also praised the Educational Service District (ESD) for the aid they have given and shared resources not only to his school district but other school districts in the area. He also said that *U.S. News and World Report* had Pullman High School listed as one of the top ten percent schools in the nation. He felt pretty good about this as Washington was rated number eight in the nation in education and was just one of two schools on the east side of the Cascades that had received that designation.

He presented a PowerPoint presentation. Councilmember Waldrop asked about interaction with small communities. Superintendent Sturm stated that they meet monthly and stated that the ESD allows cooperation with other districts to share resources. He noted that over the years the diversity in the school district has increased. Councilmember Waldrop remarked that this is good news. Superintendent Sturm asked his assistant, Ms. Reyes, how many languages are spoken. Ms. Reyes responded there are between 10 and 15 languages that are spoken with Chinese and Russian the most prevalent.

Councilmember Weller mentioned that Pullman schools had helped prepare him for WSU and it was good to see that the programs were continuing.

WSU Capital
Planning

7.

Mayor Johnson introduced Gerald Schlatter who went through the WSU Capital Planning presentation. He gave a PowerPoint presentation and went through several improved structures at WSU such as the CUB remodel, Martin Stadium, Olympia Housing, the Golf Course, and other projects. He also discussed several projects that are in the planning stages. He stated they are also looking at a conference center and hotel and are close to putting the project out for bid.

Bobbie Ryder presented a presentation on the WSU Arboretum and Wildlife Conservation Center and talked about plans for redoing the site.

Councilmember Bloom asked if there are plans for moving the bighorn sheep. Ms. Ryder stated there is a problem with diseases if they are moved so they will probably be left in their current location.

Councilmember Benjamin asked what the effect of the flight path would be on the animals. Ms. Ryder stated that the flight path would be out of the area. Councilmember Benjamin discussed the need for a commuter lot to extend the bus lines to help with parking.

Joint Meeting
with ASWSU

8.

Mayor Johnson announced that a discussion is scheduled on the joint meeting with ASWSU to see if there are any additions to the agenda.