

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:

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| Glenn A. Johnson | Mayor |
| William F. Mulholland | Finance Director |
| Francis Benjamin | 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

- | | | |
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| 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

- | | | |
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| Resolution No. R-52-11 - Right-of-Way Easement | 8. | Resolution No. R-52-11 A RESOLUTION ACCEPTING A RIGHT-OF-WAY EASEMENT FROM PULLMAN LODGING, LLC. Resolution No. R-52-11 was adopted unanimously. |
| Resolution No. R-53-11 - Worldthree | 9. | Resolution No. R-53-11 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. R-54-11 - Fire Station Exhaust Systems | 10. | Resolution No. R-54-11 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. R-55-11 - WWTP Operations and Maintenance Manual | 11. | Resolution No. R-55-11 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.
R-56-11 - Ratifying
Airport Grant

Resolution No. R-56-11

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.
R-57-11 - Transit
Grant

Resolution No. R-57-11

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 were 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.