MINUTES OF THE CITY COUNCIL
OF THE CITY OF PULLMAN
MAY 20, 2008

Roll Call

The regular meeting of the City Council of the City of Pullman was held on May 20, 2008, at 7:30 p.m. in Council Chambers, City Hall, Pullman, Washington with the following present:

Glenn A. Johnson	Mayor
Troy Woo	Finance Director
Francis Benjamin	Councilmember
Keith Bloom	Councilmember
Ann Heath	Councilmember
Bill Paul	Councilmember
Barney Waldrop	Councilmember
Nathan Weller	Councilmember

Call to Order

Mayor Johnson called the regular meeting to order at 7:30 p.m. Councilmember Heath moved, Councilmember Bloom seconded to excuse Councilmember Wright from the meeting.

Motion Carried.

Announcements

Mayor Johnson read three proclamations for “Police Week”, “Emergency Medical Services Week”, and “National Public Works Week”.

Report

Aquatic Center 2007 Report

Recreation Superintendent Dahmen presented the staff report which included a description of 2007 revenues and expenditures for the Aquatic Center, membership statistics, and statistics relating to cost-recovery percentages. Councilmember Benjamin asked if the cost-recovery percentage drop in 2004 relates to the opening of the City of Moscow Aquatic Center. Recreation Superintendent Dahmen responded. Councilmember Heath noted the decrease in membership and asked if the decrease was from the swimming pool or from fitness and if that was due to the opening of new fitness facilities within Pullman. Recreation Superintendent Dahmen responded.

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 the 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 Waldrop moved, Councilmember Benjamin 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 either the Council or audience. Councilmember Bloom

requested item No. 1 be removed for separate discussion. Councilmember Waldrop moved, Councilmember Paul seconded to adopt items 2 through 9 on the Consent Agenda.

Motion Carried.

Motions

Claim for Damages - Drassal	2.	The Council referred a Claim for Damages submitted by Allan R. Drassal for an undetermined amount to the Washington State Transit Insurance Pool (WSTIP).
Claim for Damages - Ponciano	3.	The Council referred a Claim for Damages submitted by Jay Ponciano for an undetermined amount to the Washington Cities Insurance Authority (WCIA).
Change Order on Police Department Security Improvements	4.	The Council ratified Change Order No. 2 on Contract No. 07-12, Police Department Security Improvements.
Whitman County Humane Society Contract	5.	The Council authorized a "Seventh Amendment to Contract" with the Whitman County Humane Society.
Pullman Community Update Contract	6.	The Council authorized a contract with Jane Fredrickson (dba Phrase Factory) for design and production services for the *Pullman Community Update*.
Washington State Traffic Safety Commission	7.	The Council authorized a Memorandum of Understanding with the Washington State Traffic Safety Commission for DRE overtime reimbursement.

Resolutions

Resolution No. R-46-08 - FAA Grant	8.	Resolution No. R-46-08 A RESOLUTION AUTHORIZING THE ACCEPTANCE OF A U.S. DEPARTMENT OF TRANSPORTATION FEDERAL AVIATION ADMINISTRATION GRANT FOR THE MASTER PLAN UPDATE, PHASE 2. Resolution No. R-46-08 was adopted unanimously.
Resolution No. R-47-08 - Bishop Boulevard Sidewalk - Pro Mall, South	9.	Resolution No. R-47-08 A RESOLUTION ACCEPTING THE BID OF MOTLEY-MOTLEY, INC. FOR BISHOP BOULEVARD SIDEWALK - PRO MALL, SOUTH AND AUTHORIZING EXECUTION AND DELIVERY OF THE CONTRACT FOR SAID PROJECT. Resolution No. R-47-08 was adopted unanimously.

REGULAR AGENDA

Motion

Minutes May 6, 2008	1.	Mayor Johnson announced that this item had been removed from the Consent Agenda at the request of Councilmember Bloom. Councilmember Bloom asked for clarification on his late arrival for the May 6, 2008 meeting. Mayor Johnson responded. Councilmember Bloom moved, Councilmember Waldrop seconded to adopt the minutes of May 6, 2008. The motion carried unanimously.

Ordinance

Ordinance No. 08-8 - Budget	10.	Mayor Johnson announced that an ordinance had been prepared amending the 2008 budget. Finance

Amendment

Director Woo presented the staff report describing the requested amendments. Councilmember Paul asked for additional background relating to the amendment for the Civic Improvement Fund. Finance Director Woo and Lodging Tax Committee Chair Councilmember Heath responded.

Ordinance No. 08-8 by title only reads as follows:

AN ORDINANCE AMENDING ORDINANCE NO. 07-32 ADOPTED DECEMBER 4, 2007, AND ENTITLED “AN ORDINANCE ADOPTING A BUDGET FOR THE CITY OF PULLMAN FOR THE YEAR 2008".

Councilmember Waldrop moved, Councilmember Benjamin seconded to adopt Ordinance No. 08-8. The motion carried unanimously.

Resolution

Resolution No. R-48-08 - Parks and Recreation Five-Year Plan Update

11. Mayor Johnson announced that a resolution had been prepared adopting the Parks and Recreation Five-Year Plan update. Recreation Superintendent Dahmen presented the staff report. The Mayor and Council commended Recreation Superintendent Dahmen and his staff for the development of the five-year plan. Recreation Superintendent Dahmen thanked his staff, the citizens for their input, and the Parks and Recreation Commission for their efforts in developing the five-year plan.

Resolution No. R-48-08 by title reads as follows:

A RESOLUTION APPROVING A CITY OF PULLMAN PARKS AND RECREATION FIVE-YEAR PLAN UPDATE FOR 2008-2013.

Councilmember Weller moved, Councilmember Bloom seconded to adopt Resolution No. R-48-08. The motion carried unanimously.

Discussions

Business Registration

12. Mayor Johnson announced that a discussion is scheduled on business registration. City Supervisor Sherman reviewed an e-mail received from Helene Hopkins regarding the Master License Service for rental properties, the fee structure, provided background information on business registration, and clarified past business license requirements within the City of Pullman.

Police Chief Weatherly presented a staff report that included a description of past crimes that have been related to itinerant businesses. City Supervisor Sherman listed reasons for collecting the contact information. City Attorney McAloon listed reasons the information would be helpful for code enforcement activities.

Planning Director Dickinson presented a staff report that described the home occupation requirements under current city code. City Supervisor Sherman summarized the comments regarding the business registration issue and gave examples of licensing requirements in other Washington cities. City Attorney McAloon led a discussion to provide staff with City Council clarifications so that a draft ordinance could be drafted. City Attorney McAloon asked for

clarification regarding which businesses would be required to register through the Master License Service and made comments regarding the definitions of a business used by the state and other cities within Washington.

Councilmember Heath asked if the City's registration requirement could be linked to the business requirement to register through the Master License Service. City Attorney McAloon responded. Councilmember Waldrop asked if the Master License Service is required to use Washington Administrative Code 248.2105. City Attorney McAloon responded. Councilmember Waldrop stated that he supported Councilmember Heath's view that if a business is required to register under the Master License Service then they should be required to provide the additional City information. Councilmember Waldrop asked why the Master License Service would like the City to provide a definition of a business. City Attorney McAloon responded. Councilmember Waldrop suggested that itinerant vendors be fast tracked and have its own separate ordinance for its regulation. Councilmember Benjamin stated he agreed with Councilmember Waldrop's suggestion to separate the itinerant vendors. Councilmember Benjamin, City Attorney McAloon, and Finance Director Woo discussed the requirements to register with the state and the Master License Service. Councilmember Bloom stated that he agreed that itinerant businesses should be fast tracked and separated and that the definition for a business that was presented at the May 6 Council meeting should be revisited. Councilmember Heath commented.

Mayor Johnson stated he thought that nonprofit organizations, charitable, educational, literary, fraternal, and religious organizations should all be registered. The City Council concurred that businesses currently registering with the Master License Service for state purposes would be required for the City registration and those not required to register with the Master License Service would register at the police department. Councilmember Benjamin asked if the registrations required at the police department would need to be submitted by the owner or can people representing the owner be allowed if they can provide some type of legal documentation. City Attorney McAloon responded.

Councilmember Waldrop stated he did not support the $20.00 fee for each individual property, that the City absorb the cost rather than charge each property, and that owner-occupied rentals should be exempted. Councilmember Bloom stated he agreed with Councilmember Waldrop on the single-fee-per-owner and suggested that, if need be, the initial registration fee be higher and the renewal fees be lowered. Councilmembers Benjamin, Bloom, Heath, and Mayor Johnson further discussed the fee structure that would charge by the owner and not by the location. Councilmember Heath stated it was important that in the long term that the general tax-paying public not subsidize the program so the fee may need to be reevaluated when more information is available. City Council concurred on the fee per owner and not location. Councilmember Paul stated that a property management contract could act as a legal

document for registration purposes. Councilmember Paul stated that he thought home occupations should be registered but that no fee be applied to those registrations. Councilmembers Waldrop and Bloom responded. Councilmember Waldrop stated that if a home occupation owner needed to be contacted they would be present and the City would know who they were. Mayor Johnson commented on past problems with home occupations. Councilmember Waldrop stated he thought that if those types of businesses were large enough to create problems, they were probably already registered under the Master License Service. Councilmember Paul stated that he thought they should still be registered but not have to pay a fee. Councilmember Benjamin stated he thought there were concerns about lost revenues relating to the streamlined sales tax and if cities were defining businesses with that in mind. City Attorney McAloon, City Supervisor Sherman, and Finance Director Woo responded.

City Attorney McAloon asked if home occupations should be included in the business registration program. Councilmembers Paul and Bloom stated that they should. Councilmembers Bloom, Heath, Mayor Johnson, and Planning Director Dickinson discussed a past issue related to a beauty shop located in a residential neighborhood. Councilmember Bloom stated there are some dangers such as kilns, chemicals, and reloading information that the City should be aware of. Councilmember Heath stated she supported the registration of home occupations. Councilmember Bloom suggested a gross-earnings threshold such as the state requirement to be included in the City requirements. City Attorney McAloon clarified the state's requirements relating to retail sales tax and the $12,000 gross-earnings requirement. Councilmember Bloom stated that all businesses should be required to follow the same rules. Councilmember Benjamin stated he thought that the home occupations that were required to register with the Master License Service would capture the whole issue. City Attorney McAloon responded. Councilmember Waldrop stated he did not support requiring home occupations to register. Mayor Johnson stated that clarification No. 3 regarding itinerant vendors had already been decided. Councilmember Heath asked for clarification on item No. 4 regarding the requirement for itinerant vendors to re-register once a month or if the physical location changes. City Attorney McAloon responded. Councilmember Heath stated she supported fast tracking the itinerant vendors registration and cited her personal experiences with itinerant businesses. Mayor Johnson stated that a number of students have been taken advantage of by itinerant businesses and that they should be registered. Councilmember Benjamin asked if home occupations that were selling goods would be required to register under the Master License Service. City Attorney McAloon responded. Councilmember Benjamin asked for an example of a home occupation that would not be required to register under the Master License Service. Councilmembers Waldrop, Councilmember Heath, and City Attorney McAloon discussed the taxability of services. Councilmember Benjamin stated that home occupations that are required to register

with the Master License Service should be included and others be exempted. City Attorney McAloon expressed concern of enforcement of that type of definition and that the Master License Service would request that a specific definition be adopted. Mayor Johnson responded.

City Attorney McAloon stated she thought the direction of the Council regarding residential-rental properties was to require registration with the police department and that only the location and emergency contact information be provided for each physical address and that a property management company could do that as an agent for the owner. City Attorney McAloon asked if the Council wanted a single registration for each address. Councilmember Bloom stated for each single street address. City Attorney McAloon asked if owner-occupied rental properties of no more than two units per building would be exempt. City Council concurred. City Attorney McAloon asked if the fee would apply for owner and not location. City Council concurred. City Attorney McAloon stated that the Master License Service could not accommodate a tiered fee structure but could accommodate a lower renewal fee. She asked if the Council would support a higher first year fee and a lower renewal fee for Master License properties, the residential rental property registrations at the police department, and that the City fee that is collected by the Master License Service is remitted to the City in full. Councilmember Heath, Mayor Johnson, and City Attorney McAloon discussed the staff time required to input the Master License Service information into the police Spillman system. Councilmember Heath expressed concern that costs need to be recovered because budgets are so tight. City Attorney McAloon stated that the record keeping requirements are still dependent upon address even though the fee will be assessed per owner and not per address. Councilmember Heath asked if the fee should be more than $20.00 since it is only going to be charged per owner. Councilmember Bloom and Mayor Johnson responded. Councilmember Benjamin and Councilmember Heath stated that a new fee would need to be developed. Finance Director Woo suggested that the fee remain $20.00 initially and that the rate structure be evaluated as more information becomes available because at this point the fee structure is hard to calculate. Councilmember Heath suggested looking at the information related to the total number of apartments and rentals to try to develop a fee. Finance Director Woo responded.

City Supervisor Sherman noted that if the initial fee were to be increased to help recover costs, then the owner that owns one property would be paying a much higher cost then a large multi-unit complex so that the burden could be shifted to the small rental owners. Councilmember Heath stated it was important to have a penalty for failing to register and that the penalty should be large enough so it is taken seriously. Councilmember Bloom stated it should be significant enough so that the fee seems easier than paying the fine, such as ten times the amount of the fee. City Attorney McAloon suggested that a civil infraction within the ordinance be classed as a Class I infraction

which is a $250.00 fine. City Council concurred. Councilmember Heath suggested that subsequent violations be double the original fine. City Council concurred.

Pullman Arts Commission Membership

13. Mayor Johnson announced that a discussion is scheduled on the Pullman Arts Commission membership. City Supervisor Sherman introduced the discussion item. Anna-Marie Shannon, the chair of the Pullman Arts Commission, described the need for additional numbers for the commission to help represent all forms of art and the need for additional members to help with the workload of the commission. Councilmember Waldrop asked Ms. Shannon if she had any candidates in mind. Ms. Shannon responded. Councilmember Waldrop described the concerns of the Council relating to the difficulties in filling committee vacancies. Mayor Johnson asked Ms. Shannon if the Arts Commission has attendance requirements for its members. Ms. Shannon responded. Mayor Johnson offered to help with current vacancies by appointing members. Ms. Shannon responded. Mayor Johnson suggested recruiting committee members from volunteer pools. Ms. Shannon responded.

Councilmember Heath asked if the committee was working too hard and if burnout was a concern for its members. Ms. Shannon responded. Mayor Johnson asked if there were any current attendance issues for the committee. Ms. Shannon responded. Ms. Shannon suggested, if the commission membership was not going to be expanded, that the commission could use open public forums to help enlist help from the public. Councilmember Waldrop stated the Council fully supports what the commission has accomplished and appreciates the efforts and if the commission could find willing candidates to serve, then she should return to the Council to discuss expanding the commission membership. Councilmember Bloom stated he had suggestions for members who would help represent the performing arts.

Transit System Risk Profile

14. Mayor Johnson announced that a discussion is scheduled on the Transit system risk profile. Finance Director Woo presented the staff report which included a description of the coverage levels, the claim history for the Transit system and risk profile data for both Washington Cities Insurance Authority and the Washington State Transit Insurance Pool. Councilmember Waldrop thanked staff for the report and suggested that the report be repeated periodically because the information is valuable. Councilmember Paul asked for further information on the self-insured layer of the risk pools and noted that the self-insurance layer is not funded by the City of Pullman. Councilmember Paul stated that although the severity statistics are favorable for the Pools that the high frequency should be taken into consideration because those could lead to much bigger claims in the future. Councilmember Waldrop asked for additional information relating to the Transit systems that were used for comparison purposes and a description of what Pullman Transit system does differently from those systems. Councilmember Waldrop suggested that the Transit system look at its operations and perhaps it will need to invest more in

personnel or make changes to routes to help prevent future accidents. Transit Manager Thornton responded.

Councilmember Waldrop stated that it would rely on Transit Manager Thornton to make suggestions to changes in street routes or changes to street issues to help prevent future incidents.

Mayor Johnson asked for more information relating to the “Top of China” claim. City Attorney McAloon responded.

NEW BUSINESS

Councilmember Bloom noted the heavy trash that is located in various areas around Pullman due to the harsh winter and the wind and suggested that citizens need to take responsibility for trash that is blown from vehicles or from construction sites.

Mayor Johnson read the tentative agendas.

ADJOURNMENT

Councilmember Waldrop moved, Councilmember Paul seconded to adjourn the regular meeting of the City Council.

Motion Carried.

Mayor Johnson adjourned the regular meeting of the City Council at 9:41 p.m.