MINUTES OF THE CITY COUNCIL OF THE CITY OF PULLMAN AUGUST 28, 2012

#### Roll Call

A regular meeting of the City Council of the City of Pullman was held on August 28, 2012, at 7:30 p.m. in Council Chambers, City Hall, Pullman, Washington with the following present:

Mayor
Finance Director
Councilmember

Call to Order

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

Announcements

There were two announcements.

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 Weller moved, Councilmember Benjamin seconded to read the Consent Agenda.

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

Motion Carried.

### Motions

Minutes - August 14, 2012 1. The Council dispensed with the reading of the minutes of the regular meeting of August 14, 2012, and approved them as submitted.

Palouse Basin Water Summit 2. The Council authorized the payment of \$500 as the City of Pullman's financial contribution to the  $8^{\rm th}$  Annual Palouse Basin Water Summit.

### Resolutions

Resolution No. R-53-12 - WWTP Small Projects

3. Resolution No. R-53-12

A RESOLUTION AUTHORIZING THE EXECUTION OF AN ENGINEERING SERVICES AGREEMENT BETWEEN THE CITY OF PULLMAN AND J-U-B ENGINEERS, INC. FOR WWTP SMALL

PROJECTS.

Resolution No. R-53-12 was adopted unanimously.

Resolution No. R-54-12 - Short-Term Loans to Airport 4. Resolution No. R-54-12

A RESOLUTION AUTHORIZING SHORT-TERM LOANS FROM THE UTILITY FUND TO THE PULLMAN-MOSCOW AIRPORT AGENCY FUND; SUPERSEDING RESOLUTION NO. R-72-11.

Resolution No. R-54-12 was adopted unanimously.

Resolution No. R-55-12 - First Step Internet

5. Resolution No. R-55-12

A RESOLUTION ACCEPTING THE PROPOSAL OF FIRST STEP INTERNET, LLC FOR ADAMS MALL MICROWAVE RADIO EXTENSION AND DELIVERY OF THE CONTRACT FOR SAID PROJECT.

Resolution No. R-55-12 was adopted unanimously.

# Ordinance

Ordinance No. 12-14 - Noise Regulation 6. Ordinance No. 12-14

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PULLMAN, WHITMAN COUNTY, WASHINGTON, RELATING TO PUBLIC SAFETY AND MORALS, AMENDING PULLMAN CITY CODE, CHAPTER 8.80 NOISE REGULATION, PULLMAN CITY ORDINANCE NOS. 05-8 §4 (2005), 99-40 §2 (1999), 99-26 §5 (1999), 88-4 §3 (1988), 87-28 §9 (1987), 82-50 §3 (1982) AND 82-20 §1 (part) (1982) AND OTHER MATTERS PROPERLY RELATED THERETO.

Ordinance No. 12-14 was adopted unanimously.

### REGULAR AGENDA

# Ordinance

Ordinance No. 12-15 - Public Safety and Morals

7. Mayor Johnson announced that an ordinance has been prepared relating to itinerant vendors. Police Chief Jenkins went through some of the reasons for changes in dollar amounts of infractions and also allowing food truck vendors to stay open until 3:00 a.m. to provide late-night food service to patrons.

Ordinance No. 12-15 by title only reads as follows:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PULLMAN, WHITMAN COUNTY, WASHINGTON, RELATING TO TITLE 8 PUBLIC SAFETY AND MORALS, AMENDING PULLMAN CITY CODE CHAPTER 8.95 ITINERANT VENDORS AND ORDINANCE NO. 08-10 §§ 11 AND 13 (2008) AND OTHER MATTERS PROPERLY RELATED THERETO.

Councilmember Paul moved, Councilmember Wright to adopt Ordinance No. 12-15. The motion carried unanimously.

### Motions

City Supervisor
Job Announcement

8. Mayor Johnson announced that a motion is requested approving a job announcement for the position of City Supervisor. Councilmember Wright wanted to know if we were paying expenses to the finalist

candidates. We are not. Councilmember Hughes wanted to know if the Association that this job belonged to had been notified. They have been notified.

Councilmember Skaug moved, Councilmember Hughes seconded to approve the job announcement for the position of City Supervisor. The motion carried unanimously.

City Supervisor Appointment

9. Mayor Johnson announced that a motion is requested to confirm the appointment of Mark Workman as City Supervisor from October 1 until a new City Supervisor has been hired.

Councilmember Wright moved, Councilmember Benjamin to appoint Mark Workman as City Supervisor starting October 1 until a new City Supervisor has been hired. The motion carried unanimously.

# Resolution and <u>Moti</u>on

Resolution No. 10. Mayor Johnson announced that a resolution and motion are requested to upgrade the City's phone on Upgrade of City
Phone System Information Systems Manager Bailey presented the information

Resolution No. R-56-12 by title only reads as follows:

A RESOLUTION OF THE PULLMAN CITY COUNCIL AUTHORIZING THE MAYOR TO EXECUTE AN INTERLOCAL COOPERATIVE PURCHASING PROGRAM AGREEMENT BETWEEN THE CITY OF PULLMAN AND THE KING COUNTY DIRECTORS' ASSOCIATION PURCHASING DEPARTMENT (KCDA).

Councilmember Benjamin moved, Councilmember Weller seconded to approve Resolution No. R-56-12. The motion carried unanimously.

Councilmember Hughes moved, Councilmember Hawbaker seconded to approve the procurement of the upgrade of the Avaya/Nortel phone system and call accounting software through the King County Directors' Association (KCDA) purchasing cooperative in the amount of \$36,094.72. motion carried unanimously.

### Discussions

Public Budget Discussion and Overview

11a. Mayor Johnson announced that a public discussion and overview on the budget is scheduled. City Supervisor Sherman went through six points on staffing issues.

> Do you want to continue to stay with the 2010 adopted goal and make every effort to keep present City employees fully employed during this recessionary period?

> > The Council responded in the affirmative.

2. Do you want to approve filling selected positions as they become vacant?

Once again that was a yes. City Supervisor

Sherman mentioned that there would be several positions after this discussion to consider for filling.

3. Do you want to consider reducing certain positions from full to part-time? He mentioned that at their direction he got in contact with Washington State Department of Employment Security and asked whether the individuals that were reduced from full-time to part-time would be eligible?

The answer to that was possibly.

4. Do you want to consider furloughs?

The overall consensus was that this would be a last resort.

5. Do you want to consider shifting certain legally eligible positions from the General Fund to other funds?

Public Works Director Workman was going to present that following this discussion.

6. Rather than adopting any of the staff reduction options that would reduce efficiency of existing General Fund operations, do you want to reset the organization, deciding what priority service you are going to provide with an adequate staffing level?

The consensus of the City Council they did not want to pursue this approach.

The Council then went to a discussion of General Fund cash reserves.

1. What level of cash reserves are you comfortable with for the year ending 2012?

The consensus was 9.8, however Finance Director Mulholland said that at this point and time it was not really achievable. It would be somewhere in the vicinity of 8 percent, but there is no way that we would be able to achieve 9.8 percent at the end of the year.

Councilmember Benjamin thought that this was what we had been working to achieve. Finance Director Mulholland said that in April, when this was put out, it was a lot closer to being able to achieve than at this current time with only four months remaining. However, he said cuts would need to be made of an additional \$500,000 plus the already approved 2012 cuts in order to be able to achieve the 2013 budget.

- 2. The target level for the General Fund for 2013 was 9.8 to 11 percent.
- 3. Switch the Airport Interfund loan which had been done earlier by resolution.

City Supervisor Sherman then discussed contracts with other entities. One would be an update on the Whitman County Tax-Sharing agreement.

City Supervisor Sherman noted that other contracts are being reviewed. He then went through several Raising the EMS and the revenue options. Metropolitan Park District levies to \$0.50/\$1,000 would generate an additional \$123,313. Raising the property tax levy to \$3.60/\$1,000 would amount to \$889,477. He also looked at increasing the sales tax rate by .1 percent. That would generate \$362,000 and raising the utility tax by 1 percent would generate \$543,143. The 1 percent utility would include telephone, natural electricity, as well as increasing the levy rates which would need voter approval. If they just increase the utility tax by 1 percent it would generate approximately \$90,500 and increasing the solid waste by 1 percent would be \$32,143.

Council decided to hold off until December to make any determination if they were going to request any increases by the voters.

The discussion was opened to the Council. Councilmember Paul wanted to hear from the public regarding sales tax increases. Some of his constituents had said it would have very little impact. Councilmember Wright agreed, but she also thought we should look at the 3.6 percent levy and an increase in sales tax. Councilmember Hughes warned just to go very carefully on that. Councilmember Skaug brought up that we really need to look long-term and review our revenue sources.

City Supervisor Sherman went through the update on Reaney Park Pool. This was an item that we will bring to Council in the next couple of months for discussion, once the plans are put together.

At 8:19 p.m. the Mayor opened up for public input. No one came forward.

Position 11b. Vacancy Summary

City Supervisor Sherman then opened up the discussion on filling some of the vacant positions.

Finance Director Mulholland went through his request to fill the Accounting Manager position.

Library Services Director Bailey had two positions, one an administrative assistant and a Library Technician for Youth Services. She was requesting, at a minimum, to get the Administrator Assistant position and they could hold off on the Library Technician.

Councilmember Hughes wanted to know how they are going to come up with additional money. Library Services Director Bailey said they would cut other areas to pay for one position.

Public Works Director Workman then went through his presentation on moving Engineering out of the General Fund and splitting them between Streets and Utility budgets. He said that the 2012 budget for Engineering was \$311,448 and under his proposal

the entire Engineering expenses to the General Fund would be eliminated. He did note that items that had been done for free to the General Fund departments could now be charged. He originally thought that this might create a burden on some of the departments, especially Planning, but in looking at it in 2011, they only worked 215 hours for Planning with a cost of \$7,800. Through July of this year, they had spent almost 75 hours at a cost of almost \$3,000. Looking at this is a net savings of about \$300,000. On top of that, there are several expenses that would be shifted from out of the General Fund from Parks and Rec. Last year it totaled almost \$66,000. These charges came from removing snow in parking lots and sidewalks that were actually a function of Streets for which they will be reimbursed going forward. Councilmember Hughes wanted to know if it was going to be difficult to track these changes. Public Works Director Workman said they are already doing this pretty much in splitting up several of the personnel like himself and Kevin Gardes.

Fire Chief LaVielle went through his request. He wanted to add two temporary personnel for up to four months which would help keep their minimum staffing levels and reduce overtime. They originally had one position they were keeping open, but they have had two other positions come open, due to illness and disabilities. This position would be opened until the end of the year which would create strains on the department in keeping minimum staffing levels. Councilmember Benjamin wanted to know if we were required to have both stations open. Fire Chief LaVielle said there is no specific requirement. Councilmember Paul noted that if our level of response time goes down, it could affect increases in insurance rates. There is concern that we have proper staffing to ensure that we can meet any needs of the citizens. The Council asked if he had considered the use of reserves which he said he was looking into it. Also, they asked about the cost benefit of adding the two temporary positions. He had no figures for that, but he figured it would be a savings in overtime.

Police Chief Jenkins said that he would keep his positions open until the end of the year. He is now down two positions and has a third on light duty. The individual would be off for a period of time around the first of the year. Councilmember Weller asked about the records specialist. He also wanted to know if they had a learning curve with the start of the licensing processes. Police Chief Jenkins said it really was not much of a learning curve involved, but the initial work was quite burdensome. They do have increases in workflow for renewals.

The Council then went through the positions to approve individually. Councilmember Paul moved, Councilmember Hawbaker to approve the Accounting Manager position. The motion carried unanimously.

Councilmember Skaug moved, Councilmember Wright

seconded to approve the Administrative Assistant position. The motion carried unanimously.

Councilmember Wright moved, Councilmember Skaug seconded to approve adding the two temporary positions and not filling the current one. The motion carried unanimously.

Councilmember Hughes moved, Councilmember Skaug seconded to reset the target to 8 percent. The motion carried with Councilmembers Benjamin, Hawbaker, Hughes, Paul, Skaug and Wright voting aye and Councilmember Weller voted nay.

Status of the 12. County Tax-Sharing Agreement

City Supervisor Sherman went through a brief history of work in this area. Planning Director Dickinson mentioned that the present boundaries come close to the Urban Growth Area boundaries. Councilmember Benjamin wanted to know if the South Bypass was included in the tax-sharing area. Planning Director Dickinson said it was. Supervisor Sherman requested they read through the materials on this because there will be a discussion on it at the next meeting. Councilmember Paul wanted to know if we did not accept the agreement, would we be surrounded by cluster housing. Planning Director Dickinson said potentially, but we need to keep an open dialogue with the County. Councilmember Skaug asked if the current Commissioners approved this and as there will be some changes in Commissioners going forward, it would be better to wait. He said as Councilmember Benjamin pointed out, if we don't approve it this year it will be some time down the line before it will be brought back up again. The consensus was to continue to talk on the tax-sharing agreement.

Ban on Smoking 13. in City Parks or Public Facilities

Mayor Johnson said a discussion is scheduled on the implementation of a ban on smoking in City parks or public facilities. City Attorney McAloon went through her memo and recommended the following steps for Pullman to develop a list of reasons why the ban would promote public health and welfare in the ordinance implementing the smoking ban. Consider defining the scope of the ban. Many municipalities ban smoking within 25 feet of playgrounds, pools, or buildings, but do not ban smoking throughout the entire park. Include an enforcement regime. Other violations of City Code are designed as an infraction of City Code punishable by civil forfeitures ranging from \$350 to \$100 depending on classification. Washington code, the fine for smoking in public areas that are owned by private persons, such as bars, is \$100 which is a Class 3 infraction under current City Code. Include a signage element in the ordinance providing notice of the ban and require posting of the signage in high traffic areas in parks and provide an implementation period to provide for a public information campaign to notify residents and visitors of the new ban.

Councilmember Benjamin asked about e-cigarettes, if they were included. City Attorney McAloon said that in Spokane Transit they had eliminated them on the bus because some of those have flavored

smoke. Councilmember Paul noted that cigarette butts are a major source of pollution. Councilmember Weller said that the problem he sees is that over-regulation is just as bad as under-regulation and with enforcement issues as well as funding issues, he didn't feel we should pursue this issue at this particular time. Councilmember Skaug thought we should move forward on it, however enforcement is a valid concern. Councilmember Wright wanted to know if a cost analysis from Parks had been done. The general consensus was to continue and proceed with the process.

#### **NEW BUSINESS**

Mayor Johnson asked if there was any new business from either the Council or audience. There was none.

#### **EXECUTIVE SESSION**

At 10:29 p.m., Mayor Johnson announced that the Council would adjourn for an Executive Session for the purpose of:

To discuss the strategy or position to be taken by the City during the course of collective bargaining or grievance proceedings, and

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.

The City Council will take a five-minute recess and reconvene in open session after a 20 minute Executive Session. There were  $10\text{-}\mathrm{and}$  5-minute extensions to the Executive Session.

If any action is to be taken as a result of discussions in the Executive Session, that action will occur at the open public session.

The regular meeting was reconvened at 11:07 p.m.

# ADJOURNMENT

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

Motion Carried.

Mayor Johnson adjourned the regular meeting of the City Council at 11:07 p.m.