

**WALLA WALLA CITY COUNCIL**  
**Regular Meeting Minutes**  
**December 5, 2012**

**1. CALL TO ORDER**

Mayor Barrow called the meeting to order at 7:00 p.m.

Present: Councilmembers Conrado Cavazos, Jr., Barbara Clark, Jerry Cummins, Mary Lou Jenkins, Shane Laib, Chris Plucker and Mayor Jim Barrow.

Absent: None.

City staff in attendance: City Manager Nabel Shawa, City Attorney Tim Donaldson, Deputy City Manager Tim McCarty, Police Chief Scott Bieber, Public Works Director Ki Bealey, Parks & Recreation Director Jim Dumont, Public Library Director Beth Hudson, Finance Manager Jean Teasdale, and City Clerk Kammy Hill.

**2. PLEDGE OF ALLEGIANCE/MOMENT OF SILENCE**

Councilmember Plucker led the pledge of allegiance followed by a moment of silence.

**3. PUBLIC COMMENTS**

Jordan Pies, 1945 Leonard Drive, Walla Walla, described a viscous dog attack on Leonard Drive on Friday night and his actions and knowledge of dangerous dogs. Mr. Pies asked for changes to the City's Municipal Code to shore up the provisions regarding dangerous dogs. Mr. Pies suggested the code be amended so that all pit bulls are automatically deemed a dangerous dog for community safety. Mr. Pies felt the City needs more stringent controls. Council suggested Mr. Pies and others meet with the Police Chief. Councilmember Clark asked to be included as part of any future group that meets to discuss amendments to the Municipal Code concerning dogs.

Liz Jessee, 142 Leonard Drive, Walla Walla, victim of the dog attack on November 30, expressed concerns with this dog returning to the neighborhood and felt it should be euthanized.

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**4. CONSENT AGENDA**

City Clerk Hill introduced the Consent Agenda, Items A through, E as follows:

- A. Resolution No. 2012-87 awarding the bid for a tractor and related apparatus and equipment; and taking other action in connection therewith. (Walla Walla Farmers Co-Op)
- B. Resolution No. 2012-88 ratifying a contract for culvert replacement. (Opp & Seibold for Stanton Street)
- C. Ordinance No. 2012-31 consenting to assignment of a non-exclusive franchise granted by City Ordinance 2010-34 to Northwest Open Access Network (NOANET).
- D. Resolution No. 2012-89 authorizing the City Manager to sell or otherwise dispose of certain surplus property.
- E. Approval of minutes of the regular meeting held November 14, 2012.

Mayor Barrow invited public input. No one in the audience chose to address the City Council on any of these items.

**Councilmember Laib moved to adopt Consent Agenda Items A through E. Councilmember Jenkins seconded the motion. The motion unanimously carried with 7 yes votes and 0 no votes.**

**5. ACTIVE AGENDA**

- A. Public hearing and Ordinance No. 2012-34 adopting the budget for the 2013-2014 biennium.

City Manager Shawa reported this is the final hearing on the proposed 2013-2014 biennium budget. The City Council must adopt a budget by December 31, 2012. The City Council held a public hearing on November 14 and discussed the budget at their November 5 Work Session. There have been many challenges in the general fund but a balanced budget has been achieved.

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The public hearing was opened at 7:23 p.m.

Craig Keister, 1310 Dell, Walla Walla, reported that a group was formed two years ago to raise money to keep the aviary operating. Due to the aviary's current plight, new people have joined this group. Mr. Keister outlined their proposal to raise money for aviary operations and capital improvements from the private sector; and introduced Stephanie Sellinger and Jacqueline Woodfork. The Friends of the Pioneer Park Aviary are asking the City to let them use the \$15,000 currently in the budget for closure costs as a buffer for start-up, to dedicate the next two years of the utility roundup program to the aviary, and to release the insurance funds and FEMA money for aviary facility improvements. The current facility is at the end of its useful life.

Stephanie Sellinger, 1950 Melrose, Walla Walla, outlined her background as a publishing and marketing professional and reviewed the new fundraising ideas. The Friends of the Pioneer Park Aviary anticipate turning the aviary into a self-sustaining operation.

Jacqueline Woodfork, 1142 E. Alder, Walla Walla, requested the City allow the use of the \$15,000 for the first three months operating costs and dedicate the utility roundup funds for 2013-2014 to the aviary. They anticipate raising \$246,000 over this two year period to make the aviary self-sustaining and have funds, with the insurance proceeds and FEMA funds, for facility improvements.

Mr. Keister closed with comments on the quality of life in Walla Walla and asked for the opportunity to privately fund the aviary. This is a very involved group of passionate citizens.

There was discussion on:

- Filing for non-profit status for the Friends of the Pioneer Park Aviary. Mr. Keister indicated they would be filing with the Secretary of State by mid-January.
- Funding for the aviary in perpetuity. Mr. Keister reported the aviary was built for the community by a private group and it is important for future generations. It is their intent to develop a plan to maintain and operate the aviary for future generations.
- The quandary is providing safe housing for the birds through capital improvements when future funding for operations is unknown. There needs to be publically agreed upon benchmarks to determine the

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viability. Mr. Keister spoke in support of having benchmarks in their fundraising plan. Council expressed concerns with constructing a new facility and then not having fundraising efforts meet expectations. Mr. Keister reported the data to back up the fundraising plan is partly based on past history and the professional knowledge of Ms. Sellinger. A great deal of work needs to be done before the project is ready to go out to bid. The insurance proceeds and FEMA funds will not need to be released for another six months and it is his belief they will have proven the validity of their plan by that time.

- A preliminary review of the plan was done with City staff. There are no known commitments for the utility roundup funds for the next two years.
- Staff has secured \$95,300 in funds from FEMA. These funds plus the insurance proceeds total \$180,000 available for facility improvements at the aviary. Mr. Keister commented that people are more willing to donate money for capital improvements than for operational expenses.
- Feasibility and cost for hiring an executive director to manage the non-profit organization and aviary.

There being no further comments from the audience, Mayor Barrow declared the public hearing closed at 7:54 p.m.

There was additional discussion on:

- Impact on the 2013-2014 biennium budget if the City Council approves the proposal submitted by Friends of the Pioneer Park Aviary. Staff indicated the proposal is revenue neutral to the City. Tentative commitments on the sale of birds will try to be obtained in case the fundraising is unsuccessful.
- Necessity of establishing benchmarks and measurements to complete the plan. Staff commented on the significant effort to raise operating funds and impact on City staff. This proposal is a very optimistic and aggressive plan.
- Consensus was reached to bring the aviary up under new and unfinished business.
- The budget contains an error in the lodging tax funds. Staff indicated they are unaware of any other glaring errors. The error in the lodging tax fund doesn't impact the fund level budget.
- The estimated funds from the proposed south side annexation are \$125,000 in 2014 for the general fund after the revenue sharing with

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Fire District No. 4 plus an additional \$86,000 in utility taxes. The residents in this area have not been polled. The City has the authority to annex this area through the utility agreements that have been signed. Staff has received unsolicited interest from residents wanting to annex for a reduction in their utility rates.

**Councilmember Cummins moved to adopt Ordinance No. 2012-34. Councilmember Clark seconded the motion.**

Councilmember Laib indicated he would be voting no as he doesn't feel this is a proper budget. The increase in property tax was wrong and the annexation proposal has not been fully vetted. Councilmember Laib expressed appreciation for the work of the Finance Committee and staff.

**The motion to adopt Ordinance No. 2012-34 carried with 6 yes votes and 1 no vote by Councilmember Laib.**

- B. Ordinance No. 2012-32 amending Section 10.13.180 of the Municipal Code relating to parking fines.

Police Chief Bieber reported the discussion on parking fines started in late April 2012 with a letter of request from the Downtown Walla Walla Foundation. Staff reviewed the parking fines in comparable communities and found Walla Walla was on the low end. Staff is requesting that parking fines be doubled. The primary purpose is to encourage turnover of parking spaces, especially for habitual offenders. The secondary purpose is to help recoup the costs of parking enforcement. Staff and the Downtown Walla Walla Foundation are hopeful that higher fines will encourage compliance. It is estimated the City will receive an additional \$19,000 in revenue.

Council asked whether ten dollars is enough of a penalty for a parking offense. Police Chief Bieber felt the graduated penalty scale is considerable enough to gain compliance with the two hour parking restrictions.

Council inquired as to the number of outstanding parking citations in comparison to the number that pay for the citation. Police Chief Bieber responded he will research and provide an answer.

Mayor Barrow invited public input.

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Elio Agostini, Executive Director for the Downtown Walla Walla Foundation, reported the board had voted for the fines to be doubled. They believe it will be helpful in addressing the constant offenders. The Downtown Walla Walla Foundation also believes there is a need for additional parking spaces.

There was further discussion on:

- The ability to tow vehicles still remains in the Code.
- Current parking enforcement efforts.
- Educational efforts to inform citizens of the two hour parking zone and how the regulations are enforced.

**Councilmember Plucker moved to adopt Ordinance No. 2012-32. Councilmember Laib seconded the motion. The motion unanimously carried with 7 yes votes and 0 no votes.**

- C. Ordinance No. 2012-33 amending Municipal Code Section 13.10.030 regarding the excise for revenue imposed on municipal sanitation, wastewater, water, stormwater and landfill utilities.

City Manager Shawa reported this ordinance will increase the excise fee on City utilities. This excise fee is in lieu of other taxes that businesses are usually assessed. The ordinance will increase the excise fee to 10.5 percent for 2013 and 10.75 percent in 2014. Staff estimates it will generate \$120,000 to the general fund. This is an internal tax and will not affect utility rates.

Council asked if this amount is consistent with the amount private businesses would pay. City Manager Shawa indicated that was the intent but it was not analyzed in that manner.

Mayor Barrow invited public input. No one in the audience chose to address the City Council on this issue.

**Councilmember Cummins moved to adopt Ordinance No. 2012-33. Councilmember Jenkins seconded the motion. The motion carried with 6 yes votes and 1 no vote by Councilmember Laib.**

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- D. Resolution No. 2012-90 authorizing a contract for removal of facilities and equipment at the water treatment plant and taking such further action needed therewith. (Pacific Power)

City Manager Shawa reported the City Council had earlier entered into a contract for the purchase of hydropower and electrical service at the water treatment plant with Columbia Rural Electric Association (CREA). The City must now contract with Pacific Power to disconnect their equipment from the hydropower facility and water treatment plant. Columbia Rural Electric Association has provided \$20,000 towards this cost. Pacific Power has not provided a firm cost for removal of their equipment but estimates the cost at between \$20,000 and \$50,000.

There was discussion on:

- The inability of Pacific Power to provide a firm cost.
- Costs over the \$20,000 provided by CREA will be paid from the water fund.
- The contract with Pacific Power doesn't contain any provisions regarding the separation of service from the hydropower facility.
- Ensuring the amount Pacific Power charges is reasonable. Staff indicated the City will be charged for time and materials with itemized costs. Every attempt will be made to minimize the disruption of service and keep costs down.
- As a utility, Pacific Power is subject to tariffs. The property in question is owned by Pacific Power.

Mayor Barrow invited public input.

Richard McFarland, 3731 Middle Waitsburg Road, Walla Walla, commented on attempts by Pacific Power to delay and make it difficult for customers to switch electric utility providers, especially when they tout green/sustainable energy choices.

**Councilmember Laib moved to adopt Resolution No. 2012-90.  
Councilmember Jenkins seconded the motion. The motion unanimously carried with 7 yes votes and 0 no votes.**

Council encouraged staff to work with Pacific Power to purchase any equipment that can be used rather than paying to have it removed.

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**6. COUNCIL MEMBER MEETING REPORTS**

Councilmember Laib reported attendance at the Edith/Carrie IRRP ribbon cutting ceremony held November 29; the Sears Store ribbon cutting ceremony held November 30; the Christmas Parade of Lights held December 1; the Blue Mountain Humane Society Board meeting held November 3; the Tourism Walla Walla matching grants committee meeting held December 3; the dedication of the Sesquicentennial art piece held December 4; the Lodging Tax Advisory Committee meeting held December 4; and the special meeting held December 4.

Councilmember Jenkins reported attendance at the Senior Citizens Board meeting held November 29; the Edith/Carrie IRRP ribbon cutting ceremony held November 29; the Senior Citizen Center Holiday Bazaar held December 1; the Sasayama Sister City Committee meeting held December 3; the dedication of the Sesquicentennial art piece held December 4; the special meeting held December 4; and the special Transportation Benefit District Board meeting held December 5.

Councilmember Cummins reported attendance at the Public Works Trust Fund Board meeting held December 4; and attended the December 4 special meeting via telephone.

Councilmember Plucker reported attendance at the Edith/Carrie IRRP ribbon cutting ceremony held November 29; the website review committee meeting held December 3; the special meeting held December 4; and the Water Partnership Board meeting held December 4. Councilmember Plucker announced he was holding a meeting regarding gang abatement on December 11 at 4:00 p.m. in the City Council Chambers. Staff was asked to notice the meeting as a special meeting in case a majority of Council was in attendance.

Councilmember Cavazos had no meetings to report.

Councilmember Clark reported attendance at a meeting with the Japanese Consul General held October 25; a meeting with vendors of the Farmers Market held October 26; the community solar ribbon-cutting ceremony held October 30; the Work Session held November 5; the Sustainability Committee meeting held November 6; the Finance Committee meeting held November 7; the Work Session held November 12; the Bicycle & Pedestrian Advisory Committee meeting held November

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13; the LEOFF 1 Disability Board meeting held November 13; the Chamber of Commerce legislative luncheon held November 14; the Port of Walla Walla Economic Development Advisory Committee meeting held November 27; the Edith/Carrie IRRP ribbon cutting ceremony held November 29; the Sears Store ribbon cutting held November 30; the website review committee meeting held December 3; the dedication of the Sesquicentennial art piece held December 4; the Sustainability Committee meeting held December 4; and the special meeting held December 4.

Mayor Barrow reported attendance at the Sears Store ribbon-cutting ceremony held November 30; the unveiling of the Sesquicentennial art piece held November 30; the Joint Community Development Agency Board meeting held December 3; accepted a presentation on December 3 by the Children's Home Society for the community of Walla Walla for helping with their Red Stocking Campaign; the dedication of the Sesquicentennial art piece held December 4; the special meeting held December 4; and the Transportation Benefit District Board meeting held December 5.

**7. UNFINISHED AND NEW BUSINESS**

Councilmember Laib expressed his appreciation to the City Council for listening to the presentation made by the Friends of the Pioneer Park Aviary.

**Councilmember Laib moved to accept the fundraising plan presented by the Friends of the Pioneer Park Aviary, with benchmarks to be brought forward at the December 19 City Council meeting. Councilmember Plucker seconded the motion.**

There was discussion on the intent of the motion to accept the plan. Councilmember Laib indicated this action would give the group the go ahead to begin their fundraising work.

**Councilmember Cummins moved to amend the motion to accept the concept presented by the Friends of the Pioneer Park Aviary with the group bringing forth a complete plan, including benchmarks, within sixty days. Councilmember Clark seconded the motion.**

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There was discussion on the difference between the main motion and the amendment.

**The amended motion to accept the concept presented by the Friends of the Pioneer Park Aviary with the group bringing forth a complete plan, including benchmarks, within sixty days carried with 5 yes votes, 0 no votes, and 2 abstentions by Councilmembers Laib and Plucker.**

There was further discussion on:

- Funding for the aviary should come from the private sector and it is hoped that more citizens will step forward and participate. More civic activity would be very beneficial.
- Sixty days is too long to wait for a final plan with benchmarks.

It was the consensus of a majority of Council to put this issue on the December 19 agenda.

**The motion to accept the concept presented by the Friends of the Pioneer Park Aviary with the group bringing forth a complete plan, including benchmarks, within sixty days carried with 6 yes votes, 0 no votes, and 1 abstention by Councilmember Laib.**

There were comments on the affect of an abstention when a member is not required to abstain. City Attorney Donaldson indicated the Council is required to vote so an abstention in this case is the same as a no vote.

Mayor Barrow announced the City had received formal approval by the Transportation Improvement Board on three projects.

Mayor Barrow reported the Association of Washington Cities is requesting members nominate a high school senior as a scholarship recipient for a \$1000 scholarship. The nomination must be received by March 15.

## **8. EXECUTIVE SESSION**

Mayor Barrow announced the City Council would be recessing to Executive Session to evaluate the performance of a public employee pursuant to RCW 42.30.110(1)(g). No further business will come before the City Council in open session and the Executive Session will last no more than two hours.

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The meeting was recessed at 9:19 p.m.

**9. ADJOURNMENT**

There being no further business, Councilmember Laib moved to adjourn at 10:45 p.m. Councilmember Clark seconded the motion. The meeting adjourned at 10:45 p.m.