

WALLA WALLA CITY COUNCIL
Regular Meeting Minutes
July 24, 2013

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, and Mayor Jim Barrow.

Absent: Councilmember Chris Plucker.

City staff in attendance: City Manager Nabel Shawa, City Attorney Tim Donaldson, Deputy City Manager Tim McCarty, Parks & Recreation Director Jim Dumont, Public Works Director Ki Bealey, Police Chief Scott Bieber, Crime Prevention Coordinator Vicki Ruley, Engineer Dean Abrams, and City Clerk Kammy Hill.

2. PLEDGE OF ALLEGIANCE/MOMENT OF SILENCE

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

3. PRESENTATIONS

- A. Proclamation declaring August 6, 2013 as "National Night Out in Walla Walla".

Mayor Barrow read and presented the proclamation to Crime Prevention Coordinator Vicki Ruley. Ms. Ruley thanked the City Council for the proclamation; outlined some of the activities occurring during the August 6, 2013 National Night Out in Pioneer Park; and showed a brief video.

4. PUBLIC COMMENTS

Brent Baldwin, 22 E. Tietan, Walla Walla, expressed ongoing concerns with code violations at 712 Whitman Street and what he felt was inaction on the part of the Joint Community Development Agency and building official. Mr. Baldwin suggested that if Code Enforcement is not important to the City that the money be spent elsewhere. There are also problems at 511 Edith that have gone on for at least six months.

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Mr. Baldwin also had questions and concerns with the upkeep of the planting strip along 13th Avenue (Historic Mullan Road).

5. CONSENT AGENDA

Council asked that Item B, the Washington State Liquor Control Board new application for Stone Creek Manor, be removed from the Consent Agenda for separate consideration.

City Clerk Hill introduced the Consent Agenda, Items A, and C through J, as follows:

- A. Washington State Liquor Control Board: Change of officers for Seven Hills Winery, 212 N. 3rd Avenue.
- C. Washington State Liquor Control Board: Special occasion license for the Lillie Rice Center at the Power House Theatre, 111 N. 6th Avenue on August 8 through August 10, 2013.
- D. Washington State Liquor Control Board: Special occasion license for Walla Walla Senior Center, 720 Sprague, on August 23, 2013.
- E. Washington State Liquor Control Board: Special occasion license for ACS Relay for Life event at the Power House Theatre, 111 N. 6th Avenue on August 8, 2013.
- F. Resolution No. 2013-91 ratifying acceptance of a grant from the Edward Byrne Memorial Justice Assistance Grant Program and taking other necessary action with respect to such grant program.
- G. Resolution No. 2013-92 rejecting all bids for the wastewater treatment plant digester roof repair project and taking such further action needed therewith.
- H. Resolution No. 2013-93 approving and authorizing a professional services agreement with HDJ Design Group, PLLC and taking such further action needed therewith. (Wilbur Avenue – Whitman Street to Pleasant Street improvement project.)

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- I. Resolution No. 2013-94 awarding the bid for the Brevor Drive, Brevor Place, and North 8th Avenue water main replacement projects and taking such further action needed therewith. (Sharpe and Preszler Construction Co.)
- J. Acceptance of resignation of Matthew Bangcaya from the Parks, Recreation and Urban Forestry Advisory Board.

Council asked when staff plans to rebid the wastewater digester roof project. City Manager Shawa indicated the project will likely be rebid in August so it can be completed prior to November.

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 J with the exception of Item B. Councilmember Cummins seconded the motion. The motion unanimously carried with 6 yes votes and 0 no votes.

- B. Washington State Liquor Control Board: New application for Stone Creek Manor, 756 Bryant Avenue.

City Manager Shawa reported that neighbors have expressed concerns with the new liquor license application by Stone Creek Manor for a beer and wine specialty shop on their premises. Staff made a request to the liquor control board to extend the deadline for comments on this application.

The following emails were entered into the record:

- Ginny & Lowell Schneider dated July 24, 2013.
- John Bogley dated July 23, 2013.
- Eric Hisaw dated July 23, 2013.
- Mark Kajita dated July 23, 2013.
- Jim & Jeanne Beirne dated July 23, 2013.
- Tom Beyer dated July 24, 2013.

There was discussion on:

- Whether the expanded use is allowed under the City's zoning code.
- A liquor license for a beer and wine specialty shop will allow the sale of multiple brands of wine and beer.

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- Enforcement and whether the City is able to request a condition that the establishment can only sell to overnight guests.
- The City Council is not the ultimate decision makers; they can only make a recommendation to the liquor control board. It is not known whether the timeliness of a response will affect the City's right to appeal.

Mayor Barrow invited public input.

Jim Beirne, Shade Tree Lane, Walla Walla, reported he first noticed a public notice posted inconspicuously on the property on July 19. This notice was dated July 17. Mr. Beirne submitted a photographic copy of this public notice. Research was performed on the definition of a bed and breakfast beer/wine specialty shop. Mr. Beirne submitted copies of a Washington State Liquor Control Board retail liquor license and endorsement description and fees information with the definition of a "beer and/or wine specialty shop" highlighted; and an application for a Class 11 permit with the definition of a bed and breakfast facility highlighted. The neighbors of Shade Tree Lane have discussed these various permits and believe that the Class 11 permit, allowing the bed and breakfast to provide beer and/or wine at no charge to their guests, is the appropriate liquor license for this establishment in a residential neighborhood. Mr. Beirne indicated he was also speaking on behalf of his wife, Jeanne.

John Bogley, 1390 Shade Tree Lane, Walla Walla, thanked the City Council for removing this item from the Consent Agenda for discussion and indicated his support for the comments made by Jim Beirne. Mr. Bogley also expressed concerns with the delay in issuing a response to the liquor control board and the delayed posting of the public notice. Mr. Bogley did not feel it was appropriate to allow the sale of alcoholic beverages in a residential neighborhood.

Christine Beito, owner/operator of Stone Creek Manor, reported that she currently has a Class 11 license allowing her to gift wine to her guests but she is unable to sell it to them. This new application will enable her to sell wine to her guests and also over the internet. Ms. Beito read a letter jointly composed by herself and Tom Beyers supporting this request. Stone Creek Manor is a commercial property and the sale of wine will be an extension of their hospitality services with no outward effect on the neighborhood.

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There was discussion between Council and Ms. Beito on:

- Property already has a Class 11 license. Clarification is necessary regarding consumption of purchased wine on the property and whether the zoning of the property allows a specialty retail shop.
- Feasibility of conditioning approval on limiting sales to overnight guests and internet sales and whether this would be agreeable to Ms. Beito. Ms. Beito indicated she has her own private label she would like to sell to the guests. There is also the possibility she may wish to expand and have a tasting room on the premises.
- Whether guests are allowed to bring and consume their own wine on the premises. Ms. Beito responded guests are allowed to bring and consume their own wine. She is currently gifting glasses of wine and would like the ability to sell it.
- Residential zoning does not allow for tasting rooms. Mr. Maland reported the Code does not address whether this could be an accessory use to a bed and breakfast establishment. City Attorney Donaldson clarified that a retail shop is not a permitted use in a residential zone. If the Code is silent to a particular use in a particular zone, then it is not a permitted use. The activities outlined by Ms. Beito go beyond what is allowed in the City's Code and staff recommends denial of the license based on the residential zoning of the property.

Councilmember Cummins moved to recommend denial of the liquor license application from Stone Creek Manor until after the City of Walla Walla determines whether this is an allowed use in a residential zone. Councilmember Clark seconded the motion.

There was discussion on the intent of the motion.

Councilmember Cummins, with the approval of Councilmember Clark, withdrew the motion.

Councilmember Cummins moved to recommend denial of the liquor license application for Stone Creek Manor to the Washington State Liquor Control Board. Councilmember Clark seconded the motion.

There were comments that the stated use is not permitted under the City's zoning code.

The motion to recommend denial of the liquor license application for Stone Creek Manor to the Washington State Liquor Control Board unanimously carried with 6 yes votes and 0 no votes.

6. ACTIVE AGENDA

- A. Resolution No. 2013-95 authorizing execution of an agreement leasing the Veterans Memorial Golf Course and taking such further action needed therewith.

City Manager Shawa reported that a request for proposals for lease of the Veterans Memorial Golf Course was issued in January. Staff has been in negotiations for several months.

Parks & Recreation Director Dumont reported a lease had been entered into in 1996 with We-Man Vets Golf. This lease would have expired December 31, 2013 but the operator defaulted on the agreement. The City resumed golf course operations in May 2013. Mr. Dumont introduced Bill Griffith and Mike Rostollan from the Walla Walla Community College who have been operating the course, with their students, since the City resumed operation. Mr. Dumont commended the efforts of Mr. Griffith and Mr. Rostollan in the restoration and operation of the course. Mayor Barrow suggested a letter of commendation be prepared for Mr. Griffith and Mr. Rostollan to be sent to Dr. Van Ausdale at the Community College.

Parks & Recreation Director Dumont reported one qualified proposal was received by the March 4, 2013 deadline. The golf community was used to assist in negotiations and to evaluate the terms of the proposed agreement. The term of the agreement is for ten years starting January 1, 2014 through December 31, 2023. The recession has impacted golf operations. The expense and revenue projections show the City subsidizing the operation of the course for the first three years. The agreement requires reports and payments monthly rather than quarterly. The operators will also deposit \$50,000 in an escrow account in accordance with the penalties clause. The Finance Committee and staff have reviewed the agreement and recommend approval.

Parks & Recreation Director Dumont introduced Mike Early and Chris Repass of Early-Repass Golf. They operate several courses on the west

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side of the State and are looking forward to relocating back to Walla Walla.

It was clarified that the subsidy will come from parks and recreation funding.

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

Councilmember Laib moved to adopt Resolution No. 2013-95. Councilmember Cummins seconded the motion. The motion unanimously carried with 6 yes votes and 0 no votes.

Council expressed their appreciation to Parks & Recreation Director Dumont and the partnership with the Walla Walla Community College.

- B. Resolution No. 2013-96 approving an amendment to the final plat for a replat of a portion of the Garden Gates PUD Addition commonly located in the vicinity of Paramount Street near its intersection with Abbott Road.

WWJCDA Principal Planner Maland provided a brief history of this amendment of the final plat.

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

Councilmember Cummins moved to adopt Resolution No. 2013-96. Councilmember Jenkins seconded the motion. The motion carried with 5 yes votes and 1 no vote by Councilmember Laib.

Councilmember Laib reported he has continually voted no on this plat.

- C. Approval of minutes of the special meeting held July 1, 2013.

Councilmember Laib moved to approve the minutes of the special meeting held July 1, 2013. Councilmember Clark seconded the motion. The motion unanimously carried with 5 yes votes, 0 no votes, and 1 abstention by Councilmember Cummins.

- D. Approval of minutes of the regular meeting held July 10, 2013.

Councilmember Laib moved to approve the minutes of the regular meeting held July 10, 2013. Councilmember Jenkins seconded the motion. The motion unanimously carried with 4 yes votes, 0 no votes, and 2 abstentions by Councilmember Cavazos and Mayor Barrow.

7. COUNCIL MEMBER MEETING REPORTS

Councilmember Laib reported meeting on July 12 with representatives of the County, School District, and College Place to secure funding for the Orchard Street project street lighting. These efforts were successful and the street lighting portion of the project is moving forward.

Councilmember Jenkins had no meetings to report.

Councilmember Cummins reported attendance at the Chamber of Commerce legislative luncheon held July 17; the Civil Service Commission meeting held July 17; and the Valley Transit Board meeting held July 18.

Councilmember Clark reported attendance at the Water & Wastewater Advisory Committee meeting held July 17; the Valley Transit Board meeting held July 18; and the Port of Walla Walla Economic Development Advisory Committee meeting held July 23.

Councilmember Cavazos reported attendance at the Housing Authority Board meeting held July 22.

Mayor Barrow reported attendance at the Port of Walla Walla Economic Development Advisory Committee meeting held July 23; and the Chamber of Commerce Hispanic Roundtable luncheon held July 24.

8. UNFINISHED AND NEW BUSINESS

Councilmember Laib, on behalf of the City Council, expressed his thanks to Matthew Bangcaya for his service on the Parks, Recreation & Urban Forestry Advisory Board.

City Manager Shawa reported that gowallawalla.us is now live. This website provides timely information on the numerous public works projects.

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City Attorney Donaldson reported that in 2012 the City Council approved a transfer of the non-exclusive franchise from Spectrum Networks to Northwest Open Access Network. Due to administrative delays on both sides, the franchise could not be timely accepted. The City Council is allowed to extend this timeline and staff recommends adoption of Ordinance No. 2013-17.

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

Councilmember Clark moved to adopt Ordinance No. 2013-17 extending the time period for acceptance and ratifying acceptance of a non-exclusive franchise granted by City Ordinances 2010-13 and 2012-31 to Northwest Open Access Network (NOANET). Councilmember Laib seconded the motion. The motion unanimously carried with 6 yes votes and 0 no votes.

9. EXECUTIVE SESSION

Mayor Barrow announced the City Council would be recessing to Executive Session for the following:

- A. Discuss with legal counsel potential litigation to which the City is a party or is likely to become a party pursuant to RCW 42.30.110(1)(i).
- B. Evaluation of the performance of a public employee pursuant to RCW 42.30.110(1)(g).
- C. To discuss the strategy or position to be taken by the City Council in the course of collective bargaining, professional negotiations, or grievance or mediation proceedings and to review proposals made in negotiations pursuant to RCW 42.30.140(4)(b), and to discuss litigation and potential litigation, in which the City is a party or is likely to become a party, with legal counsel representing the City pursuant to RCW 42.30.110(1)(i).

The Executive Session will last no more than two hours and the Council meeting will adjourn immediately following the conclusion without taking any additional action in open session. The meeting was recessed at 8:49 p.m.

10. ADJOURNMENT

There being no further business, the meeting adjourned at 10:43 p.m.