

WALLA WALLA CITY COUNCIL
Regular Meeting Minutes
August 28, 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, Chris Plucker and Mayor Jim Barrow.

Absent: None.

City staff in attendance: City Manager Nabel Shawa, City Attorney Tim Donaldson, Public Works Director Ki Bealey, Fire Chief Bob Yancey, City Engineer Neal Chavre, Engineer Joel Petty, and City Clerk Kammy Hill.

Walla Walla Joint Community Development Agency staff in attendance: Lauren Prentice, Senior Planner, and Tom Glover, Director.

2. PLEDGE OF ALLEGIANCE/MOMENT OF SILENCE

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

3. PRESENTATIONS

- A. Proclamation declaring September 2013 as National Preparedness Month.

Mayor Barrow read and presented the proclamation to Jim Duncan, Walla Walla County Emergency Management Director. Mr. Duncan thanked the Council for the proclamation and reported on the focus in September for emergency preparedness, including getting citizens signed up on the County's emergency notification system.

4. PUBLIC COMMENTS

Brad Riordan, 98 Garden Drive, Walla Walla, reported on the serious problem the City has with puncture vine on City streets and sidewalks. The proliferations of this weed have led to numerous flat tires on his family's

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bicycles. There were comments on the difficulty in addressing the issue with current resources and suggested a volunteer effort may be needed.

Dr. Don Ashley, 1128 SW Bade, College Place, presented statistics on the number of City residents participating in the County Health Department survey on July 4 regarding the number of lanes on Rose Street.

5. CONSENT AGENDA

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

- A. Washington State Liquor Control Board: Special occasion license for Walla Walla Community College at the Dietrich Dome, 500 Tausick Way on October 12, 2013.
- B. Washington State Liquor Control Board: Special occasion license for Whitman College/Sigma Chi-Gamma Epsilon at Reid Campus Center on October 26, 2013.
- C. Washington State Liquor Control Board: Application for added privilege for Twenty Two Cellars, 54 W. Rees Avenue #B.
- D. Washington State Liquor Control Board: New application for Speedywagens Brewing Company, 1310 Dell Avenue.
- E. Washington State Liquor Control Board: New application for Black Nose, 706 W. Rose Street, Suite B.
- F. Washington State Liquor Control Board: Change of corporate officers/stockholders for Middleton Family Wines, 1102 Dell Avenue #B.
- G. Resolution No. 2013-105 adopting an updated Walla Walla Regional Bike and Pedestrian Plan.
- H. Resolution No. 2013-106 authorizing the City Manager to sell or otherwise dispose of certain surplus property.
- I. Resolution No. 2013-107 authorizing the City Manager to execute a professional services agreement between the City and Anderson-

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Perry & Associates, Inc., to execute amendments, modifications and change orders thereto, and taking such further action needed therewith. (Survey and right-of-way services for 2014 Rose Street TBD project.)

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

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

6. ACTIVE AGENDA

- A. Resolution No. 2013-109 approving a shoreline management substantial development permit request (P13-0028) by Columbia Rural Electric Association for construction and installation of power lines across Mill Creek along 9th and 13th Avenues.

City Manager Shawa provided a brief overview of the application.

Senior Planner Prentice reviewed:

- Purpose of the project is to install an underground power line within 200 feet of Mill Creek and attach the conduit to the 9th and 13th Avenue bridges to cross Mill Creek.
- Site Plan Review Committee met and reviewed the application on July 11, 2013.
- An environmental checklist was prepared and a SEPA determination of non-significance was issued July 16.
- Notice was given as required and no public comments were received during the public comment period or at the public hearing held August 5 before the Planning Commission.
- The Planning Commission and Agency staff both recommends approval.
- One letter was received after closing the record and was determined to be untimely.

City Clerk Hill reported that an email was sent from Paul Vogel, Vice President of Communication and Public Affairs for Pacific Power, on August 27 to members of staff and the City Council. This email contained a copy of a letter dated August 20, 2013 from Bill Clemens of Pacific

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Power. These emails are available for public review and are included in the public record only as they relate to appearance of fairness/ex-parte contacts and not as a part of the actual hearing record.

Mayor Barrow polled the City Council for any conflicts of interest, appearance of fairness, and ex-parte contacts.

Councilmember Laib reported he serves on the Tourism Walla Walla Board with Scott Peters from Columbia Rural Electric Association.

Councilmember Jenkins reported she routinely works with representatives of Columbia Rural Electric Association and Pacific Power as a part of her duties as an employee of the Blue Mountain Action Council. Councilmember Jenkins felt she could remain impartial.

Councilmember Cavazos reported he serves as the City Council's liaison to the Planning Commission.

Councilmember Cummins disclosed he had received an email from an employee of Columbia Rural Electric Association asking if he had seen the correspondence from Pacific Power. No response was provided to this email. Councilmember Cummins felt he could remain impartial.

Councilmember Clark reported an email was sent by City Manager Shawa to the City Council on August 27, 2013 addressing concerns raised by Pacific Power in their August 20, 2013 letter.

Mayor Barrow disclosed receipt of the August 20, 2013 letter from Bill Clemens of Pacific Power; and that he serves as a member of the Walla Walla Joint Community Development Agency Board with Bill Clemens. Mayor Barrow felt he could remain impartial.

Mayor Barrow asked the audience if there were any concerns with participation by any member of the City Council. No concerns were raised from the audience.

**Councilmember Laib moved to adopt Resolution No. 2013-109.
Councilmember Cummins seconded the motion. The motion unanimously carried with 7 yes votes and 0 no votes.**

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- B. Ordinance No. 2013-22 amending Section 13.20.050 of the Walla Walla Municipal Code.

Public Hearing regarding the notice given to the owner of 330 S. 2nd Avenue of a drainage obstruction; and

Resolution No. 2013-108 giving notice and ordering removal of a drainage hindrance or obstruction and such other action necessary to clear drainage of the City in the vicinity of 330 South Second Avenue.

City Manager Shawa reported that a major cause of recent blockages and flooding is a failed section of clay pipe under 330 South Second Avenue (Stardust Lanes building). The City is only responsible for the portions of creeks that cross City streets or other city-owned property. Walla Walla Municipal Code Chapter 13.20 provides the City the means to address drainage concerns in order to mitigate potential damage from flooding. Proceeding with repairs under Municipal Code Chapter 13.20 requires council approval, a public hearing, and 5-day advance notice to the affected property owners. This process will allow the City to work out a repayment plan with the property owner.

There was discussion on how the City guarantees the repayment. The City Council can place a special assessment on the property for the cost of the repairs. This is essentially a lien on the property.

Mayor Barrow invited public input on Ordinance No. 2013-22. No one in the audience chose to address the City Council on this issue.

Councilmember Laib moved to adopt Ordinance No. 2013-22. Councilmember Jenkins seconded the motion. The motion unanimously carried with 7 yes votes and 0 no votes.

Public Hearing regarding the notice given to the owner of 330 S. 2nd Avenue of a drainage obstruction.

There was discussion on:

- The property owner, Russ Hunt, was unaware that a creek runs under his property. Based on the estimated cost, he was unable to have the necessary repairs made. Mr. Hunt is relieved the City is

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- willing to have the repairs made and then allow him to make payments.
- Responsibility lies with the private property owner because the City is only responsible for those lines on city-owned property and right-of-way.
 - Whether this was establishing a precedent. City Attorney Donaldson explained these laws have been on the books at least since the 1950's. The Municipal Code was outdated and the adoption of Ordinance No. 2013-22 brings the existing code current. This is a way for the City to work with property owners trying to correct deficiencies.
 - The cost of these repairs is estimated at \$10,000.

Mayor Barrow declared the public hearing open at 7:47 p.m. There being no public testimony, the hearing was closed.

Resolution No. 2013-108 giving notice and ordering removal of a drainage hindrance or obstruction and such other action necessary to clear drainage of the City in the vicinity of 330 South Second Avenue.

Councilmember Cummins moved to adopt Resolution No. 2013-108. Councilmember Cavazos seconded the motion. The motion unanimously carried with 7 yes votes and 0 no votes.

C. Approval of minutes of the Work Session held August 12, 2013.

Councilmember Laib moved to approve the minutes of the Work Session held August 12, 2013. Councilmember Clark seconded the motion. The motion unanimously carried with 6 yes votes, 0 no votes, and 1 abstention by Councilmember Plucker.

D. Approval of minutes of the regular meeting held August 14, 2013.

Councilmember Cummins moved to approve the minutes of the regular meeting held August 14, 2013. Councilmember Jenkins seconded the motion. The motion unanimously carried with 6 yes votes, 0 no votes, and 1 abstention by Councilmember Laib.

7. COUNCIL MEMBER MEETING REPORTS

Mayor Barrow, with the concurrence of Council, postponed council member meeting reports until the next City Council meeting.

8. UNFINISHED AND NEW BUSINESS

There was no new or unfinished business.

9. EXECUTIVE SESSION

Mayor Barrow announced the City Council would be recessing to Executive Session to discuss with legal counsel potential litigation to which the City is a party or is likely to become a party, and matters relating to agency enforcement actions pursuant to RCW 42.30.110(1)(i). The Council will be in Executive Session for no more than one hour and will adjourn without further action.

The meeting was recessed at 7:50 p.m.

Councilmember Laib left the meeting at 7:50 p.m.

10. ADJOURNMENT

There being no further business, the meeting adjourned at 8:40 p.m.