

**WALLA WALLA CITY COUNCIL**  
**Regular Meeting Minutes**  
**January 22, 2014**

**1. CALL TO ORDER**

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

Present: Councilmembers Jim Barrow, Barbara Clark, Mary Lou Jenkins, Dick Morgan, Chris Plucker, Allen Pomraning, and Mayor Jerry Cummins.

Absent: None.

City staff in attendance: City Manager Nabel Shawa, City Attorney Tim Donaldson, Public Works Director Ki Bealey, Fire Chief Bob Yancey, Police Chief Scott Bieber, WESCOM Manager Steve Ruley, Utilities Engineer Frank Nicholson, and City Clerk Kammy Hill.

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

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

**3. PRESENTATIONS**

A. Presentation of plaque to Jim Barrow for his service as Mayor.

Mayor Cummins presented Councilmember Barrow with a plaque in recognition of his leadership and two years of service as Mayor. Councilmember Barrow thanked the Council for the privilege of serving as Mayor.

**4. PUBLIC COMMENTS**

Mayor Cummins invited public comments on any item not on the agenda. No one in the audience chose to address the City Council at this time.

**5. CONSENT AGENDA**

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

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- A. Washington State Liquor Control Board: New application for Budleys, 1605 Isaacs Avenue, subject to applicant obtaining necessary permits from the Joint Community Development Agency.
- B. Resolution No. 2014-05 approving and authorizing the City Manager to execute a professional services agreement with J-U-B Engineers, Inc., to execute amendments, modifications, and change orders thereto, and taking such further action needed therewith.  
(Development of a wastewater/sewer master plan)
- C. Resolution No. 2014-06 declares certain property as surplus and taking other action in connection therewith. (WESCOM public safety radio system)
- D. Ordinance No. 2014-01 amending the Municipal Code regarding wastewater treatment standards and charges; and taking other action in connection therewith.
- E. Ordinance No. 2014-02 fixing compensation ranges for non-represented City employees and authorizing the City Manager to determine salaries and take other action in connection therewith.
- F. Appointment of City Council representatives to boards, commissions, and committees; and declaration of remote interests on the following:

**Voting Memberships:**

Blue Mountain Action Council	Jim Barrow
Borleske Stadium Association	Jerry Cummins Barbara Clark
Downtown Development Association	Jerry Cummins
Firemen's Pension Board	Barbara Clark Jerry Cummins
Good Roads Transportation Association, District 5	Jerry Cummins Allen Pomraning (alternate)
Infrastructure Improvement Committee (IRRP)	Jim Barrow
LEOFF 1 Disability Board	Barbara Clark Jerry Cummins
Lodging Tax Advisory Committee	Jim Barrow

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Metropolitan Planning Organization Policy Board	Allen Pomraning Jerry Cummins (Alternate)
Solid Waste Advisory Committee	Mary Lou Jenkins
Valley Transit Board	Jerry Cummins Chris Plucker Dick Morgan
VA Medical Center Task Force	Jerry Cummins Dick Morgan (Alternate)
Volunteer Firemen's Board	Barbara Clark Jerry Cummins
Walla Walla Water Management Board	Jim Barrow Frank Nicholson (staff)
Walla Walla County Emergency Management Board	Jerry Cummins Jim Barrow (Alternate)
Walla Walla Joint Community Development Agency	Chris Plucker

**External Liaisons:**

Blue Mountain Humane Society	Jim Barrow
Center at the Park Board (Senior Center)	Mary Lou Jenkins
Criminal Justice Committee	Dick Morgan
Downtown Walla Walla Foundation	Jim Barrow
Sasayama Sister City Affiliation Committee	Mary Lou Jenkins
Walla Walla Housing Authority	Jerry Cummins
Walla Walla Pioneer & Historical Society (Fort Walla Walla Museum)	Chris Plucker

**Ex-Officio/No Vote Liaisons:**

Bicycle & Pedestrian Advisory Committee	Barbara Clark
Civil Service Commission	Barbara Clark
CDBG Consolidated Plan Advisory Group	Barbara Clark
Historic Preservation Commission	Chris Plucker
Hotel & Motel Commission	Jim Barrow
Library Board	Allen Pomraning
Parks, Recreation & Urban Forestry Advisory Board	Chris Plucker
Planning Commission	Allen Pomraning
Sustainability Committee	Barbara Clark
Tourism Walla Walla	Dick Morgan Tim McCarty (Staff)
Water & Wastewater Advisory Committee	Allen Pomraning

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**Council Committees:**

Boards & Commissions	Mary Lou Jenkins (Chair) Dick Morgan Chris Plucker
Finance Committee	Chris Plucker (Chair) Jim Barrow Dick Morgan
Legislative Committee	Jerry Cummins Chris Plucker Jim Barrow

**Miscellaneous On-Going Appointments:**

Hearings Examiner	Dick Morgan
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**Transportation Benefit District:**

Board of Directors	Jim Barrow Barbara Clark Jerry Cummins Mary Lou Jenkins Dick Morgan (Vice President) Chris Plucker Allen Pomraning (President)
Transportation Improvement Advisory Committee	Jerry Cummins

G. Resolution No. 2014-09 appointing members to the Board of the Walla Walla Joint Community Development Agency and taking further action in connection therewith. (Chris Plucker and Gregg Loney)

H. Approval of minutes of the regular meeting held January 8, 2014.

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

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

**6. ACTIVE AGENDA**

A. Public hearing and Ordinance No. 2014-03 adopting an interim zoning control and a moratorium on acceptance, processing, or

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approval of applications for development authorizations and other permits for locating or placing marijuana production facilities, marijuana processing facilities, marijuana retail outlets, and similar facilities in the City, establishing penalties, and taking other action in connection therewith.

Mayor Cummins declared the public hearing open at 7:08 p.m.

City Attorney Donaldson reported that Council had discussed and adopted interim zoning regulations in October 2013. Since that time, the Washington State Liquor Control Board opened the licensing window. Two applications have been received by the City. One was previously acted on by the City Council and the other application was received yesterday. There are a number of other applications pending through the Liquor Control Board. The current interim zoning ordinance requires applicants to have a license from the Liquor Control Board and then they are required to go through the local conditional use process. The State Attorney General issued 2014 AGO No. 2 on January 16, 2014 which opines that counties and cities may use their local zoning authority to ban marijuana related facilities. This opinion is only advisory but it is given some weight by the courts; and provides authority for counties and cities to at least consider whether or not to enact a ban. There are also two pieces of legislation pending, HB 2322 and HB 2510, that may also have an impact on local controls.

Staff is bringing forward a moratorium and interim zoning control ordinance for the Council to consider. A ban was not brought forth with the original recommendation in October because staff did not believe a ban was legally enforceable. This has changed with the January 16 Attorney General Opinion. The moratorium is necessary to allow for a public process, discussion and dialogue before any marijuana licenses potentially vest under the current regulations if Council wishes to consider a ban. This is only an interim measure and additional staff work is necessary. Ordinance No. 2014-03 will repeal Ordinance 2013-30, impose a moratorium, and begins the formal zone code amendment process. The ordinance also allows the City Manager to respond to pending marijuana licenses.

There was discussion on:

- The process for considering zone code amendments.

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- No marijuana licenses have currently been granted. The one application the City Council had considered has been put on hold by the Liquor Control Board after the City objected to the location.
- A moratorium would not be adding a separate process but is necessary to keep a marijuana-related business from vesting if the City Council is interested in considering a ban. Its impact would be felt by the applicants attempting to start up a business.
- Fifty-five percent of voters in Walla Walla County were against Initiative 502.
- Feasibility of a ban being considered legal by the Courts.
- Whether a moratorium would put the City at risk for litigation. City Attorney Donaldson reported staff is bringing forth an option for the City Council to consider. The authority to ban marijuana-related businesses is through the City Council's zoning powers. It is likely a ban will be challenged.

Mayor Cummins invited public testimony.

Darrell Schreiner, 1241 Lancer Drive, Walla Walla, spoke in support of a moratorium and a ban.

Harrison Wills, 911 Bonsella, Walla Walla, spoke in opposition to a moratorium and ban.

Lucy Henderson, 410 Minute Place, Walla Walla, spoke in support of a moratorium.

Ted Richerzhagen, 24 SE Sunny Drive, College Place, spoke in support of a ban on marijuana-related businesses.

Kenneth Moen, 2 East Birch #412, Walla Walla, spoke in opposition to a moratorium and ban.

Todd Bower, 606 Bryant, Walla Walla, expressed concerns with marijuana not being legal on a Federal level and ensuring marijuana-related businesses are regulated and zoned properly.

Brent Baldwin, 22 E. Tietan Street, Walla Walla, asked if the City had looked to Colorado for guidance.

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Troy Barker, no address provided, spoke in opposition to a moratorium and ban.

Jean Dolling, 208 Detour Road, Walla Walla, spoke in opposition to a moratorium and ban.

Alden Foote, 2065 Taumarson Road, Walla Walla, spoke in opposition to a moratorium and ban.

Jackie Richerzhagen, 24 SE Sunny Drive, College Place, spoke in support of a moratorium and ban.

Robert Laufer, 1634 East Alder, Walla Walla, spoke in opposition to a moratorium and ban.

Harrison Wills, 911 Bonsella Avenue, Walla Walla, had additional comments regarding safety if businesses are properly regulated.

Dixie Ferguson, 1232 Bonsella, Walla Walla, felt recreational marijuana was going to be problematic.

Ron Jensen, 736 N. 7<sup>th</sup> Avenue, Walla Walla, spoke in opposition to a moratorium and a ban.

Jean Dolling, 208 Detour Road, Walla Walla, had additional comments on the actions of youth.

Kenneth Moen, 2 East Birch #412, Walla Walla, felt education was key and people with medical challenges should not be punished.

Kelli Powers, 721 Catherine Street, Walla Walla, spoke in opposition to a moratorium or a ban.

Todd Bower, 606 Bryant Avenue, Walla Walla, felt it was necessary to make marijuana legal at the federal level.

Mayor Cummins closed the public testimony at 8:00 p.m.

Councilmembers expressed their individual opinions on whether to support a moratorium to allow time to consider a ban.

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**Councilmember Barrow moved to adopt Ordinance No. 2014-03.  
Councilmember Plucker seconded the motion.**

There were additional comments by Council on whether the ordinance should be supported or not.

**The motion to adopt Ordinance No. 2014-03 failed with 3 yes votes by Councilmembers Barrow, Plucker and Mayor Cummins and 4 no votes by Councilmembers Clark, Jenkins, Morgan and Pomraning.**

B. 2014 Legislative Priorities:

Resolution No. 2014-07 adopting State legislative priorities for 2014.

Resolution No. 2014-08 adopting Federal legislative priorities for 2014.

City Manager Shawa reported these priorities had been discussed at the Council retreat and staff recommends adoption to signal the City Council's intent to State and Federal legislators. The State legislative priorities include:

- The City supports state funding of \$126 million for phases 7A and 7B of the US 12 improvement project.
- The City supports and encourages increases to state funding of local transportation projects and adoption of legislation authorizing additional local funding options.
- The City supports and encourages preservation and expansion of the state's Public Works Trust Fund program.
- The City supports efforts, as warranted, to maintain the state's funding commitment for the Veteran's Long Term Care Facility.
- The City supports the legislative priorities identified by the Association of Washington Cities.

The Federal legislative priorities include:

- The City supports funding for design and construction of US 12 improvements, specifically funding for the design, permitting, and right-of-way acquisition for the \$250 million phase 8 of the project.
- Veterans' Long Term Care facility in Walla Walla – support of Federal funding match to the 2012 Washington State appropriation of approximately \$13 million.

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- The City encourages continued funding of the Environmental Protection Agency's State and Tribal Assistance Grants program and grant eligibility for local projects and programs undertaken to meet requirements of the Long Term 2 Surface Water Treatment rule.
- The City encourages appropriation of Federal funding for the improvement and restoration of the reach of Mill Creek that runs through the City and its consideration for a potential demonstration project.

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

**Councilmember Barrow moved to adopt Resolution No. 2014-07. Councilmember Plucker seconded the motion. The motion unanimously carried with 7 yes votes and 0 no votes.**

**Councilmember Clark moved to adopt Resolution No. 2014-08. Councilmember Jenkins seconded the motion. The motion unanimously carried with 7 yes votes and 0 no votes.**

- C. Approval of the December 31, 2013 accounts payable register containing check numbers 178485 through 178923, 990593 through 990601, and 8130 through 8134 totaling \$9,076,794.92.

**Councilmember Plucker moved to approve payment of the December 31, 2013 accounts payable register containing check numbers 178485 through 178923, 990593 through 990601, and 8130 through 8134 totaling \$9,076,794.92 with the exception of the checks to Blue Mountain Action Council and Allen Pomraning. Councilmember Barrow seconded the motion. The motion unanimously carried with 7 yes votes and 0 no votes.**

**Councilmember Plucker moved to approve payment of the checks to Blue Mountain Action Council and Allen Pomraning. Councilmember Barrow seconded the motion. The motion unanimously carried with 5 yes votes, 0 no votes, and 2 abstentions by Councilmembers Jenkins and Pomraning.**

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**7. COUNCIL MEMBER MEETING REPORTS**

Councilmember Morgan reported attendance at the Council retreat held January 11; a tour of the library held January 14; a tour of the fire department held January 13; the Valley Transit Board meeting held January 16; and volunteered for the Walla Walla Area Crime Watch graffiti removal held January 20.

Councilmember Jenkins reported attendance at the Council retreat held January 11; the Work Session held January 13; and the Center at the Park waffle supper held January 21.

Councilmember Barrow reported attendance at the Council retreat held January 11; the Work Session held January 13; the LEOFF 1 Disability Board meeting held January 14; the special meeting for the exit conference with representatives of the State Auditor's office held January 17; the law enforcement academy held January 21; and citizenship training for Cub Scouts held January 22.

Councilmember Plucker reported attendance at the Council retreat held January 11; an agenda setting meeting held January 15; and a meeting regarding civics curriculum development.

Councilmember Clark reported attendance at the Council retreat held January 11; the Work Session held January 13; the Bicycle & Pedestrian Advisory Committee held January 14; the LEOFF 1 Disability Board meeting held January 14; the Water & Wastewater Advisory Committee meeting held January 15; the Homeless Coalition tour held January 15; the Community Council meeting held January 16; the Valley Transit Board meeting held January 16; the special meeting for the exit conference with representatives of the State Auditor's office held January 17; and the Salvation Army building dedication held January 18.

Councilmember Pomraning reported attendance at the Transportation Benefit District Board meeting held January 8; the Council retreat held January 11; a tour of the fire department held January 13; the Work Session held January 13; an iPad training class at the library held January 14; the Water & Wastewater Advisory Committee meeting held January 15; the special meeting for the exit conference with representatives of the State Auditor's office held January 17; the chamber music concert held January 18; and an iPad training class at the library held January 22.

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Mayor Cummins reported attendance at a an interview with KUJ radio on January 10; the Council retreat held January 11; the Borleske Stadium Association Board meeting held January 13; the Work Session held January 13; the Valley Transit Board meeting held January 17; the special meeting for the exit conference with representatives of the State Auditor's office held January 17; and the Salvation Army building dedication held January 18.

**8. UNFINISHED AND NEW BUSINESS**

Councilmember Clark suggested the City Council reconsider their policy decision to use the cost of labor as a measurement for non-represented employee salary adjustment. City Manager Shawa reported this will be a task for the new Human Resource Manager with a report back to Council in July or August.

Councilmember Plucker expressed an interest in revisiting the current fireworks ordinance and asked for a report on the number of fireworks related calls and enforcement actions. Staff indicated it is not necessary to consider an ordinance to lift current restrictions one year in advance. It was the consensus of Council to have staff prepare a brief report on fireworks.

Mayor Cummins asked staff to prepare and send out the letters advising agencies of new Council appointments as soon as possible.

A. Report on Rose Street.

Public Works Director Bealey reviewed the proposed 2014 and 2015 Rose Street projects and described the various reasons why it is beneficial to phase this project due to its complexity, cash flow, and desire to obtain the most favorable bids.

A majority of Council indicated acceptance of the phased Rose Street plan.

B. Resolution No. 2014-10 designating the City Manager as the City's official for commenting and/or objecting to applications for marijuana licenses on behalf of the City, and taking other action in connection therewith.

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City Attorney Donaldson explained that marijuana license applications are filtering in from the Washington State Liquor Control Board. The City only has twenty days from the date of the application to respond. The City doesn't know when an application may be received. This makes it difficult to schedule an application for City Council consideration. The City Manager would not be making policy decisions on the applications as the City Council has provided clear policy direction. This action would allow the City to timely respond to the notices with objections or findings based on the Council's policy direction. Reports would be made to the City Council of these responses.

There was brief discussion.

**Councilmember Clark moved to adopt Resolution No. 2014-10. Councilmember Jenkins seconded the motion. The motion unanimously carried with 7 yes votes and 0 no votes.**

**9. EXECUTIVE SESSION**

Mayor Cummins announced the City Council would be recessing to Executive Session 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 no further business will come before the City Council in open session. The meeting was recessed at 9:30 p.m.

**9. ADJOURNMENT**

**There being no further business, Councilmember Barrow moved to adjourn at 10:26 p.m. Councilmember Jenkins seconded the motion. The meeting adjourned at 10:26 p.m.**