

**WALLA WALLA CITY COUNCIL**  
**Regular Meeting Minutes**  
**February 12, 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, Deputy City Manager Tim McCarty, Parks & Recreation Director Jim Dumont, Public Works Director Ki Bealey, Assistant Development Services Director Brian Walker, WESCOM Manager Steve Ruley, City Engineer Neal Chavre, Parks Supervisor Joan Schille, Engineer Joel Petty, Engineer Monte Puymon, and City Clerk Kammy Hill.

Also present: Tom Glover, Director of the Walla Walla Joint Community Development Director.

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

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

**3. PRESENTATIONS**

- A. Mayor Cummins read and presented the proclamation declaring the week of February 16 through February 22, 2014 as "Engineers Week in Walla Walla" to Neal Chavre, Monte Puymon, and Joel Petty. City Engineer Chavre thanked the Council for the recognition and commended the talented and dedicated crew of engineers serving the City.

**4. PUBLIC COMMENTS**

- A. JCDA Executive Director Glover presented a plaque to Jim Barrow in recognition of his service as one of the founding board members. Mr. Barrow expressed his pleasure with the opportunity to work with

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a very dedicated and talented team of people. Councilmember Barrow also recognized the efforts of Councilmember Clark and ex-Councilmember Elia in moving this partnership forward.

Dorothy Knudson, 250 Rancho Villa, Walla Walla, had comments regarding the need for a warming shelter. The United Way is willing to be the lead agency but funds are being requested from both the City and County to offset expenses for this warming shelter. The agencies are working on an emergency plan. The United Way is the lead agency and the Congregational Church has offered the use of their facility for the shelter.

Richard McFarland, 3731 Middle Waitsburg Road, Walla Walla, provided his observations about the pedestrian safety on Isaacs between Penrose and Stanton Street. Pedestrians and vehicles need a visual cue to enable street crossing safety.

Virginia Watson, 2004 Carl, Walla Walla, had comments regarding the need for a community swimming pool. A local citizens group has formed and been meeting for the purpose of rebuilding the memorial pool site as a self-supporting facility. They are looking at a simple phased-in approach but need the support and guidance of the City of Walla Walla. Their plan is to reuse as many of the existing components as feasible, thereby bringing the cost down to substantially less than previously voter-defeated proposals. There must be a balance between having all the bells and whistles and the cost. The committee has brainstormed ideas for ongoing sustainability of a swimming pool facility.

**5. CONSENT AGENDA**

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

- A. Washington State Liquor Control Board: Application in lieu of current privilege for the Green Spoon, 13 E. Main Street.
- B. Washington State Liquor Control Board: Special occasion license for Camp Fire Walla Walla event on March 8, 2014 at the Charles Smith Winery, 35 S. Spokane.

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- C. Washington State Liquor Control Board: Special occasion license for Junior Club of Walla Walla at Assumption Parrish Hall, 2098 E. Alder on March 15, 2014.
- D. Washington State Liquor Control Board: New application for Silver Owl, 17 N. 2<sup>nd</sup> Avenue. (Subject to applicant obtaining necessary permits from the WWJCDA.)
- E. Washington State Liquor Control Board: New application for Winery Fulfillment Services at 1491 W. Rose Street. (Subject to applicant obtaining necessary permits from the WWJCDA.)
- F. Ratifies appointment of members to the Hotel & Motel Commission.
- G. Resolution No. 2014-11 establishes the four strategies in the City's strategic plan.
- H. Resolution No. 2014-12 authorizes the City Manager to execute supplemental agreement #2 with Anderson Perry & Associates in the amount of \$51,317. (Alder Street Signal design)
- I. Resolution No. 2014-13 authorizes the City Manager to execute an agreement with Centurylink for the acquisition and installation of the Viper NG911 compliant public safety phone system for \$272,193.
- J. Resolution No. 2014-14 authorizes the City Manager to execute a multi-year contract with Total Office Concepts of Walla Walla for provision of the City's copier services.
- K. Resolution No. 2014-15 sets a public meeting date to consider a 10 percent notice to commence annexation proceedings.
- L. Resolution No. 2014-16 declares items surplus and authorizes their sale or disposal.
- M. Approval of minutes of the retreat held January 11, 2014.
- N. Approval of minutes of the regular meeting held January 22, 2014.

Council commented that Item I is fully-funded through State funds.

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Mayor Cummins 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 N. Councilmember Clark seconded the motion. The motion unanimously carried with 7 yes votes and 0 no votes.**

**6. ACTIVE AGENDA**

A. Direction regarding aviary.

City Manager Shawa reported the City Council had requested this item be placed on the agenda. The Friends of the Pioneer Park Aviary had presented benchmarks that have not been met.

Parks & Recreation Director Dumont reported that four years ago the City was faced with significant revenue shortfalls. A group of aviary supporters was formed and offered to raise \$55,000 per year for operation and maintenance of the aviary. After two years, another group of volunteers formed and provided benchmarks in 2012 for raising the necessary funds to continue the operations and maintenance for the aviary.

There was significant structural damage to the net pens in 2008. Because of the uncertainty in the continuity of funding for the aviary, no capital improvements have been made to the net pens. An architectural/engineering firm was hired and the cost estimates for new net pens were significantly higher than originally estimated. The City has \$190,000 in FEMA and insurance funds for the capital improvements but the current cost estimates range from \$285,000 for the smaller net pen and \$375,000 for the larger net pen. The failing infrastructure must be addressed if the aviary remains in operation.

The majority of donations for the ongoing aviary operation were very small amounts and staff has been concerned whether a volunteer organization can continue to raise the necessary money. The 2014 budget modification included \$36,500 for funding the aviary caretaker position and it is anticipated that this program will require ongoing operational support from the City. Staff has identified the following four options:

1. Continue as is with budgeted funding of \$36,500 and allow the Friends of the Pioneer Park Aviary to raise \$40,000 toward operating funding for 2014 and 2015 before any capital campaign begins.

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- Once auditable confirmation is received by the City of operating funding, the capital campaign would begin immediately. This is a medium term decision.
2. Provide funding for the aviary caretaker position for a set period of time (i.e. three years). At the end of the specified time period, the Friends of the Pioneer Park Aviary will take over operating costs by contractual agreement. Capital fund raising will be the responsibility of Friends of the Pioneer Park Aviary for structural improvements and must be fully complete by a set date.
  3. Fund the entire \$55,000 aviary operating costs and allow the Friends of the Pioneer Park Aviary to begin raising funds for the construction of a new net pen. The small or large net pen will be determined based on the amount of funds raised by a set date. This is a long term decision
  4. Close the aviary and direct staff to appropriately de-accession the bird collection. Once this is completed the two water fowl net pens and pheasant pens will be demolished. This is a long term decision.

The Parks, Recreation and Urban Forestry Advisory Board, in 2010, had initially recommended closure of the aviary. The Parks, Recreation and Urban Forestry Advisory Board met last week and recommended requiring two years of operational funding (approximately \$48,000) and \$100,000 for capital for a new net pen by August, 2014. This will require a long term commitment by the City for ongoing aviary funding from the general fund. If the City Council is unwilling to make this long-term financial commitment, then staff anticipates closure of the aviary will take a minimum of six months to one year if that is the chosen option.

City Manager Shawa recapped the financial benchmarks of the Friends of the Pioneer Park Aviary. It is not realistic to expect a volunteer organization to continue to raise funds for operations on an on-going basis. If the City Council expects the aviary to continue operations, then funding from the general fund will be necessary.

Council asked if there was any way for a public volunteer committee to rebuild the net pens. Parks and Recreation Director Dumont explained the construction of the net pens and the need to withstand storms and protect the birds.

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Mayor Cummins invited public input.

Shane Laib, Chair of the Friends of Pioneer Park Aviary, 1048 Frankland, Walla Walla, provided a PowerPoint review of:

- Brief history of construction of the aviary.
- Funds raised by the initial 2010 volunteers.
- Funds raised by the 2012 volunteers.
- Current Friends of the Pioneer Park Aviary board of directors.
- Use of the internet and social media to communicate.
- Fundraising efforts and events.
- Partners.
- Value of the aviary within the community.
- Money raised to date for aviary operations.
- Benchmarks provided in December 2012 were for a two-year period.
- A new five-year fundraising plan was proposed to have the Friends of the Pioneer Park Aviary completely take over operations by 2018.

The Friends of the Pioneer Park Aviary support construction of the larger net pen. Their group meets regularly and has been the only group stepping forward to maintain operations. The Friends of Pioneer Park Aviary would like the City to allow them sixty to ninety days for a capital campaign with a memorandum of understanding from the City.

There was discussion by Council and Mr. Laib on:

- Past and current fundraising efforts.
- Friends of Pioneer Park Aviary are confident of some large donations for the capital improvements providing there are assurances for ongoing aviary operations.
- Ongoing fundraising efforts for aviary operations don't appear to be sustainable based on the three-year history.
- Number of Facebook "Friends" of the Pioneer Park Aviary and the number of monthly "Friendship" donations.

Craig Keister, 761 Abbott Road, Walla Walla, commended Mr. Dumont and the Parks & Recreation Department staff. Approximately \$200,000 is necessary to reconstruct the aviary large pond which is probably about the same cost for demolition. The City Council is tasked with both fiduciary and stewardship responsibility. The aviary is a rare amenity and

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many private individuals have contributed to its support. It is an important asset to the community.

Jacqueline Woodfork, 1142 East Alder, Walla Walla, commented that the Friends of the Pioneer Park Aviary fundraising efforts have been hindered by the ongoing question of whether the aviary will continue. The Friends of the Pioneer Park Aviary have now dealt with the structural issues of the organization and have filed for non-profit status with both Washington State and the Internal Revenue Service.

Richard McFarland, 3731 Middle Waitsburg Road, Walla Walla, reviewed the history and driving forces behind the establishment of Pioneer Park. Mr. McFarland suggested looking at the park property in its entirety from an economic angle.

Madeline Walker, no address provided, reported that she is sixteen years old and there are not a lot of places for youth to just hang out. The aviary is a safe place for kids and the community to visit.

Councilmembers expressed their preferences on the options and had extensive discussion on:

- Expenses to close aviary. Parks and Recreation Director Dumont indicated no costs have been estimated but anticipates it will be around \$100,000 to de-accession the bird collection, remove the structures, and restore the site.
- Restoration of the area including whether there would be walking paths, handicap access, and water quality issues.
- The commendable efforts of the volunteers to keep the aviary operating for three years and the value added to the quality of life and parks system by the aviary.
- Whether the City should invest the funds to rebuild the aviary net pen.
- The youth in the community have indicated they value the aviary and have a very strong interest in keeping the aviary.
- Whether the aviary is a high enough priority for the City to resume the ongoing maintenance and operational expenses. The citizen satisfaction survey clearly indicates that a swimming pool and street repairs are the citizens' highest priorities.
- The aviary should be measured against other City priorities and restoration of other reduced City services. There are many competing demands for general fund money.

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- The amount to fix the aviary net pen will not go very far towards building a pool or fixing a street. The reconstruction of the net pen is a one-time expense.

**Councilmember Barrow moved to proceed with reconstruction of the net pen for the larger pond using the \$190,000 in available funds and allocating the \$100,000 it would cost for closure of the aviary; and to work with the Friends of the Pioneer Park Aviary to raise the additional capital funds for the larger net pen. Councilmember Plucker seconded the motion.**

There was clarification that this motion only addresses the capital needs of the aviary and not ongoing maintenance and operations. The City does not currently have any funds allocated for capital improvements or demolition work other than the \$190,000 in FEMA funds and insurance proceeds.

**The motion to proceed with reconstruction of the net pen for the larger pond using the \$190,000 in available funds and including the \$100,000 it would cost for closure of the aviary; and to work with the Friends of the Pioneer Park Aviary to raise the additional capital funds for the larger net pen failed with 2 yes votes by Councilmembers Barrow and Plucker and 5 no votes by Councilmembers Clark, Jenkins, Morgan, Pomraning and Mayor Cummins.**

**Councilmember Pomraning moved to direct staff to proceed with Option 4 to close the aviary and to appropriately de-accession the bird collection. Councilmember Clark seconded the motion.**

There was further discussion on:

- The perception of the public by the Council closing the aviary will likely have a backlash and negative impact on other projects.
- The unfairness of asking volunteers to raise money every year for operation of the aviary.
- The closure is simply a budgetary issue. The Council has the responsibility of establishing priorities and funding those priorities.
- The City should continue to support the aviary and it would be a mistake to close it down and demolish the structures.

Mayor Cummins announced he was going to allow Mr. Laib to make additional comments to the Council.

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Shane Laib, Chair of the Friends of the Pioneer Park Aviary, cautioned that the insurance proceeds cannot be used for demolition costs. The Friends of the Pioneer Park Aviary are one hundred percent committed to the effort and have presented a new five year plan to take over the aviary. Council asked City Attorney Donaldson if the insurance proceeds may be used for demolition costs. City Attorney Donaldson indicated he did not know the answer at this time.

**The motion to direct staff to proceed with Option 4 to close the aviary and to appropriately de-accession the bird collection carried with 5 yes votes by Councilmembers Clark, Jenkins, Morgan, Pomraning and Mayor Cummins and 2 no votes by Councilmembers Barrow and Plucker.**

Mayor Cummins announced the meeting would be recessed for ten minutes and would reconvene at 9:25 p.m. The meeting was recessed at 9:15 p.m.

- B. Ordinance No. 2014-04 providing for the acquisition of real property located at 712 Whitman Street in the City by condemnation to eliminate neighborhood blight and taking other action connected therewith.

City Attorney Donaldson reported that the property at 712 Whitman Street has been a continual code enforcement problem. In September 2013, the property was declared a threat to the health, safety and welfare and the City Council determined the acquisition of the property was necessary to eliminate neighborhood blight. The City has attempted to negotiate a purchase with the property owner but the property owner has been non-responsive and has indicated no willingness to cooperate with the City.

The property owner has obtained building permits after performing work on the home and being contacted by the Joint Community Development Agency. The notice of final action was mailed to the property owner and published as required by law. This ordinance will authorize the City to file for condemnation of the property.

The City has been notified that the property owner filed for bankruptcy last week but has not received any notice of the bankruptcy. Staff contacted an attorney specializing in bankruptcy proceedings who does not believe that the bankruptcy provides a stay on this action. Staff will

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likely go through the bankruptcy court to seek relief before filing a condemnation action in Superior Court. The ordinance provides flexibility for this additional action and staff recommends approval of the ordinance.

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

**Councilmember Clark moved to adopt Ordinance No. 2014-04. Councilmember Jenkins seconded the motion. The motion unanimously carried with 7 yes votes and 0 no votes.**

C. Approval of minutes of the Work Session held January 13, 2014.

**Councilmember Barrow moved to approve the minutes of the Work Session held January 13, 2014. Councilmember Jenkins 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 special meeting held January 17, 2014.

**Councilmember Clark moved to approve the minutes of the special meeting held January 17, 2014. Councilmember Morgan seconded the motion. The motion unanimously carried with 5 yes votes, 0 no votes, and 2 abstentions by Councilmembers Jenkins and Plucker.**

E. Approval of the January 31, 2014 accounts payable register containing check numbers 178881, 178886, 178921, 178924 through 179182, 99062, 99604, 99605, 99606, 8135 through 8148, and 2013 check numbers 178882 through 178885, 178887 through 178920, and 178924 in the amount of \$2,473,925.24.

**Councilmember Plucker moved to approve the January 31, 2014 accounts payable register containing check numbers 178881, 178886, 178921, 178924 through 179182, 99062, 99604, 99605, 99606, 8135 through 8148, and 2013 check numbers 178882 through 178885, 178887 through 178920, and 178924 in the amount of \$2,473,925.24. Councilmember Jenkins seconded the motion. The motion unanimously carried with 7 yes votes and 0 no votes.**

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**7. COUNCIL MEMBER MEETING REPORTS**

Councilmember Morgan reported attendance at the oath of office ceremony at the Police Department on January 23; the Port of Walla Walla Economic Development Committee meeting held January 28; and the Work Session held February 10.

Councilmember Jenkins reported attendance at the Work Session held February 10.

Councilmember Barrow reported on his travel to Olympia for lobbying on January 27 and January 28; the Water Partnership Board meeting held February 4; the Work Session held February 10; and the Citizens Police Academy held February 11.

Councilmember Plucker reported attendance at the Joint Community Development Board meeting held February 3; the Parks, Recreation and Urban Forestry Advisory Board meeting held February 3; and the Work Session held February 10.

Councilmember Clark reported attendance at a Public Library Big Idea Talks program held January 23; the Sustainability Committee meeting held February 3; the Kirkman House exhibit on February 7; the Work Session held February 10; the Bicycle & Pedestrian Advisory Committee meeting held February 11; and the Walla Walla Symphony on February 11.

Councilmember Pomraning reported attendance at the Association of Washington Cities training on January 29 and January 30; a meeting with citizens regarding streets held February 1; the Metropolitan Planning Organization meeting held February 5; a debrief of the Metropolitan Planning Organization meeting with City staff on February 7; the Work Session held February 10; a meeting with citizens regarding the water system held February 11; Ipad training at the Public Library held February 11; and a meeting with a fish biologist regarding the Mill Creek passage on February 12.

Mayor Cummins reported attendance at the oath of office ceremony at the Police Department on January 23; travel to Olympia for lobbying on January 27 and January 28; the Public Works Trust Fund board meeting held January 31; meetings with federal legislators and staff in Washington D.C., along with representatives of the Port of Walla Walla, on February 3

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through February 6 regarding the City's federal priorities; and the Work Session held February 10.

**8. UNFINISHED AND NEW BUSINESS**

City Attorney Donaldson introduced Resolution No. 2014-17 authorizing a retainer agreement with Foster Pepper PLLC and P. Stephen DiJulio to provide legal services to the City. The 1994 solid waste management plan is currently being revised and is close to being presented for consideration and adoption. Staff would like authorization to retain Stephen DiJulio to review the revised draft solid waste management plan and possible options for regionalization of the landfill. Mr. DiJulio is a top notch attorney with the necessary expertise. Staff recommends approval of the resolution.

There was discussion on the process for approval of the solid waste plan; and costs, schedule and deliverables from this proposed retainer agreement. City Attorney Donaldson reported the costs for services will be paid for out of the landfill fund. Mr. DiJulio will evaluate where we are now, the impacts to the City from the solid waste plan, and it is possible this will be an ongoing relationship with special legal counsel.

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. 2014-17.  
Councilmember Jenkins seconded the motion. The motion carried with 6  
yes votes and 1 no vote by Councilmember Pomraning.**

Councilmember Plucker asked when a report will be available on fireworks. City Manager Shawa indicated he would try to schedule a report on fireworks for the April Work Session.

**9. ADJOURNMENT**

**There being no further business, Councilmember Barrow moved to adjourn  
at 9:58 p.m. Councilmember Plucker seconded the motion. The meeting  
adjourned at 9:58 p.m.**