

**WALLA WALLA CITY COUNCIL**  
**Regular Meeting Minutes**  
**September 24, 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, Finance Manager Jean Teasdale, Parks & Recreation Director Jim Dumont, Police Chief Scott Bieber, and City Clerk Kammy Hill.

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

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

**3. PRESENTATIONS AND PROCLAMATIONS**

- A. Proclamation declaring the month of October 2014 as "Children's Resilience Month" in Walla Walla.

Mayor Cummins read and presented the proclamation to Teri Barila, Walla Walla County Community Network Coordinator. Ms. Barila thanked the City Council for the proclamation and reviewed upcoming events.

**4. PUBLIC COMMENTS**

Jim Mitchell, 619 E Maple Street, Walla Walla, expressed concerns with code enforcement on an eight foot fence that was illegally constructed and medical marijuana growing in public view at a residence on Chestnut Street.

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**5. CONSENT AGENDA**

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

- A. Washington State Liquor Control Board: Special occasion licenses for the Walla Walla Symphony at Cordiner Hall on October 4, October 7, December 13, 2014, February 3, February 28, March 1, March 28, April 14, May 16, and May 17, 2015.
- B. Washington State Liquor Control Board: Change of location for Foundry Vineyards, 735 N. 13<sup>th</sup> Avenue. (Subject to applicant obtaining necessary permits from the Walla Walla Joint Community Development Agency.)
- C. Resolution No. 2014-86 authorizing the formal closeout of Bureau of Justice Assistance Grant 2013-H4693-WA-DJ.
- D. Resolution No. 2014-87 authorizing the purchase of a new police detective vehicle from Bud Clary Auto Dealerships of Longview in the amount of \$27,455.87.
- E. Resolution No. 2014-91 setting a public meeting date to consider a ten percent notice to commence annexation proceeding. (Campbell property south of Taumarson Road, west of Plaza Way).
- F. Approval of minutes of the regular meeting held September 10, 2014.

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

**6. ACTIVE AGENDA**

- A. Ordinance No. 2014-27 amending the 2013-2014 maintenance and operations budget; and

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Ordinance No. 2014-28 establishing new capital projects and amending the capital improvement project budget.

Finance Manager Teasdale reported this is the third amendment for the 2014 year of the 2013-2014 biennium budget and reviewed both the maintenance and operations budget amendments and the capital improvement project amendments. There was brief discussion on notifying the public of the police bond tax holiday; and the earned rebate through the City's purchasing card program.

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

**Councilmember Barrow moved to adopt Ordinance No. 2014-27. Councilmember Morgan seconded the motion. The motion unanimously carried with 7 yes votes and 0 no votes.**

**Councilmember Plucker moved to adopt Ordinance No. 2014-28. Councilmember Jenkins seconded the motion. The motion unanimously carried with 7 yes votes and 0 no votes.**

- B. Resolution No. 2014-88 authorizing a contract with Anderson-Perry & Associates for the 2016 Alder Street IRRP and 2016 Chestnut Street IRRP in an amount not to exceed \$139,335.

City Manager Shawa reported staff has been working to get projects ready for bid during the optimum bid climate to save money. Staff recommends approval of this contract so these 2016 IRRP projects will be ready to go to bid.

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

**Councilmember Barrow moved to adopt Resolution No. 2014-88. Councilmember Jenkins seconded the motion. The motion unanimously carried with 7 yes votes and 0 no votes.**

- C. Resolution No. 2014-89 rejecting the bid for the 2014 stormwater CIP projects.

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City Manager Shawa reported the single bid from A. Key Excavating was \$40,000 over the engineer's estimate. Staff hopes that rebidding the project during late winter or spring will bring more competition and better bid results. It is in the City's best interest to reject this bid.

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

**Councilmember Morgan moved to adopt Resolution No. 2014-89.  
Councilmember Jenkins seconded the motion.**

There was discussion on:

- Timing of projects and ensuring bids are not issued late in the construction season.
- Concerns with the number of projects scheduled for 2015 and the risk that the project will not come in cheaper.
- The contractor risk has a monetary value and the bidding environment continues to change.
- Whether it is too late in the construction season to complete the project if it is awarded.
- Commonality of practice of awarding a contract to a sole bidder especially when it is over the engineer's estimate.
- Challenges of the project include the time of year, weather, and uncertainty of ground conditions.
- Weather is the primary challenge and may contribute to the potential for project change orders.

**The motion to adopt Resolution No. 2014-89 carried with 4 yes votes and 3 no votes by Councilmembers Barrow, Plucker, and Pomraning.**

Appreciation was expressed for the discussion. Council also asked staff to remember the importance of contractor time when putting projects out to bid.

- D. Resolution No. 2014-90 awarding bid to K&N Electric Motors, Inc. to perform maintenance on a hydroelectric generator at the water treatment plant in the amount of \$90,027.63.

City Manager Shawa reported this is routine and planned maintenance. It is very important to maintain this twenty-eight year old hydroelectric

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generator for the revenue and power generation it provides. Staff recommends approval.

There were comments on the cost to the City if the generator were to fail and importance of routine maintenance as the least expensive alternative.

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

**Councilmember Pomraning moved to adopt Resolution No. 2014-90. Councilmember Clark seconded the motion. The motion unanimously carried with 7 yes votes and 0 no votes.**

- E. Ordinance No. 2014-26 authorizing and ratifying an extension of the Charter cable franchise granted pursuant to Ordinance No. 2003-4; providing for severability; and establishing an effective date.

Resolution No. 2014-85 approving the transfer of control of the City's cable service provider to Comcast Corporation.

City Attorney Donaldson explained this ordinance and resolution are related items. The City's franchise with Charter Communications expired. Charter Communications has not shown an interest in negotiating a new franchise. The City received notice from Comcast Corporation that it had reached agreement with Charter Communications and intends to assume control of the local franchise. The City's franchise requires approval by the City prior to a transfer, although the City may not unreasonably deny or withhold its consent to this transfer. The ordinance extends the term of the franchise agreement to allow the transfer to gain federal approval. The City has retained the legal counsel of Chris Bacha for purposes of the cable franchise negotiation. Mr. Bacha has recommended approval of this extension and consent to the transfer to Comcast. The resolution reserves the City's rights and has been drafted by Mr. Bacha. Comcast requested a minor amendment to Section 4 of the proposed resolution and legal counsel concurs with this minor change. Staff recommends approval of the ordinance and resolution.

There was discussion on:

- Staff does not anticipate any major change in service to City customers through this ownership transfer.

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- The franchise is non-exclusive.
- Whether consent can be withheld by the City to assure commercial equality of internet services. Staff reported that the City Council does not have the authority to regulate services.
- Exploring whether the City should provide community broadband services.

Mayor Cummins invited public input.

Jim Mitchell, 619 E. Maple Street, Walla Walla, asked which company initiated the purchase/sale of the franchise. Staff indicated this information is not known by the City.

**Councilmember Clark moved to table Ordinance No. 2014-26 and Resolution No. 2014-85. The motion died for lack of a second.**

**Councilmember Pomraning moved to adopt Ordinance No. 2014-26. Councilmember Barrow seconded the motion. The motion carried with 6 yes votes and 1 no vote by Councilmember Clark.**

There was additional discussion on:

- Expectation that representatives of Comcast will come before Council to answer questions regarding the transfer of the cable franchise.
- Change in business models from cable service to internet services.
- Investment in server farms across the country by Comcast.

Mayor Cummins invited public input on Resolution No. 2014-85. No one in the audience chose to address the City Council on this item.

**Councilmember Plucker moved to adopt Resolution No. 2014-85. Councilmember Jenkins seconded the motion. The motion carried with 5 yes votes and 2 no votes by Councilmembers Barrow and Clark.**

## **7. COUNCIL MEMBER MEETING REPORTS**

Councilmember Morgan reported attendance at the Finance Committee meetings on September 22 and September 23; and the Port of Walla Walla Economic Development Committee meeting held September 23.

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Councilmember Jenkins reported attendance at a meeting with Whitman College Fellowship students on September 15.

Councilmember Barrow reported attendance at the Blue Mass for law enforcement and fire employees held September 17; was a presenter at the quarterly senior luncheon held September 18; and the Finance Committee meetings held September 22 and September 23.

Councilmember Plucker reported attendance at the Joint Community Development Agency Board meeting held September 15; and the Finance Committee meetings held September 22 and September 23.

Councilmember Clark reported attendance at her neighborhood block party held September 14; the Borleske Stadium Board meeting held September 15; the Workplace Violence workshop held September 16; the Georgetown University Energy Prize committee meeting held September 16; the Port of Walla Walla Economic Development Committee meeting held September 23; and the Civil Service Commission meeting held September 23.

Councilmember Pomraning reported attendance at a meeting with Washington State University students regarding the Mill Creek channel on September 15; the Water & Wastewater Advisory Committee meeting held September 17; the Library Board meeting held September 17; and the Port of Walla Walla Economic Development Committee meeting held September 23.

Mayor Cummins reported attendance at the Borleske Stadium Board meeting held September 15; the Valley Transit Board meeting held September 18; and the Housing Authority Board meeting held September 22.

**8. UNFINISHED AND NEW BUSINESS**

Parks & Recreation Director Dumont congratulated the Friends of the Pioneer Park Aviary on attaining their capital fundraising goal and reviewed the draft plan for proceeding forward with the reconstruction provided the funds are received by the City on January 2, 2015. The timing of the reconstruction is critical because of working within the stream and handling the birds.

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There was discussion on when negotiations will occur with the Friends of the Pioneer Park Aviary for operation and maintenance; the incentive for the Friends of the Pioneer Park Aviary to take over operations; hiring new staff for the aviary; funding availability of the money from the City for this project; and including the transition of operations and maintenance to the Friends of the Pioneer Park Aviary in the timeline.

**Councilmember Pomraning moved that no further action is to be taken regarding reconstruction of the Aviary until the City is in receipt of all money raised by the Friends of the Pioneer Park Aviary for the capital improvements, in the amount of at least \$185,000, on January 2, 2015, with the provision that decommissioning shall begin January 3, 2015 if the funds have not been provided to the City by January 2, 2015. Councilmember Jenkins seconded the motion.**

There was further discussion on:

- Goal of the Friends of the Pioneer Park Aviary is to take over maintenance and operation of the aviary, with some Councilmembers stressing the importance for the Friends of the Pioneer Park Aviary to take over prior to the start of construction. Staff recommends at least two years of operating funds in the bank to provide operational stability and there is uncertainty this is a reasonable expectation by January 2, 2015.
- The necessity of the motion versus having an operating plan in place.
- The proposed motion allows the Friends of the Pioneer Park Aviary time to collect on the pledges before taking the next step in raising operating funds.
- Need to decide the fundamental question of who will be responsible for operating and maintaining the aviary.

**Councilmember Barrow moved to table further discussion on the Pioneer Park Aviary until the next Work Session or special meeting of the City Council. Councilmember Jenkins seconded the motion. The motion unanimously carried with 7 yes votes and 0 no votes.**

Council asked that the Friends of the Pioneer Park Aviary Board be in attendance; and that staff develop a more detailed plan for discussion.

City Manager Shawa reported that the Port of Walla Walla Commissioners will be making a decision on the purchase option for the Teague Motors

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property prior to the next regular City Council meeting. Staff has drafted a letter for consideration by the City Council in support of entering into a purchase agreement.

There was brief discussion on the purpose of the letter to encourage the Port Commissioners to enter into the agreement to allow time for community discussion. This letter does not address the actual purchase of the property, just the purchase option agreement.

**Councilmember Barrow moved to approve and authorize the letter to the Port of Walla Walla regarding the Teague Motor Company purchase option. Councilmember Clark seconded the motion. The motion unanimously carried with 7 yes votes and 0 no votes.**

City Manager Shawa reported the Police Department will begin additional enforcement of dogs running at large in City parks.

City Manager Shawa reported on a meeting held with a staff member for Senator Cantwell regarding the Mill Creek channel and expressed the importance of the rehabilitation of this channel to the region. The Mill Creek channel coalition is seeking an appropriation from the U.S. Army Corps of Engineers for a general investigative study at an approximate cost of \$3,000,000. This will require a fifty-percent match from the local area.

City Manager Shawa reported there will be an employee Wellness Barbecue on September 25 from 11:00 to 1:00 p.m.

Council expressed appreciation for the efforts on securing funds for the rehabilitation of the Mill Creek channel and encouraged a strong City presence before the U.S. Army Corps of Engineers both regionally and in Washington D.C.

Council asked for an update on the splash pad construction in Washington Park. Staff reported this project was slightly delayed due to fundraising efforts. This design collects the water and then re-uses it for irrigation. Because of this design, it must be reviewed by both the Washington State Department of Ecology and Department of Health. The State agencies have only had the plans to review for three weeks. The manufacturer was also required to restart the testing process which also led to a delay.

9. ADJOURNMENT

There being no further business, the meeting adjourned at 9:34 p.m.