

WALLA WALLA CITY COUNCIL
Regular Meeting Minutes
May 27, 2015

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, Parks and Recreation Director Jim Dumont, Development Services Director Elizabeth Chamberlain, Public Works Director Ki Bealey, Solid Waste Manager Damon Taam, Sustainability Coordinator Melissa Warner, Engineer Adam Klein, and City Clerk Kammy Hill.

2. PLEDGE OF ALLEGIANCE/MOMENT OF SILENCE

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

4. PUBLIC COMMENTS

Richard McFarland, 3731 Middle Waitsburg Road, expressed his concerns with traffic on Middle Waitsburg Road due to the possible changes to the Highway 12/Clinton Street intersection as a result of the potential light industrial warehouse construction project. Mr. McFarland suggested the City Council reconsider approval of the McDonald preliminary plat due to these new facts regarding traffic flows and provided a copy of a letter dated May 21 from the Washington State Department of Transportation in response to the traffic impact analysis prepared for the Corliss Commercial Development.

5. CONSENT AGENDA

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

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- A. Washington State Liquor Control Board: Change of Location Application for Fort Walla Walla Cellars to 127 E. Main Street.
- B. Washington State Liquor Control Board: Special occasion license for Walla Walla Valley Wine Alliance at Dama Wines, 51 E. Main Street, on June 20, 2015.
- C. Washington State Liquor Control Board: Special occasion license for Walla Walla Valley Wine Alliance at Foundry Vineyards, 1111 Abadie Street, on June 20, 2015.
- D. Washington State Liquor Control Board: Special occasion license for Walla Walla Valley Wine Alliance at Tero Estates, 6 W. Rose Street, Suite 103, on June 20, 2015.
- E. Washington State Liquor Control Board: Special occasion license for Walla Walla Valley Wine Alliance at Trust Cellars, 14.N 2nd Avenue, on June 20, 2015.
- F. Washington State Liquor Control Board: Special occasion license for Walla Walla Valley Wine Alliance at T. Maccarone's, 4 N. Colville Street, on June 20, 2015.
- G. Washington State Liquor Control Board: Special occasion license for Walla Walla Valley Wine Alliance at Seven Hills Winery, 212 N. 3rd Avenue, on June 20, 2015.
- H. Washington State Liquor Control Board: Special occasion license for Walla Walla Valley Wine Alliance at the Marcus Whitman Hotel & Conference Center, 6 W. Rose Street, on June 19, 2015.
- I. Washington State Liquor Control Board: Special occasion license for Walla Walla Valley Wine Alliance at the Marc Restaurant, 6 West Rose Street, on June 20, 2015.
- J. Washington State Liquor Control Board: Special occasion license for Walla Walla Valley Wine Alliance at Whitman College's Reid Center (enclosed area), 280 Boyer Avenue, on June 19, 2015.
- K. Washington State Liquor Control Board: Special occasion license for Walla Walla Valley Wine Alliance at Valley Wine Alliance at

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- Whitman College's Reid Center, 280 Boyer Avenue, on June 19, 2015.
- L. Washington State Liquor Control Board: Special occasion license for Wee Willy's Music Enterprise, at 3rd Avenue and Main Street on June 20 and 21, 2015 (8:00 a.m. to 11:59 p.m. Walla Walla Sweet Onion Festival).
 - M. Washington State Liquor Control Board: New Application for Carter Lamour, 1485 Rose Street, Suite D.
 - N. Washington State Liquor Control Board: New application for Hampton Inn & Suites, 1531 Kelly Place.
 - O. Resolution No. 2015-53 corrects the legal description of a 2013 Port of Walla Walla property annexation to the City of Walla Walla.
 - P. Resolution No. 2015-54 authorizing the award of bid to HD Supply for no-lead brass fittings in the amount of \$62,376.49; (Water Distribution Division to replace stock used).
 - Q. Resolution No. 2015-55 awarding the purchase of wastewater samplers to Whitney Equipment Company in the amount of \$35,283.60.
 - R. Resolution No. 2015-57 authorizes the execution of an amendment to the Intergovernmental Agreement with the State Department of Enterprise Services, for the design, implementation, and construction of the new Library HVAC system.

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 R. Councilmember Jenkins seconded the motion. The motion unanimously carried with 7 yes votes and 0 no votes.

6. ACTIVE AGENDA

- A. Resolution No. 2015-56 awarding the base bid and both additive alternates for the 2015 CDBG Sidewalk and ADA Improvements

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Project and authorizes the City Manager to execute the construction contract with Moreno-Nelson for \$304,289.00.

City Manager Shawa reported this resolution would approve the construction contract for sidewalk and Americans with Disabilities Act improvements under the CDBG program. The bid exceeds the \$296,000 amount budgeted so the street fund will be required to provide some funding. There were brief comments on it being less expensive to complete the whole project at one time rather than splitting the project up. Staff recommends approval.

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

Councilmember Morgan moved to adopt Resolution No. 2015-56. Councilmember Barrow seconded the motion. The motion unanimously carried with 7 yes votes and 0 no votes.

- B. Ordinance No. 2015-12 adopting amendments to Chapter 21.04, Critical Areas Ordinance, and creating a new chapter, Chapter 21.10 titled "Floodplain Management" of the Municipal Code.

Development Services Director Chamberlain reported that interim floodplain regulations were approved when the City annexed the area commonly referred to as the pipeline annexation. There was no existing floodplain in the City limits until this area was annexed. The comments received by the Department of Ecology have been incorporated in the ordinance. All state requirements for review have been met. The Planning Commission held a public hearing and recommends approval. The main provisions include:

- Prohibiting new development in the floodway.
- Requiring flood elevation certificates by a certified Washington State surveyor.
- Amendments to the critical areas ordinance.

There was discussion on:

- The area impacted by the floodplain regulations is primarily off Cottonwood Road in the area of Russell Creek. Mill Creek is not part of the floodplain regulations.
- Conditions imposed by the ordinance are prospective and will not impact existing development.

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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.

City Attorney Donaldson reported the required public hearing was held before the Planning Commission so action may be taken by the City Council tonight. Staff encourages approval since the ordinance is modeled on State regulations.

Councilmember Clark moved to adopt Ordinance No. 2015-12. Councilmember Jenkins seconded the motion. The motion unanimously carried with 7 yes votes and 0 no votes.

C. Resolution No. 2015-58 authorizing the City Manager to agree to a consent decree with the Department of Ecology for the remedial action at Sudbury Road Landfill.

Public Works Director Bealey reported this would authorize the City to enter into a consent order with the Department of Ecology for remediation work at the Sudbury Road Landfill; and introduced Craig Schwyn of Schwyn Environmental Services.

Mr. Schwyn provided an overview of the ongoing remedial action and monitoring efforts at the Sudbury Road Landfill.

There was discussion on:

- How much of the groundwater is contaminated. The Department of Health has determined that down gradient domestic wells are safe. The groundwater flows at approximately 200 feet per year.
- The State legislature determines grant eligibility and funding.
- The generation of power from the gas flare at the landfill is not feasible due to the corrosive nature of the gases and toxins.

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

Councilmember Barrow moved to adopt Resolution No. 2015-58. Councilmember Jenkins seconded the motion. The motion unanimously carried with 7 yes votes and 0 no votes.

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D. Ordinance No. 2015-13 updating the Criminal Code and Park Rules and Regulations for the City. (Second Reading)

City Attorney Donaldson reported the Council held the first reading of the ordinance for public feedback on May 13. The proposed ordinance is essentially the same with some minor clean-up of some language.

There was brief discussion on State provisions that cover harassment and allow for prosecution of stalking crimes.

Mayor Cummins invited public input.

Noah Leavitt, 625 Whitman Street, Walla Walla, thanked City staff and the Council for the approach and discussion in working on the Heritage Park issue. Mr. Leavitt asked about the provision for exclusions from public parks and how enforcement will be handled.

Tamara Johnson, Seattle, discussed working with the homeless youth around Walla Walla and expressed concerns with the stigma associated with homelessness and helping these youth.

Beth Call, 102 Otis Street, Walla Walla, asked about the potential availability of portable bathrooms and making it easier for people to obey the law. Ms. Call also commented on the need for mental health counseling.

Richard McFarland, 3731 Middle Waitsburg Road, Walla Walla, suggested a white paper to break down and concisely explain the rational and reasoning behind the ordinance.

Dorothy Knudson, 250 Rancho Villa, Walla Walla, commented on allowing the judicial system to determine exclusions from public parks.

City Attorney Donaldson explained there is extensive law on exclusion from parks and the relationship to the prevention of future crime and is based on actual criminal conviction. Enforcement of exclusions are similar to no contact orders. Exclusion orders are subject to appeal and future modification by a judge. Any provision for additional bathroom facilities is beyond the purview of this ordinance. The ordinance decriminalizes and removes stigma for bodily needs.

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There was discussion on:

- Ability of judges to exclude persons from parks without the specific provisions in the proposed ordinance.
- The Housing Authority is leading a coordinated entry for people needing social services.
- The proposed changes are not attempting to stigmatize homelessness or poverty but will provide tools to address unacceptable behavior.
- The proposed ordinance clarifies issues and applies them to everybody.
- The downtown parks close two hours earlier and open one hour later than other parks within the City. Staff explained the hours for the downtown parks were shortened in 1997 by recommendation of the Parks & Recreation Advisory Board due to vandalism and problems within the downtown parks.
- Park restrooms are not available during the winter months due to lack of heat.
- Whether the difference in park hours for downtown parks has an appearance of discriminating against those people most in need.

Councilmember Pomraning moved to approve Ordinance No. 2015-13 with an amendment to modify the park hours for the downtown parks to be the same as all other parks. The motion died for lack of a second.

City Attorney Donaldson reported that if the Council desires to make park hours consistent then the reference to Heritage and Crawford parks should be struck out of the ordinance in Section 9.17.185. Council should not delegate park opening and closing hours to staff based on sunrise and sunset, or other times that may be subjective.

Councilmember Barrow moved to approve Ordinance 2015-13 with an amendment to Section 9.17.185 to eliminate the reference to the opening and closing hours for Heritage and Crawford parks. Councilmember Clark seconded the motion. The motion unanimously carried with 7 yes votes and 0 no votes.

E. Approval of minutes of the Work Session held May 11, 2015.

Councilmember Pomraning moved to approve the minutes of the Work Session held May 11, 2015. Councilmember Clark seconded the motion.

The motion unanimously carried with 5 yes votes, 0 no votes, and 2 abstentions by Councilmembers Jenkins and Morgan.

- F. Approval of the April 30, 2015 Accounts Payable Register containing checks numbers 183672 through 184004; 990679 through 990681; and 8436 through 8483, totaling \$2,507,690.80.

Councilmember Plucker moved to approve the April 30, 2015 Accounts Payable Register containing checks numbers 183672 through 184004; 990679 through 990681; and 8436 through 8483, totaling \$2,507,690.80 with the exception of the check to the Blue Mountain Action Council. 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 check to the Blue Mountain Action Council. Councilmember Barrow seconded the motion. The motion unanimously carried with 6 yes votes, 0 no votes, and 1 abstention by Councilmember Jenkins.

- G. Gentlemen of the Road Tour Stopover.

Parks and Recreation Director Dumont provided an update on the planning efforts for the Gentlemen of the Road Tour event.

There was discussion on:

- The new developments with minimum wage, and if volunteer groups could raise money for charities
- Holding meetings with neighbors in the area at locations within the neighborhoods.

Parks and Recreation Director Dumont also provided a photo of the Washington Park "Fountains of Youth" splash pad along with an update on the construction and estimated dedication date.

7. COUNCIL MEMBER MEETING REPORTS

Councilmember Morgan reported attendance at the Gentlemen of the Road tour planning meeting on May 14; the Highway 12 Coalition meeting on May 19; the Tourism Walla Walla Board meeting on May 21; the Valley Transit Board meeting on May 21; and the Port of Walla Walla Economic Development Advisory Committee meeting held May 26.

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Councilmember Jenkins had no meetings to report.

Councilmember Barrow reported attendance at the Downtown Walla Walla Foundation Board Meeting on May 19; and the Blue Mountain Action Council Board Meeting on May 21.

Councilmember Plucker reported on a Gentleman of the Road banner-making competition for area youth. Submissions are due on June 5.

Councilmember Clark reported attendance at the Borleske Stadium Board meeting on May 18; and the Port of Walla Walla Economic Development Advisory Committee meeting on May 26.

Councilmember Pomraning reported attendance at the Gentlemen of the Road tour planning meeting on May 14; the Metropolitan Planning Organization visioning meeting on May 15; the Peace Officers Memorial on May 15; the Association of Washington Cities Small Cities meeting on May 18; the Water and Wastewater Advisory Committee meeting on May 19; a stormwater planning meeting with staff on May 22; and the Port of Walla Walla Economic Development Committee meeting on May 26.

Mayor Cummins reported attendance at the 11th and Main soup kitchen outreach on May 15; the Peace Officers Memorial on May 15; the Walla Walla General Hospital Golf Tournament on May 17; the Borleske Stadium Board meeting on May 18; the Walla Walla public educators meeting on May 18; the Highway 12 Coalition meeting on May 19; the utility rate study workshop on May 21; the Memorial Day celebration at the VA Hospital on May 25; and the Housing Authority Board meeting on May 26.

8. UNFINISHED AND NEW BUSINESS

Councilmember Jenkins moved to reappointment Linda Newcomb to the Historic Preservation Commission for a term expiring June 30, 2018; and Pamela Cress to the Housing Authority for a term expiring June 30, 2020. Councilmember Plucker seconded the motion. The motion unanimously carried with 7 yes votes and 0 no votes.

Councilmember Barrow asked staff to review the information presented by Mr. McFarland on the McDonald preliminary plat approval.

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Councilmember Pomraning asked, because of the national focus on the demilitarization of police departments, for a brief report on the Walla Walla Police Department strategies.

9. ADJOURNMENT

There being no further business, the meeting was adjourned at 9:13 p.m.