

WALLA WALLA CITY COUNCIL
Regular Meeting Minutes
January 13, 2016

1. CALL TO ORDER

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

Present: Councilmembers Jim Barrow, Barbara Clark, Dick Morgan, Steve Moss, Allen Pomraning, Tom Scribner and Mayor Jerry Cummins.

Absent: None.

City staff in attendance: City Manager Nabel Shawa, City Attorney Tim Donaldson, Public Works Director Ki Bealey, Police Chief Scott Bieber, City Engineer Neal Chavre, Utilities Engineer Frank Nicholson, Engineer Nathan Black, and City Clerk Kammy Hill.

2. PLEDGE OF ALLEGIANCE/MOMENT OF SILENCE

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

3. SELECTION OF MAYOR AND MAYOR PRO TEM

Mayor Cummins invited nominations for Mayor.

Councilmember Morgan nominated Allen Pomraning for Mayor.

Councilmember Clark nominated Jim Barrow for Mayor.

Mayor Cummins asked for a show of hands for Allen Pomraning as Mayor. Councilmembers Morgan, Pomraning, Scribner and Mayor Cummins voted in favor of Allen Pomraning as Mayor.

Mayor Cummins asked for a show of hands for Jim Barrow as Mayor. Councilmembers Barrow, Clark and Moss voted in favor of Jim Barrow as Mayor.

Mayor Cummins declared Allen Pomraning elected as Mayor by a majority vote of the Council.

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Mayor Cummins invited nominations for the position of Mayor Pro Tem.

Councilmember Pomraning nominated Jim Barrow for Mayor Pro Tem.

Councilmember Scribner nominated Dick Morgan for the position of Mayor Pro Tem.

Mayor Cummins asked for a show of hands for Jim Barrow as Mayor Pro Tem. Councilmembers Clark, Morgan, Moss, Pomraning and Mayor Cummins voted in favor of Jim Barrow as Mayor Pro Tem.

Mayor Cummins asked for a show of hands for Dick Morgan as Mayor Pro Tem. Councilmembers Barrow and Scribner voted in favor of Dick Morgan as Mayor Pro Tem.

Mayor Cummins declared Jim Barrow elected as Mayor Pro Tem.

The gavel was passed to Mayor Pomraning to conduct the remainder of the meeting.

4. PUBLIC COMMENTS

Bob Carson, 705 Boyer Avenue, Walla Walla, proposed changing the Highway 12/Clinton/Middle Waitsburg Road intersection configuration and adding a new Highway 12/Middle Waitsburg Road intersection to improve safety. There was discussion on Mr. Carson's proposal.

5. CONSENT AGENDA

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

- A. Washington State Liquor & Cannabis Board: New application for Brasserie 4, 4 E. Main Street.
- B. Washington State Liquor & Cannabis Board: Change of location application for Alleromb Winery, 1485 W. Rose Street.
- C. Resolution No. 2016-01 accepting a capacity grant from the Washington State Department of Ecology providing \$50,000 for

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implementation and management of the stormwater program.

- D. Resolution No. 2016-02 declaring the slow sand water treatment plant pilot equipment as surplus and authorizing the transfer to the City of Bonners Ferry, Idaho, for their use in piloting a slow sand filter process.

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

Councilmember Cummins moved to adopt Consent Agenda Items A through D. Councilmember Morgan seconded the motion. The motion unanimously carried with 7 yes votes and 0 no votes.

6. ACTIVE AGENDA

- A. Resolution No. 2016-03 awarding the ultra-violet goods and services contract for the LT2 water treatment plant project to Calgon Carbon in the amount of \$489,832.20.

Engineer Black provided an update on the LT2 water treatment plant upgrade project, described this equipment, and reviewed the benefits to purchasing the equipment prior to construction of the building. There was discussion on the use of the current facilities and whether this purchase will restrict the City from working with other vendors. Public Works Director Bealey reviewed the alternative public works process being used for this project.

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

Councilmember Barrow moved to adopt Resolution No. 2016-03. Councilmember Clark seconded the motion. The motion unanimously carried with 7 yes votes and 0 no votes.

- B. Public hearing and Resolution No. 2016-04 authorizing the City Manager to execute agreements with LWR Commercial, LLC, establishing latecomer agreements for the sanitary sewer and water main extensions. (Lower and Middle Waitsburg Road area.)

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City Manager Shawa reported the developer of the property at the corner of Clinton and Middle Waitsburg Road extended water and sewer lines to serve his project. A latecomers agreement allows the developer to recapture a portion of the cost if surrounding properties connect to these lines. The latecomers fee only applies if the adjacent properties voluntarily elect to connect.

There was discussion on:

- Whether the agreement provides for reimbursement to subsequent owners of the new development.
- Comparison of this latecomer fee with the one established for the Isaacs Avenue street project. These are two separate types of latecomer fees. The one for the Isaacs Avenue project was for the street repairs and ended up being a disincentive for development/redevelopment in the area.
- The connection fees for the latecomer agreements are predetermined. The City is responsible for collecting and monitoring the agreement for twenty years. The City recoups eighteen percent of the collected fees to cover its administrative costs.

Mayor Pomraning declared the public hearing open at 7:49 p.m.

Richard McFarland, 3731 Middle Waitsburg Road, Walla Walla, commented on:

- Future development in the area.
- Wording of resolution "on behalf of the City."
- Upgrading safety of Highway 12/Clinton Street/Middle Waitsburg Road intersection and cost to taxpayers.
- Access to existing City waterline and why the adjacent property owners will be required to pay a latecomers fee when water is already available in the area.

Elizabeth Walker, 1646 University, Walla Walla, questioned the method of assessing the amounts on adjacent properties; and impact of stormwater drainage. Ms. Walker also expressed concerns with the impact of the current construction activities occurring on the property adjacent to her parcel.

Dorothy Knudson, 250 Rancho Villa, Walla Walla, had comments on the procedural process for establishing latecomers agreements.

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Denice Folsom, 45 Iris Lane, Walla Walla, felt there were many problems with the current development in the area.

There being no further comments, Mayor Pomraning declared the public hearing closed at 8:09 p.m.

City Engineer Chavre addressed questions raised during the public hearing.

There was discussion on:

- The latecomers fee is not collected unless adjacent properties voluntarily connect to the utilities.
- The agreement terminates in twenty years.
- All parcels in the area within the City are zoned R-96, although property owners can request a comprehensive plan amendment and zone change which would be a policy question.
- Impact of the current construction and grading on adjacent property owners. Staff indicated that the contractor must comply with the grading permit.
- Due to recent legislative changes to the statutes governing latecomers agreements, it may be likely the City would be liable for reimbursement of costs to the developer, when benefitted properties, connect if the agreement is not approved.
- Method of distributing and assessment of costs.
- Benefits to adjacent properties from the extension of utilities.

Councilmember Clark moved to adopt Resolution No. 2016-04.
Councilmember Barrow seconded the motion.

There was additional discussion on:

- Potential financial liability to City if the agreements are not accepted.
- Properties that benefit should be responsible for paying if they connect to the utilities.
- The current development is a separate issue from the latecomers agreements.
- Term of latecomers agreements is twenty years.

The motion to adopt Resolution No. 2016-04 unanimously carried with 7 yes votes and 0 no votes.

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- C. Resolution No. 2016-05 adopting State legislative priorities for the City.

City Manager Shawa reported this resolution amends the State legislative priorities established by Council to allow the City to advocate for a capital contribution from the legislature for the Rebuild Veteran's Memorial Pool project.

Mayor Pomraning invited public input for and against the proposed resolution. No one in the audience chose to address the City Council on this item.

Councilmember Cummins moved to adopt Resolution No. 2016-05. Councilmember Scribner seconded the motion. The motion unanimously carried with 7 yes votes and 0 no votes.

- D. Approval of minutes of the regular meeting held December 2, 2015.

Councilmember Barrow moved to approve the minutes of the regular meeting held December 2, 2015. Councilmember Clark seconded the motion. The motion unanimously carried with 5 yes votes, 0 no votes, and 2 abstentions by Councilmembers Moss and Scribner.

- E. Approval of minutes of the Work Session held December 14, 2015.

Councilmember Morgan moved to approve the minutes of the Work Session held December 14, 2015. Councilmember Cummins seconded the motion. The motion unanimously carried with 4 yes votes, 0 no votes, and 3 abstentions by Councilmembers Barrow, Moss and Scribner.

- F. Approval of minutes of the special meeting held December 16, 2015 with the State legislators.

Councilmember Cummins moved to approve the minutes of the special meeting held December 16, 2015. Councilmember Clark seconded the motion. The motion unanimously carried with 4 yes votes, 0 no votes, and 3 abstentions by Councilmembers Barrow, Moss and Scribner.

- G. Approval of minutes of the regular meeting held December 16, 2015.

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Councilmember Morgan moved to approve the minutes of the regular meeting held December 16, 2015. Councilmember Cummins seconded the motion. The motion unanimously carried with 4 yes votes, 0 no votes, and 3 abstentions by Councilmembers Barrow, Moss and Scribner.

7. COUNCIL MEMBER MEETING REPORTS

Councilmember Moss had no meetings to report.

Councilmember Morgan reported attendance at the Valley Transit Board meeting held December 17; the Council Retreat held January 9; and the Work Session held January 11.

Councilmember Barrow reported attendance at the Infrastructure Improvement Committee meeting held January 7; the Hotel & Motel Commission meeting held January 7; the Blue Mountain Action Council Board meeting held January 11; the Blue Mountain Humane Society Board meeting held January 12; the Work Session held January 11; and the Council Retreat held January 9.

Councilmember Cummins reported attendance at a ceremony to present Joe Drazan with a civic award on December 17; the Valley Transit Board meeting held December 17; the Oath of Office ceremony for new police officers held January 4; a debriefing with the retiring Port of Walla Walla Executive Director held January 6; the Public Works Trust Board meeting held January 8; the Council Retreat held January 9; and the Work Session held January 11. Councilmember Cummins also reported he served as a Topsy Taxi driver on December 21.

Councilmember Clark reported attendance at a presentation by the Community Council held December 17; the ceremony to present Joe Drazan with a civic award on December 17; the Sustainability Committee meeting held January 3; the Council Retreat held January 9; the Work Session held January 11; and the Bicycle & Pedestrian Advisory Committee meeting held January 12. Councilmember Clark also reported serving as a volunteer at the warming center on December 29.

Councilmember Scribner reported attendance at the Council Retreat held January 9; and the Work Session held January 11.

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Mayor Pomraning reported attendance at the ceremony to present Joe Drazan with a civic award on December 17; the Planning Commission meeting held January 4; the Metropolitan Planning Organization Board meeting held January 6; the Council Retreat held January 9; the Work Session held January 11; and the special Planning Commission meeting held January 11.

8. UNFINISHED AND NEW BUSINESS

Councilmember Morgan moved to reappoint Dominick Elia to the Infrastructure Improvement Committee for a term expiring December 31, 2018. Councilmember Barrow seconded the motion. The motion unanimously carried with 7 yes votes and 0 no votes.

Council and staff recognized the service of Councilmember Cummins as Mayor.

Councilmember Barrow suggested the inclusion of two public members to the Council Finance Committee and asked that an agenda item be prepared for future consideration.

City Manager Shawa reported on a recent ruling by the Public Employment Relations Commission and read the following statement:

The Washington State Public Employment Relations Commission conducted a legal proceeding, and ruled that the City of Walla Walla committed an unfair labor practice, and ordered the City to post this notice to employees:

We unlawfully changed police officers ability to own and carry firearms when off-duty by unilaterally implementing policy 312.2.3 (Authorized Off-Duty Firearm).

To remedy our unfair labor practices:

- We will rescind policy 312.2.3 (Authorized Off-Duty Firearm).
- We will compensate employees for any costs they accrued associated with qualifying their personally owned firearms in compliance with policy 312.2.3.
- We will negotiate in good faith with the Walla Walla Police Guild, including participating in mediation and interest arbitration if necessary, before implementing policy 312.2.3.

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- We will not implement changes to represented employees' wages, hours, and working conditions without first notifying their union and fulfilling our bargaining obligations.
- We will not, in any other manner, interfere with, restrain, or coerce our employees in the exercise of their collective bargaining rights under the laws of the State of Washington.

9. ADJOURNMENT

There being no further business, Councilmember Barrow moved to adjourn at 9:12 p.m. Councilmember Morgan seconded the motion. The meeting adjourned at 9:12 p.m.