

WALLA WALLA CITY COUNCIL
Regular Meeting Minutes
July 27, 2016

1. CALL TO ORDER

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

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

Absent: None.

City staff in attendance: City Manager Nabel Shawa, City Attorney Tim Donaldson, Deputy City Manager Troy Bell, Public Works Director Ki Bealey, Development Services Director Elizabeth Chamberlain, Police Chief Scott Bieber, Senior Planner Jon Maland, Water Distribution Supervisor Adrian Sutor, Water Treatment Plant Supervisor Tom Krebs, Crime Prevention Coordinator Vicky Ruley, 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.

3. PRESENTATIONS

Mayor Pomraning read and presented a proclamation declaring August 2, 2016 as "National Night Out" to Crime Prevention Coordinator Ruley and Chief for a Day Hayden Bayne. Crime Prevention Coordinator Ruley reviewed the activities for the tenth annual National Night Out.

4. PUBLIC COMMENTS

R.L McFarland, 3731 Middle Waitsburg Road, Walla Walla, expressed interest in hearing Mayor Pomraning's meeting report on the recent Historic Preservation Commission meeting.

Paul Gerola, 2031 Gemstone, Walla Walla, began to offer comments on the closed record, quasi-judicial matter before Council as Resolution No. 2016-95 to approve the Willowbend Estates Preliminary Plat. Mayor Pomraning ruled the comments were out of order. City Attorney Donaldson explained the restrictions placed by State statutes allow only

WALLA WALLA CITY COUNCIL MINUTES
JULY 27, 2016
PAGE 2

one public hearing to be held on land use matters. These public hearings are either held by the hearing examiner or the Planning Commission and no additional testimony is allowed after the hearing is closed. The Council must deliberate only on the record before it.

R.L. McFarland, 3731 Middle Waitsburg Road, Walla Walla, suggested members of the public may need more time than what the City allows to review development proposals.

5. CONSENT AGENDA

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

- A. Acceptance of resignation from Katharine Curles from the Bicycle & Pedestrian Advisory Committee.
- B. Resolution No. 2016-91 authorizing the purchase of a police vehicle and declaring a 2010 Chevrolet Malibu as surplus.
- C. Resolution No. 2016-92 fixing a time for a public hearing to annex approximately 90 acres being generally located adjacent to Taumarson Road and south of State Route 125.
- D. Resolution No. 2016-93 authorizing the City Manager to execute a permit to occupy right-of-way in favor of Valley Transit, an agreement, and other documents to occupy portions of public rights-of-way to construct and maintain two passenger waiting shelters.
- E. Ordinance No. 2016-19 vacating a portion of the alley right of way located within Block 8 of Barron's Addition. (Providence St. Mary Medical Center)

Clarification was provided on Item B that the cost of the vehicle proposed for purchase by the Police Department will not exceed \$20,000.

Mayor Pomraning invited public input.

R.L. McFarland, 3731 Middle Waitsburg Road, Walla Walla, suggested the City hold the public hearing for the Valley Acres/Clearview Estates

**WALLA WALLA CITY COUNCIL MINUTES
JULY 27, 2016
PAGE 3**

annexation at a larger location; and suggested postponement of action on the St. Mary Medical Center alley vacation due to the development project being placed on hold. Staff commented that the alley proposed for vacation is not necessary for public access regardless of the status of the development project.

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

6. ACTIVE AGENDA

- A. Resolution No. 2016-94 declaring a 29-year old mule named Curly Sue as surplus and retiring her from the water division.

Water Treatment Plant Supervisor Krebs reported that Curly Sue has been with the City for 18 years. Curly Sue is currently 29-years old and is no longer being used to pack tools and supplies in the watershed. Mr. Krebs introduced Carol McIntyre who reported she has developed a relationship with Curly Sue over the years and is willing to provide her with a good home on her property with her two horses.

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. 2016-94. Councilmember Morgan seconded the motion. The motion unanimously carried with 7 yes votes and 0 no votes.

Councilmember Clark moved to send a letter of appreciation to Ms. McIntyre for her willingness to provide a home for Curly Sue. Councilmember Cummins seconded the motion. The motion unanimously carried with 7 yes votes and 0 no votes.

- B. Resolution No. 2016-95 approving Willowbend Estates preliminary plat (PPL-16-0004) involving approximately 6.82 acres of property located on Whitney Road, east of Plaza Way, north of Wedgewood Road and south of Gemstone Drive.

Senior Planner Maland reported this preliminary plat would subdivide the property into 26 residential lots, and reviewed the history and application

WALLA WALLA CITY COUNCIL MINUTES
JULY 27, 2016
PAGE 4

process. Staff and the Hearing Examiner both recommend approval with conditions.

There was discussion on:

- Development of the Stone Creek subdivision and current requirement for two separate access points.
- Extension of Gemstone Drive appears to have been planned when the Stone Creek subdivision was developed.
- The Code requires two access points for traffic circulation, emergency services, and connectivity. This is also true for planned unit developments for safety.
- The Code does not require parks or green space based on the number of lots within a subdivision. A Code amendment would be necessary to require land for parks or green space.

Mayor Pomraning polled the City Council for any conflicts of interest, appearance of fairness, or ex-parte contacts. No conflicts of interest, appearance of fairness, or ex-parte contacts were reported.

There were additional comments on the importance of neighborhood connectivity, especially for children and non-driving members of the community.

Councilmember Cummins moved to adopt Resolution No. 2016-95. Councilmember Morgan seconded the motion. The motion unanimously carried with 7 yes votes and 0 no votes.

- C. Public hearing and Resolution No. 2016-96 adopting water efficiency goals.

City Manager Shawa and Water Distribution Supervisor Sutor reported the State requires the water efficiency goals to be updated every six years. The proposed goals were reviewed.

Mayor Pomraning declared the public hearing open. There being no public testimony, the hearing was closed.

Clarification was provided that further consideration of a customer portal would be reviewed with Council prior to implementation.

**WALLA WALLA CITY COUNCIL MINUTES
JULY 27, 2016
PAGE 5**

**Councilmember Morgan moved to adopt Resolution No. 2016-96.
Councilmember Barrow seconded the motion. The motion unanimously
carried with 7 yes votes and 0 no votes.**

- D. Public hearing and Ordinance No. 2016-20 adopting a moratorium on acceptance, processing, or approval of applications for development authorizations and other permits for locating or placing of marijuana cooperative and interim amendments to Title 20 of the Municipal Code regarding zoning and land use matters to address the 2015 Cannabis Patient Protection Act, the 2015 Marijuana Market Reform Act, and related regulatory matters.

Development Services Director Chamberlain reported this ordinance would establish a moratorium on marijuana cooperatives while staff reviews the integrations of provisions related to recreational and medical marijuana. The City currently has permitted two retail stores and two production/processor facilities. When the current regulations were adopted, the medical marijuana industry was largely unregulated. Staff is recommending this moratorium to allow time to bring the City's codes into compliance with state law.

There was discussion on:

- The City does not allow marijuana facilities in residential areas. Staff needs time to evaluate the impact of marijuana cooperatives.
- The difference between marijuana collectives that were previously allowed and marijuana cooperatives that are now allowed under new State laws.
- Allowances under State law for marijuana cooperatives and whether these facilities must be indoors.
- The number of plants allowed for personal use for medical marijuana patients and whether the City can regulate where they are grown.

Mayor Pomraning declared the public hearing open.

The following spoke in favor of a moratorium:

- Bonnie Szuch, 1685 Ruth Street, Walla Walla.
- Bill Szuch, 1685 Ruth Street, Walla Walla.
- Alden Foote, 2065 Taumarson Road, Walla Walla.
- Lucy Henderson, 336 S. Palouse #5, Walla Walla.
- Dixie Ferguson, 1232 Bonsella, Walla Walla.

**WALLA WALLA CITY COUNCIL MINUTES
JULY 27, 2016
PAGE 6**

City Attorney Donaldson filed findings of fact for the record.

Mayor Pomraning closed the public hearing.

**Councilmember Barrow moved to adopt Ordinance No. 2016-20.
Councilmember Cummins seconded the motion.**

There was additional discussion on:

- Time frame for final action is established within the moratorium ordinance.
- Potential for regulating personal medical marijuana gardens for indoors only or providing regulations for buffering the impacts of these gardens on neighbors.
- Reviewing proposed regulations at a Council Work Session.

The motion to adopt Ordinance No. 2016-20 unanimously carried with 7 yes votes and 0 no votes.

E. Approval of minutes of the Work Session held June 27, 2016.

F. Approval of minutes of the regular meeting held June 29, 2016.

G. Approval of minutes of the Work Session held July 11, 2016.

Councilmember Barrow moved to approve the minutes of the June 27, 2016 Work Session, the June 27, 2016 regular meeting, and the July 11, 2016 Work Session. Councilmember Scribner seconded the motion. The motion unanimously carried with 6 yes votes, 0 no votes, and 1 abstention by Councilmember Morgan.

H. Approval of minutes of the regular meeting held July 13, 2016.

Councilmember Barrow moved to approve the minutes of the regular meeting held July 13, 2016. Councilmember Moss seconded the motion. The motion unanimously carried with 5 yes votes, 0 no votes, and 2 abstentions by Councilmember Morgan and Mayor Pomraning.

WALLA WALLA CITY COUNCIL MINUTES
JULY 27, 2016
PAGE 7

7. COUNCIL MEMBER MEETING REPORTS

Councilmember Moss reported attendance at the Water & Wastewater Advisory Committee meeting held July 20; the Youth Investor meeting held July 20; the Port of Walla Walla Economic Development Committee meeting held July 26; and the ad hoc committee meeting on downtown social issues held July 27.

Councilmember Morgan had no meetings to report.

Councilmember Barrow reported attendance at the Finance Committee meeting held July 15; the Downtown Walla Walla Foundation Board meeting held July 19; the agenda preparation meeting held July 20; the Blue Mountain Action Council Board meeting held July 21; the Office of Columbia River steering committee meeting held July 27; the Valley Transit Board meeting held July 27; and the STAR Board meeting held July 26.

Councilmember Cummins reported attendance at the Finance Committee meeting held July 15; the dedication of the pedestrian crosswalk at Rose Street and 13th Avenue held July 15; the first responder tribute held July 18; the reception for Deputy City Manager Troy Bell held July 18; the dedication of the Mill Creek foot bridge on Marcus Street held July 21; the Valley Transit Board meeting held July 21; and the Housing Authority Board meeting held July 25.

Councilmember Clark reported attendance at the Finance Committee meeting held July 15; the dedication of the pedestrian crosswalk at Rose Street and 13th Avenue held July 15; the reception for Deputy City Manager Troy Bell held July 18; the Civil Service Commission meeting held July 20; the dedication of the Mill Creek foot bridge on Marcus Street held July 21; and the Port of Walla Walla Economic Development Committee meeting held July 26.

Councilmember Scribner reported attendance at the Lodging Tax Advisory Committee meeting held July 22.

Mayor Pomraning reported attendance at the dedication of the pedestrian crosswalk at Rose Street and 13th Avenue held July 15; the reception for Deputy City Manager Troy Bell held July 18; the Emergency Management Board meeting held July 19; the dedication of the Mill Creek foot bridge on Marcus Street held July 21; the agenda preparation

**WALLA WALLA CITY COUNCIL MINUTES
JULY 27, 2016
PAGE 8**

meeting held July 20; the Valley Transit Board meeting held July 21; and the Historic Preservation Commission meeting held July 25.

City Manager Shawa reported he is working to schedule a special meeting with the Port of Walla Walla and Dave Mastin, State lobbyist, on August 16.

8. UNFINISHED AND NEW BUSINESS

Council raised the following issues:

- Amending City codes to add a requirement for the development of parks or green space. It was suggested that this issue would be a part of a comprehensive parks plan and part of the new comprehensive plan development.
- City codes allow for the keeping of pot-bellied pigs.
- Measures to ensure housing affordability.

Councilmember Clark moved to appoint Stacy Buchanan to the Bicycle & Pedestrian Advisory Committee for a term expiring December 31, 2018. Councilmember Moss seconded the motion. The motion unanimously carried with 7 yes votes and 0 no votes.

9. EXECUTIVE SESSION

Mayor Pomraning announced the City Council would be recessing to Executive Session to discuss the following items:

- A. To review the performance of a public employee pursuant to RCW 42.30.110(1)(g); and
- B. To consider the selection of a site or the acquisition of real estate pursuant to RCW 42.30.110(1)(b), and to discuss with legal counsel representing the City litigation or potential litigation involving 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 Council in open session. The meeting recessed at 9:26 p.m.

Councilmember Moss was excused from attending the Executive Session.

WALLA WALLA CITY COUNCIL MINUTES
JULY 27, 2016
PAGE 9

10. ADJOURNMENT

There being no further business, the meeting adjourned at 10:25 p.m.