

**WALLA WALLA CITY COUNCIL**  
**Regular Meeting Minutes**  
**August 10, 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, Fire Chief Bob Yancey, Development Services Director Elizabeth Chamberlain, Parks & Recreation Director Jim Dumont, Finance Director Jean Teasdale, Police Captain Chris Buttice, Public Works Manager Mori Struve, City Engineer Neal Chavre, Senior Planner Jon Maland, and City Clerk Kammy Hill.

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

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

**3. PRESENTATIONS**

Mayor Pomraning presented Mayor Pro Tem Barrow with his 8-year City Council service pin.

**4. PUBLIC COMMENTS**

The following commented on current homelessness issues and needs:

- Nancy Monacelli, Alliance for the Homeless, 444 Washington, Walla Walla.
- Rene Andrews, No address.
- Joyce Klassen, Alliance for the Homeless, 215 Aspen Street, Walla Walla.
- Harvey Raymond Shiloh Andrews, No address.
- Diane Davis, National Alliance for the Mentally Ill.
- Beth Call, Alliance for the Homeless, 102 Otis, Walla Walla.

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- Mark Johnson, No address.
- Randy Grudzinski, 3133 Panacres Lane, Walla Walla.

Elizabeth Brochu, 883 Mockingbird Drive, College Place, remarked on her personal tribute to law enforcement and thanked them for their service.

Frank Ward, 415 W. Cherry Street, Walla Walla, asked the City to provide a courtesy telephone call to disabled people before shutting their water off for non-payment.

**5. CONSENT AGENDA**

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

- A. Washington State Liquor and Cannabis Board: Special occasion liquor license for Whitman College on October 22, 2016.
- B. Washington State Liquor and Cannabis Board: Change of location liquor license application for Mark Ryan Winery, 173 Middle Waitsburg Road.
- C. Washington State Liquor and Cannabis Board: Special occasion liquor license for YWCA at the Foundry Vineyards on September 15, 2016.
- D. Washington State Liquor and Cannabis Board: Liquor license application in lieu of current privilege for The Maple Counter Café, 209 E. Alder Street.
- E. Washington State Liquor and Cannabis Board: Liquor license application for Walla Walla Wine Services, 173 Middle Waitsburg Road.
- F. Resolution No. 2016-97 authorizing the purchase of a sewer jet truck from Solid Waste Systems and a 72-inch rotary mower from Pape Machinery.
- G. Resolution No. 2016-98 authorizing the purchase of a new tractor with cab and flail mower attachment from Pape Machinery.

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- H. Resolution No. 2016-99 awarding the bid for the Clinton Street bridge sewer replacement project to Accelerated Construction and Excavating.
- I. Resolution No. 2016-100 authorizing the purchase of replacement equipment due to the fire at the Veterans Memorial Golf Course maintenance building.
- J. Resolution No. 2016-101 authorizing a loan application to the Public Works Board for construction of Area 7, Cell 3 at the Sudbury Road landfill.
- K. Resolution No. 2016-102 authorizing amendment #6 to the employment agreement with Nabel Shawa.
- L. Resolution No. 2016-103 authorizing an amendment to the employment agreement with Tim Donaldson, City Attorney.
- M. Resolution No. 2016-104 authorizing the purchase of water parts and fittings. (Blanket purchase orders for the AMI water meter replacement project.)
- O. Resolution No. 2016-107 authorizing an application for a \$4 million Public Works Trust Fund loan for the Isaacs Avenue Phase 1 project from Park Street to Division Street.
- P. Approval of minutes of the regular meeting held July 27, 2016.

Councilmember Barrow reported on Items K and L and the need to retain outstanding employees. A Council subcommittee studied the salaries of City Managers and City Attorneys at comparable cities and is recommending the increase in compensation to at least the average of the comparable cities.

Council asked to have Items K and L removed from the Consent Agenda for separate consideration.

**Councilmember Cummins moved to approve Consent Agenda Items A through P with the exception of Items K and L. Councilmember Moss seconded the motion.**

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Mayor Pomraning invited public input.

Richard McFarland, 3731 Middle Waitsburg Road, Walla Walla, had comments regarding Item E, the liquor license application for Walla Walla Wine Service. City Attorney Donaldson reported the City does not grant the liquor licenses and there is no reason for an objection.

There was brief discussion regarding the necessity of the equipment proposed for purchase and availability of funds for the purchases.

**The motion to adopt Consent Agenda Items A through P with the exception of Items K and L unanimously carried with 7 yes votes and 0 no votes.**

**6. ACTIVE AGENDA**

- K. Resolution No. 2016-102 authorizing amendment #6 to the employment agreement with Nabel Shawa.

Mayor Pomraning invited public input.

Richard McFarland, Walla Walla, felt the Union Bulletin editorial regarding this issue expressed the opinion of many of the public and suggested it may be time for a new City Manager.

Jim Dumont, Parks & Recreation Director, commented that staff morale has improved, City Manager Shawa is a true leader, and the raise is warranted.

Randy Grudzinski, Walla Walla, expressed appreciation for the favorable experiences in working with City Manager Shawa and City Attorney Donaldson.

Mary Campbell, 336 McCorkle Lane, Walla Walla, felt City Manager Shawa and City Attorney Donaldson were fabulous collaborators and expressed appreciation for their work.

Frank Ward, Walla Walla, spoke of a positive interaction with City Attorney Donaldson but has had issues with City Manager Shawa.

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**Councilmember Clark moved to adopt Resolution No. 2016-102.  
Councilmember Morgan seconded the motion.**

There were comments by Council on the drawback of using comparable agency information and the excellent work provided by City Manager Shawa, City Attorney Donaldson, and the City leadership team. The City must be competitive to recruit and retain the best talent.

**The motion to adopt Resolution No. 2016-102 unanimously carried with 7 yes votes and 0 no votes.**

- L. Resolution No. 2016-103 authorizing an amendment to the employment agreement with Tim Donaldson, City Attorney.

**Councilmember Cummins moved to adopt Resolution No. 2016-103.  
Councilmember Moss seconded the motion.**

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

**The motion to adopt Resolution No. 2016-103 unanimously carried with 7 yes votes and 0 no votes.**

Council commented that City Attorney Donaldson had not approached the City Council for a raise. City Attorney Donaldson stated he was honored to represent the City of Walla Walla.

- A. Ordinance No. 2016-22 authorizing the sale, issuance and delivery of not to exceed \$8,995,000 of the City's unlimited tax general obligation refunding bonds to provide money to refund all or a portion of the City's unlimited tax general obligation bonds, Series 2009, issued for the construction of a new police station.

City Manager Shawa commented the goal of this refinancing is to save City taxpayers money.

Susan Musselman, Financial Advisor, reported this ordinance will refinance the unlimited tax general obligation bonds for the City's police facilities by replacing them with lower interest rate bonds. The expectation is the new interest rates would be approximately two percent. This would reduce the

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tax levy by approximately \$620,000 over the remaining life of the bond issue.

Roy Koegen, Bond Counsel, outlined the provisions of the proposed ordinance. There was brief discussion on whether the City would have another opportunity in the future to call the bonds if rates continue to stay low. Mr. Koegen explained the limitations due to Federal tax laws and how the process works for refunding bonds.

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

**Councilmember Cummins moved to adopt Ordinance No. 2016-22. Councilmember Scribner seconded the motion. The motion unanimously carried with 7 yes votes and 0 no votes.**

Council thanked staff and the financial team.

- B. Public hearing and Ordinance No. 2016-23 approving the annexation of approximately 78 acres south of Mill Creek, near Myra Road.

Development Services Director Chamberlain outlined the process, history, and zoning of this proposed annexation. Part of this area is served by and will continue to be served by the Artesia Water District. A census of the area will be conducted by a firm hired by the City. Staff recommends approval.

There was discussion on:

- The modified boundaries of the proposed annexation make for a more cohesive area and eliminate islands of property.
- Water service will continue to be provided by Artesia Water District to those properties currently within their boundaries. Other utility services will be provided by the City.
- None of the public hearing notices were returned to the City as undeliverable.
- The effective date of the annexation will be five days after publication of a summary of the ordinance.

Mayor Pomraning declared the public hearing open at 8:42 p.m.

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Steven Pao, 324 Woodland Avenue, Walla Walla, objected to their property being included in the modified boundaries for this annexation due to a variety of issues and described their current use of their property.

Randy Grudzinski, 3133 Panacres Lane, Walla Walla, commented he is the original petitioner for annexation and does not believe it is right to include the Pao property if they do not want to be annexed. He would like to develop his property but cannot without access to City utilities.

There being no further public testimony, Mayor Pomraning declared the public hearing closed at 8:49 p.m.

There was discussion on:

- The cost to construct a sewer line on Woodland would be borne by those wanting the service. Properties are not required to connect to City utilities if they still have functioning wells and septic systems.
- The ordinance provides for the continuance of lawfully existing uses under current County Codes, even if it is a non-conforming use under the City's Municipal Code. This provision remains with the property as long as the non-conforming use is not discontinued.
- Some of the storage of items on the Pao property likely constitutes a non-conforming use. The City is working with the family and no immediate abatement action is planned.
- Farming on the property will continue to be allowed. The reference to vacant land versus farming land is just a general description in the staff report and doesn't have any impact on the use of the property.

**Councilmember Clark moved to adopt Ordinance No. 2016-23.  
Councilmember Morgan seconded the motion.**

There were comments by Council regarding attempting to create uniform City boundaries without islands. Councilmember Scribner expressed his opposition to the City expanding its size when opposed by property owners.

**The motion to adopt Ordinance No. 2016-23 carried with 6 yes votes and 1 no vote by Councilmember Scribner.**

The meeting was recessed for a break at 9:08 p.m. and reconvened at 9:16 p.m.

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C. Public hearing on vacation of Cass Avenue right-of-way between 14<sup>th</sup> and 15<sup>th</sup> Avenue.

Senior Planner Maland reported this is a petition submitted by Linda Ross for the vacation of the Cass Avenue right-of-way between 14<sup>th</sup> and 15<sup>th</sup> Avenues. Senior Planner Maland reviewed the background. The Planning Commission and staff recommend approval. If the City Council approves this request, the property owner will have an appraisal done and pay the appraised value.

Mayor Pomraning declared the public hearing open at 9:19 p.m.

Linda Ross, petitioner, commented that she had inherited the property and is seeking the right-of-way vacation to sell the property. The cost of the appraisal and purchase of the right-of-way will be a financial hardship.

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

**Councilmember Barrow moved to approve the right-of-way petition VAC-16-0002 from Linda Ross. Councilmember Cummins seconded the motion. The motion unanimously carried with 7 yes votes and 0 no votes.**

D. Resolution No. 2016-105 authorizing an Interstate agreement with the Oregon Department of Forestry for \$12,000 funding assistance in updating the 2006 Mill Creek Oregon and Washington Community Wildfire Protection Plan.

City Manager Shawa reported that Public Works Manager Struve has been seeking funding for the protection of the City's watershed. The Oregon Department of Forestry has agreed to provide \$12,000 for an update of the 2006 Mill Creek Oregon and Washington Community Wildfire Protection Plan.

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

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**Councilmember Barrow moved to adopt Resolution No. 2016-105. Councilmember Clark seconded the motion. The motion unanimously carried with 7 yes votes and 0 no votes.**

- E. Resolution No. 2016-106 authorizing an interagency agreement with the Washington State Department of Natural Resources for wildland fire services.

City Manager Shawa reported this agreement would allow the Fire Department to assist in wildland fire fighting and allow the City to be reimbursed. It does not obligate the City if staffing is not available.

Councilmember Morgan reported the Department of Corrections partners with the Department of Natural Resources in their firefighting activities and asked if his position as Secretary of the Department of Corrections creates a conflict of interest. City Attorney Donaldson reported this is a remote financial interest and it is wise for Councilmember Morgan to abstain.

There was brief discussion on potential risks to City firefighting staff because of the difference in fighting structure versus wildland fires. Fire Chief Yancey reported that all personnel are trained and certified in order to participate in wildland firefighting efforts.

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

**Councilmember Cummins moved to adopt Resolution No. 2016-106. Councilmember Moss seconded the motion. The motion unanimously carried with 6 yes votes, 0 no votes, and 1 abstention by Councilmember Morgan.**

- F. Ordinance No. 2016-21 amending Section 2.94.020 of the Municipal Code pertaining to payment of actual costs for processing municipal franchise applications.

City Attorney Donaldson reported this ordinance would allow the City to require a deposit and recoup its costs for processing franchise agreements for use of City right-of-way for cell towers and wireless telecommunication facilities. Costs are anticipated to be more than the required deposit. Cities are looking at code revisions to accommodate new business models for use of public rights-of-way. The City has joined a

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consortium to assist in navigating regulations. There was discussion on calculating actual City costs.

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

**Councilmember Barrow moved to adopt Ordinance No. 2016-21. Councilmember Clark seconded the motion. The motion unanimously carried with 7 yes votes and 0 no votes.**

G. Approval of the accounts payable register dated July 31, 2016 containing check numbers 189307 through 189726; 990760 through 990761; and 8717 through 8734 totaling \$3,225,207.56.

**Councilmember Cummins moved to approve payment of the accounts payable register dated July 31, 2016 containing check numbers 189307 through 189726; 990760 through 990761; and 8717 through 8734 totaling \$3,225,207.56 with the exception of the checks to Steve Moss, Allen Pomraning, Jim Barrow, and Department of Corrections. Councilmember Clark seconded the motion. The motion unanimously carried with 7 yes votes and 0 no votes.**

**Councilmember Cummins moved to approve payment of the checks to Steve Moss, Allen Pomraning, and Jim Barrow. Councilmember Morgan seconded the motion. The motion unanimously carried with 4 yes votes, 0 no votes, and 3 abstentions by Councilmembers Barrow, Moss, and Mayor Pomraning.**

**Councilmember Cummins moved to approve payment of the checks to the Department of Corrections. Councilmember Barrow seconded the motion. The motion unanimously carried with 6 yes votes, 0 no votes, and 1 abstention by Councilmember Morgan.**

H. Bicycle Friendly City designation.

City Manager Shawa reported this is a request for a letter to support an application to the League of American Bicyclists for their bicycle friendly city designation. Staff understands this program to be similar to the Tree City USA program and doesn't require the City to expend funds.

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Council expressed concerns that this item was not adequately staffed before coming before them for consideration.

Mayor Pomraning invited public input.

Erendira Cruz, 64 Canary Place, Walla Walla, member of the Bicycle & Pedestrian Advisory Committee, reported that August 16 is the deadline for applications and apologized for the lack of information when the Council packets were distributed. The application is nearly complete and contains a great deal more information.

Mary Campbell, 336 McCorkle Lane, Walla Walla, representing the Community Council, referred to recommendations regarding bicycling contained in their recent report and also reported that bicyclists are an economic boon to the local economy.

Andrea Weckmueller-Behringer, Executive Director of the Walla Walla Valley Metropolitan Planning Organization, encouraged support and commented on their coordinated transportation planning efforts with the Bicycle & Pedestrian Advisory Committee.

**Councilmember Barrow moved to approve the letter of support for the bicycle friendly city application for signature by the Mayor. Councilmember Clark seconded the motion. The motion unanimously carried with 7 yes votes and 0 no votes.**

The Bicycle & Pedestrian Advisory Committee was commended for their efforts and there were comments regarding doing more to further bicycling.

**7. COUNCIL MEMBER MEETING REPORTS**

Councilmember Moss reported attendance at the Parks, Recreation & Urban Forestry Advisory Board meeting held August 1; the Planning Commission meeting held August 1; meetings of the ad hoc committee studying the downtown social issues held August 3 and August 10; a meeting with City Attorney Donaldson held August 4; and the Work Session held August 8.

Councilmember Morgan had no meetings to report.

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Councilmember Barrow reported attendance at the agenda preparation meeting held August 2; the National Night Out celebration held August 2; and the Water Partnership Board meeting held August 2.

Councilmember Cummins reported attendance at the Work Session held August 8; and the Blue Mountain Humane Society Board meeting held August 9.

Councilmember Clark reported attendance at the Senior Center Board meeting held July 28; the Work Session held August 8; the Bicycle & Pedestrian Advisory Committee meeting held August 9; the LEOFF 1 Disability Board meeting held August 9; and a meeting of the ad hoc committee looking at ways to increase Council diversity held August 10.

Councilmember Scribner reported attendance at the Work Session held August 8; the Public Library Board meeting held August 10; and the ad hoc committee looking at ways to increase Council diversity held August 10. Councilmember Scribner also reported the application form for lodging tax funding is available and encouraged the City to apply.

Mayor Pomraning reported attendance at the emergency management office flood exercise held July 28; the agenda preparation meeting held August 2; the National Night Out celebration held August 2; the Metropolitan Planning Organization Board meeting held August 3; the legislative committee meeting held August 4; the Work Session held August 8; and the LEOFF 1 Disability Board meeting held August 9.

**8. UNFINISHED AND NEW BUSINESS**

Council requested a copy of the Chamber of Commerce's financial report on their business summit.

Council asked Councilmember Moss for a list of members on the ad hoc committee studying the downtown social issues.

There was extensive discussion on the plight of homeless people and having a place for them to stay and store their belongings. City Attorney Donaldson cautioned that the City's recent code enforcement action in the parking lot off Sumach Street has been appealed and Nabel Shawa is the hearing officer. It is very important that he remain impartial and that

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the City provide due process of its actions. Staff is responsible for enforcing the City's codes.

**Councilmember Barrow moved to table any further discussion before the City Council on homeless issues for no sooner than sixty days. Councilmember Moss seconded the motion. The motion carried with 6 yes votes and 1 no vote by Councilmember Clark.**

**9. ADJOURNMENT**

**There being no further business, the meeting adjourned at 10:47 p.m.**