

WALLA WALLA CITY COUNCIL
Regular Meeting Minutes
January 11, 2017

1. CALL TO ORDER

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

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

Absent: Councilmember Dick Morgan.

City staff in attendance: City Manager Nabel Shawa, City Attorney Tim Donaldson, Public Works Director Ki Bealey, Development Services Director Elizabeth Chamberlain, Senior Planner Jon Maland, and City Clerk Kammy Hill.

2. PLEDGE OF ALLEGIANCE/MOMENT OF SILENCE

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

3. PUBLIC COMMENTS

Representatives from the Life Church, Walla Walla, thanked the City Council for their service to the community and presented the Council with a coffee mug and chocolates.

4. CONSENT AGENDA

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

- A. Washington State Liquor and Cannabis Board: Change in corporate officers/stockholders for Mullan Road Cellars, 1485 W. Rose Street.
- B. Resolution No. 2017-01 authorizing the purchase of railroad right-of-way at Sudbury Road landfill for approximately \$60,000.
- C. Resolution No. 2017-02 authorizing the purchase of a compaction mapping system for the new landfill compactor from GeoLogic Computer Systems for \$86,248.80.

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D. Approval of minutes of the regular meeting held December 21, 2016.

Staff reported that the City has been pursuing the purchase of railroad right-of-way that bisects the Sudbury Road landfill as part of the cleanup and remediation action at the landfill.

Council asked why the compaction mapping system for the new landfill compactor is necessary. Staff explained this technology tracks the compaction area and elevations to best utilize the landfill space and reduce unnecessary use of the landfill compactor.

Council asked that Item C be removed from the Consent Agenda for separate consideration.

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, B, and D. Councilmember Barrow seconded the motion. The motion unanimously carried with 6 yes votes and 0 no votes.

5. ACTIVE AGENDA

AA. Resolution No. 2017-02 authorizing the purchase of a compaction mapping system for the new landfill compactor from GeoLogic Computer Systems for \$86,248.80.

Staff explained the City Council had previously approved the purchase of a mapping system with the prior authorization to purchase the landfill compactor. While negotiating with Western States Cat, it was determined that a less costly mapping system would better meet the needs of staff in addition to saving money. The purchase of a mapping system will help maximize the landfill airspace, meet Department of Ecology regulations, reduce wear on the landfill compactor, and is a best landfill management practice.

There was discussion on the proposed purchase and use of equipment to maximize efficiencies, resources, and effectiveness in landfill operations.

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

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Councilmember Cummins moved to adopt Resolution No. 2017-02. Councilmember Moss seconded the motion. The motion carried with 5 yes votes and 1 no vote by Councilmember Scribner.

- A. Resolution No. 2017-03 approving the Whitman College shoreline substantial development permit for site development and construction of a new three story, 150 bed residence hall adjacent to Mill Creek. (Closed record – quasi judicial)

Mayor Pomraning polled the City Council for any conflicts of interest.

Councilmember Scribner reported that Whitman College is represented by his law firm of Minnick Hayner. City Attorney Donaldson advised Councilmember Scribner to recuse himself. Councilmember Scribner left the City Council Chambers at 7:35 p.m.

No other conflicts of interest were reported.

Mayor Pomraning polled the City Council for any appearance of fairness issues or ex-parte contacts.

Councilmember Clark disclosed that she frequently walks in this area. There was no objection expressed to participation by Councilmember Clark.

Senior Planner Maland provided a report on the application by Whitman College for a shoreline substantial development permit to construct a new residence hall adjacent to Mill Creek. Whitman College was unable to reach a private agreement with a property owner on Otis Street abutting the property and amended their request to remove the dining hall.

There was discussion on:

- The building is at the thirty-five foot setback of Mill Creek.
- A geotechnical report was submitted as part of the permit that construction will not compromise the integrity of the channel.
- Stormwater is required to be contained onsite and will not be discharged into Mill Creek.
- A multi-use pathway will be provided as part of the development.

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- The inclusion of the dining hall was considered by the Planning Commission. The removal of this building from the plan does not constitute a substantial change to the shoreline development permit.

Councilmember Barrow moved to adopt Resolution No. 2017-03. Councilmember Moss seconded the motion. The motion unanimously carried with 5 yes votes and 0 no votes.

Councilmember Scribner returned to the Council Chambers at 7:48 p.m.

- B. Ordinance No. 2017-01 approving the Wenham comprehensive plan amendment from Residential to Commercial and a rezone from R-72 to Highway Commercial for approximately 5 acres located south of Highway 12 and west of Clinton Street.

Development Services Director Chamberlain reported this ordinance will enact the City Council's direction from their December 21, 2016 meeting to deny the Planning Commission's recommendation and go forward with the staff recommendation.

Mayor Pomraning invited public input.

R.L. McFarland, 3731 Middle Waitsburg Road, Walla Walla, expressed concerns with the application process and the requirement to have the amendment approved by December 31, 2016.

Dave Fogarty, 1680 Cambridge, Walla Walla, distributed a copy of the applicant's traffic study and expressed concerns with the anticipated traffic volume from a change in zone. Mr. Fogarty also felt there was not a need for additional Highway Commercial property and it made more sense to leave the property zoned residential for compatibility with the neighborhood.

Frank Ralston, 1224 N. Clinton, Walla Walla, would like to see affordable housing developed on the property and felt that the Growth Management Act requires the construction of affordable housing.

There was discussion on:

- Clarification on the intent to change a portion of the property from Residential to Commercial.

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- The traffic study submitted by the applicant reflects a significant increase in traffic for a Commercial land use designation versus Residential or Light Industrial.
- The application has been amended several times and this is leading to confusion.
- A major concern of the neighborhood is the traffic impact. The City needs property zoned for affordable housing.
- The procedure for denial of the application and whether action is required by the City Council.

Councilmember Barrow moved to deny the application of Anthony Wenham based on the recommendation by the Planning Commission; the desirability for affordable housing; neighborhood compatibility; and concerns with increased traffic as outlined in the traffic study. Councilmember Moss seconded the motion.

There were comments by Council on the motion.

The motion to deny the application of Anthony Wenham based on the recommendation by the Planning Commission; the desirability for affordable housing; neighborhood compatibility; and concerns with increased traffic as outlined in the traffic study, carried with 5 yes votes and 1 no vote by Mayor Pomraning.

City Attorney Donaldson reported he would prepare an ordinance for consideration prior to the conclusion of this Council meeting.

- C. Public hearing and first reading of Ordinance No. 2017-02 approving a franchise agreement with Charter Communications.

City Attorney Donaldson reported there have been extensive negotiations with Charter Communications over the last few years. Both parties are satisfied with the proposed franchise.

There was discussion on:

- Impact to the customer from this franchise agreement. The City is unable to regulate offerings or cost to customers so the negotiations were based on the use of public right-of-way.
- The agreement provides access to a public, educational, and government channel.

Mayor Pomraning declared the public hearing open.

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Dinah Morrison, Charter Communications, reported the City is able to use government access channel number 190. Charter is still in talks and negotiations on being able to offer the Pac 12 network.

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

Councilmember Cummins moved for first reading of Ordinance No. 2017-02. Councilmember Clark seconded the motion. The motion unanimously carried with 6 yes votes and 0 no votes.

- D. Public hearing on a request by Whitman College to vacate the right-of-way for Prentiss Drive and the east/west alley within the College Addition as part of the Whitman College campus development.

Senior Planner Maland reported this right-of-way vacation request mirrors the shoreline management permit and reviewed the application. Whitman College has withdrawn their request to vacate Nakomis Drive and Linden Lane as they were unable to reach agreement with a private property owner adjacent to the development area. The request has been reviewed with the City's site plan review committee.

Mayor Pomraning declared the public hearing open.

Peter Harvey, Chief Financial Officer of Whitman College, reported emergency vehicle access has been reviewed and is satisfactory.

Archie Taylor, 126 Otis Street, Walla Walla, expressed concerns with the proposed alley right-of-way vacation limiting access to the rear of his property. Mr. Taylor also commented that the bridge over Mill Creek on Otis Street is settling and disturbing his property.

Jim Hayner, legal counsel for Whitman College, reviewed the area of the proposed alley right-of-way vacation. This alley vacation will not impact access to the Taylor property from Nakomis Drive. This request has been submitted to ensure Whitman College has title to the property to be developed.

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R.L. McFarland, 3731 Middle Waitsburg Road, Walla Walla, asked staff to make sure the maps are correct to ensure the Taylor's have full access to their property.

Mayor Pomraning declared the public hearing closed.

Senior Planner Maland reported staff has looked at property access and there is no impact to emergency service vehicles.

Councilmember Barrow moved to direct staff to proceed forward with the right-of-way vacation process. Councilmember Scribner seconded the motion. The motion unanimously carried with 6 yes votes and 0 no votes.

- E. Public hearing on a request by David Thompson to vacate right-of-way on North Spokane Street adjacent to Block 2 of Cain's Addition.

Senior Planner Maland reported this is a request to vacate right-of-way so that any future development in this downtown block will have a zero lot line. This will allow the buildings to abut the sidewalk as required in the downtown area and will remove any potential gaps between the sidewalk and front of the building.

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

Councilmember Cummins moved to direct staff to proceed forward with the right-of-way vacation process. Councilmember Moss seconded the motion. The motion unanimously carried with 6 yes votes and 0 no votes.

The meeting was recessed for a break at 9:14 p.m. and reconvened at 9:22 p.m.

- F. Approval of minutes of the Work Session held December 12, 2016.

Councilmember Scribner moved to approve the minutes of the Work Session held December 12, 2016. Councilmember Cummins seconded the motion. The motion unanimously carried with 6 yes votes and 0 no votes.

- G. Approval of minutes of the special Work Session held December 19, 2016.

Councilmember Cummins moved to approve the minutes of the special Work Session held December 19, 2016. Councilmember Clark seconded the motion. The motion unanimously carried with 4 yes votes, 0 no votes, and 2 abstentions by Councilmember Scribner and Mayor Pomraning.

6. COUNCIL MEMBER MEETING REPORTS

Councilmember Moss reported attendance at the Work Session held January 9.

Councilmember Barrow reported attendance at the Water Partnership Board meeting held January 3; the agenda preparation meeting held January 4; and the Work Session held January 9.

Councilmember Cummins reported attendance at the Public Works Board meeting held January 6; a City Council ad hoc committee meeting held January 9 to discuss the allocation of lodging taxes; the Work Session held January 9; and the Blue Mountain Humane Society Board meeting held January 10.

Councilmember Clark reported attendance at the Community Development Block Grant Advisory Committee meeting held December 22; a City Council ad hoc committee meeting held January 9 to discuss the allocation of lodging taxes; the Work Session held January 9; and the Bicycle & Pedestrian Advisory Committee meeting held January 10.

Councilmember Scribner reported attendance at the Work Session held January 9; the Public Library Board meeting held January 11; and provided a brief report on ad hoc meetings regarding the distribution of lodging taxes.

Mayor Pomraning reported attendance at the agenda preparation meeting held January 4; the oath of office ceremony for two new police officers held January 4; a meeting with public works staff held January 5; and the Work Session held January 9.

7. UNFINISHED AND NEW BUSINESS

City Attorney Donaldson distributed copies and reported on a revised Ordinance No. 2017-01 denying an amendment to the Walla Walla urban area comprehensive plan future land use map and official zoning map pursuant to the provisions of Chapter 36.70A RCW and taking such other action related thereto. This ordinance will deny the request by Anthony Wenham based on the following findings:

- The Planning Commission recommended denial supported by the reasons in the December 21, 2016 staff report; and
- The denial advances housing policies in the comprehensive plan and preserves compatibility with neighboring land uses; and
- The denial avoids adverse traffic impacts that the proposal would create.

There was clarification on the ability of Mr. Wenham to reapply at a future time.

Councilmember Barrow moved to adopt Ordinance No. 2017-01 to deny an amendment to the Walla Walla urban area comprehensive plan future land use map and official zoning map pursuant to the provisions of Chapter 36.70A RCW and taking such other action related thereto. Councilmember Clark seconded the motion. The motion carried with 5 yes votes and 1 no vote by Mayor Pomraning.

Councilmember Barrow reported the Visit Walla Walla annual meeting will be held January 19.

Councilmember Scribner asked if there will be an investigation into the recent discharge of a gun by a police officer and if the results of the investigation will be made available to the City Council. City Manager Shawa responded affirmatively to both questions.

City Manager Shawa reported the recent snowfalls have been disruptive but are good for the water supply.

8. ADJOURNMENT

There being no further business, the meeting adjourned at 9:43 p.m.