

**WALLA WALLA CITY COUNCIL**  
**Regular Meeting Minutes**  
**March 8, 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, Dick Morgan, Steve Moss, Tom Scribner, and Mayor Allen Pomraning.

Absent: None.

City staff in attendance: City Manager Nabel Shawa, City Attorney Tim Donaldson, Public Works Director Ki Bealey, Acting Parks & Recreation Director Andy Coleman, Police Captain Terry Heisey, Engineer Doug Eaton, and City Clerk Kammy Hill.

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

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

**4. PUBLIC COMMENTS**

R.L. McFarland, 3731 Middle Waitsburg Road, Walla Walla, had comments on a preliminary plat application off Middle Waitsburg Road and expressed concerns with the lack of sidewalks or green space in the proposed development plans.

**3. PRESENTATIONS**

Public Works Director Bealey reported the City Council had adopted a complete streets policy. As a result of this policy, the Washington State Department of Transportation had nominated the City for a complete streets award which was granted by the Transportation Improvement Board. This award included a monetary grant which will be addressed later on the agenda.

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**5. CONSENT AGENDA**

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

- A. Washington State Liquor & Cannabis Board: New liquor license application for Kobe Hibachi Sushi, 503 E. Main Street.
- B. Acceptance of resignation of Elio Agostini from the Historic Preservation Commission.
- C. Resolution No. 2017-13 approving a contract with the Blue Mountain Action Council for Commitment to Community services for \$50,000 per year.
- D. Resolution No. 2017-14 awarding a bid for crack sealant to Special Asphalt Products in the amount of \$103,393.58 through the Washington State Department of Enterprise Services.
- E. Resolution No. 2017-15 authorizing an Interlocal agreement to charge the Department of Corrections for computer forensic investigations.
- F. Approval of minutes of the Work Session held February 21, 2017.

There was discussion on the seat held by Mr. Agostini on the Lodging Tax Advisory Committee and whether any other jurisdictions had signed contracts for computer forensic services.

Councilmember Moss reported he had been involved with the establishment of Commitment to Community and would be abstaining on Item C even though there is no financial conflict. Item C was 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 Barrow moved to approve Consent Agenda Items A, B, and D through F. Councilmember Scribner seconded the motion. The motion unanimously carried with 7 yes votes and 0 no votes.**

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- C. Resolution No. 2017-13 approving a contract with the Blue Mountain Action Council for Commitment to Community services for \$50,000 per year.

There were brief comments on abstaining when there is no legal conflict of interest.

**Councilmember Barrow moved to adopt Resolution No. 2017-13. Councilmember Cummins seconded the motion. The motion unanimously carried with 6 yes votes, 0 no votes and 1 abstention by Councilmember Moss.**

**6. ACTIVE AGENDA**

- A. Resolution No. 2017-16 accepting a complete streets grant award of \$250,000 from the Transportation Improvement Board.

Public Works Director Bealey reported these grant funds have no local match requirement which is highly unusual. This grant award is a direct result of the efforts of Neal Chavre, City Engineer, and the members of the Bicycle & Pedestrian Advisory Committee. These funds are proposed for the missing sidewalk on Second Avenue in the vicinity of the cemetery and on Wilbur, south of Alder Street. There are failing sidewalks across the City and any remaining grant funds will be used to help address these deficits.

There was discussion on the lack of sidewalks on School Avenue around Berney Elementary School. Public Works staff was commended for establishing a barrier free ADA access for a student attending Berney School. Staff is seeking grant funding for sidewalks on School Avenue because the estimated project cost is considerably more than the funds allocated with the complete streets grant.

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. 2017-16. Councilmember Clark seconded the motion. The motion unanimously carried with 7 yes votes and 0 no votes.**

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- B. Resolution No. 2017-17 awarding the bid for the Downtown Tree Lighting project to Smith Brothers Landscaping in the amount of \$118,737.44.

City Manager Shawa reported this project has been worked on for the last nine months. It is a very custom designed project within a busy area and only one bid was received which is higher than originally estimated. Internal engineering costs are also higher due to the special nature of the project.

Engineer Eaton reviewed and there was discussion on:

- History and background on the project.
- Existing tree lighting problems and dying trees.
- Project scope.

Council suggested contacting the Downtown Walla Walla Foundation for assistance in funding the project; and noted the problem with the trees is not just the tree wells but also the wrong species.

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

**Councilmember Cummins moved to adopt Resolution No. 2017-17. Councilmember Scribner seconded the motion. The motion unanimously carried with 7 yes votes and 0 no votes.**

- C. Report by Police Chief Bieber on political demonstration.

City Manager Shawa reported Police Chief Bieber had scheduled training and was unable to be in attendance. The political rally occurred on the County Courthouse lawn and was permitted by the County. No permit was necessary nor issued by the City of Walla Walla.

Police Captain Heisey read a statement prepared by Chief Bieber. The goal of the Walla Walla Police Department was to ensure public safety. Officers were in plainclothes and monitoring the event. There was no physical confrontation, other than one incident that was handled by the Sheriff's office.

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There was discussion on:

- The County Sheriff's office had primary responsibility while the event was on the courthouse grounds. Once the participants left the courthouse property, it was the City's responsibility.
- The City's noise ordinance exempts sanctioned events.
- There are laws that prohibit disorderly conduct. The primary goal of the police during the event was to provide for the safety of the participants.
- The event was adequately staffed with eleven officers and deputy sheriffs in attendance, in addition to regular patrol officers.
- An internal incident review is ongoing.
- First amendment/free speech rights versus disorderly conduct and noise violations.
- Whether the motorcyclists revving their engines violated the noise ordinance or constituted disorderly conduct.
- Contingency planning and incident debriefing.

Mayor Pomraning invited public input. The following expressed their concerns with the police response to incidents that occurred at the rally:

- Sarah Koenigsberg, no address provided.
- Bill Szuch, 1685 Ruth Street, Walla Walla.
- Tim Kaufman-Osborn, 117 Newell Street, Walla Walla.
- Bart Preecs, 36 Parkwood Circle, Walla Walla.
- Margaret Ryan, 253 Marcus Street, Walla Walla.
- Lily Seaman, no address provided.
- Norm Ostermann, 1032 Pomona, Walla Walla.
- Donald Everett, no address provided.
- Robynne Snow, 218 E Langdon, Walla Walla.
- Brian Dohe, no address provided.
- Lawrence Paolella, 253 Marcus, Walla Walla.
- Jack Jackson, 234 Whitman Street, Walla Walla.
- Chris Howard, 734 University Street, Walla Walla.
- Andrew Riley, 644 E. Chestnut, Walla Walla.
- Patrice Townsend, 801 E. Tietan Street, Walla Walla.
- Madeline Brown, no address provided.
- Bonnie Szuch, 1685 Ruth Street, Walla Walla.
- Susan Janelle, 800 N. Main Street, Walla Walla.
- Woody Simmons, 205 Whitman Street, Walla Walla.

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There was discussion on:

- The need to determine how to proceed with free speech activities with civility and respect while protecting all rights.
- Roles and responsibilities of law enforcement officials.
- When an action constitutes disorderly conduct.

**Councilmember Scribner moved to direct the City Attorney to review and redraft the noise ordinance to clarify, make it less ambiguous, and make it more clearly and defensibly applicable to situations, such as the political demonstration, if they should happen again. Councilmember Clark seconded the motion.**

Council suggested a complete review of the entire incident by staff with recommendations back to the City Council. It is important to protect the right of assembly and free speech. Changes to the noise ordinance may or may not be necessary.

**Councilmember Cummins moved to table the motion until the March 22 City Council meeting. Councilmember Morgan seconded the motion. The motion carried with 4 yes votes by Councilmembers Cummins, Morgan Moss and Mayor Pomraning and 3 no votes by Councilmembers Barrow, Clark, and Scribner.**

**Councilmember Scribner moved to direct the City Manager to have the Police Chief present at the City Council meeting in two weeks. Councilmember Barrow seconded the motion.**

There were comments on having the County Sheriff's office present to understand all facts of the situation and allowing staff adequate time to report back to the City Council.

**The motion to direct the City Manager to have the Police Chief present at the City Council meeting in two weeks carried with 7 yes votes and 0 no votes.**

D. Approval of minutes of the Work Session held February 13, 2017.

**Councilmember Morgan moved to approve the minutes of the Work Session held February 13, 2017. Councilmember Clark seconded the motion. The motion unanimously carried with 4 yes votes, 0 no votes, and 3 abstentions by Councilmembers Barrow, Cummins, and Scribner.**

E. Approval of minutes of the regular meeting held February 22, 2017.

**Councilmember Cummins moved to approve the minutes of the regular meeting held February 22, 2017. Councilmember Clark seconded the motion. The motion unanimously carried with 6 yes votes, 0 no votes, and 1 abstention by Councilmember Morgan.**

F. Approval of the February 2017 accounts payable register containing check numbers 191061 through 192438, 990788 through 990794, and 8805 through 8836 in the amount of \$2,764,099.98.

**Councilmember Cummins moved to approve payment of the February 2017 accounts payable register containing check numbers 191061 through 192438, 990788 through 990794, and 8805 through 8836 in the amount of \$2,764,099.98 with the exception of the checks to Jerry Cummins. Councilmember Moss seconded the motion. The motion unanimously carried with 7 yes votes and 0 no votes.**

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

## **7. COUNCIL MEMBER MEETING REPORTS**

Councilmember Moss reported attendance at the retirement celebration for Elio Agostini held March 2.

Councilmember Morgan reported attendance at the Work Session held February 13; the Blue Mountain Humane Society Board meeting held February 14; the Visit Walla Walla Board meeting held February 16; the Valley Transit Board meeting held February 16; the dedication of the Walla Walla State Veterans Home held February 18; the special Work Session held February 21; the Finance Committee meeting held February 21; and the Historic Preservation Commission meeting held February 22.

Councilmember Barrow reported attendance at the Walla Walla flow enhancement steering committee meeting held February 9; the agenda preparation meeting held February 15; the Valley Transit Board meeting held February 16; the Blue Mountain Action Council Board meeting held

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February 16; the Downtown Walla Walla Foundation Board meeting held February 17; the Finance Committee meeting held February 21; the special Work Session held February 21; the STAR Board meeting held February 28; the agenda preparation meeting held March 1; the Water Partnership Board meeting held March 7; the Blue Mountain Action Council Board meeting held March 8; and the Mill Creek coalition meeting held March 8.

Councilmember Cummins reported attendance in Washington D.C. to lobby for the City's Federal priorities on February 12 through February 14; the Valley Transit Board meeting held February 16; the KUJ radio show on February 17; the dedication of the Walla Walla State Veterans Home held February 18; The special Work Session held February 21; the Finance Committee meeting held February 21; the Housing Authority Board meeting held February 27; and participated in the Crime Free Rental Housing program March 1 and March 2.

Councilmember Clark reported attendance at the Work Session held February 13; the Bicycle & Pedestrian Advisory Committee meeting held February 14; the LEOFF 1 Disability Board meeting held February 14; the Civil Service Commission meeting held February 15; the special Work Session held February 21; the Senior Center Board meeting held February 23; the Sustainability Committee meeting held February 28; and the retirement celebration for Elio Agostini held March 2.

Councilmember Scribner reported attendance at the Fort Walla Walla Museum Board meeting held February 14; a meeting with organizations receiving lodging tax funds held February 17; the Transportation Improvement Advisory Committee meeting held February 28; and the Public Library Board meeting held March 8.

Mayor Pomraning reported attendance at a joint meeting with representatives of the County and Port held March 1; the Metropolitan Planning Organization Board meeting held March 1; the agenda preparation meeting held March 1; a tour with Public Works of damaged streets held March 3; the promotional ceremony for Police Sergeant Eric Knudson held March 6; and presented a civic award to Bill and Diana Erickson on March 7.

**8. UNFINISHED AND NEW BUSINESS**

Councilmember Morgan reported the Historic Preservation Commission is seeking a decision from the Council regarding the addition of City Hall to the historic register.

Councilmember Clark commented on the detours in place for the Isaacs Avenue Phase I reconstruction project.

Councilmember Cummins announced he would be applying for the Association of Washington Cities Board Position 3.

**Mayor Pomraning moved to ask staff to prepare a letter of support for the candidacy of Councilmember Cummins. Councilmember Clark seconded the motion. The motion unanimously carried with 7 yes votes and 0 no votes.**

**9. ADJOURNMENT**

**There being no further business, the meeting adjourned at 9:56 p.m.**