

WALLA WALLA CITY COUNCIL
Regular Meeting Minutes
July 25, 2018

1. CALL TO ORDER

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

Present: Councilmembers Yazmin Bahena, Riley Clubb, Jerry Cummins, Myron Huie, Tom Scribner, and Mayor Barbara Clark.

Absent: Councilmember Steve Moss.

City staff in attendance: City Manager Nabel Shawa, City Attorney Tim Donaldson, Deputy City Manager Byron Olson, Development Services Director Elizabeth Chamberlain, Police Chief Scott Bieber, Public Works Manager Mori Struve, Fleet Services Manager Matt Edwards, Crime Prevention Coordinator Vicki Ruley, Animal Control Officer Sallie McCullough, and City Clerk Kammy Hill.

2. PLEDGE OF ALLEGIANCE/MOMENT OF SILENCE

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

3. PRESENTATIONS

Mayor Clark read and presented a proclamation declaring August 7, 2018 as "National Night Out" to Crime Prevention Coordinator Ruley. Mrs. Ruley provided an overview of the National Night Out event at Pioneer Park and the school backpack project.

4. PUBLIC COMMENTS

Craig Keister, 115 E. Main Street, Walla Walla, had comments on the donation offer of a bronze statue from local artist, Jeffrey Hill. Mr. Keister did not feel that the offer of this statue should be put off until the formation of the arts commission.

5. CONSENT AGENDA

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

WALLA WALLA CITY COUNCIL MINUTES
JULY 25, 2018
PAGE 2

- A. Resolution No. 2018-72 closing out the WESCOM Skyrocket Road remote site project in accordance with the requirements of the USDA grant.
- B. Resolution No. 2018-73 sets August 22, 2018 as the public hearing date to consider an annexation of approximately 1.8 acres located south of Taumarson Road and west of Deerhaven Drive.
- C. Resolution No. 2018-74 approves the purchase of three modular buildings from the Milton-Freewater School District and authorizes a contract with Pacific Mobile Structures for relocation and transportation costs.
- D. Approval of minutes of the Work Session held July 9, 2018.
- E. Approval of minutes of the regular meeting held July 11, 2018.

There was discussion on Item C as to the need and value of the modular buildings and costs compared to purchasing new modular units or building a new building.

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

Councilmember Clubb moved to adopt Consent Agenda Items A through E. Councilmember Bahena seconded the motion.

There were additional comments on the costs for transporting and winterizing the modular units. Connection costs for utilities are the same, regardless of whether the buildings are new or used.

The motion unanimously carried with 6 yes votes and 0 no votes.

6. ACTIVE AGENDA

- A. Obtain public input and provide direction on which of the four wards: West, Central, East, or South will be voted upon in the 2019 and 2021 elections; and which Council positions will be designated as ward positions.

WALLA WALLA CITY COUNCIL MINUTES
JULY 25, 2018
PAGE 3

Councilmember Scribner reviewed the action at the last City Council meeting to designate that two ward positions and two at-large positions will be up for election in 2019. A motion was made and seconded to designate the East and West wards as the two wards to be elected in 2019. This motion was tabled to allow for additional public input.

Mayor Clark invited public input.

Danielle Garbe, 826 Whitman Street, Walla Walla, commented on the difficulty for the general public to understand voting for wards and at-large representatives during two different election cycles.

Councilmembers expressed their individual opinions on whether the two ward position cycle with at-large positions in every election is best for the community and how to determine which wards will be elected in 2019 and which in 2021.

The motion that the East and West ward positions be up for election in 2019 failed to pass with 3 yes votes by Councilmembers Cummins, Huie and Scribner and 3 no votes by Councilmembers Bahena, Clubb and Mayor Clark.

There were comments on the importance of having a clear process and the need for all seven Councilmembers to be present to decide this issue.

- B. Ordinance No. 2018-26 amending Municipal Code Chapter 2.28 related to the multi-family property tax exemption to be consistent with the allowances under State law. (RCW 84.14)

Development Services Director Chamberlain reviewed:

- The multi-family property tax exemption provisions were reviewed at the July 9 Work Session along with a specific proposal.
- History of the multi-family property tax exemption.
- Amendments by the State to the legislation allowing for the multi-family property tax exemption.
- Amendments allow for an eight-year exemption for development of market rate units; or a twelve-year exemption if twenty percent of the units are for low-income households (making at or below eighty percent area median income) and/or moderate-income households (making more

WALLA WALLA CITY COUNCIL MINUTES
JULY 25, 2018
PAGE 4

than eighty percent but less than one hundred fifteen percent of median income).

- Staff has drafted the ordinance so that the Development Services Director may approve the multi-family property tax exemption if the twelve year, twenty-percent low income option is applied for. If the applicant selects the eight-year exemption, this application must be approved by Council.
- The exemption only applies to the actual multi-family units, not the property or any other uses on the property.
- This action is supported by both the Comprehensive Plan and the Strategic Plan. The Downtown Walla Walla Foundation has also submitted a letter in support.

There was discussion on:

- Extending the multi-family property tax exemption to the entire City rather than just the downtown area. There is a statutory process to change the boundaries which can be done in the future as part of the Code update.
- The downtown area is defined in the Municipal Code and on the Zoning map.
- Benefits of having the multi-family property tax exemption available City-wide.
- Evergreen Development Group is not interested in the twelve-year exemption with affordable housing. The City can put processes in place to monitor and report on the affordable housing component of the twelve-year property tax exemption to ensure adequate compliance.

Mayor Clark invited public input.

R.L. McFarland, 3731 Middle Waitsburg Road, Walla Walla, asked if the low-income units would be constructed the same as the market rate units. Development Services Director Chamberlain indicated that construction of the units would be the same, but staff does not see the finishes that are used after construction. The affordable housing units become market rate units at the end of the twelve-year exemption.

Councilmember Cummins moved to adopt Ordinance No. 2018-26. Councilmember Huie seconded the motion. The motion unanimously carried with 6 yes votes and 0 no votes.

WALLA WALLA CITY COUNCIL MINUTES
JULY 25, 2018
PAGE 5

- C. Ordinance No. 2018-23 Amends the Municipal Code regarding telecommunications – small cell facilities; and Public hearing and Ordinance No. 2018-24 adopting interim amendments to the zoning and land use codes regarding small cell development.

Development Services Director Chamberlain reviewed:

- Macro versus small cell technology.
- Ordinances had been adopted to address the placement of small cell technology within the public right-of-way.
- Proposed amendments to both the Municipal Code chapter regarding telecommunication franchises and interim zoning regulations.
- PocketiNet has been the only company to apply to use small cell technology. This will require an amendment to their franchise agreement.
- The proposed ordinances will clarify the requirement for radio frequency certificates and will allow for more of an offset from established utility poles. It also extends the date for permanent amendments to the zone code.

There was discussion on:

- Action does not provide a competitive advantage to PocketiNet. There are limitations for locating on utility poles and will also require applicant to obtain pole attachment agreements. The Code is open to any carrier.
- Placement of new poles for small cell technology will require a conditional use permit.
- Franchise agreements allow for operation within the public right-of-way.
- The small cell technology ordinances attempt to limit right-of-way clutter by specifying maximum sizes and limiting pole attachments to no more than four units at no more than six cubic feet.
- Health impacts of small cell technology are regulated by the Federal Communication Commission. The City requires radio frequency certificates for installed small cell facilities.

Mayor Clark opened the public hearing at 8:49 p.m.

**WALLA WALLA CITY COUNCIL MINUTES
JULY 25, 2018
PAGE 6**

Wrandoll Brenes Morua, PocketiNet employee, spoke in support of the proposed amendments and thanked City staff for working with them on the proposed changes.

There being no further public testimony, Mayor Clark declared the public hearing closed at 8:50 p.m.

Councilmember Cummins moved to adopt Ordinance No. 2018-23. Councilmember Huie seconded the motion. The motion unanimously carried with 6 yes votes and 0 no votes.

Councilmember Cummins moved to adopt Ordinance No. 2018-24. Councilmember Clubb seconded the motion. The motion unanimously carried with 6 yes votes and 0 no votes.

- D. Public hearing and first reading of Ordinance No. 2018-25 amending the non-exclusive franchise with PocketiNet to construct, install, operate, maintain, repair, or remove fiber optic cables and small cell facilities within the public rights-of-way.

Development Services Director Chamberlain reported this will amend the 2010 franchise with PocketiNet to incorporate small cell elements into the agreement. It will also extend the franchise agreement for another ten years (to expire September 20, 2028).

There was discussion on:

- The franchise allows PocketiNet to use public rights-of-way. It does not lease or license City-owned property for their use.
- PocketiNet is working to deploy technology to address the demands for internet connectivity. To date, they are the only applicants for installation of small cell technology.
- Staff does not have any concerns with extending the franchise agreement with PocketiNet.

Mayor Clark declared the public hearing open at 8:58 p.m.

Wrandoll Brenes Morua, representing PocketiNet, spoke in support of amending and extending the franchise agreement; and explained how small cell technology works on their fiber optic backbone.

WALLA WALLA CITY COUNCIL MINUTES
JULY 25, 2018
PAGE 7

There being no further public testimony, Mayor Clark declared the public hearing closed at 9:02 p.m.

Councilmember Cummins introduced Ordinance No. 2018-25 for first reading.

- E. Ordinance No. 2018-22 amending the Municipal Code relating to animal control.

Police Chief Bieber reported that staff has been working on amendments to several provisions of the Municipal Code. The amendments include:

- Changing the number of chickens allowed from fifty to six per residential lot.
- Disallows the keeping of any roosters.
- Changes the setback requirements from fifty feet to three feet.
- Reduces charges for barking dogs from a misdemeanor to an infraction.

These changes will make enforcement more effective.

City Attorney Donaldson reported this ordinance also requires a public hearing since there are changes to the zoning ordinance.

There was discussion on:

- Typographical errors in the ordinance, as noted, will be corrected by the City Clerk.
- Recommended reduction in the number of chickens allowed from fifty to six.
- The current setback for animal outbuildings is set at fifty feet which eliminates keeping chickens on average residential lots.
- Staff responds to almost daily complaints regarding chickens, especially roosters.
- Enforcement of new provisions and whether existing chickens are grandfathered in.
- Number of chickens allowed to be shown per 4-H participant is ten.
- Difficulty in determining gender of baby chicks.
- Minimum space requirements for goats and rabbits.
- A great deal of staff time is spent trying to manage roosters and chickens. This ordinance will aid in enforcement efforts.
- Changing the word "chicken" to "domestic fowl" to also address keeping other types of fowl in backyards.

**WALLA WALLA CITY COUNCIL MINUTES
JULY 25, 2018
PAGE 8**

Mayor Clark declared the public hearing open at 9:24 p.m.

Mike Gwinn, 1704 E. Alder, Walla Walla, commented that three feet is too close to property lines for animal outbuildings. Mr. Gwinn also suggested that twenty may be a more appropriate number for keeping chickens and that roosters should not be banned if a City residence has the space, so they don't bother neighbors.

Tim Edwards, no address provided, suggested that a three-foot setback is too close to a neighbor's property line. Infectious diseases are spread by backyard flocks. Mr. Edwards suggested that chickens be banned from smaller residential lots.

There was additional discussion on:

- If chickens were being kept as a lawfully permitted use then by land use regulations, they could continue to be kept as a non-conforming use.
- Amending the proposed allowance in the ordinance to no more than ten and change the word "chicken" to "domestic fowl."
- Changing the proposed minimum setback requirement from three feet to ten feet.
- Chickens are to be kept confined and not free range.
- Err on the side of a larger setback so property owners are not vested under a less restrictive setback requirement.
- There is a problem with enforcement of regulations on urban chickens and these changes will help.
- Enforcement of the new provisions will be phased in to allow residents the opportunity to reduce their flocks.

**Councilmember Scribner moved to adopt Ordinance No. 2018-22.
Councilmember Huie seconded the motion.**

Councilmember Cummins moved to amend the ordinance to change the number of chickens allowed to ten and to change the word "chickens" to "domestic fowl." Councilmember Huie seconded the motion. The amendment unanimously carried with 6 yes votes and 0 no votes.

Councilmember Clubb moved to amend the ordinance to change the setback from three feet to ten feet. Councilmember Huie seconded the motion. The amendment unanimously carried with 6 yes votes and 0 no votes.

**WALLA WALLA CITY COUNCIL MINUTES
JULY 25, 2018
PAGE 9**

There was discussion on whether the effective date of the ordinance should be changed to allow for a phased in enforcement for the new provisions. Staff indicated they understand the direction for a phased in enforcement period and it is not advisable to change the effective date of the ordinance.

The motion to adopt Ordinance No. 2018-22 as amended unanimously carried with 6 yes votes and 0 no votes.

7. COUNCIL MEMBER MEETING REPORTS

Councilmember Huie reported attendance at the Work Session held July 23; and the Port of Walla Walla Economic Development Advisory Committee meeting held July 24.

Councilmember Bahena reported attendance at the Downtown Walla Walla Foundation Board meeting held July 17; the Civil Service Commission meeting held July 18; the historic preservation presentation at Fort Walla Walla Museum held July 19; the Valley Transit Board meeting held July 19; the Work Session held July 23; and the Port of Walla Walla Economic Development Advisory Committee meeting held July 24.

Councilmember Cummins reported attendance on a conference call with the Association of Washington Cities regarding homelessness held July 16; a conference call with the Washington State Veterans Affairs office held July 18; the Valley Transit Board meeting held July 19; the Housing Authority Board meeting held July 23; the Work Session held July 23; and the Port of Walla Walla Economic Development Advisory Committee meeting held July 24.

Councilmember Clubb reported attendance at a radio interview with Jim Bock held July 13; the Fire Pension Board meeting held July 17; and the Work Session held July 23.

Councilmember Scribner reported attendance at the agenda preparation meeting held July 18; the Valley Transit Board meeting held July 19; and the Work Session held July 23.

Mayor Clark reported attendance at the Grapevine radio interview held July 16; the Fire Pension Board meeting held July 17; the agenda

**WALLA WALLA CITY COUNCIL MINUTES
JULY 25, 2018
PAGE 10**

preparation meeting held July 18; the Work Session held July 23; the Port of Walla Walla Economic Development Advisory Committee meeting held July 24; and the Sustainability Committee meeting held July 24.

8. UNFINISHED AND NEW BUSINESS

City Manager Shawa introduced Resolution No. 2018-75 authorizing the purchase of a service truck with manlift system from Titan Truck Equipment. The City's second bucket truck was damaged. There is a high priority for use of the bucket trucks during construction projects. The cost to repair the lift system exceeds the value of the truck. Staff has located a used bucket truck from Titan Truck Equipment for \$23,500. Staff recommends approval of this purchase.

There was discussion on:

- The bucket truck was damaged in an accident. The City's deductible is \$25,000 and the proposed purchase is under this amount.
- The truck that was damaged is a 1999 model. The replacement truck is also a 1999 model.
- This is a specialty piece of equipment.

Mayor Clark invited public input. No one in the audience chose to address the City Council.

**Councilmember Cummins moved to adopt Resolution No. 2018-75.
Councilmember Scribner seconded the motion.**

Fleet Services Manager Edwards reported that fixing the damage to the existing truck will exceed \$23,500. Staff is concerned that in repairing the damage to the lift system, the truck may not meet Department of Transportation compliance nor pass annual inspections. The vehicle only has salvage value.

The motion to adopt Resolution No. 2018-75 unanimously carried with 6 yes votes and 0 no votes.

There was discussion on the proposed donation of the sculpture "Harvest Memories" by Jeffrey Hill. Staff had put this proposal on hold until a formal process was adopted. If the City Council wishes to proceed, staff can have the item prepared for Council consideration on August 8.

**WALLA WALLA CITY COUNCIL MINUTES
JULY 25, 2018
PAGE 11**

If this donation goes through the process being developed for an arts commission, it would likely be October before a recommendation is before the City Council. The delay in considering the proposed donation is due to development of a process and not the artist or proposed sculpture. The code leaves too much authority to the City Manager.

Councilmember Cummins moved to direct staff to place the proposed donation of the “Harvest Memories” sculpture by Jeffrey Hill on the August 8 City Council agenda for consideration. Councilmember Huie seconded the motion. The motion unanimously carried with 6 yes votes and 0 no votes.

9. ADJOURNMENT

There being no further business, the meeting adjourned at 10:35 p.m.