

WALLA WALLA CITY COUNCIL
Regular Meeting Minutes
October 24, 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, Steve Moss, Tom Scribner, and Mayor Barbara Clark. (Councilmembers Yazmin Bahena and Steve Moss arrived at 7:03 p.m.)

Absent: None.

City staff in attendance: City Manager Nabel Shawa, City Attorney Tim Donaldson, Public Works Director Ki Bealey, Development Services Director Elizabeth Chamberlain, Finance Director Jean Teasdale, Parks & Recreation Director Andy Coleman, Police Chief Scott Bieber, Human Resources Director Pam Taylor, and City Clerk Kammy Hill.

2. PLEDGE OF ALLEGIANCE/MOMENT OF SILENCE

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

3. PRESENTATIONS

Mayor Clark and Parks & Recreation Director Coleman recognized the staff and students of Rogers School for their efforts to raise funds and construct the new playground equipment at Fort Walla Walla park, and presented them with commemorative coins of the City along with a framed photo of the ribbon-cutting for the playground equipment.

4. PUBLIC COMMENTS

No one in the audience chose to address the City Council at this time.

5. CONSENT AGENDA

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

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- A. Resolution No. 2018-107 accepting a \$25,000 grant from the Department of Archaeology and Historic Preservation for the Mountain View Cemetery.
- B. Resolution No. 2018-108 authorizing a mutual aid agreement with the Department of Corrections to safely manage certain situations.
- C. Resolution No. 2018-109 awarding a contract to Great West Engineering for the Sudbury Road landfill facility entrance improvements project in an amount not to exceed \$222,840.

Council had questions regarding Item B. It was the consensus of Council to remove Item B from the Consent Agenda for separate consideration.

Mayor Clark 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 and C. Councilmember Moss seconded the motion. The motion unanimously carried with 7 yes votes and 0 no votes.

6. ACTIVE AGENDA

- B. Resolution No. 2018-108 authorizing a mutual aid agreement with the Department of Corrections to safely manage certain situations.

Police Chief Bieber explained this agreement would allow the Police Department to initiate a response by the Department of Corrections (DOC) emergency response team to civil disturbances for which the Police Department does not have the equipment or training. The DOC emergency response team would take direction from the Walla Walla Police Department. It is hoped that this agreement would never become necessary in Walla Walla, but staff feels it is better to be proactive and have an agreement in place.

There was extensive discussion on:

- The Police Department would determine if a response by the DOC emergency response team is necessary based on the size of the demonstration and safety of the public.
- The agreement provides that the City would only reimburse the DOC for the actual time and equipment used during the situation.

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- Since 2012, there have been no instances in Walla Walla where this agreement would have been necessary. It is simply a proactive measure.
- The staff at the penitentiary is trained to handle different types of crowds than those that would be found downtown. It would be preferable to train police officers to handle any large civil disturbance. Staff reviewed the specialized equipment necessary, in addition to the training, and the lack of necessary numbers of officers if there should be a large civil disturbance.
- Most of the DOC officers are also members of this community.
- Clarifying the language in the contract as to the minimum amount the City would be charged under the agreement.
- If a civil disturbance is on the grounds of the penitentiary, then the City would not be responsible for paying for the DOC emergency response team. The City would only be responsible if the disturbance occurs outside of the penitentiary grounds.
- The Police Department would be the agency to activate the agreement.
- The City does have a mutual aid agreement with the Sheriff's Department and College Place Police Department but neither of these agencies have the necessary equipment or training in case of a large civil disturbance.

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

Councilmembers Bahena and Clubb expressed concerns with the training and mindset of correctional officers versus those of police officers.

Councilmember Cummins moved to adopt Resolution No. 2018-108. Councilmember Moss seconded the motion. The motion carried with 5 yes votes and 2 no votes by Councilmember Clubb and Scribner.

- A. Ordinance No. 2018-21 prohibits smoking or vaping tobacco or marijuana in public parks.

Parks & Recreation Director Coleman reported this issue was remanded back to the Parks, Recreation & Urban Forestry Advisory Board to consider the creation of smoking areas within the parks. The Parks, Recreation & Urban Forestry Advisory Board voted unanimously to recommend banning smoking in the parks since smokers can move to the sidewalks or streets

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surrounding the park to smoke. There would also be a cost to construct and maintain smoking areas that the Board felt was unnecessary. The ban would address concerns with the health impacts of secondhand smoke and supports Walla Walla as a healthy place to live. Similar actions are being taken in communities across the state. This ban would not apply to the cemetery or golf course.

Amy Osterman, Walla Walla County Youth Marijuana and Tobacco Prevention Coordinator, commented that there is no safe exposure to secondhand smoke. A smoking ban would model non-smoking behavior to local youth and protects the community from secondhand smoke.

There was discussion on:

- Reasons for omitting the cemetery and golf course from the smoking ban.
- Cost to establish smoking areas.
- Difficulty in determining a twenty-five-foot radius around playgrounds and enforcement of a distance-based ban.
- The mechanics of vaping.

Mayor Clark invited public input.

The following spoke in support of banning smoking and vaping in City parks:

- Kathryn Howard, Chair of the Parks, Recreation & Urban Forestry Advisory Board.
- Kim Porter, volunteer with the American Cancer Society.
- Chris Howard, 734 University Street, Walla Walla.
- Ann Harrison, Parks, Recreation & Urban Forestry Advisory Board member, 28 E. Tietan Street, Walla Walla.

Sharon Shiller, 1414 Topaz, Walla Walla, spoke in opposition to the ban.

Councilmember Moss moved to adopt Ordinance No. 2018-21.
Councilmember Huie seconded the motion.

Councilmembers expressed their individual opinions on whether to ban smoking and vaping in the parks.

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The motion to adopt Ordinance No. 2018-21 carried with 4 yes votes by Councilmembers Cummins, Huie, Moss and Mayor Clark and 3 no votes by Councilmembers Bahena, Clubb and Scribner.

- B. Resolution No. 2018-110 modifying a proposed annexation from three acres to seventy-three acres for land located in the vicinity of Dell Avenue and Myra Road.

Development Services Director Chamberlain reported on the recommendation to modify the annexation boundary from the three acres requested by the petitioner. There are four outside utility agreements and staff is recommending bringing in the entire area within the urban growth area to avoid leaving an unincorporated island which makes the delivery of services difficult. Staff met with one property owner to explain the minimal impact of the proposed annexation. The comprehensive plan land use designation is industrial, and staff will work with the property owners to determine the appropriate zoning designation. There was discussion on the sufficiency of the petition to modify the proposed annexation boundaries and notice to the property owners within the annexation area.

Mayor Clark invited public input.

R.L. McFarland, 3731 Middle Waitsburg Road, Walla Walla, asked if the City has the capacity for the annexation and whether the area has been pre-planned for development. Development Services Director Chamberlain responded that residential is a different capacity than industrial/commercial. The area is within the City's urban growth area so capacity has already been determined to be sufficient. No development plans have been submitted for the larger area, but a pre-application meeting was held with the initial annexation petitioner.

**Councilmember Cummins moved to adopt Resolution No. 2018-110.
Councilmember Moss seconded the motion.**

Councilmember Scribner indicated he would be voting no due to a philosophical difference with a "land grab."

There was discussion on the action to geographically modify the annexation boundaries and lack of opposition from the affected property

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owners. There will be another opportunity for public testimony before the City Council approves or rejects the proposed annexation.

The motion to adopt Resolution No. 2018-110 carried with 6 yes votes and 1 no vote by Councilmember Scribner.

C. Public hearing regarding the 2019 regular property tax levy.

Finance Director Teasdale reported the property tax enactments will be brought back before the City Council on November 7 and reviewed:

- Mission, vision and values.
- Strategic plan.
- Public process.
- Property tax allowable increase for 2019 is one percent. The proposed 2019-2020 budget includes the one percent increase and the 2018 banked levy amount.
- 2019 regular property tax proposal.
- Use of property taxes.
- City/County property tax comparison.
- How one dollar in total property taxes are allocated among the taxing jurisdictions.
- Overview of preliminary revenue and expenditures in the proposed 2019-2020 biennium budget.
- Sources of revenues by major funds.
- Transportation is more than streets and City streets are more than pavement. The general fund and property taxes support street improvements.
- General fund estimated revenues for 2019-2020.
- General sales tax revenue.
- General fund estimated expenditures for 2019-2020.
- Preliminary general fund recap.
- Overview of changes in City of Walla Walla rates.

There was clarification provided that the proposed budget includes a one percent increase plus the 2018 banked levy amount.

Mayor Clark declared the public hearing open at 9:06 p.m. There being no public testimony, the public hearing was closed.

No action was taken by the City Council.

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- D. Ordinance No. 2018-37 amending the Municipal Code related to noise control.

Staff reported the issue of unamplified human voices causing a nuisance had been raised at the previous City Council meeting with direction to have an ordinance prepared for consideration. The proposed ordinance would apply to unamplified human voices between the hours of ten p.m. and seven a.m. on weekdays and between the hours of eleven p.m. and nine a.m. on weekends when they exceed the maximum sound levels.

There was discussion on:

- Why unamplified human voices had been exempted from the State regulations.
- The modification to the City's noise ordinance will require approval from the State Department of Ecology.
- There are no constitutional issues. The City can limit volume but not content.
- Determining whether a noise exceeds the decibel levels outlined in the noise ordinance.

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

Councilmember Moss moved to adopt Ordinance No. 2018-37.
Councilmember Scribner seconded the motion. The motion carried with 6 yes votes and 1 no vote by Councilmember Clubb.

- E. Resolution No. 2018-111 authorizing an interlocal agreement with the City of College Place for the purposes of emergency water supply. (Intertie agreement)

City Manager Shawa reported this water intertie agreement had been discussed at a Work Session in April. The State Department of Health encourages these agreements in case of a system failure. The water will only be used in an emergency and will go through an AMI meter. The City of College Place will be charged at the full residential water rate. This will not be a supplemental source of water and use will be limited.

There was discussion on:

- The water meter will only be unlocked by Walla Walla City staff.

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- The agreement allows either jurisdiction to declare an emergency, but the City can turn off the water if it doesn't believe the issue constitutes an emergency.
- Whether College Place should be required to pay one and a half times the residential rate since this is the rate that other users pay for water outside of the City limits. Staff cautioned that rates must be uniform, and the agreement was drafted following the direction of a majority of Council at the Work Session. The difference between the rate charged residential customers in the urban growth area is they are direct customers. College Place will be purchasing the water and then passing it through their administrative system for billing customers.
- The City's code allows for adjustments to utility bills, so College Place should be billed at the higher out-of-City rate. The City cannot charge rates that are below the City's costs.
- The sixty-day maximum period for emergency water supply and how this sixty-days will be calculated if there are successive emergencies.

Mayor Clark invited public input.

Harvey Crowder, Mayor of College Place, reported that the City of College Place has three wells. One is currently not functioning, one is acting unusual, and the other is fully-functional. The City expects to have three fully-functioning wells by the fall of 2019. College Place believes it has an adequate water supply to serve its citizens, but it is important to have a backup for emergencies.

There were additional comments on the sixty-day notice to terminate the agreement; providing services in an emergency; charging the non-resident water rate to expedite repairs in an emergency; and whether there should be a clause to address a water failure contingency.

Councilmember Cummins moved to adopt Resolution No. 2018-111 with an amendment to charge water used under this agreement at one and a half times the residential rate. Councilmember Huie seconded the motion.

There was additional discussion on the higher rate being consistent with what is charged residents within the urban growth area and as an additional incentive to expedite repairs; and whether the rate should be

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changed after already communicating with College Place on the lower rate.

The motion to adopt Resolution No. 2018-111 with an amendment to charge water used under this agreement at one and a half times the residential rate failed with 2 yes votes by Councilmembers Cummins and Huie and 5 no votes by Councilmembers Bahena, Clubb, Moss, Scribner and Mayor Clark.

Councilmember Scribner moved to adopt Resolution No. 2018-111. Councilmember Moss seconded the motion. The motion carried with 6 yes votes and 1 no vote by Councilmember Huie.

- F. Approval of the September 30, 2018 accounts payable register containing check numbers 199587 through 199862, 990893 through 990895, and 9234 through 9265 totaling \$4,660,293.27.

Councilmember Cummins moved to approve payment of the September 30, 2018 accounts payable register containing check numbers 199587 through 199862, 990893 through 990895, and 9234 through 9265 totaling \$4,660,293.27 except for the checks to the Alliance for the Homeless and Jerry Cummins. Councilmember Moss seconded the motion. The motion unanimously carried with 7 yes votes and 0 no votes.

Councilmember Clubb moved to approve payment of the checks to Alliance for the Homeless and Jerry Cummins. Councilmember Huie seconded the motion. The motion unanimously carried with 5 yes votes, 0 no votes, and 2 abstentions by Councilmember Cummins and Mayor Clark.

- G. Approval of minutes of the Work Session held October 8, 2018.

Councilmember Scribner moved to approve the minutes of the Work Session held October 8, 2018. Councilmember Cummins seconded the motion. The motion unanimously carried with 6 yes votes, 0 no votes, and 1 abstention by Councilmember Moss.

- H. Approval of minutes of the regular meeting held October 10, 2018.

Councilmember Cummins moved to approve the minutes of the regular meeting held October 10, 2018. Councilmember Huie seconded the

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motion. The motion unanimously carried with 6 yes votes, 0 no votes, and 1 abstention by Councilmember Moss.

7. COUNCIL MEMBER MEETING REPORTS

Councilmember Moss reported attendance at the Finance Committee meetings held October 18 and October 23; and the Work Session held October 22.

Councilmember Huie reported attendance at an Association of Washington Cities webinar held October 11; a Legislative Committee meeting held October 16; the Fort Walla Walla Museum Board meeting held October 16; the night glow dinner sponsored by Columbia Rural Electric Association held October 19; the Work Session held October 22; the Poplar corridor study open house held October 23; and a Committee on Committees meeting held October 24.

Councilmember Bahena reported attendance at the walk with the Mayor held October 14; the Downtown Walla Walla Foundation Board meeting held October 16; the Valley Transit Board meeting held October 18; the Heritage Park design community meeting held October 17; and the Work Session held October 22.

Councilmember Cummins reported attendance at the Association of Washington Cities regional meeting held October 11; an interview on KUJ radio held October 12; a Legislative Committee meeting held October 16; the Finance Committee meetings held October 18 and October 23; the Valley Transit Board meeting held October 18; the night glow dinner sponsored by Columbia Rural Electric Association held October 19; the Housing Authority Board meeting held October 22; and the Work Session held October 22.

Councilmember Clubb reported attendance at the Association of Washington Cities leadership workshop held October 11; a ride along with Code Enforcement held October 11; a meeting regarding a roadmap to Washington's future held October 11; the regional fire authority presentation held October 15; a Legislative Committee meeting held October 16; the Visit Walla Walla Board meeting held October 17; the Heritage Park design community meeting held October 17; the Blue Mountain Action Council Board meeting held October 18; and the Work Session held October 22.

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Councilmember Scribner reported attendance as a moderator for the Walla Walla County Sheriff candidates' debate held October 15; the Blue Mountain Humane Society Board meeting held October 16; the agenda preparation meeting held October 17; the Heritage Park design community meeting held October 17; the Finance Committee meetings held October 18 and October 23; a meeting held with Finance Director Teasdale on October 22; the Work Session held October 22; and finished his goal of walking every street in Walla Walla on October 21.

Mayor Clark reported attendance on the Grapevine radio show on October 12; the walk with the Mayor held October 14; the regional fire authority presentation held October 15; the Emergency Management Executive Committee meeting held October 16; the Sustainability Committee meeting held October 16; the agenda preparation meeting held October 17; the Heritage Park design community meeting held October 17; the Mill Creek general investigative study stakeholder meeting held October 18; the oath of office ceremony for a new police officer held October 18; the night glow dinner sponsored by Columbia Rural Electric Association held October 19; and the Work Session held October 22.

8. UNFINISHED AND NEW BUSINESS

Councilmember Huie moved to appoint Linda Newcomb to the Historic Preservation Commission to fill a vacancy. Councilmember Cummins seconded the motion. The motion unanimously carried with 7 yes votes and 0 no votes.

Council reported applicants are still being sought for the Arts Commission.

9. EXECUTIVE SESSION

Mayor Clark announced the City Council would be recessing to Executive Session to discuss the strategy or position to be taken by the City Council in the course of collective bargaining, professional negotiations, or grievance or mediation proceedings and to review proposals made in negotiations pursuant to RCW 42.30.140(4)(b), and to discuss litigation and potential litigation, in which the City is a party or is likely to become a party, with legal counsel representing the City pursuant to RCW 42.30.110(1)(i).

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The Executive Session will last no more than two hours and no further business will come before Council in open session. The meeting was recessed at 10:21 p.m.

10. ADJOURNMENT

There being no further business, the meeting adjourned at 11:37 p.m.