

**WALLA WALLA CITY COUNCIL**  
**Regular Meeting Minutes**  
**February 13, 2019**

**1. CALL TO ORDER**

Mayor Clark called the meeting to order at 7:00 p.m. at the Green Park Elementary School Auditorium, 1105 E. Isaacs, Walla Walla.

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

Absent: None.

City staff in attendance: City Manager Nabel Shawa, City Attorney Tim Donaldson, Development Services Director Elizabeth Chamberlain, Public Works Director Ki Bealey, Assistant City Attorney Preston Frederickson, Engineer Jay Peninger, and City Clerk Kammy Hill.

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

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

**3. PRESENTATIONS**

Mayor Clark read and presented a proclamation declaring the week of February 17 through February 23, 2019 as "National Engineers Week" to Public Works Director Bealey. Mr. Bealey thanked Council for the proclamation and recognized staff with the Engineering Division.

**4. PUBLIC COMMENTS**

Mayor Clark invited public comments on any City business not on the agenda. 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 I, as follows:

**WALLA WALLA CITY COUNCIL MINUTES**  
**FEBRUARY 13, 2019**  
**PAGE 2**

- A. Resolution No. 2019-09 awarding a contract to Pacific Mobile Structures for transport and placement of two modular buildings, including foundations and ADA ramps, for \$64,258.24.
- B. Resolution No. 2019-10 authorizing a utility easement with PacifiCorp for undergrounding of overhead power through Heritage Park, adjacent to Mill Creek to Spokane Street.
- C. Resolution No. 2019-11 awarding bid to Walla Walla Electric in the amount of \$31,979.58 for the relocation of an electrical service on Spokane Street.
- D. Resolution No. 2019-05 approving a contract with the Powerhouse Theatre for tourism promotion services in the amount of \$25,000 for each year of the 2019-2020 biennium for a total of \$50,000.
- E. Resolution No. 2019-12 approving a contract in the amount of \$60,505 with PBS Engineering and Environmental, Inc. for design survey of the South 3<sup>rd</sup> Avenue infrastructure repair and replacement project.
- F. Resolution No. 2019-13 awarding a contract to Premier Excavation, Inc. in the amount of \$122,596 for site work and utility extensions at 1181 W. Rees Avenue. (Sleep Center)
- G. Resolution No. 2019-14 approving a professional services contract with Anderson Perry & Associates in the amount of \$27,000 for design survey of the Park Street infrastructure repair and replacement/transportation benefit district project.
- H. Resolution No. 2019-15 rejecting the bid for the Wastewater Treatment Plant control building PLC/panel replacement project.
- I. Resolution No. 2019-16 approving the purchase of twenty X26P tasers from ProForce Law Enforcement for an estimated cost of \$22,748.34.

Council asked that Items D and F be removed from the Consent Agenda for separate consideration.

**WALLA WALLA CITY COUNCIL MINUTES  
FEBRUARY 13, 2019  
PAGE 3**

There was discussion on:

- The City's contract with the King County Directors Association (KCDA) cooperative purchasing and contracting system and benefits of using cooperative purchasing agreements for non-public works projects and purchases.
- State bidding laws.
- Scope of work for the proposed contract with Pacific Mobile Structures and costs.

Mayor Clark invited public input.

Matt Rogers, Walla Walla, expressed concerns with the expenses for relocation of the homeless sleep center. Staff responded to Mr. Rogers questions.

**Councilmember Cummins moved to adopt Consent Agenda Items A, B, C, E, G, H and I. Councilmember Moss seconded the motion. The motion unanimously carried with 7 yes votes and 0 no votes.**

**6. ACTIVE AGENDA**

- D. Resolution No. 2019-05 approving a contract with the Powerhouse Theatre for tourism promotion services in the amount of \$25,000 for each year of the 2019-2020 biennium for a total of \$50,000.

City Manager Shawa reported this funding request from the Powerhouse Theater had been discussed with the City Council at a Work Session. It had been the consensus of Council to include \$25,000 from the general fund in each year of the 2019-2020 biennium budget.

There was discussion on:

- Inclusion of a clause in the agreement that the money should be repaid if the non-profit ceases to operate. Staff reported this is an agreement for services to avoid the appearance the City is loaning credit or providing a gift of public funds. The only provision in the State constitution for gifting public funds is to serve the poor or infirm.
- Whether this is establishing a precedent for funding local theater organizations.
- Consideration of the request by the Lodging Tax Advisory Committee. The application was received after the deadline and

**WALLA WALLA CITY COUNCIL MINUTES  
FEBRUARY 13, 2019  
PAGE 4**

funds had already been allocated for 2019. Councilmember Scribner suggested only providing funding from the general fund for 2019 and then having the Powerhouse Theater non-profit submit a request to the Lodging Tax Advisory Committee for 2020 funding.

Mayor Clark invited public input.

Noah Leavitt, 625 Whitman Street, Walla Walla, spoke in support of the two-year funding request for the Powerhouse Theater.

**Councilmember Moss moved to adopt Resolution No. 2019-05.  
Councilmember Scribner seconded the motion.**

There were comments on the use of lodging tax revenues for tourism promotion and not for capital improvements.

**Councilmember Scribner moved to amend the contract to only fund \$25,000 from the general fund for 2019. Councilmember Cummins seconded the motion.**

There was additional discussion on the use of general funds for the Powerhouse Theater and the need for public participation to encourage other agencies to provide funding for this transition from a for-profit to non-profit organization.

**The motion to amend the contract to only fund \$25,000 from the general fund for 2019 carried with 4 yes votes by Councilmember Bahena, Cummins, Scribner and Mayor Clark and 3 no votes by Councilmembers Clubb, Huie and Moss.**

**The motion to adopt Resolution No. 2019-05 as amended to only fund \$25,000 from the general fund for 2019 carried with 5 yes votes by Councilmembers Bahena, Cummins, Moss, Scribner, and Mayor Clark and 2 no votes by Councilmembers Clubb and Huie.**

- F. Resolution No. 2019-13 awarding a contract to Premier Excavation, Inc. in the amount of \$122,596 for site work and utility extensions at 1181 W. Rees Avenue. (Sleep Center)

**WALLA WALLA CITY COUNCIL MINUTES**  
**FEBRUARY 13, 2019**  
**PAGE 5**

City Manager Shawa reported this contract will prepare the site and extend utilities for the relocation of the sleep center; and outlined the scope of work.

There was discussion on:

- Actual costs of relocating the sleep center versus initial estimates.
- Hayden Homes has volunteered to move the Conestoga huts to the new site at no cost.
- The new site does not contain a day center for the homeless.
- Whether the City should be providing additional amenities.
- This is an investment in helping people exit homelessness.
- In order for the City to enforce its no camping ordinance, it must have a place for homeless to sleep.
- There is no change proposed in the operational hours of the sleep center.
- This proposal does not include an area for those that have been trespassed from the sleep center. The City has no obligation to provide a "lawless" area.

Mayor Clark invited public input.

Sherry (no last name provided) asked for information on the current criteria for accessing the sleep center and suggested having residents help establish criteria to gain buy in and curb spending. These criteria should also consider priority access for people from Walla Walla if there is overcrowding at the site.

Gisela Almanzar asked what other services are available to assist in helping people exit homelessness.

Manuel Almanzar expressed concern with potential liability, the expense of the relocation, and costs for operating the sleep center.

Matt Rogers felt that the City should not be expending taxpayer funds to relocate and operate the sleep center and these services should be provided by a non-profit organization.

Mayor Clark outlined the background of the Alliance for the Homeless and their involvement with the sleep center.

**WALLA WALLA CITY COUNCIL MINUTES  
FEBRUARY 13, 2019  
PAGE 6**

**Councilmember Moss moved to adopt Resolution No. 2019-13.  
Councilmember Clubb seconded the motion.**

There was clarification that Walla Walla County was providing \$100,000 for operational costs of the sleep center and \$50,000 for capital costs towards the relocation costs.

**The motion to adopt Resolution No. 2019-13 carried with 5 yes votes and 2 no votes by Councilmembers Cummins and Huie.**

- A. Ordinance No. 2019-01 amending Municipal Code Chapter 5.02 and Chapter 2.94 related to small cell wireless facilities; and

Public hearing and adoption of Interim Zoning Ordinance No. 2019-02 related to small cell wireless facilities.

Development Services Director Chamberlain reviewed the proposed ordinances to bring the City's regulations into compliance with recent Federal Communication Commission (FCC) rules. PocketiNet and Verizon are the only two companies that have expressed any interest in deploying small cell wireless technology in Walla Walla. There was brief discussion on the impact of the changes if the Ninth Circuit Court overturns the new FCC rules.

Mayor Clark declared the public hearing open at 9:03 p.m. There being no public testimony, the public hearing was closed.

**Councilmember Cummins moved to adopt Ordinance No. 2019-01.  
Councilmember Moss seconded the motion. The motion unanimously carried with 7 yes votes and 0 no votes.**

**Councilmember Cummins moved to adopt Ordinance No. 2019-02.  
Councilmember Moss seconded the motion. The motion unanimously carried with 7 yes votes and 0 no votes.**

- B. Approval of the January 31, 2019 accounts payable register containing check numbers 201042 through 201449, 990916 through 990920, 9323 through 9337, totaling \$5,473,280.36.

**Councilmember Cummins moved to approve the January 31, 2019 accounts payable register containing check numbers 201042 through**

**WALLA WALLA CITY COUNCIL MINUTES  
FEBRUARY 13, 2019  
PAGE 7**

201449, 990916 through 990920, 9323 through 9337, totaling \$5,473,280.36, with the exception of the checks to Jerry Cummins and Alliance for the Homeless. Councilmember Moss seconded the motion. The motion unanimously carried with 7 yes votes and 0 no votes.

Councilmember Scribner moved to approve payment of the checks to Jerry Cummins and the Alliance for the Homeless. 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.

C. Approval of minutes of the regular meeting held January 23, 2019.

Councilmember Moss moved to approve the minutes of the regular meeting held January 23, 2019. Councilmember Scribner seconded the motion. The motion unanimously carried with 6 yes votes, 0 no votes, and 1 abstention by Councilmember Clubb.

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

Councilmember Moss reported attendance at the exit audit conference with representatives of the State Auditor's office held January 31.

Councilmember Huie had no meetings to report.

Councilmember Bahena reported attendance at the Historic Preservation Commission meeting held January 24; the Community Council meeting held January 28; and the ad hoc ward education committee meeting held February 1.

Councilmember Cummins reported attendance at a lobby trip to Olympia held January 28 and January 29; the exit audit conference with representatives of the State Auditor's office held January 31; and a lobby trip to Washington D.C. held February 5 through February 7.

Councilmember Clubb reported attendance at the leadership training held January 12; the Visit Walla Walla annual meeting held January 16; the Blue Mountain Action Council Board meeting held January 17; testified in Olympia regarding affordable housing bills on January 22; the Planning Commission meeting held February 4; and the Metropolitan Planning Organization meeting held February 6.

**WALLA WALLA CITY COUNCIL MINUTES  
FEBRUARY 13, 2019  
PAGE 8**

Councilmember Scribner reported attendance at the agenda preparation meeting held February 4; the Water Partnership Board meeting held February 5; the Arts Commission meeting held February 6; the Mill Creek Coalition meeting held February 13; and the Public Library Board meeting held February 13.

Mayor Clark reported attendance at the Blue Zone community meeting held January 24; the summer parkways planning meeting held January 24; the continuity of operations planning table top exercise held January 25; the Arbor Day committee meeting held January 30; the ad hoc ward education committee meeting held February 1; the agenda preparation meeting held February 4; the Commitment to Community meeting held February 5; and the Grapevine radio interview held February 8.

**8. UNFINISHED AND NEW BUSINESS**

**Councilmember Cummins moved to authorize the surplus of City police weapons that had been removed from the surplus resolution at the last meeting. Councilmember Huie seconded the motion.**

There was discussion on holding a Work Session to determine a policy prior to taking any action on declaring these weapons surplus.

**Councilmember Bahena moved to table the motion to authorize the surplus of City police weapons that had been removed from the surplus resolution at the last meeting. Councilmember Moss seconded the motion. The motion to table unanimously carried with 7 yes votes and 0 no votes.**

Staff reported the Council Work Session that had been cancelled due to inclement weather has been rescheduled for February 21 at 4:00 p.m. at Fire Station No. 1 training room.

**9. ADJOURNMENT**

**There being no further business, the meeting adjourned at 9:31 p.m.**