

WALLA WALLA CITY COUNCIL
Regular Meeting Minutes
February 9, 2022

1. CALL TO ORDER

Mayor Scribner called the meeting to order at 6:30 p.m.

Present: Councilmembers Brian Casey, Rick Eskil, Ted Koehler, Steve Moss, Susan Nakonieczny, Gustavo Reyna, and Mayor Tom Scribner.

Absent: None.

City staff in attendance: City Manager Nabel Shawa, City Attorney Tim Donaldson, Deputy City Manager Elizabeth Chamberlain, Parks & Recreation Director Andy Coleman, Fire Chief Bob Yancey, Public Works Director Ki Bealey, Library Director Erin Wells, Deputy Fire Chief Johnny Knowles, and City Clerk Kammy Hill.

2. PLEDGE OF ALLEGIANCE

3. PRESENTATIONS & PROCLAMATIONS

- A. Mayor Scribner read and presented a proclamation declaring February 20 through February 26, 2022, as "National Engineers Week" to Public Works Director Ki Bealey.

4. PUBLIC COMMENTS

RL McFarland, Walla Walla, suggested the 1st Avenue Plaza project be delayed until fall so it can be utilized during the summer months and additional details, such as tree species, can be finalized. Staff indicated a brief report will be provided to Council on February 23.

5. CONSENT AGENDA

Staff introduced the Consent Agenda, Items A through J, as follows:

- A. Accepts resignation of Jordan Michaels from the Infrastructure Improvement Committee.

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- B. Resolution No. 2022-11 authorizing a contract with the Blue Mountain Community Foundation for administration of grants to non-profit agencies using \$150,000 of American Rescue Plan Act funding.
- C. Resolution No. 2022-12 authorizing the renewal of a contract with the Downtown Walla Walla Foundation for lease of the City Hall parking lot for operation of the Farmers Market.
- D. Resolution No. 2022-13 authorizing the purchase of thirty portable radios to replace end of life radios at the Fire Department through the National Association of State Procurement Officials Contract 00318 for \$58,511.72.
- E. Resolution No. 2022-14 awarding the bid for ductile pipe to HD Fowler in the amount of \$50,032.14.
- F. Resolution No. 2022-15 awarding the bid for gravel and spoils hauling/disposal to Koncrete Industries in the amount of \$107,623.70.
- G. Resolution No. 2022-16 awarding the bid to HD Fowler for the purchase of various brass water fittings and parts in an amount not to exceed \$141,020.43.
- H. Resolution No. 2022-19 authorizes the renewal of a lease agreement with Valley Transit for the former Crawford Park as a transit plaza.
- I. Motion to authorize utility bill round up funds to be designated for the Pioneer Park playground project.
- J. Approves minutes of the January 24, 2022, Work Session and January 26, 2022, regular meeting.

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

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

Staff provided brief reports on Items H and I.

Councilmember Moss moved to adopt Consent Agenda Items A, and C through I. Councilmember Nakonieczny seconded the motion. The motion unanimously carried with 7 yes votes and 0 no votes.

6. ACTIVE AGENDA

- B. Resolution No. 2022-11 authorizing a contract with the Blue Mountain Community Foundation for administration of grants to non-profit agencies using \$150,000 of American Rescue Plan Act funding.

Staff reported several non-profit organizations have requested money from the American Rescue Plan Act funds received by the City. The City of College Place had allocated \$50,000 so staff believes \$150,000 is a reasonable amount for the City of Walla Walla to contribute. These funds will be turned over to the Blue Mountain Community Foundation to allocate to non-profit organizations. There was discussion on whether this establishes a precedent for ongoing funding. Because this is a one-time allocation from the Federal government, this will not be an ongoing allocation.

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

Councilmember Moss moved to adopt Resolution No. 2022-11. Councilmember Casey seconded the motion. The motion unanimously carried with 7 yes votes and 0 no votes.

- A. Resolution No. 2022-17 awarding the bid for the Poplar (5th Avenue to Colville Street) Transportation Benefit District project to Apollo, Inc. in the amount of \$6,466,939.93.

Staff reported this is the first of two Poplar Street projects to go to construction. Two bids were received with the lowest coming in approximately \$500,000 over the engineers estimate which is not unexpected due to the inflationary increases in supplies. Staff will seek additional funding from the grant funding agencies. This project will start in March. A brief video describing the project was played.

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

There was discussion on the contractor, community involvement, cost of inflation, pedestrian safety in roundabouts, and improvements for multi-modal transportation. This is not the same contractor that did the improvements on Park Street and the staging area will not be located on Park and Crescent Streets.

**Councilmember Reyna moved to adopt Resolution No. 2022-17.
Councilmember Koehler seconded the motion. The motion unanimously carried with 7 yes votes and 0 no votes.**

- B. Resolution No. 2022-18 authorizing a professional services contract amendment with David Evans & Associates, Inc. for construction engineering of the Poplar Street (Colville Street to 5th Avenue) project in the amount of \$575,366.

Staff reported this contract will provide the necessary construction engineering and management for the Poplar Street improvements. Staff has worked with this firm in the past and it will perform the necessary work on behalf of the City. The City does not have staffing capacity for this level of work.

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

**Councilmember Koehler moved to adopt Resolution No. 2022-18.
Councilmember Reyna seconded the motion. The motion unanimously carried with 7 yes votes and 0 no votes.**

- C. Approval of the January 2022 accounts payable register containing check numbers 17115 through 17392, 17394 through 17411, 17413 through 17490, 17492 through 17503, 318, and 320 through 331 totaling \$5,544,132.90.

Councilmember Moss moved to approve payment of the January 2022 accounts payable register containing check numbers 17115 through 17392, 17394 through 17411, 17413 through 17490, 17492 through 17503, 318, and 320 through 331 totaling \$5,544,132.90 except for the checks to

the Blue Mountain Action Council. Councilmember Koehler seconded the motion. The motion unanimously carried with 7 yes votes and 0 no votes.

Councilmember Moss moved to approve payment of the checks to the Blue Mountain Action Council. Councilmember Reyna seconded the motion. The motion unanimously carried with 6 yes votes, 0 no votes, and 1 abstention by Councilmember Koehler.

D. City Tattoo Policy.

Mayor Scribner reported a prior City Council had considered a request for a tattoo policy and reviewed the timeline of the meetings involving discussion of a tattoo policy. On January 30, Mayor Scribner and Mayor Pro Tem Moss participated in a Zoom meeting with Barbara Clark, Timothy Kaufman-Osborn, and Jack Jackson. They have retained the services of an attorney and are threatening legal action claiming the City Council has violated the Open Public Meetings Act and Public Records Act. They have two demands: That the City release the City Attorney's opinion on the constitutionality of a tattoo policy for City employees; and that the Council discuss a tattoo policy. It is suggested that the City Council hold a follow up Work Session and then schedule an agenda item for a formal decision on a tattoo policy.

Mayor Scribner invited public input.

Barbara Clark, Walla Walla, commented on the importance of a tattoo policy for City police and asked for the release of the City Attorney's legal opinion so the public can better understand the constitutional limitations imposed by the 9th Circuit Court of Appeals.

Louis Gonzalez spoke in support of a tattoo policy for City police officers.

Richard Middleton Kaplan, representing the Jewish Community, spoke in support of implementation of a tattoo policy and the significance of symbols to people.

Tim Kaufman-Osborn commented they are only seeking a tattoo policy for police officers. A tattoo policy is a separate discussion item from the legal issues of a violation of the Open Public Meetings Act and the Public Records Act. Based on his legal research, there is no reason why the City of Walla Walla can't craft a constitutionally valid tattoo policy.

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Elyse Semerdjian urged approval of tattoo guidelines that don't allow for hate symbols.

There were comments on rebuilding trust, transparency, and open government.

Councilmember Moss moved to table further discussion until a Work Session can be scheduled for a more in-depth discussion on a tattoo policy. Councilmember Koehler seconded the motion.

There were comments on the lengthy process to hire qualified police officers.

The motion to table unanimously carried with 7 yes votes and 0 no votes.

7. COUNCIL MEMBER MEETING REPORTS

Councilmember Moss reported attendance at a Zoom meeting regarding a tattoo policy; the special Work Session with the City of College Place; the agenda setting meeting; a meeting with College Place Mayor Hernandez; the Work Session; and the implicit bias training sponsored by the Police Department.

Councilmember Casey had no meetings to report.

Councilmember Reyna reported attendance at a legislative committee meeting and encouraged residents to participate in the Historic Preservation Commission survey.

Councilmember Nakonieczny reported attendance at the special Work Session with the City of College Place; the golf course transition committee meeting; the Solid Waste Advisory Committee meeting; the Work Session; and the Fort Walla Walla Board meeting.

Councilmember Eskil reported attendance at the Fire Pension Board meeting and the Planning Commission meeting.

Councilmember Koehler reported attendance at the special Work Session with the City of College Place; participated in the distribution of KN95 masks; and the Work Session.

Mayor Scribner reported attendance at a meeting to discuss the library expansion project; the Fire Pension Board meeting; a Zoom meeting regarding a tattoo policy; the special Work Session with the City of College Place; the Public Library Board meeting; the Arts Commission meeting; the agenda setting meeting; a meeting with College Place Mayor Hernandez; the Work Session; the Bicycle & Pedestrian Advisory Committee meeting; and the implicit bias training sponsored by the Police Department.

8. UNFINISHED AND NEW BUSINESS

Council reported on numerous emails from mobile home park residents and asked for an update to be able to respond to the residents' concerns. Staff indicated they will provide an update.

Staff introduced Resolution No. 2022-20 authorizing the execution of an amended agreement with SHKS Architects. This will allow for expansion of the study to include looking at the closure of Alder Street to keep the library downtown. The total contract amount will increase to \$150,000 with \$75,000 being contributed by anonymous donors.

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

There was discussion on whether there is a possibility of the library being moved; time frame for conceptual designs; leveraging contributions; re-thinking the role of a library; and studying a vertical expansion of the building.

Councilmember Moss moved to adopt Resolution No. 2022-20. Councilmember Reyna seconded the motion. The motion unanimously carried with 7 yes votes and 0 no votes.

Staff reported the amended agreement will not be signed until the City has received the contribution from the donors.

9. ADJOURNMENT

There being no further business, the meeting adjourned at 8:29 p.m.