

WALLA WALLA CITY COUNCIL
Regular Meeting Minutes
May 11, 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, Public Works Director Ki Bealey, Police Chief Chris Buttice, Human Resources Director Pam Taylor, Environmental Engineer Leah Rohan, and City Clerk Kammy Hill.

2. PLEDGE OF ALLEGIANCE

3. PRESENTATIONS

- A. Mayor Scribner read and presented a proclamation declaring the week of May 15 through May 21, 2022, as "National Public Works Weeks" to Public Works Director Ki Bealey.

4. PUBLIC COMMENTS

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

5. CONSENT AGENDA

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

- A. Resolution No. 2022-66 authorizing a professional services contract with Aspect Consulting for landfill groundwater monitoring and environmental consulting in the amount of \$155,194.
- B. Resolution No. 2022-67 declaring items surplus and authorizing their disposal.

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C. Resolution No. 2022-68 authorizing acceptance of a \$50,000 grant from the Department of Commerce.

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

Brief reports were provided on Items B and C.

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

6. ACTIVE AGENDA

A. Resolution No. 2022-69 awarding the bid for the Walawàla Plaza project to Nelson Construction in the amount of \$1,596,306.68.

Staff reported the bids were approximately twenty-three percent higher than the engineer's estimate and outlined the scope of the project.

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

There was discussion on:

- Additional funding sources for the project.
- None of the components of the project are being eliminated.
- Qualifications of the contractor.
- There are contingency funds included in the project budget.

Councilmember Reyna moved to adopt Resolution No. 2022-69. Councilmember Nakonieczny seconded the motion. The motion unanimously carried with 7 yes votes and 0 no votes.

- B. 1. Determination on request for tattoo policy; and
2. Determination on request to release confidential attorney work product/client communication.

Mayor Scribner summarized the timeline and issues leading to these agenda items.

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Barbara Clark asked the City Council to direct staff to prepare a tattoo policy for consideration by the City Council and to acknowledge a violation of the Open Public Meetings Act in not publicly discussing a tattoo policy. Mrs. Clark outlined the reasons she feels the City needs a tattoo policy.

Timothy Kaufman-Osborn read remarks from Whitman College Professor Jack Jackson regarding the legality of public employers to limit the speech of public employees.

Mr. Kaufman-Osborn commented that he was not persuaded by the City Attorney's legal opinion on public employees and freedom of speech through tattoos; outlined the reasons why he felt the City Council violated the Open Public Meetings Act in June 2021; and why the City Attorney's work product is not exempt from disclosure.

Mayor Scribner invited public input.

Evan Heisman, on behalf of the Congregation Beth Israel Walla Walla, spoke in support of the request made by Mrs. Clark, Mr. Kaufman-Osborn, and Professor Jackson for a tattoo policy for public facing employees of the City.

There was discussion on:

- The police department policy manual and accreditation of the department.
- The citizen satisfaction survey is professionally administered by a national firm and is statistically valid.
- The police department's current hiring process to ensure applicants embody the values of the department and City.
- Public employees are held to a higher standard and the City's hiring processes sufficiently address these requirements.
- Citizens have the right to expect transparency in the rationale of the decisions made by the Council.
- Police reform and the reforms imposed by the State are making citizens less safe.
- Whether a violation of the Open Public Meetings Act occurred and release of the City Attorney's confidential work product. The subsequent document prepared by the City Attorney that outlines his legal research and case citations should be sufficient to address the questions raised by the proponents of a tattoo policy.

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- Symbols can be interpreted in many ways and one incident does not warrant a new tattoo policy. All the cases and authorities cited by the City Attorney have been made available and the record requested is exempt from disclosure pursuant to RCW 42.56.290.

Councilmember Moss moved to affirm and maintain the current tattoo policy as stated in the Walla Walla Police Department policy manual. Councilmember Koehler seconded the motion. The motion unanimously carried with 7 yes votes and 0 no votes.

There was brief discussion on whether the subsequent document created by City Attorney Donaldson containing his legal citations and cases satisfies the needs of the requestors.

Councilmember Moss moved to reserve on privilege and retain internally the City Attorney's legal research documents regarding tattoo policies. Councilmember Koehler seconded the motion. The motion carried with 6 yes votes and 1 no vote by Councilmember Eskil.

- C. Approval of minutes of the April 25 Work Session and the April 27 regular meeting.

Councilmember Moss moved to approve the minutes of the April 25 Work Session and the April 27 regular meeting. Councilmember Casey seconded the motion. The motion unanimously carried with 6 yes votes, 0 no votes, and 1 abstention by Councilmember Eskil.

- D. Approval of the April 2022 accounts payable register containing check numbers 18099 through 18342; 18344 through 18437; 361 through 367; and 369 through 374 totaling \$2,898,536.35.

Councilmember Moss moved to approve payment of the April 2022 accounts payable register containing check numbers 18099 through 18342; 18344 through 18437; 361 through 367; and 369 through 374 totaling \$2,898,536.35 except for the check 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 check to the Blue Mountain Action Council. Councilmember Reyna seconded the

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

7. COUNCIL MEMBER MEETING REPORTS

Councilmember Moss reported attendance at the Parks, Recreation & Urban Forestry Advisory Board; the agenda setting meeting; the Valley Transit agenda setting meeting; a meeting with Mayor Scribner, City Manager Shawa, College Place Mayor Hernandez and College Place City Administrator Rizzitiello; the Work Session; and the tour of the new fire training facility.

Councilmember Casey reported attendance at the Good Roads Committee meeting; the Metropolitan Planning Organization meeting; and the Water & Wastewater Advisory Committee meeting.

Councilmember Reyna reported attendance at the Historic Preservation Commission and the Work Session.

Councilmember Nakonieczny reported attendance at the golf course transition committee meeting; the Work Session; and the Fort Walla Walla Museum Board meeting.

Councilmember Eskil reported attendance at the Planning Commission meeting and the lobbying trip to Washington D.C. with the local delegation from the Port of Walla Walla and Walla Walla County.

Councilmember Koehler reported attendance at the Arbor Day celebration at Green Park Elementary School; the Work Session; and the tour of the new fire training facility.

Mayor Scribner reported attendance at the Arbor Day celebration at Green Park Elementary School; a meeting with Public Works Director Bealey; the agenda setting meeting; a meeting with Parks & Recreation Director Coleman and Arborist Clemens; a meeting with Councilmember Moss, City Manager Shawa, College Place Mayor Hernandez and College Place City Administrator Rizzitiello; the Work Session; the Bicycle & Pedestrian Advisory Committee meeting; the tour of the new fire training facility; and the Arts Commission meeting.

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8. UNFINISHED AND NEW BUSINESS

Council reported that Parks & Recreation Director Coleman's daughter is currently playing in the collegiate championship in Huntsville, Texas for Seattle University.

There was discussion on the installation of a four-way stop intersection at Whitman and Division Streets.

Staff is monitoring, along with our Federal elected officials, the discussion on services at the Veteran's Administration.

9. MEETING ENDS

There being no further business, the meeting ended at 8:57 p.m.