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WALLA WALLA CITY COUNCIL

Regular Meeting Agenda

May 25, 2022 - 6:30 p.m.

Live stream of the meeting may be viewed on the City's website at <https://www.wallawallawa.gov/government/city-council>. Members of the public also may attend and participate in this regular meeting by using this [Zoom meeting link](#) or by calling 253-215-8782 and entering meeting ID 876 3924 2842#.

Mission: Dedicated to enhancing the quality of life in Walla Walla.

1. CALL TO ORDER

2. PLEDGE OF ALLEGIANCE

3. PUBLIC COMMENTS

The public may comment at this time on matters of City business. To provide comments virtually, please use the Zoom meeting link, raise your virtual hand, wait to be recognized, and then unmute. If you are calling in, dial *9 to raise your virtual hand, wait to be recognized, and dial *6 to unmute the connection. Public comments may also be provided by emailing the City Clerk at khill@wallawallawa.gov.

4. CONSENT AGENDA

- A. Pgs. 3-4 Accepts resignation of Anne Swant from the Planning Commission.
- B. Pgs. 5-8 Resolution 2022-70. Sets June 22, 2022 as the Public Hearing date to consider a 60% Annexation Petition for the 700 McBeth Road Annexation.
- C. Pgs. 9-12 Resolution 2022-71: Ratifies the Emergency Declaration for Repairs at Well #5.
- D. Pgs. 13-18 Resolution 2022-72: Ratifies the Emergency Declaration for the Wastewater Treatment Plant Digester Roof Repair.

- E. Pgs. 19-23 Resolution 2022-73: Authorizes a reimbursement agreement with Walla Walla County for (City) utility adjustments on the County's Abbott Road Improvement Project
- F. Pgs. 24-27 Resolution 2022-74: Accepts a grant from the Department of Justice Patrick Leahy Bulletproof Vest Partnership in the amount of \$8,798.
- G. Pgs. 28-37 Approves minutes of the May 9 Work Session and the May 11 Council meeting.

5. ACTIVE AGENDA

- A. Pgs. 38-61 Public Hearing and Ordinance 2022-14: Approves the 60% Annexation Petition for the Narum and Burseth Annexation.
- B. Pgs. 62-70- Public hearing and Resolution 2022-75: Approves the 2022 Community Development Block Grant (CDBG) Annual Action Plan.
- C. Pgs. 71-77 Resolution 2022-76: Awards bid for the Wastewater Treatment Plant Phase 1 Improvements construction project to Apollo, Inc. in the amount of \$7,046,920.09.
- D. Pgs. 78-81 Resolution 2022-77: Approves amendment #1 to the power purchase agreement with Columbia Rural Electric Association.

6. COUNCIL MEMBER MEETING REPORTS

7. UNFINISHED AND NEW BUSINESS

8. EXECUTIVE SESSION

- A. Pgs. To consider the minimum price at which real estate will be offered for sale or lease pursuant to RCW 42.30.110(1)(c), and to discuss with legal counsel representing the City litigation or potential litigation involving the City pursuant to RCW 42.30.110(1)(i).
- B. Pgs. To evaluate the qualifications of an applicant for public employment and/or to review the performance of a public employee pursuant to RCW 42.30.110(1)(g).

9. MEETING ENDS



ar-4666

Pgs. 3-4

City Council - Regular Meeting

Meeting Date: 05/25/2022

Submitted For: Kammy Hill, Support Services

Add'l Contributors:

Information

ITEM TITLE:

Accepts resignation of Anne Swant from the Planning Commission.

Attachments

Swant resignation

Yes, thanks for the summary. I wish it were different but this is best.

Chat soon...

Anne

Sent from my iPhone

On May 10, 2022, at 2:49 PM, Preston Frederickson <pfred@wallawallawa.gov> wrote:

Hi Anne,

Thank you for talking with me this afternoon. To memorialize our telephone conversation, you wish to resign from the Planning Commission effective immediately, as it is difficult for you to make the commitment to attend our regularly scheduled meetings. I have copied City Clerk, Kammy Hill to this email. Please "reply to all" to this email conforming your request to resign so she can begin her work on finding your replacement. I appreciate your service to our community in this manner and the perspectives you have provided to the Planning Commission and its important work.

Best regards,

PRESTON FREDERICKSON

Development Services Director

509.524.4735

wallawallawa.gov



ar-4648

Pgs. 5-8

City Council - Regular Meeting

Meeting Date: 05/25/2022

Item Title: Resolution to set the Public Hearing date to consider a 60% Annexation Petition for the 700 McBeth Road Annexation.

Submitted For: Jon Maland, Development Services Department

Project No:
ANX-22-0001

Financial Comments:
N/A

All Contracts:
Not Applicable

Federally funded contracts only:
Not Applicable

Construction contracts only:
Not Applicable

Brief Summary of Requested Action:

Resolution to set the Public Hearing date to consider a 60% Annexation Petition for the 700 McBeth Road Annexation.

Information

HISTORY:

January 4, 2022: The City received a 10% Notice to Commence Annexation petition submitted by the property owner(s) of land located at 700 McBeth Road. The future land use designation for the subject properties is Residential and implementing zoning designation would be Neighborhood Residential. The proposed annexation boundary is contiguous to the city limits.

April 13, 2022: The City Council met and determined to accept the annexation boundary as proposed by the petitioner(s) through Resolution 2022-58.

April 19, 2022: Staff received a sufficient petition signed by owner(s) of the properties, which is not less than sixty percent (60%) of the assessed value of the proposed annexation area. The petition has been sent to the County Assessor's office for sufficiency of signature determination and the 60 day notice to taxing districts, via certified mail and email, was provided as required by RCW 35A.14.801.

POLICY ISSUES:

None at this time. The resolution is to set a public hearing date.

PLAN COMPLIANCE:

None at this time. The resolution is to set a public hearing date.

ALTERNATIVES:

None at this time. The resolution is to set a public hearing date.

STAFF RECOMMENDATION:

Staff recommends that the City Council adopt the resolution setting June 22, 2022 as the Public Hearing date to consider the annexation.

CITY MANAGER COMMENTS:

Approved for City Council action.

Attachments

Res 2022-70

RESOLUTION NO. 2022-70

A RESOLUTION FIXING A TIME FOR A PUBLIC HEARING TO ANNEX APPROXIMATELY 7.8 ACRES OF PROPERTY BEING GENERALLY LOCATED AT 700 MCBETH ROAD, TO THE CITY OF WALLA WALLA

WHEREAS, the City of Walla Walla is classified as a Code City under the Revised Codes of Washington State; and

WHEREAS, RCW Ch. 35A.14 provides for annexation by direct petition initiated by the filing of notification by owners of property in the territory proposed for annexation which is not less than ten percent (10%) of the assessed value of the property to be annexed; and

WHEREAS, the City of Walla Walla received sufficient notification on behalf of property owners of intent to annex territory consisting of approximately 7.8 acres of property, being generally located at 700 McBeth Road, east of Whistling Duck Road; and

WHEREAS, the Walla Walla City Council passed Resolution No. 2022-32 at its regular meeting on March 9, 2022 setting April 13, 2022 as the date for meeting to determine whether the city would accept, reject, or geographically modify the proposed annexation; and

WHEREAS, Walla Walla City Council passed Resolution No. 2022-58 at its April 13, 2022 regular meeting determining that it will accept the annexation boundary area of the property at 700 McBeth Road; and

WHEREAS, signatures on a sixty percent (60%) Petition were submitted to the City of Walla Walla Development Services Department on April 19, 2022, moving the annexation into the next steps of the process; and

WHEREAS, the Walla Walla City Council finds that it is an appropriate function for the city to schedule a public hearing as required by RCW 35A.14.130.

NOW THEREFORE, the City Council of the City of Walla Walla do resolve as follows:

Section 1: The Walla Walla City Council hereby confirms it has received a sufficient petition signed by owners of property which is not less than sixty percent (60%) of the assessed value of the territory consisting of 7.8 acres of property being described as follows:

A TRACT OF LAND IN THE WEST ½ OF THE SOUTHEAST ¼ OF SECTION 33, TOWNSHIP 7 NORTH, RANGE 36 EAST, WILLAMETTE MERIDIAN, WALLA WALLA COUNTY WASHINGTON, BEING DESCRIBED MORE PARTICULARLY AS FOLLOWS: COMMENCING AT THE NORTHWEST CORNER OF SAID WEST 1/2 OF THE SOUTHEAST 1/4 OF SECTION 33; THENCE SOUTH 00 DEGREES 59 MINUTES 27 SECONDS EAST FOR A DISTANCE OF 891.00 FEET ALONG THE WEST LINE OF SAID WEST 1/2 TO THE NORTHWEST CORNER OF THAT LAND DESCRIBED IN A DEED FILED AT AUDITOR'S FILE NUMBER 8004671, SAID CORNER BEING THE TRUE POINT OF BEGINNING FOR THIS DESCRIPTION. THENCE NORTH 88 DEGREES 57 MINUTES 00 SECONDS EAST FROM A DISTANCE OF 400.00 FEET ALONG THE NORTH LINE OF SAID LAND TO THE NORTHEAST CORNER THEREOF; THENCE SOUTH 00 DEGREES 59 MINUTES 27 SECONDS EAST FOR A DISTANCE OF 944.05 FEET ALONG THE EAST LINE OF SAID LAND TO A POINT ON THE NORTH RIGHT OF WAY LINE OF MCBETH COUNTY ROAD; THENCE ALONG THE RIGHT OF WAY LINE

OF MCBETH COUNTY ROAD BY THE FOLLOWING COURSES: THENCE SOUTH 89 DEGREES 44 MINUTES 53 SECONDS WEST FOR DISTANCE OF 23.24 FEET: THENCE SOUTH 00 DEGREES 15 MINUTES 07 SECONDS EAST FOR A DISTANCE OF 20.00 FEET: THENCE LEAVING SAID RIGHT OF WAY LINE AND RUNNING; SOUTH 89 DEGREES 44 MINUTES 53 SECONDS WEST FOR A DISTANCE OF 159.83 FEET: THENCE NORTH 08 DEGREES 52 MINUTES 27 SECONDS WEST FROM A DISTANCE OF 232.75 FEET: THENCE SOUTH 88 DEGREES 57 MINUTES 00 SECONDS WEST FOR DISTANCE OF 184.76 FEET TO A POINT ON THE WEST LINE OF THAT PARCEL DESCRIBED AT AUDITOR'S FILE NUMBER 8004671: THENCE NORTH 00 DEGREES 59 MINUTES 27 SECONDS WEST FROM A DISTANCE OF 730.95 FEET ALONG SAID WEST LINE TO THE TRUE POINT OF BEGINNING.

Section 2: The public hearing on the aforementioned annexation to annex the unincorporated area described in Section 1 shall be heard and determined by the Walla Walla City Council at its regularly scheduled meeting on June 22, 2022.

Section 3: The Walla Walla Development Services Department and City Clerk is hereby directed to post a notice of the pendency of the annexation as required by section 35A.14.130 of the Revised Code of Washington

PASSED by the City Council of the City of Walla Walla, Washington, this 25th day of May, 2022.

Mayor

Attest:

Approved as to form:

City Clerk

City Attorney



ar-4672

Pgs. 9-12

City Council - Regular Meeting

Meeting Date: 05/25/2022

Item Title: Ratifies the Emergency Declaration for repairs to Well #5

Submitted For: Nathan Black, Public Works Department, Engineering Capital Programs

Project No:

WTP2301

Financial Comments:

Estimated repair cost: ~\$500,000

Staff is working with the Department of Ecology to determine if this repair work is grant reimbursable through the Well #5 ASR Grant.

All Contracts:

Not Applicable

Federally funded contracts only:

Not Applicable

Construction contracts only:

Not Applicable

Brief Summary of Requested Action:

Ratifies the Emergency Declaration for repairs to Well #5.

Information

HISTORY:

During the Well #5 cleaning project a section of well casing failed (either as a result of the cleaning process or the failure existed prior to the cleaning), which resulted in approximately 27 feet of the well filling up with clay material. The location of the failure subsequently caused a connection of the upper and lower aquifer. There is a risk that additional clay will continue to flow into the well, impacting the well's water production zone, and causing a long-term reduction in water production (reduced flow rate). Additionally, connections between aquifers are non-permitted by the Department of Ecology and require immediate repair.

Staff requested, and the City Manager approved, an emergency declaration for repairs on May 13, 2022.

City staff is working with the Well Driller (Carpenter Drilling, contractor for the project), the project Hydrogeologist, and the Department of Ecology on the recommended fix.

The estimated construction cost of the repair is at least \$410,000. As a point of reference, drilling a new well and abandoning the existing well is estimated to be \$2-\$3 million. In addition, the well would be out of service for an extended period of time due to the limited availability of large well drilling equipment.

Well 5 is a critical asset to the City for drinking water. It is the primary emergency supply during the summer months for supplementing surface water to meet demand.

Staff will proceed with the repair following final approval from the Department of Ecology.

POLICY ISSUES:

RCW 35.22.620(6) provides the competitive bidding requirements of this section may be waived by the city legislative authority pursuant to RCW 39.04.280 if an exemption contained within that section applies to the work or contract. RCW 39.04.280(2)(b) states that, "If an emergency exists, the person or person designated by the governing body of the municipality to act in the event of an emergency may declare an emergency situation exists, waive competitive bidding requirements, and award all necessary contracts on behalf of the municipality to address the emergency situation. If a contract is awarded without competitive bidding due to an emergency, a written finding of the existence of an emergency must be made by the governing body or its designee and duly entered of record no later than two weeks following the award of the contract."

PLAN COMPLIANCE:

STRATEGIC PLAN: N/A

COMPREHENSIVE PLAN: N/A

ALTERNATIVES:

Design and bid a repair project. This would significantly extend the downtime of Well #5 into the summer season potentially creating water restrictions for city residents.

STAFF RECOMMENDATION:

Adopt a Resolution ratifying the City Manager's emergency declaration of May 13, 2022 regarding emergency repairs to Well #5.

CITY MANAGER COMMENTS:

Approved for City Council action.

Attachments

Res 2022-71

RESOLUTION NO. 2022-71

A RESOLUTION RATIFYING AN EMERGENCY PROCUREMENT, AND TAKING OTHER ACTION IN CONNECTION THEREWITH

WHEREAS, the City discovered a casing failure in Well # 5 that needed immediate correction to provide citizens with clean drinking water and public health and safety reasons; and

WHEREAS, section 39.04.280 authorizes emergency purchases; and

WHEREAS, section 6.3 of the purchasing procedures manual authorized by City Resolution 2022-56, § 2 (Apr. 13, 2022) authorizes the City Manager to declare emergencies; and

WHEREAS, the acting City Manager declared an emergency to exist on May 13, 2022; and

WHEREAS, the Walla Walla City Council has considered this matter during a regularly and duly called public meeting of said Council has considered this matter during a regular and duly called public meeting of said Council, has given said matter careful review and consideration, and finds that good government and the best interests of the City of Walla Walla will be served by passage of this resolution;

NOW THEREFORE, the City Council of the City of Walla Walla do resolve as follows:

Section 1: The City Council certifies that the need to immediately repair Well # 5 constituted an emergency situation. Such procurement is exempted from competitive bidding requirements.

Section 2: The City Council ratifies and confirms contracts, agreements, and/or other documents executed on behalf of the City of Walla Walla to repair Well # 5.

Section 3: The City Manager of the City of Walla Walla, and designees of the City Manager, are hereby authorized and empowered to execute contracts, agreements, and/or other documents to repair Well #5, and amendments, modifications, and change orders thereto on behalf of the City of Walla Walla, provided that sufficient appropriations have been made by the Walla Walla City Council, and provided further the aggregate value of all amendments, modifications, and change orders to the agreement may not exceed fifty thousand dollars (\$50,000.00) or ten percent (10%) of the contract amount, whichever is greater.

Section 4: The City Clerk of the City of Walla Walla is hereby authorized and directed to attest the contracts, agreements, and/or other documents ratified by section 2 herein and any contracts, agreements, and/or other documents, and amendments, modifications or change orders thereto authorized by section 3 herein, and to attach to each duplicate thereof a copy of this resolution.

PASSED by the City Council of the City of Walla Walla, Washington, May 25, 2022.

Mayor

Attest:

City Clerk

Approved as to form:

City Attorney



ar-4668

Pgs. 13-18

City Council - Regular Meeting

Meeting Date: 05/25/2022

Item Title: Ratifies an Emergency Declaration for the WWTP Digester Roof Repair

Submitted For: Frank Nicholson, Public Works Department, Engineering Capital Programs

Project No:

WWTP2205

Financial Comments:

Jacobs has accepted responsibility for the damage. Reimbursement should be provided through their insurance provider.

Estimated cost to prepare bid documents ~\$20,000

Estimated construction cost ~\$150,000

All Contracts:

Not Applicable

Federally funded contracts only:

Not Applicable

Construction contracts only:

Not Applicable

Brief Summary of Requested Action:

Ratifies an Emergency Declaration for the Wastewater Treatment Plant (WWTP) Digester Roof Repair

Information

HISTORY:

On May 7, 2022, the west anaerobic digester at the wastewater treatment plant failed when excess pressure caused the lid to partially separate from the structure. It is believed that the failure was caused by a blocked overflow pipe leading the digester to pressurize and fail. OMI/Jacobs has taken responsibility for the failure and agreed to reimburse the City for the repairs.

Staff requested, and the City Manager approved, an emergency declaration for repairs on May 16, 2022.

JUB Engineers is assembling construction documents for bid. Staff intends to issue a request for bids to qualified contractors on the small works roster to make the repairs. The emergency declaration allows the bid to be awarded as expeditiously as possible so repairs can be promptly made to ensure the plant can continue to meet permit requirements.

POLICY ISSUES:

RCW 35.22.620(6) provides the competitive bidding requirements of this section may be waived by the city legislative authority pursuant to RCW39.04.280 if an exemption contained within that section applies to the work or contract. RCW 39.04.280(2)(b) states that, "If an emergency exists, the person or person designated by the governing body of the municipality to act in the event of an emergency may declare an emergency situation exists, waive competitive bidding requirements, and award all necessary contracts on behalf of the municipality to address the emergency situation. If a contract is awarded without competitive bidding due to an emergency, a written finding of the existence of an emergency must be made by the governing body or its designee and duly entered of record no later than two weeks following the award of the contract."

PLAN COMPLIANCE:

STRATEGIC PLAN: N/A

COMPREHENSIVE PLAN: N/A

ALTERNATIVES:

Wait two weeks to award the bid at the next meeting.

STAFF RECOMMENDATION:

Adopt a Resolution ratifying the City Manager's emergency declaration of May 16, 2022 regarding emergency repairs for the WWTP digester roof repair.

CITY MANAGER COMMENTS:

Approved for City Council action.

Attachments

Res 2022-72

Location Map

Photo

RESOLUTION NO. 2022-72

A RESOLUTION RATIFYING AN EMERGENCY PROCUREMENT, AND TAKING OTHER ACTION IN CONNECTION THEREWITH

WHEREAS, an anaerobic digester at the City's wastewater treatment plant failed on May 7, 2022 when its lid separated from the structure; and

WHEREAS, the anaerobic digester needed immediate correction to provide citizens with sewer service in compliance with NPDES permit requirements and for public health and safety reasons; and

WHEREAS, section 39.04.280 authorizes emergency purchases; and

WHEREAS, section 6.3 of the purchasing procedures manual authorized by City Resolution 2022-56, § 2 (Apr. 13, 2022) authorizes the City Manager to declare emergencies; and

WHEREAS, the City Manager declared an emergency to exist on May 16, 2022; and

WHEREAS, the Walla Walla City Council has considered this matter during a regularly and duly called public meeting of said Council has considered this matter during a regular and duly called public meeting of said Council, has given said matter careful review and consideration, and finds that good government and the best interests of the City of Walla Walla will be served by passage of this resolution;

NOW THEREFORE, the City Council of the City of Walla Walla resolves as follows:

Section 1: The City Council certifies that the need to immediately repair the west anaerobic digester at the City's wastewater treatment plant constituted an emergency situation. Such procurement is exempted from competitive bidding requirements.

Section 2: The City Council ratifies and confirms contracts, agreements, and/or other documents executed on behalf of the City of Walla Walla to repair the west anaerobic digester at the City's wastewater treatment plant.

Section 3: The City Manager of the City of Walla Walla, and designees of the City Manager, are hereby authorized and empowered to execute contracts, agreements, and/or other documents to repair the west anaerobic digester at the City's wastewater treatment plant, and amendments, modifications, and change orders thereto on behalf of the City of Walla Walla, provided that sufficient appropriations have been made by the Walla Walla City Council, and provided further the aggregate value of all amendments, modifications, and change orders to the agreement may not exceed fifty thousand dollars (\$50,000.00) or ten percent (10%) of the contract amount, whichever is greater.

Section 4: The City Clerk of the City of Walla Walla is hereby authorized and

directed to attest the contracts, agreements, and/or other documents ratified by section 2 herein and any contracts, agreements, and/or other documents, and amendments, modifications or change orders thereto authorized by section 3 herein, and to attach to each duplicate thereof a copy of this resolution.

PASSED by the City Council of the City of Walla Walla, Washington, May 25, 2022.

Mayor

Attest:

City Clerk

Approved as to form:

City Attorney

Wastewater Treatment Plant - Digester #1



0 50 100 200 Feet

Print Date: 5/13/2022

The City of Walla Walla does not warrant, guarantee or accept any liability for the accuracy, precision or completeness of any information shown or described hereon or for any inferences made therefrom. Any use made of this information is solely at the risk of the user.







ar-4661

Pgs. 19-23

City Council - Regular Meeting

Meeting Date: 05/25/2022

Item Title: Reimbursement Agreement with Walla Walla County for (City) utility adjustments on the County's Abbott Road Improvement Project

Submitted For: Nathan Black, Public Works Department, Engineering Capital Programs

Financial Comments:

Estimated to be less than \$100,000

Actual cost to be based on construction contract bid award. Funding to be provided by the Water Fund.

All Contracts:

Not Applicable

Federally funded contracts only:

Not Applicable

Construction contracts only:

Not Applicable

Brief Summary of Requested Action:

Authorizes a reimbursement agreement with Walla Walla County for the costs associated with protecting and adjusting components of the City's water distribution main located along Abbott Road.

Information

HISTORY:

Walla Walla County plans to improve the storm drainage and sidewalk along Abbott Road in front of Walla Walla High School. The City's water main is located within the County's right of way under a franchise agreement. The water main runs under the existing curb line and will require protection during construction and partial relocation to avoid conflicts with the County's improvements. The City is responsible for the relocation of its facilities under the terms of the franchise agreement with the County. The County's project is funded by various grants that do not cover the cost of franchise utility relocations. The County has agreed to include the utility relocation work in their contract plans. This will allow all work to occur during the project, which is the most timely and cost effective option. The City will be required to reimburse the County for the actual costs of the utility design and adjustment/protection work.

POLICY ISSUES:

Contracts of \$50,000 or more require Council authorization.

PLAN COMPLIANCE:

COMPREHENSIVE PLAN: Capital Facilities and Utilities Goal 3 The provision of capital facilities and utilities is coordinated through collaboration with neighboring governments and private providers.

CFU Policy 3.5 Coordinate and collaborate with public agencies to site essential public facilities and to ensure their impacts on adjacent uses at proposed or alternative locations have been anticipated.

CFU Policy 3.6 Encourage coordination among utility providers as they undertake improvement projects to minimize impacts of utility infrastructure on the community.

ALTERNATIVES:

The City is compelled by our franchise agreement to address utility conflicts in a timely manner. An alternative to including the utility work in the County project would be to contract it separately. Though possible, this option is not recommended.

STAFF RECOMMENDATION:

Staff recommends adoption of a resolution authorizing the City Manager to execute a reimbursement agreement with Walla Walla County for design and adjustment of the water main and services on the County's Abbott Road Improvement Project.

CITY MANAGER COMMENTS:

Approved for City Council action.

Attachments

Res 2022-73

Vicinity Map

RESOLUTION NO. 2022-73

A RESOLUTION AUTHORIZING THE CITY MANAGER OF THE CITY OF WALLA WALLA TO EXECUTE AN AGREEMENT WITH WALLA WALLA COUNTY FOR RELOCATION OF CITY WATER FACILITIES, AND TAKING OTHER ACTION CONNECTED THEREWITH

WHEREAS, Chapter 39.34 of the Revised Code of Washington authorizes political subdivisions to enter into intergovernmental cooperation agreements, and

WHEREAS, planned storm drainage and sidewalk improvements along Abbott Road near Walla Walla Walla High School requires relocation of the City's water facilities; and

WHEREAS, Walla Walla County is willing and able to provide such work as part of its project; provided that the City pays for the work; and

WHEREAS, the Walla Walla City Council has reviewed this matter during a regularly called public meeting of said Council, has given said matter careful review and consideration, and finds that passage of this resolution is an appropriate function for the city and that the best interests of the City of Walla Walla will be served by entering into an agreement with Walla Walla County,

NOW THEREFORE, the City Council of the City of Walla Walla resolves as follows:

Section 1: The City Council approves an agreement between the City of Walla Walla and Walla Walla County for relocation of the City water facilities along Abbott Road, and the City Manager of the City of Walla Walla, and/or the designee of the Walla Walla City Manager, is hereby authorized, empowered, and directed to execute the agreement on behalf of the City of Walla Walla, and the City Clerk of the City of Walla Walla is hereby authorized and directed to attest said agreement and to attach to each duplicate thereof a copy of this resolution.

Section 2: The City Manager of the City of Walla Walla, and/or the designee of the Walla Walla City Manager, is hereby authorized, empowered, and directed to execute such amendments to the agreement authorized by section 1 herein subject to the following conditions: (a) no amendment executed in accordance with this section shall relieve the City of Walla Walla from compliance with enactments of the Walla Walla City Council or any other obligation or responsibility imposed by law, (b) any amendment executed in accordance with this section shall be reported to the Walla Walla City Council at the first meeting of the Walla Walla City Council following its execution, (c) no amendment may be executed in accordance with this section unless sufficient appropriations therefor have been made by the City Council; and (d) any amendment executed in accordance with this section may be revoked and terminated by the Walla Walla City Council at the meeting that it is first reported to the Walla Walla City

Council.

Section 3: Unless revoked and terminated by the Walla Walla City Council at the meeting that it is first reported to the Walla Walla City Council, the Walla Walla City Clerk is hereby authorized and directed to attest any amendment executed in accordance with section 2 of this resolution after the meeting at which the agreement is reported to the City Council and prior to its entry in force.

PASSED by the City Council of the City of Walla Walla, Washington, May 25, 2022.

Mayor

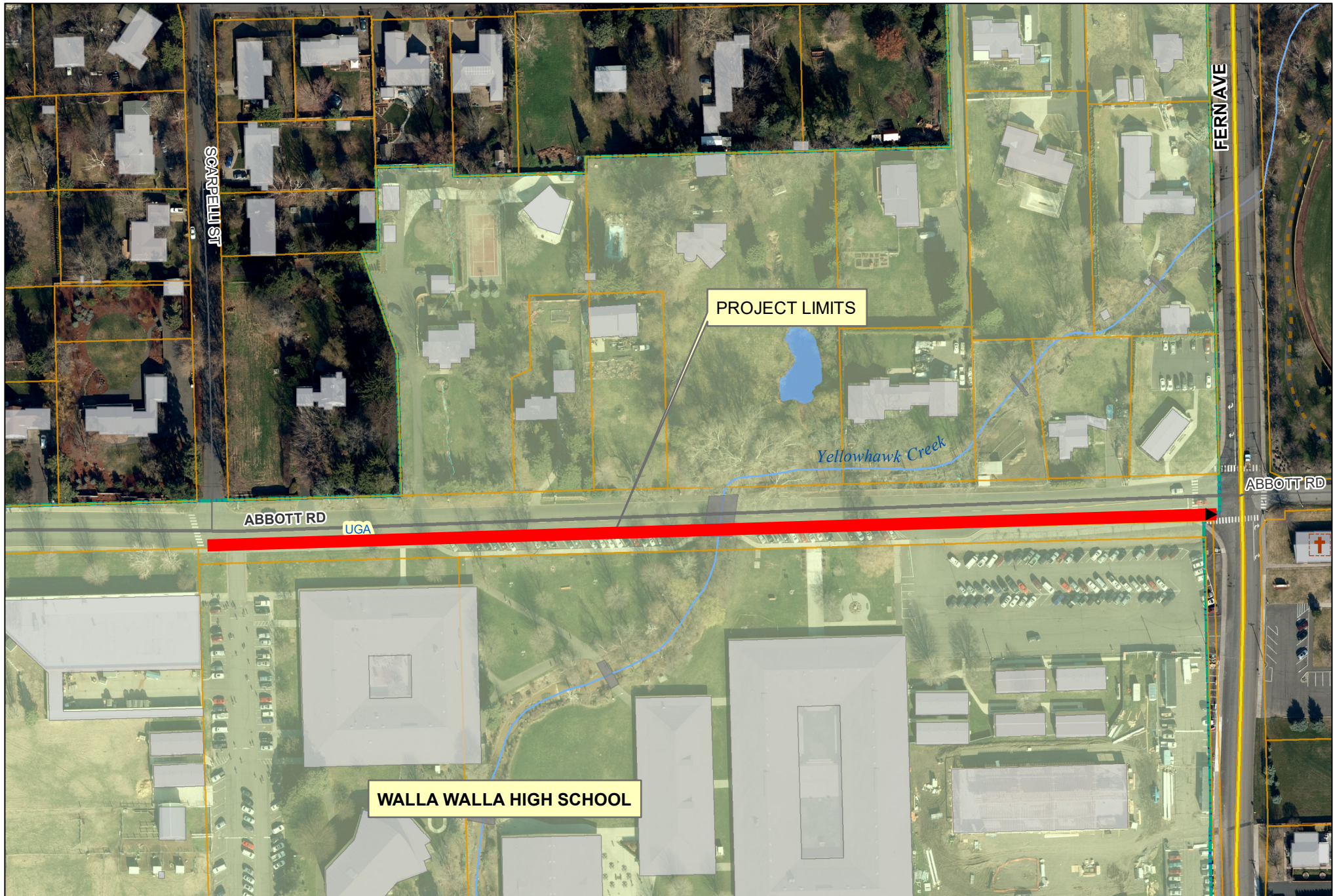
Attest:

City Clerk

Approved as to form:

City Attorney

PROJECT LOCATION MAP



0 70 140 280 Feet

Print Date: 5/5/2022

The City of Walla Walla does not warrant, guarantee or accept any liability for the accuracy, precision or completeness of any information shown or described hereon or for any inferences made therefrom. Any use made of this information is solely at the risk of the user.





ar-4657

Pgs. 24-27

City Council - Regular Meeting

Meeting Date: 05/25/2022

Item Title: 2022 Department of Justice Grant Application for Ballistic Vests for Officers

Submitted For: Deborah Minter, Police Department

Project No:

pending

Financial Comments:

The Police Department has submitted a grant application to acquire up to eighteen ballistic vests through the 2022 Department of Justice (DOJ) Patrick Leahy Bulletproof Vest Partnership (VEST) program. Specifically, we have requested funding to acquire eighteen ballistic vests at approximately \$972 each, plus tax and shipping, for a total of \$17,596. Assuming we are awarded a grant for all nine requested ballistic vests, the maximum reimbursable funding from the grant would be \$8,798. Currently we have exhausted the funds from the awarded 2021 VEST grant (city project PDVEST). In addition, the grant is only reimbursing up to half the expense to purchase the ballistic vest. It is a local expense to pay the remaining items, such as the soft carrier, impact plate, Velcro, identification panel, etc.

All Contracts:

Not Applicable

Federally funded contracts only:

Not Applicable

Construction contracts only:

Not Applicable

Brief Summary of Requested Action:

If awarded a 2022 DOJ VEST grant, the Police Department is requesting the City Council authorize the City Manager to sign a contract with the Department of Justice to accept the grant funding towards ballistic vest acquisition.

Information

HISTORY:

For at least ten years the Walla Walla Police Department has been awarded a Department of Justice (DOJ) Patrick Leahy Bulletproof Vest Partnership (VEST) grant covering approximately half of the cost to acquire ballistic vests for our officers. As per the manufacturer's warranty and recommendations and in compliance with WASPC accreditation standards, the Police Department follows a five-year replacement cycle. Currently we have exhausted the funds from the awarded 2021 VEST grant (City project PDVEST). We have submitted a grant application to acquire up to eighteen ballistic vests in our 2022 DOJ VEST grant application.

POLICY ISSUES:

To maintain accreditation from the Washington Association of Sheriffs and Police Chiefs (WASPC), we must replace the ballistic vests with a five-year replacement cycle. Holding accreditation is critical to keeping the Walla Walla Police Department operating within the industries best practices and standards.

ALTERNATIVES:

If we do not enter a contract with the Department of Justice for 2022 Patrick Leahy Bulletproof Vest Partnership funding, then we are responsible for the full expense to replace the expiring vests within the five-year replacement cycle. The estimated cost is \$17,596 to replace the eighteen ballistic vests.

STAFF RECOMMENDATION:

Staff recommends the City Council authorize the City Manager to complete the needed documents and legal paperwork related to the 2022 Department of Justice Patrick Leahy Bulletproof Vest Partnership grant and accept the awarded funding.

CITY MANAGER COMMENTS:

Approved for City Council action.

Attachments

Res 2022-74

RESOLUTION NO. 2022-74

A RESOLUTION AUTHORIZING ACCEPTANCE OF A DEPARTMENT OF JUSTICE PATRICK LEAHY BULLETPROOF VEST PARTNERSHIP (VEST) GRANT AND TAKING OTHER NECESSARY ACTION WITH RESPECT TO SUCH GRANT PROGRAM

WHEREAS, the City of Walla Walla passed Municipal Ordinance A-2405 on May 13, 1970 which classified the City of Walla Walla as a nonchartered code city under Title 35A of the Revised Code Washington (RCW); and

WHEREAS, RCW 35A.11.020 provides in pertinent part that “[t]he legislative body of each code city shall have all powers possible for a city or town to have under the Constitution of this state, and not specifically denied to code cities by law;” and

WHEREAS, Walla Walla has “all of the powers which any city of any class may have and shall be governed in matters of state concern by statutes applicable to such cities in connection with such powers to the extent to which such laws are appropriate and are not in conflict with the provisions specifically applicable to code cities” pursuant to RCW 35A.21.160; and

WHEREAS, RCW 35A.11.040 authorizes the Walla Walla City Council to “accept any gift or grant for any public purpose and may carry out any conditions of such gift or grant when not in conflict with state or federal law;” and

WHEREAS, section 35.21.735 of the Revised Code of Washington declares that “carrying out the purposes of federal grants or programs is both a public purpose and an appropriate function for a city, town, county, or public corporation” and authorizes entry into agreements to receive and expend grant funds; and

WHEREAS, Chapter 39.34 of the Revised Code of Washington authorizes political subdivisions to enter into intergovernmental cooperation agreements, and

WHEREAS, the City of Walla Walla has applied for a grant from the United States Department of Justice to help pay for ballistic vests; and

WHEREAS, the Walla Walla City Council has considered this matter during a regularly and duly called public meeting of said Council, has given said matter careful review and consideration, and finds that it is an appropriate function for the city and that the best interests of the City of Walla Walla will be served by passage of this resolution;

NOW THEREFORE, the City Council of the City of Walla Walla resolves as follows:

Section 1: The City Manager of the City of Walla Walla is hereby authorized to accept a Department of Justice VEST grant on behalf of the City of Walla Walla, and the Walla Walla City Manager, and/or designees of the Walla Walla City Manager, are hereby authorized and empowered to execute a grant agreement and other documents that may be required to participate in the grant program.

Section 3: The City Manager of the City of Walla Walla is designated as the chief administrative official and authorized representative in all matters arising out of

participation in the grant program authorized by Sections 1 and 2 herein, and the City Manager of the City of Walla Walla, and/or designees of the Walla Walla City Manager, are hereby authorized, empowered, and directed to comply with program requirements and to make such certifications, reports, or other representations which may be necessary on behalf of the City of Walla Walla.

Section 4: The Walla Walla City Manager, and/or designees of the Walla Walla City Manager, are hereby authorized and empowered to approve and execute other documents related to and required by the grant program.

Section 5: The City Manager of the City of Walla Walla is hereby authorized and empowered to execute intergovernmental agreements, sub-recipient agreements, and other documents regarding acceptance, receipt and use of grant funding and participation in the grant program, and amendments thereto, on the following conditions: (a) the content of any agreement, document or amendment executed by the Walla Walla City Manager shall comply with grant program requirements, (b) no agreement, document or amendment executed by the Walla Walla City Manager shall relieve the City of Walla Walla from compliance with enactments of the Walla Walla City Council or any other non-delegable obligation or responsibility imposed by law, (c) any agreement, document or amendment executed by the City Manager shall be reported to the Walla Walla City Council at the first meeting of the Walla Walla City Council following execution of the agreement, document or amendment, and (d) any agreement, document or amendment executed by the City Manager may be revoked and terminated by the Walla Walla City Council at the meeting that it is first reported to the Walla Walla City Council.

Section 6: The Walla Walla City Clerk is hereby authorized and directed to attest any agreement or other document executed in accordance with this resolution.

PASSED by the City Council of the City of Walla Walla, Washington, May 25, 2022.

Mayor

Attest:

City Clerk

Approved as to form:

City Attorney



ar-4671

Pgs. 28-37

City Council - Regular Meeting

Meeting Date: 05/25/2022

Submitted For: Kammy Hill, Support Services

Add'l Contributors:

Information

ITEM TITLE:

Approves minutes of the May 9 Work Session and the May 11 Council meeting.

Attachments

05-09-2022 Minutes

05-11-2022 Minutes

WALLA WALLA CITY COUNCIL
Work Session Minutes
May 9, 2022

1. CALL TO ORDER

Mayor Scribner called the meeting to order at 4:00 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, Deputy City Manager Elizabeth Chamberlain, City Attorney Tim Donaldson, Development Services Director Preston Frederickson, Public Works Director Ki Bealey, Water Distribution Supervisor Adrian Sutor, and City Clerk Kammy Hill.

2. ACTIVE AGENDA

- A. Housing Ad-Hoc Committee's recommendation on manufactured housing preservation policy.

Staff reviewed the five policy recommendations from the ad hoc housing task force:

1. Comprehensive Plan Amendment and Area-wide Rezone to create a specific manufactured home park zone.
2. Maintain the current zoning code permitted uses within the Neighborhood Residential, Multi-family, and Highway Commercial zones that allows new manufactured home parks.
3. Zoning code text amendment to establish a notification plan requirement (City of Kenmore's and City of Kent's approach/example).
4. Zoning code text amendment to establish a process where residents, park homeowners' association, and eligible organizations be given an opportunity to purchase or lease the manufactured home park.
5. Zoning code text amendment to revised general development standards regarding manufactured home placement on fee simple lots in the Neighborhood Residential zone.

WORK SESSION MINUTES

MAY 9, 2022

PAGE 2

There was discussion on:

- The thoughtful process used by the ad hoc housing task force to ensure that additional manufactured home parks are not precluded from development.
- Additional issues that the task force is continuing to work on.
- The thorough research performed on actions taken by other municipalities to ensure the legality of the action.
- The process to amend the comprehensive plan to allow for zone code amendments.
- Zoning amendments and other allowable uses in a manufactured home park zone.
- Requirement for a notification process.
- Whether recommendation number 4 can withstand a legal challenge.
- Manufactured home park residents want housing security and other measures that might be taken to allow for the purchase of land rather than leasing.
- Bringing policies back before the City Council for review before a formal application is made.

B. Water use efficiency goals.

Staff reviewed the requirement that water use efficiency goals be established every six years and the progress made on the current goals.

The proposed goals for 2023-2028 are:

Supply side

- Meter Testing Program.
- Capital Improvement Program - replacement of failing distribution piping.
- Leak detection and repair.
- Reduce water loss by one percent per year.

Demand side

- Leak notification to customers.
- Customer portal.

There was discussion on:

- Notification process to utility customers when water leaks are found.
- Reduction in water loss and role of the Infrastructure Repair & Replacement program.
- Identifying water leaks in the distribution lines.
- Eliminating system redundancy.
- Using a customer portal as an educational tool.

WORK SESSION MINUTES

MAY 9, 2022

PAGE 3

- Water conservation measures.
- Benefits to fish passage due to reduced water loss.
- Water use efficiency goals and how it fits within the strategic plan.

3. ADJOURNMENT

There being no further business, the meeting adjourned at 5:25 p.m.

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.

WALLA WALLA CITY COUNCIL MINUTES
MAY 11, 2022
PAGE 2

- 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.

WALLA WALLA CITY COUNCIL MINUTES
MAY 11, 2022
PAGE 3

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.

**WALLA WALLA CITY COUNCIL MINUTES
MAY 11, 2022
PAGE 4**

- 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

**WALLA WALLA CITY COUNCIL MINUTES
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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.



ar-4645

Pgs. 38-61

City Council - Regular Meeting

Meeting Date: 05/25/2022

Item Title: Approves the Narum and Burseth Annexation of 11 acres

Submitted For: Jon Maland, Development Services Department

Project No:

ANX-21-0005

Financial Comments:

N/A

All Contracts:

Not Applicable

Federally funded contracts only:

Not Applicable

Construction contracts only:

Not Applicable

Brief Summary of Requested Action:

The City Council is to conduct a Public Hearing to gather input on the proposed 60% Annexation Petition for the Narum and Burseth properties and then determine whether to approve or not approve the annexation.

Information

HISTORY:

October 6, 2021: The City received a 10% Notice to Commence Annexation petition submitted by the property owner(s) of land located at 3080 and 3082 Cottonwood Road, known as the Narum and Burseth properties. The future land use designation for the subject properties is Residential and implementing zoning designation would be Neighborhood Residential. The proposed annexation boundary is contiguous to the City limits.

January 26, 2022: The City Council met and determined to accept the annexation boundary, as proposed by the petitioners, through Resolution 2022-08.

March 9, 2022: Staff received a sufficient petition signed by owners of the properties, which is not less than sixty percent (60%) of the assessed value of the proposed annexation area. The petition has been sent to the County Assessor's office for sufficiency of signature determination and the 60-day notice to taxing districts, via certified mail and email, was provided as required by RCW 35A.14.801.

The City Council on April 13, 2022, set May 25, 2022, as the public hearing date via Resolution 2022-52.

A Public Hearing notice was provided, in accordance with Walla Walla Municipal Code Section 20.02.080, as follows: Mailed to adjacent property owners and property owners within the annexation boundary – April 27, 2022. Posted in three locations within the annexation boundary as required by RCW 35A.14.130 – April 29, 2022. Published in the Union Bulletin on April 29, 2022. Posted on the City's website on April 29, 2022.

The public hearing scheduled for May 25, 2022, is for the City Council to gather public input on the proposed annexation and then determine whether to approve or not approve the annexation.

POLICY ISSUES:

Area Characteristics and Potential Impacts:

Land Use Designations/Zoning - The proposed zoning applied to the annexation area is Neighborhood Residential. The comprehensive plan (and any amendments) is adopted by the City Council. Future development of the land would follow the applicable zoning designation and the permitted uses outlined in the Walla Walla Municipal Code.

Housing- The Regional Housing Action Plan, adopted by City Council via Ordinance 2021-23, states the need for additional housing with the following: "The Walla Walla Region should plan to add approximately 4,685 net new housing units over the next 20 years." [... and] "Based on the residential capacity analysis and this housing needs assessment, the following conclusions are made: [...] Walla Walla UGA: the projected 20-year housing need of 3,570 dwelling units is below the potential UGA capacity of 3,740 dwelling units... It is recommended that the [City of Walla Walla ...] ensure that new housing density can be optimized within current UGA's..." This annexation of the subject property will allow for new housing and accomplish the recommendations within the Regional Housing Action Plan.

Streets - Cottonwood Road in the vicinity of the subject property is substandard and does not include adequate accommodations for either bicyclists or pedestrians. Cottonwood Road adjacent to the subject properties has no frontage improvements. Significant concerns have been raised previously by the public over these deficiencies, as well as traffic volumes at the Cottonwood Road/Reser Road/Prospect Avenue intersections, and the lack of safe and convenient bicycle/pedestrian crossing opportunities at the Russell Creek bridge.

Future development of the subject properties, following annexation, will exacerbate these concerns and will be subject to review under the State Environmental Policy Act (SEPA). City-standard frontage improvements adjacent to the property along Cottonwood Road will be required as part of the future development. Additionally, a Traffic Impact Analysis (TIA) may be required to determine the development's proportional share of warranted offsite improvements, such as intersection improvements at Cottonwood Road/Reser Road/Prospect Avenue or a pedestrian bridge over Russell Creek.

Utilities - There are existing utilities within Cottonwood Road, with a twelve inch water line and eight inch sewer line. The proposed annexation area lies within the Cottonwood Trunk System service area. The City of Walla Walla installed the Cottonwood Trunk (Water and Sewer) System Lines in 2001, which was funded by the City Utilities because private developers could not carry the initial cost of such improvements. This water and sewer trunk line was installed in anticipation of future development within the UGA and the Cottonwood Trunk System Special Charge was passed by ordinance 2001-10.

Police - The proposed annexation area includes the existing residential uses. With mutual aid

agreements, the Walla Walla Police Department would respond to an incident within the area today. The Walla Walla Police Department would become the primary responder if the annexation is approved. There is potential for new residential development in the annexation area.

Fire - The area currently being considered for annexation is within the eight-minute response time zone for a City of Walla Walla Fire Department (WWFD) engine response. Currently, this area is served by Walla Walla County Fire District #4 (WWCFD#4).

The City of Walla Walla and WWCFD#4 are signatories to a county-wide mutual aid agreement. The mutual aid agreement has no funding attached and is in place for the rare occasion an agency's available resources are not adequate to manage an incident.

The City has entered into an annexation mitigation agreement with WWCFD#4 to address the financial impacts to the District and their ability to maintain its current service level to the portion of the District that remains after an annexation has become effective. The six-year agreement is on a sliding scale. The City agrees to pay the District 100% of the property tax revenues (from the annexation area) the first year the annexation becomes effective, 80% the second year, 60% the third year, 40% the fourth year and 20% the fifth year. The District would continue to respond into the annexed area until the end of the mitigation agreement. Currently, the City has a Class "3" rating for fire protection from Washington Survey and Rating Bureau (WSRB). Residents in the area to be annexed will benefit from a lower fire rating per the Washington Survey & Rating Bureau (WSRB). Insurance companies base their fire insurance premiums partly on the rating of a jurisdiction.

Sanitation - Recycling will be available to residential customers, if the annexation is approved. The City contracts with BDI for recycling services. BDI will continue to provide sanitation service for 138 months (or 11 ½ years) from the annexation effective date, if the annexation is approved. At the end of the 138 months, the City would assume sanitation service.

Stormwater - Only developed parcel(s) will be assessed a stormwater utility fee.

Census - A census will be required with this annexation, if approved, with the existing residences. The census must be completed within 30 days of the annexation effective date.

PLAN COMPLIANCE:

STRATEGIC PLAN: Key Focus Area - Livability; Strategic Objective 1 - Address Housing Crisis in Community; Initiatives - Incentives to support diversity of housing types, and Implement the Regional Housing Action Plan Policy Recommendations.

COMPREHENSIVE PLAN:

As identified in the Countywide Planning Policies and the City's Comprehensive Plan, the expectation is that the urban growth area will be annexed into the city. The City plans for the urban growth area in how to provide utility and community services and plans for other infrastructure improvements, such a future street connectivity.

Walla Walla Comprehensive Plan – Walla Walla 2040

LU Policy 1.2: Annex and provide services to all lands within the Urban Growth Area.

CFU Policy 2.2: Provide utility services to areas of the city and UGA based on the following criteria:

- New subdivisions must connect to utilities
- Proposed new residences within 300 feet of a sewer main must connect to the sewer.
- A proposed residence must connect to the public water system if the lot does not currently have an approved well. Any new well proposed must follow the Walla Walla Municipal Code.
- Property within the UGA shall annex prior to receiving city utilities.

County Wide Planning Policy 2.6.2.3.6, Appendix G: Urban growth management agreements shall include a method for sharing net revenues, services and expenses, if appropriate, in annexation of significantly developed residential, commercial or industrial areas through a phased program established for a set period of time. Compensation formulas shall address revenue sources eligible for sharing and take into account shifts in the cost of service obligations. If the cost of service exceeds the amount generated from annexation areas, excess shall be deducted from any ongoing payment previously established. Cross jurisdictional equity should be considered for city to city interactions as well as city to county.

County Wide Planning Policy 2.6.2.3.8, Appendix G: Each city shall designate a potential annexation area. Within this area the city shall adopt criteria for annexation and a schedule for provision of urban services and facilities within the potential annexation area.

County Wide Planning Policy 2.6.2.3.9, Appendix G: A city may annex territory only within its designated potential annexation area. All cities shall phase annexation to coincide with the ability to provide a full range of urban services to areas to be annexed.

County Wide Planning Policy 2.6.2.3.10, Appendix G: Undeveloped urban areas should be annexed to adjacent cities when urban services become available or are proposed to become available concurrent with development.

Walla Walla County Comprehensive Plan

Amended August 5, 2019: Policy LU-8.5: Encourage annexation of significantly developed residential, commercial, or industrial areas within the UGAs.

ALTERNATIVES:

At the conclusion of the public hearing, the City Council will determine whether to approve or not approve the proposed annexation.

STAFF RECOMMENDATION:

City Council adopt the Ordinance approving the annexation.

1. Annexation should follow an orderly boundary to better realize the effective delivery of municipal services.
2. The area annexed to assume the City zoning designation of Neighborhood Residential consistent with the land use designations adopted through the Comprehensive Plan.
3. The annexation area adopts the City's existing indebtedness.

CITY MANAGER COMMENTS:

Approved for City Council action.

Attachments

Ord 2022-14

ANX-21-0005 Annexation boundary map

ANX-21-0005 60% Petition signed

ANX-21-0005 60 day notice to taxing districts

ANX-21-0005 Public Hearing Notice

Jon Bruhn email

Leah Bruhn email

Patrick Dennis email

ORDINANCE NO. 2022-14

AN ORDINANCE ANNEXING APPROXIMATELY 11 ACRES OF PROPERTY BEING GENERALLY LOCATED AT 3080 AND 3082 COTTONWOOD ROAD, TO THE CITY OF WALLA WALLA AND TAKING SUCH OTHER ACTION RELATED THERETO

WHEREAS, the City of Walla Walla passed Municipal Ordinance A-2405 on May 13, 1970 which classified the City of Walla Walla as a non-chartered code city under Title 35A of the Revised Code Washington (RCW); and

WHEREAS, the Walla Walla County Board of Commissioners passed County Resolution number 90-449 on October 30, 1990 opting into planning activities under the Washington Growth Management Act, RCW Ch. 36.70A; and

WHEREAS, RCW Ch. 35A.14 provides for annexation by direct petition initiated by the filing of notification by owners of property in the territory proposed for annexation which is not less than ten percent (10%) of the assessed value of the property to be annexed; and

WHEREAS, the City of Walla Walla has received sufficient notification from the property owners of intent to annex territory consisting of property, being generally located at 3080 and 3082 Cottonwood Road consisting of approximately 11 acres; and

WHEREAS, the Walla Walla City Council passed Resolution No. 2021-145 at its regular meeting on November 17, 2021 setting January 16, 2022 as the date for meeting with property owners to determine whether the city would accept, reject, or geographically modify the proposed annexation; and

WHEREAS, Walla Walla City Council passed Resolution No. 2022-08 at its January 16, 2022 regular meeting determining that it will accept the annexation boundary area of the Narum and Burseth properties at 3080 and 3082 Cottonwood Road, a total of approximately 11 acres; and

WHEREAS, the owners of property in the area which is not less than sixty percent (60%) of the assessed value of the property to be annexed have signed a petition for annexation and submitted to the City on March 9, 2022; and

WHEREAS, the Walla Walla City Council passed Resolution 2022-52 at its regular meeting on April 13, 2022 setting May 25, 2022 as the public hearing date to consider the annexation; and

WHEREAS, public notice of the public hearing was provided to adjacent property owners, property owners within the annexation boundary, posted in three locations within the annexation boundary, on the city's website, and published in Union Bulletin; and

WHEREAS, the Walla Walla City Council conducted a public hearing at its May 25, 2022 regular meeting; and

WHEREAS, the Walla Walla City Council has considered this matter during a regularly and duly called public meeting of said Council, has given said matter careful review and consideration, and finds that good government and the best interests of the City of Walla Walla will be served by annexation of the area described in Section 1 hereto and taking such other action related thereto.

NOW THEREFORE, the City Council of the City of Walla Walla do ordain as follows:

Section 1: The following described property is hereby annexed to the City of Walla Walla:

Beginning at a point 1223.19' N 00° 48' 15"W of the SE Corner of the Ransom Clark DLC"
 Thence N 00° 48' 15"W 624.03'
 Thence N 87° 14' 15" E 278.00'
 Thence N 00° 48' 15" W 157.50"
 Thence N 87° 14' 15" E 158.00'
 Thence S 36° 30' 14" E 172.76 along the right of way of Cottonwood Road
 Thence along a curve to the left having a radius of 5764.58 feet and an arc length of 212.16',
 being subtended by a chord of S 37° 33' 30" E 212.14' along said right of way
 Thence along a curve to the left having a radius of 5764.58 feet and an arc length of 152.27',
 being subtended by a chord of S 39° 22' 10" E 152.26' along said right of way
 Thence S 40° 07' 34" E 179.81' along the right of way of Cottonwood Road
 Thence S 40° 07' 34" E 69.84' along the right of way of Cottonwood Road
 Thence S 40° 49' 12" E 181.05' along the right of way of Cottonwood Road
 Thence S 87° 14' 15" W 1033.52' to the true point of beginning.

Section 2: The Walla Walla Zoning Code, Walla Walla Municipal Code Title 20, as amended, are hereby adopted and the following zoning designation applied pursuant to the Walla Walla 2040 - Comprehensive Plan Future Land Map:

Parcel Number	Zoning Designation
360604120016	Neighborhood Residential
360604120017	Neighborhood Residential
360604120023	Neighborhood Residential

Section 3: Subject to any applicable exemptions, all property within the area described in Section 1 herein shall be assessed and taxed at the same rate and on the same basis as other property in the City of Walla Walla is assessed and taxed subject to any applicable exemptions. Subject to any applicable exemptions, all property within the area described in Section 1 herein shall be assessed and taxed at such rate and basis to pay for any outstanding indebtedness of the City of Walla Walla contracted prior to, or existing at, the date of annexation.

Section 4: The annexation of the territory described in Section 1 herein shall cancel, as of the effective date of such annexation, any franchise or permit theretofore granted to any person, firm or corporation by the state of Washington, or by the governing body of such territory, authorizing or otherwise permitting the operation of any public utility, including but not limited to, public electric, water, transportation, garbage disposal, solid waste collection, or other similar public service business or facility within the limits of the annexed territory.

A. The holder of any such franchise or permit canceled pursuant to this section is forthwith granted by the City of Walla Walla a franchise to continue such business within the annexed territory for a term which shall expire upon the earliest of either (a) the purchase by the City of Walla Walla of said franchise, business, or facilities at an agreed or negotiated price, (b) the expiration of the remaining term of the original franchise or permit, or (c) the expiration of one hundred thirty-eight (138) months following the effective date of annexation. This franchise shall be exclusive except nothing herein shall prevent the City of Walla Walla from extending similar

or competing services to the annexed territory by franchise, permit or public operation upon a proper showing of the inability or refusal of the franchisee to adequately service said annexed territory at a reasonable price.

B. The City of Walla Walla hereby decides to contract for solid waste collection or provide solid waste collection itself pursuant to RCW 81.77.020 as of the effective date of annexation. The Walla Walla City Clerk is hereby directed to notify the State of Washington Utilities and Transportation Commission, in writing, of the City of Walla Walla's decision to contract for solid waste collection or provide solid waste collection itself pursuant to RCW 81.77.020 as of the effective date of annexation and to attach a copy of this ordinance to such notification.

C. Terms and conditions of solid waste collection franchises. The following terms and conditions apply to solid waste collection franchises:

1. Franchisees must notify the City of Walla Walla in writing of any change in physical business address, business mailing address, or business telephone number. The notice must be filed at least ten days before the effective date of the change.

2. Franchisees must keep and maintain records as provided in Washington Administrative Code Section (WAC) 480-70-061. Franchisees must adhere to accounting requirements of WAC 480-70-066. Franchisees must file with the City of Walla Walla, by no later than May 1 of each year, a complete, accurate, annual report showing an end-of-the-year summary of financial and operational activity of franchisee in the annexed territory. Each franchisee shall make its records available for inspection by the City of Walla Walla.

3. Franchisees shall maintain insurance in a form and amount as provided in WAC 480-70-181 which covers each motor vehicle it operates in the annexed territory.

4. Franchisees shall comply with WAC 480-70-191, WAC 480-70-196, WAC 480-70-201, WAC 480-70-206 and WAC 480-211 with respect to their equipment and drivers.

5. Franchisees shall comply with biomedical waste and hazardous waste rules and regulations promulgated by the State of Washington Utilities and Transportation Commission.

6. Customers in the annexed territory shall be subject to the same rates, charges, customer notice requirements, and consumer rules which apply to the franchisee's customers in unincorporated areas of Walla Walla County.

7. Franchisees shall pay a franchise fee to the City of Walla Walla at a rate of one percent of the franchisee's annual gross operating revenue for the annexed territory. Franchise fees must be paid to the City of Walla Walla by April 1 of each year. The franchise fees shall be used to cover the costs of regulating franchisee.

8. Franchisees shall comply with all federal, state, and local rules and regulations. The terms and conditions of this franchise do not relieve any franchisee from any of its duties or obligations under the laws of the United States, the State of Washington, Walla Walla County, or

the City of Walla Walla. The City of Walla Walla reserves and retains the authority to impose additional or different requirements on any solid waste collection company in appropriate circumstances, consistent with the requirements of law.

9. WAC 480-70-041 is hereby incorporated for the definition of terms used in the Washington Administrative Code, and the City of Walla Walla adopts by reference the regulations and standards identified in WAC 480-70-999.

10. Any amendment of the rules and regulations referenced in this franchise grant shall be deemed to amend the tenors hereof in conformity therewith.

11. Noncompliance with any of the terms or conditions of this franchise shall be deemed to be an inability or refusal of the franchisee to adequately service the annexed territory at a reasonable price.

Section 5: The Walla Walla City Clerk is directed to file a certified copy of this ordinance with the Board of Commissioners for Walla Walla County as provided in RCW 35A.14.140.

Section 6: Certificates of annexation shall be submitted as provided in RCW 35A.14.700.

Section 7: The Walla Walla City Clerk is directed to file, record, and give notice of this ordinance in such manner as required by law.

Section 8: The Walla Walla City Clerk is directed to publish a summary of this ordinance as permitted by RCW 35A.13.200 and 35A.12.160.

Section 9: If any provision of this ordinance or its application to any person or circumstance is held invalid, the remainder of the ordinance and the application of the provision to other persons or circumstances shall not be affected.

PASSED by the City Council of the City of Walla Walla, Washington, this 25th day of May, 2022.

Mayor

Attest:

Approved as to form:

City Clerk

City Attorney

ORDINANCE SUMMARY 2022-14

AN ORDINANCE ANNEXING APPROXIMATELY 11 ACRES OF PROPERTY BEING GENERALLY LOCATED AT 3080 AND 3082 COTTONWOOD ROAD TO THE CITY OF WALLA WALLA AND TAKING SUCH OTHER ACTION RELATED THERETO

The Walla Walla City Council passed Municipal Ordinance 2022-14 at its May 25, 2022, regular meeting which in summary provides as follows:

Section 1: Annexes property to the City of Walla Walla described as follows:

Beginning at a point 1223.19' N 00° 48' 15"W of the SE Corner of the Ransom Clark DLC"
Thence N 00° 48' 15"W 624.03'
Thence N 87° 14' 15" E 278.00'
Thence N 00° 48' 15" W 157.50"
Thence N 87° 14' 15" E 158.00'
Thence S 36° 30' 14" E 172.76 along the right of way of Cottonwood Road
Thence along a curve to the left having a radius of 5764.58 feet and an arc length of 212.16', being subtended by a chord of S 37° 33' 30" E 212.14' along said right of way
Thence along a curve to the left having a radius of 5764.58 feet and an arc length of 152.27', being subtended by a chord of S 39° 22' 10" E 152.26' along said right of way
Thence S 40° 07' 34" E 179.81' along the right of way of Cottonwood Road
Thence S 40° 07' 34" E 69.84' along the right of way of Cottonwood Road
Thence S 40° 49' 12" E 181.05' along the right of way of Cottonwood Road
Thence S 87° 14' 15" W 1033.52' to the true point of beginning.

Section 2: Adopts various zoning designations consistent with the land use designation identified in the Walla Walla 2040 Comprehensive Plan and provides that the property is subject to City zoning regulations.

Section 3: Provides that the annexed property shall be assessed and taxed at the same rate and on the same basis and subject to municipal indebtedness as other property in the City of Walla Walla is assessed and taxed subject to any applicable exemptions.

Section 4: Cancels and grants franchises in the annexed area upon certain terms and conditions.

Section 5: Directs the Walla Walla City Clerk to file a certified copy of this ordinance with the Board of Commissioners for Walla Walla County as provided in RCW 35A.14.140.

Section 6: Certificates of annexation shall be submitted as provided in RCW 35A.14.700.

Section 7: Directs the Walla Walla City Clerk to file, record, and give notice of this ordinance in such manner as required by law.

Section 8: Directs the Walla Walla City Clerk to publish a summary of this ordinance as permitted by RCW 35A.13.200 and 35A.12.160.

Section 9: Provides for severability if any provision of this ordinance or its application to any person or circumstances is held invalid.

The full text of Municipal Ordinance 2022-XX will be mailed upon request made to the Walla Walla City Clerk at Walla Walla City Hall, 15 N. 3rd Avenue, Walla Walla, WA 99362

Summary approved as to form:

City Attorney

ANX-21-0005 Annexation Map



A WONDERFUL PLACE TO **LIVE WORK PLAY**

PETITION TO ANNEX LAND

CITY OF WALLA WALLA, WASHINGTON

TO: Walla Walla City Council

The undersigned, being the owners of not less than sixty percent (60%) in value, according to the assessed valuation for general taxation of the property for which annexation is petitioned, respectfully petition the City Council of the City of Walla Walla, subject to the provisions of RCW 35A.14.150 that all property within the area hereafter annexed shall be assessed and taxed at the same rate and on the same basis as the property of the City of Walla Walla is assessed and taxed, as designated on the official records of the Walla Walla County Assessor as Walla Walla Old Limits.

It is further understood and agreed that all property within the area hereinafter annexed shall be taxed to pay for any then outstanding indebtedness of the City of Walla Walla to which said area is annexed, contracted prior to, or existing at, the date of annexation, as required by the City Council on the 26th of January 2022 pursuant to Resolution No. 2022-08. It is further understood and agreed that all property in the annexed area shall be subject to the zoning regulations of Title 20 of the Walla Walla Municipal Code, as required by the City Council on the 26th of January 2022 pursuant to Resolution No. 2022-08. The property to be annexed lies contiguous to the present corporate limits of the City of Walla Walla, State of Washington, its boundaries are outlined on the map attached hereto, and the property is legally described as follows:

See attached Legal Description and Illustrative Map

Location	Property Owner(s)	Parcel Number(s)	Signature(s)
	NARUM WAYNE L NARUM KATHERINE NARUM RICHARD	360604120023	Wayne L Narum Richard Narum
3080 COTTONWOOD ROAD	NARUM WAYNE L NARUM KATHERINE	360604120017	Wayne L Narum Katherine Narum
3082 COTTONWOOD ROAD	BURSETH JOHN BURSETH GWEN	360604120016	John Paul Burseth Gwen E. Burseth



March 18, 2022

WW County Treasurer Gordon Heimbigner, Treasurer 315 West Main Street Walla Walla, WA 99362	WW County Assessor Debra Antes, Assessor 315 West Main Street Walla Walla, WA 99362	Pacific Power Annexations' P.O. Box 400 Portland, OR 97207-0400
Cascade Natural Gas 324 W. Rose Street Walla Walla, WA 99362	Fire District #4 2251 S Howard Street Walla Walla, WA 99362	Library District Administrative Service Center 37 Jade Ave Walla Walla, WA 99362
Columbia Rural Electric Association Engineering and Operations Department 2929 Melrose Street Walla Walla, WA 99362		

VIA CERTIFIED MAIL AND ELECTRONIC MAIL

Re: ANX-21-0005 Proposed Annexation – Narum and Burseth, 3080 and 3082 Cottonwood Road

Greetings:

The City of Walla Walla is considering the annexation of property on Cottonwood Road within the Urban Growth Boundary. **The proposed annexation is illustrated in the attached map and described in the attached legal description.**

Parcel Number(s): 360604120017, 360604120023 and 360604120016

Site Addresses: 3080 and 3082 Cottonwood Road

The Walla Walla City Council has accepted the 10% petitions by passing the following resolution :

- Resolution No. 2022-08 on January 26, 2022

By accepting the proposed annexation, the council is not committing itself to ultimately annexing the territory proposed when a sufficient petition is presented to it. The decision to accept merely allows the annexation to go forward procedurally. In the event that the Walla Walla City Council ultimately annexes this area, the City of Walla Walla is providing you notice pursuant to **RCW 35A.14.801** which requires notification of annexation at least 60 days before the effective date of annexation.

A WONDERFUL PLACE TO **LIVE WORK PLAY**

The City anticipate the public hearing and action on the proposed annexation to take place on the following date: May 25, 2022.

This letter also serves as notice to the County Treasurer under RCW 35A.14.801 regarding remittance of road taxes, fire district taxes, and library district taxes, within the annexation area, if the annexation is approved.

For more information or questions please contact me at jmaland@wallawallawa.gov or 509-524-4710

Sincerely,

A handwritten signature in cursive script, appearing to read "Jon Maland".

Jon Maland, AICP
Senior Planner

Enclosure: Annexation Boundary Map(s) and Legal Descriptions

cc: Jean Teasdale, Finance Director (via email)
Deepti Vijayan, GIS Supervisor (via email)
David Jensen, Solid Waste Supervisor (via email)

Legal Description:

Beginning at a point 1223.19' N 00° 48' 15"W of the SE Corner of the Ransom Clark D.L.C.

Thence N 00° 48' 15"W 624.03'

Thence N 87° 14' 15" E 278.00'

Thence N 00° 48' 15" W 157.50"

Thence N 87° 14' 15" E 158.00'

Thence S 36° 30' 14" E 172.76 along the right of way of Cottonwood Road

Thence along a curve to the left having a radius of 5764.58 feet and an arc length of 212.16', being subtended by a chord of S 37° 33' 30" E 212.14' along said right of way

Thence along a curve to the left having a radius of 5764.58 feet and an arc length of 152.27', being subtended by a chord of S 39° 22' 10" E 152.26' along said right of way

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Thence S 40° 07' 34" E 69.84' along the right of way of Cottonwood Road

Thence S 40° 49' 12" E 181.05' along the right of way of Cottonwood Road

Thence S 87° 14' 15" W 1033.52' to the true point of beginning.

ANX-21-0005 Annexation Map





Walla Walla City Council Public Hearing Notice

File# ANX-21-0005

Notice is hereby given on **April 29, 2022**, that the City Council of the City of Walla Walla will hold a public hearing for the purpose of considering a proposed annexation of approximately 11 acres of property generally located at 3080 and 3082 Cottonwood Road, as illustrated by the attached map.

Said properties shall retain their existing land use designations and zoning if the annexation is approved. Properties within the annexation boundary include the following zoning designation:

- Neighborhood Residential

The public hearing will be held May 25, 2022, at 6:30 p.m. at the Council Chambers at City Hall, located at 15 North 3rd Avenue, Walla Walla.

Written comments may be submitted to khill@wallawallawa.gov.

May 25 City Council Meeting Agenda and meeting available links at www.wallawallawa.gov/government/city-council

Written testimony for the public hearing may be submitted to khill@wallawallawa.gov prior to 6:30 p.m. on May 25, 2022, or mailed to Kammy Hill, City of Walla Walla, 15 N. 3rd Avenue, Walla Walla, WA 99362. If mailing via U.S. Postal Service the written comments must be received prior to 2:00 p.m. on May 25, 2022.

All interested parties are invited to participate and voice their comments on the annexation. Any person needing further information on this proposal may direct their questions to Jon Maland, Senior Planner at (509) 524-4710 or email permits@wallawallawa.gov.

A map of the proposed annexation area is provided on the reverse page.

ANX-21-0005 Annexation Map



A WONDERFUL PLACE TO **LIVE WORK PLAY**

From: [Jonathan Bruhn](#)
To: [Kammy Hill](#)
Subject: File # ANX-21-0005
Date: Friday, May 20, 2022 7:38:28 AM

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Jonathan A. Bruhn
255 Coyote Ridge Dr.
Walla Walla, WA 99362

May 18, 2022

RE: File# ANX-21-0005

Dear Council Members,

I am writing to you today to oppose the 60% annexation petition for the Narum/Borseth land on Cottonwood Rd.

As you all well know the southside has had several pieces of land annexed for proposed development and now we have this land and two others under consideration for annexation. One off McBeth road and another just up the road on Cottonwood. The one thing in common with all these passed annexations and the proposed ones are increased traffic through some of the most sensitive intersections in the city. These intersections are sensitive because they involve two of the busiest schools in the city.

Annexation of this land and the others in combination with those already proposed threaten to make these intersections unsafe for pedestrians, bicycles, and cars. While one of the above proposed developments/annexations has a development agreement requirement that has yet to be seen, some of the others were annexed without the benefit to the public of a development agreement. The city seems to be determined to make Cottonwood a major arterial, which it will become should all these developments and annexations come to pass but the public has yet to see a comprehensive plan/requirement from the city to fix the numerous traffic problems all this development on the south side will cause should they all come to fruition. Issues with the Cottonwood cut, the bridge over Russell Creek and the intersections near the Prospect Point Elementary school need to be addressed. This should not turn into a situation like the Pleasant Lane annexation done in April where the city annexed into the city land that will require substantial infrastructure investment by the city to remedy problems and while the developers do contribute some of the costs most of the burden seems to fall on the city taxpayers. The city should be prudent here and require a development agreement by the petitioner (Narum/Borseth) so we (the public) and they (the developer) can realistically anticipate some of the costs and the remedies that will be needed because building without knowing the above is foolish and not in the taxpayer's best interest. Better yet the city council should consider a moratorium on southside development until a

comprehensive traffic plan can be developed instead of this piecemeal approach. The city's own comprehensive plan states that development should not proceed on the southside of the city which all these proposed developments seem to contradict. The least the city can do if it is determined to not follow its own comprehensive plan is to declare a moratorium on development until a master traffic plan is developed. Failure to do this will result in a less than satisfactory result and require that at some point the city bears the burden of upgrading traffic infrastructure.

Finally, I also have concerns regarding storm water coming off this development. I see no way that the retention pond to the northwest of the proposal can hold their runoff when it gets full like it is right now from the runoff from Table Rock and Boulders due to recent rains.

In conclusion this land should not be annexed until at the minimum a development agreement is reached to ensure that the public is protected and kept safe regarding traffic and stormwater. I also urge the council to place a moratorium on southside development until such time a total comprehensive plan for traffic affecting all the intersections surrounding both schools is in place and can be commented on by the public. A development agreement should not ensure annexation but it does ensure a more informed public which can lead to a win-win situation for the developers, the public and the city.

Sincerely,

Jonathan Bruhn
255 Coyote Ridge Dr.
Walla Walla, WA.

From: [Leah Bruhn](#)
To: [Kammy Hill](#)
Subject: Re:Annexation File#ANX-21-0005
Date: Friday, May 20, 2022 5:42:52 AM

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Leah Bruhn
255 Coyote Ridge Drive
Walla Walla, WA 99362-8749

May 20, 2022

RE: File # ANX-21-0005

Dear Council Members,

I am writing today to oppose the approval of the 60% annexation petition of the Narum/Borseth land located on Cottonwood Road just west of Table Rock.

The city has already annexed properties north of this annexation and along Cottonwood Road. It has approved a development with multi-density at Herbert Place and a new housing development just south of the High School. Add these to attempted annexation of this land, land on McBeth Road and the land just south of Table Rock and the traffic situation will become terrible. If the city proceeds with all of the above annexations traffic through the school zones will become dangerous. Passing this annexation will jeopardize pedestrian and bicycle safety. Per the proposed plat it appears the entrance and exit to the proposed development will be too close to existing entrances to both Table Rock and Sidney Heights. Add in the bridge over Russell Creek that has a blind corner and does not meet city standards for sidewalks and bike lanes, and I can see that there will be serious safety issues.

The city should table this annexation until such time as they have a development agreement with the developer or declare a moratorium on development on the southside until the city and all the developers with annexations in the wings sit down and present to the public a comprehensive plan to manage the increased traffic burden that these future developments would impose on the residents. School safety should be a priority along with safety for pedestrians, bicyclists, and autos all along Cottonwood Road and with the four critical intersections surrounding the schools.

I also have issues with this proposed annexation as I do not see how the storm water

will be managed. The retention pond just north of Boulders is currently full of water from our recent rains and I cannot see how it can handle more from a development just across the street.

Finally, I have concerns with water pressure to Table Rock if this development goes through. If built, will we have enough water pressure for household needs but more importantly for fire protection.

In conclusion there are multiple issues beside the above-mentioned ones that merit a development agreement that can be reviewed by the public and commented on before annexation proceeds. Please do not approve this annexation at this time.

Respectfully,

Leah Bruhn

Sent from my iPhone

From: [Patrick Dennis](#)
To: [Kammy Hill](#)
Subject: Narum/Burseth Annexation
Date: Friday, May 20, 2022 9:43:16 AM

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

To the City Council:

I am concerned about future development and further annexations along Cottonwood Road on the south side of Walla Walla. I am not necessarily opposed to these but am very concerned that they are piecemeal and their impacts not being analyzed in a comprehensive manner.

I am most concerned about the impacts on (i) traffic/pedestrian/cyclist safety, (ii) water pressure issues, and (iii) the impacts of storm water runoff and the ecology of the fragile Triple Creek area.

I strongly believe that before any additional annexation and development is approved, the city of Walla Walla should have in place (and begin implementing of) a comprehensive plan to deal with these issues. The council needs to look forward, anticipate potential problems and institute policy that will mitigate risks associated with these future developments. If this is done properly, our community can grow in a safe and orderly manner and everyone will benefit.

Thank you for your attention.

Patrick P Dennis
203 Thunder Ridge Dr
Walla Walla WA 99362



ar-4653

Pgs. 62-70-

City Council - Regular Meeting

Meeting Date: 05/25/2022

Item Title: Approval of CDBG 2022 Action Plan

Submitted For: Lydia Caudill, Support Services

Financial Comments:

The City will receive \$383,794 from the US Department of Housing and Urban Development for the 2022 CDBG program.

All Contracts:

Not Applicable

Federally funded contracts only:

Not Applicable

Construction contracts only:

Not Applicable

Brief Summary of Requested Action:

Adopt a resolution to approve the 2022 CDBG Annual Action Plan.

Information

HISTORY:

In May of 2013, the US Department of Housing and Urban Development (HUD) formally notified the City of its "...status as a potential entitlement under the Community Development Block Grant (CDBG) program and eligibility."

In 2014, the City of Walla Walla approved its first 5-year Consolidated Plan and started receiving an annual allocation of Community Development Block Grant (CDBG) funds from HUD. In accordance with federal guidelines, CDBG funds are provided to projects that meet a national objective and carry out an eligible activity. While the amount available for allocation varies from year to year, the City of Walla Walla's total CDBG allocation over the 5-year period was \$1,858,398.00.

The second 5-year CDBG Consolidated Plan was approved by City Council Resolution 2018-114 on November 7, 2018 and is currently underway. The 2022 Annual Action Plan continues to fund projects that meet the following priority needs: increase affordable and accessible housing; enhance the quality of life for Walla Walla residents; promote healthy and vibrant neighborhoods; and support economic development activities. Funding for 2022 will be \$383,794.

Proposed activities for the 2022 Annual Action Plan include home repair programs, public services, public infrastructure improvements (Walla Walla Senior Center Parking Lot), and

economic development activities via the Micro-Business Assistance Program.

Public hearing and 30-day public comment period notices were published, in accordance with the CDBG Citizen Participation Plan, as follows:

Published in the Union Bulletin: **November 1, 2021**

Posted on the City's website and posted at City Hall: **November 18, 2021**

Public comment period ran from **November 18 to December 19, 2021**

The City Council is asked to determine whether to approve or not approve the 2022 plan.

([Click here to view the plan](#))

POLICY ISSUES:

CDBG funds are administered by the City's Support Services Department. The CDBG allocation must focus on projects benefiting low-and moderate-income persons and neighborhoods. Toward that end, the City's 2019-2023 CDBG Consolidated Plan includes a needs assessment and market analysis outlining levels of need in the areas of affordable housing, homelessness, special needs, and community development. This information forms the basis of a strategic plan to address priority needs given available funding and local capacity to carry out the activities over the five-year period.

Development of the CDBG Consolidated Plan and each subsequent Action Plan is guided by a Citizen Participation Plan (CPP) to provide for and encourage broad citizen involvement in the development of the CDBG funding priorities, substantial amendments to the CDBG Plans, and performance and evaluation reporting. The 2022 Annual Action Plan reflects the priorities and needs identified in the 2019-2023 Consolidated Plan. Formal adoption of the plan by the City Council is required before the plan is submitted to HUD.

PLAN COMPLIANCE:

STRATEGIC PLAN:

Annual Action Plan supports three of the four key focus areas of Livability, Economic Health, and Safe Community.

COMPREHENSIVE PLAN:

Community Character Goal 2: All of Walla Walla's residential communities are livable and attractive.

CC Policy 2.3: Enhance the following residential neighborhoods that include important housing stock with streetscape improvements and home improvement programs such as tool loan programs, self-help assistance, and homeowner loans

Housing Goal 1: A broad range of housing choices is available to meet the needs of people of diverse socioeconomic status, household type, and age.

H Policy 1.2: Address the causes of homelessness by working with local agencies and nonprofits that provide services to this community.

H Policy 1.5 : Coordinate and collaborate with private agencies to ensure housing for people with special needs including seniors, people with physical and developmental limitation, victims of domestic violence, and homeless individuals and families.

Housing Goal 2: Attractive and functional neighborhoods are welcoming to all types of

households.

H Policy 2.7: Develop a housing assistance program that helps homeowners with low incomes with small remodeling projects to improve weatherization, increase sustainability, and provide accommodations for disabilities.

Economic Development Goal 4: Walla Walla has a supportive environment for entrepreneurial opportunities and startup businesses.

ED Policy 4.3: Walla Walla offers a high quality of life for entrepreneurs, their families, and employees.

ALTERNATIVES:

At the conclusion of the public hearing, the City Council will determine whether to approve or not the proposed 2022 CDBG Action Plan.

STAFF RECOMMENDATION:

Approve 2022 CDBG Action Plan.

CITY MANAGER COMMENTS:

Approved for City Council action.

Attachments

Res 2022-75

RESOLUTION NO. 2022-75

A RESOLUTION ADOPTING THE CITY OF WALLA WALLA'S COMMUNITY DEVELOPMENT BLOCK GRANT ANNUAL ACTION PLAN AND TAKING FURTHER ACTION IN CONNECTION THEREWITH

WHEREAS, the City of Walla Walla passed Municipal Ordinance A-2405 on May 13, 1970 which classified the City of Walla Walla as a nonchartered code city under Title 35A of the Revised Code Washington (RCW) with a council-manager form of government; and

WHEREAS, RCW 35A.11.040 authorizes the Walla Walla City Council to "accept any gift or grant for any public purpose and may carry out any conditions of such gift or grant when not in conflict with state or federal law;" and

WHEREAS, RCW 35A.11.020 provides in pertinent part that "[t]he legislative body of each code city shall have all powers possible for a city or town to have under the Constitution of this state, and not specifically denied to code cities by law;" and

WHEREAS, RCW 35.21.735 declares that "carrying out the purposes of federal grants or programs is both a public purpose and an appropriate function for a city, town, county, or public corporation" and authorizes entry into agreements to receive and expend grant funds; and

WHEREAS, RCW 35A.13.080(9) provides in pertinent part that the City Manager may perform such duties as the council may determine by ordinance or resolution; and

WHEREAS, the City of Walla Walla was notified by the U.S. Department of Housing and Urban Development on May 15, 2013 that it could qualify as a Community Development Block Grant entitlement grantee to receive annual formula allocations pursuant to the HUD regulations at 24 CFR § 570.4; and

WHEREAS, the City of Walla Walla notified the U.S. Department of Housing and Urban Development by letter dated September 13, 2014 that it would accept entitlement status under the Community Development Block Grant program; and

WHEREAS, the Walla Walla City Council passed City Resolution 2014-19 on February 26, 2014 adopting a Community Development Block Grant citizen's participation plan in accordance with 24 CFR § 91.105 and establishing a CDBG citizens advisory group whose membership is appointed by the Walla Walla City Manager; and

WHEREAS, the Walla Walla City Council passed City Resolution 2018-114 on November 7, 2018 adopting the 2019-2023 Community Development Block Grant consolidated plan; and

WHEREAS, the City of Walla Walla prepared a 2022 Annual Action Plan in accordance with 24 CFR § 91.200 *et. seq.*; and

WHEREAS, the City of Walla Walla published notice on November 1, 2021 that its draft 2022 Annual Action Plan was available for public review and comment and that

it would conduct a public hearing on its draft plan; and

WHEREAS, the Walla Walla City Council conducted a public hearing on the City's draft 2022 Annual Action Plan; and

WHEREAS, the Walla Walla City Council has considered the City's Community Development Block Grant 2022 Annual Action Plan during a regularly and duly called public meeting of said Council, has given careful review and consideration, and finds that it is an appropriate function for the city and that the best interests of the City of Walla Walla will be served by passage of this resolution;

NOW THEREFORE, the City Council of the City of Walla Walla resolves as follows:

Section 1: The City of Walla Walla hereby adopts the attached Community Development Block Grant 2022 Annual Action Plan, and the City Clerk of the City of Walla Walla is hereby authorized and directed to attest such plan and to attach to each duplicate thereof a copy of this Resolution. The Walla Walla City Manager is hereby directed to submit the consolidated plan to the U.S. Department of Housing and Urban Development in accordance with HUD requirements for its review and approval.

Section 2: The City Manager of the City of Walla Walla is designated as its chief administrative official and authorized representative in all matters arising out of participation in the Community Development Block program, and the City Manager of the City of Walla Walla is hereby authorized, empowered, and directed to comply with program requirements on behalf of the City of Walla Walla; provided, however, that the City Manager may delegate authority and assign duties for complying with program requirements to members of the City of Walla Walla's administrative service.

Section 3: The Walla Walla City Manager is hereby authorized, empowered, and directed to accept Community Development Block Grant funding and to execute contracts and agreements, and amendments thereto, necessary to receive such funding on behalf of the City of Walla Walla, and the City Clerk of the City of Walla Walla is hereby authorized and directed to attest such documents and to attach to each duplicate thereof a copy of this resolution.

Section 4: The Walla Walla City Manager is hereby authorized and empowered to approve, execute, and submit certifications and other documents related to and required by the Community Development Block Grant program, and the City Clerk of the City of Walla Walla is hereby authorized and directed to attest such documents and to attach to each duplicate thereof a copy of this resolution.

Section 5: The City Manager of the City of Walla Walla is hereby authorized and empowered to execute sub-recipients agreements, and amendments thereto, regarding use

of Community Development Block Grant program funding on behalf of the City of Walla Walla or such other documents that may be necessary, on the following conditions: (a) the content of any agreement or amendment executed by the Walla Walla City Manager shall comply with Community Development Block Grant program requirements, (b) no agreement or amendment executed by the Walla Walla City Manager shall relieve the City of Walla Walla from compliance with enactments of the Walla Walla City Council or any other nondelegable obligation or responsibility imposed by law, (c) any agreement or amendment executed by the City Manager shall be reported to the Walla Walla City Council at the first meeting of the Walla Walla City Council following execution of the amendment, and (d) any agreement or amendment executed by the City Manager may be revoked and terminated by the Walla Walla City Council at the meeting that it is first reported to the Walla Walla City Council.

Section 6: The City Manager of the City of Walla Walla is hereby authorized and empowered to execute intergovernmental agreements, and amendments thereto, arising out of participation in the Community Development Block Grant program on the following conditions: (a) the content of any agreement or amendment executed by the Walla Walla City Manager shall comply with Community Development Block Grant program requirements, (b) no agreement or amendment executed by the Walla Walla City Manager shall relieve the City of Walla Walla from compliance with enactments of the Walla Walla City Council or any other nondelegable obligation or responsibility imposed by law, (c) any agreement or amendment executed by the City Manager shall be reported to the Walla Walla City Council at the first meeting of the Walla Walla City Council following execution of the amendment, and (d) any agreement or amendment executed by the City Manager may be revoked and terminated by the Walla Walla City Council at the meeting that it is first reported to the Walla Walla City Council.

Section 7: The Walla Walla City Clerk is hereby authorized and directed to attest and file, if necessary, a copy of any agreement or other document executed in accordance with section 5 or 6 of this resolution unless it has been revoked and terminated by the Walla Walla City Council at the meeting that it is first reported to the Walla Walla City Council. Attestation by the City Clerk shall be deemed conclusive proof that the agreement or amendment was reported to the City Council and was not revoked or terminated.

Section 8: The City of Walla Walla certifies that it:

A. It is authorized under State and local law and possesses the legal authority to carry out the programs for which it is seeking funding, in accordance with applicable HUD regulations.

B. It will affirmatively further fair housing, which means that it will conduct an analysis to identify impediments to fair housing choice within its jurisdiction, take appropriate actions to overcome the effects of any impediments identified through that analysis, and maintain records reflecting the analysis and actions in this regard.

C. It has in effect and is following a residential anti-displacement and relocation assistance plan in connection with any activity assisted with funding under the CDBG or HOME programs.

D. It is in compliance with restrictions on lobbying required by 24 CFR part 87.

E. Housing activities to be undertaken with CDBG, HOME, ESG, and HOPWA funds shall be consistent with a strategic plan that has been approved by HUD.

F. It will comply with the acquisition and relocation requirements of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended (42 U.S.C. 4601), and implementing regulations at 49 CFR part 24.

G. It will comply with section 3 of the Housing and Urban Development Act of 1968 (12 U.S.C. 1701u) and implementing regulations at 24 CFR part 135.

H. It is in full compliance and following a detailed citizen participation plan that satisfies the requirements of 24 CFR § 91.105.

I. Its consolidated housing and community development plan identifies community development and housing needs and specifies both short-term and long-term community development objectives that have been developed in accordance with the primary objective of the statute authorizing the CDBG program, as described in 24 CFR 570.2, and requirements of this part and 24 CFR part 570.

J. It shall follow a current consolidated plan (or Comprehensive Housing Affordability Strategy) that has been approved by HUD.

K. It has complied with the following criteria:

(1) With respect to activities expected to be assisted with CDBG funds, the Action Plan has been developed so as to give the maximum feasible priority to activities that will benefit low- and moderate-income families or aid in the prevention or elimination of slums or blight. The plan may also include CDBG-assisted activities that are certified to be designed to meet other community development needs having particular urgency because existing conditions pose a serious and immediate threat to the

health or welfare of the community where other financial resources are not available to meet such needs;

(2) The aggregate use of CDBG funds, including section 108 guaranteed loans, during a period specified by the jurisdiction, consisting of one, two, or three specific consecutive program years, shall principally benefit low- and moderate-income families in a manner that ensures that at least 70 percent of the amount is expended for activities that benefit such persons during the designated period; and

(3) It will not attempt to recover any capital costs of public improvements assisted with CDBG funds, including Section 108 loan guaranteed funds, by assessing any amount against properties owned and occupied by persons of low- and moderate-income, including any fee charged or assessment made as a condition of obtaining access to such public improvements.

However, if CDBG funds are used to pay the proportion of a fee or assessment attributable to the capital costs of public improvements (assisted in part with CDBG funds) financed from other revenue sources, an assessment or charge may be made against the property with respect to the public improvements financed by a source other than CDBG funds.

It will not attempt to recover any capital costs of public improvements assisted with CDBG funds, including Section 108, unless CDBG funds are used to pay the proportion of fee or assessment attributable to the capital costs of public improvements financed from other revenue sources. In this case, an assessment or charge may be made against the property with respect to the public improvements financed by a source other than CDBG funds. Also, in the case of properties owned and occupied by moderate-income (but not low-income) families, an assessment or charge may be made against the property with respect to the public improvements financed by a source other than CDBG funds if the jurisdiction certifies that it lacks CDBG funds to cover the assessment.

L. It has adopted and is enforcing:

(1) A policy prohibiting the use of excessive force by law enforcement agencies within its jurisdiction against any individuals engaged in non-violent civil rights demonstrations; and

(2) A policy of enforcing applicable State and local laws against physically barring entrance to or exit from, a facility or location that is the subject of such non-violent civil rights demonstrations within its jurisdiction.

M. The grant will be conducted and administered in conformity with title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d), the Fair Housing Act (42 U.S.C. 3601–3619) and implementing regulations.

N. Its activities concerning lead-based paint will comply with the requirements of part 35, subparts A, B, J, K, and R of this title 24 CFR.

O. It will comply with applicable laws.

PASSED by the City Council of the City of Walla Walla, Washington, May 25, 2022.

Mayor

Attest:

City Clerk

Approved as to form:

City Attorney



ar-4662

Pgs. 71-77

City Council - Regular Meeting

Meeting Date: 05/25/2022

Item Title: Bid award for the 2022 Wastewater Treatment Plant Phase 1 Improvements

Submitted For: Frank Nicholson, Public Works Department, Engineering Capital Programs

Project No:

WWTP2201

Financial Comments:

Construction bid award in the amount of \$7,046,920.09.

The Engineer's estimate for the project was \$6,600,000.00.

Funded by a \$5 million construction loan from the Public Works Trust Fund with the balance coming from the City's wastewater funds.

All Contracts:

Yes

Federally funded contracts only:

Not Applicable

Construction contracts only:

Yes

Brief Summary of Requested Action:

Awards the bid for the 2022 Wastewater Treatment Plant (WWTP) Phase 1 Improvements construction project to Apollo, Inc. in the amount of \$7,046,920.09.

Information

HISTORY:

WHAT IS THIS CONTRACT FOR?

This is a construction contract with Apollo Inc. for the construction of the 2022 Wastewater Treatment Plant, Phase 1 upgrades.

WHY ARE THESE IMPROVEMENTS NECESSARY?

The Wastewater Treatment Plant (WWTP) is reaching its permitted capacity for Biochemical Oxygen Demand (BOD) making the improvements necessary. Additionally, several systems require replacement to provide/ensure operational performance. Maintaining the Plant in good working order is necessary to ensure compliance with the City's National Pollution Discharge Elimination System (NPDES) wastewater discharge permit. These improvements are listed in the General Sewer Plan Amendment (a requirement of RCW 90.48.110 and WAC 173-240-050).

BACKGROUND:

This project is the continuation of several prior discussions/tasks:

- April 22, 2019 – Signed contract with JUB Engineers to evaluate WWTP BOD capacity.
- May 20, 2019 – Council Work Session presentation regarding BOD capacity at the WWTP.
- September 25, 2019 – Council authorized a professional services contract with JUB Engineers to amend/update the General Sewer Plan (Res. 2019-110). General sewer plans are a requirement of RCW 90.48.110 and WAC 173-240-050. This work was necessary to provide sufficient treatment capacity at the City's WWTP to avoid growth restrictions and to identify necessary upgrades for inclusion in the City's Capital Facilities Plan (a requirement of RCW 36.70A.070(3) and WAC 365-196-415) and the 2022-2027 financial plan.
- August 24, 2020 – Council Work Session presentation by wastewater consulting engineer, Alex Fazzari (JUB Engineers) regarding draft recommendations for the General Sewer Plan update/amendment.
- September 23, 2020 – Council authorized a professional service contract with JUB Engineers to evaluate/re-rate the WWTP's capacity to treat BOD and evaluate options to increase capacity to treat BOD (Res 2020-94).
- June 20, 2021 – Final General Sewer Plan Amendment submitted to the Department of Ecology.
- June 23, 2021 – Council authorized a \$5M Public Works Trust Fund loan application to assist in funding WWTP upgrades (Res. 2021-93).
- August 28, 2021 - City Council approved a professional services contract with JUB Engineers for the design, bidding and construction services for the 2022 Wastewater Treatment Plant, Phase 1 upgrades (Res. 2021-110).
- October 13, 2021 - General Sewer Plan Amendment adopted by Council (Res. 2021-137).
- December 1, 2021 - Capital Facilities Plan adopted by Council (Ord. 2021-38).

On March 22, 2022, a notice of call for bids was published in the Walla Walla Union Bulletin. On May 3, 2022, two bids were received with Apollo Inc. being the lowest responsive and responsible bidder with a bid in the amount of \$7,046,920.09. The low bid exceeds the Engineer's estimate by \$446,920.09 (6.8%). Even though Apollo's bid was greater than the engineers estimate, it is considered responsive and in the City's best interest because it is \$2.4 million under the second bid, and with very high inflation on materials, any delays will likely make this project even more expensive in the future.

POLICY ISSUES:

Contracts greater than \$50,000 require Council authorization.

This project is listed in the General Sewer Plan and the 2022-2027 Capital Facilities Plan both adopted by City Council.

PLAN COMPLIANCE:

COMPREHENSIVE PLAN: Capital Facilities and Utilities Goal 1 Walla Walla's capital facilities and utilities are well maintained and up-to-date to meet the demands of growth and economic development.

ALTERNATIVES:

Council may award the project or direct staff to reevaluate the project scope and design, and re-bid at a later date.

STAFF RECOMMENDATION:

Adopt a resolution authorizing the City Manager to enter into a construction contract with Apollo, Inc. for the 2022 Wastewater Treatment Plant, Phase 1 upgrades.

CITY MANAGER COMMENTS:

Approved for City Council action.

Attachments

Res 2022-76

Bid Abstract

map

RESOLUTION NO. 2022-76

A RESOLUTION AWARDING THE CONTRACT FOR WASTEWATER TREATMENT PLANT IMPROVEMENTS AND TAKING SUCH FURTHER ACTION NEEDED THEREWITH

WHEREAS, it has become necessary to upgrade the City's Wastewater Treatment Plant; and

WHEREAS, the City of Walla Walla passed Municipal Ordinance A-2405 on May 13, 1970 which classified the City of Walla Walla as a nonchartered code city under Title 35A of the Revised Code Washington (RCW); and

WHEREAS, RCW 35A.40.210 provides in pertinent part that public work or improvement contracts for code cities shall be governed by RCW 35.23.352; and

WHEREAS, RCW 35.23.352 provides in pertinent part that competitive public bids are required for projects of "one hundred sixteen thousand one hundred fifty-five dollars if more than one craft or trade is involved with the public works, or seventy-five thousand five hundred dollars if a single craft or trade is involved[;]" and

WHEREAS, the City of Walla Walla published and advertised a call for competitive bids on March 22, 2022; and

WHEREAS, all timely bid proposals have been evaluated and the contractor named in section 1 herein is the lowest responsible bidder, and

WHEREAS, the Walla Walla City Council has considered this matter during a regularly and duly called public meeting of said Council, has given said matter careful review and consideration, and finds that good government and the best interests of the City of Walla Walla will be served by passage of this resolution;

NOW THEREFORE, the City Council of the City of Walla Walla resolves as follows:

Section 1: The contract to upgrade the City's Wastewater Treatment Plant and related work is hereby awarded to Apollo, Inc., and the City Manager of the City of Walla Walla is hereby authorized, empowered and directed to execute said contract on behalf of the City of Walla Walla.

Section 2: The City Manager of the City of Walla Walla is hereby authorized and empowered to execute amendments, modifications, and change orders to the agreement approved by section 1 herein on behalf of the City of Walla Walla, provided that sufficient appropriations have been made by the Walla Walla City Council, and provided further the aggregate value of all amendments, modifications, and change orders may not exceed fifty thousand dollars (\$50,000.00) or ten percent (10%) of the contract amount, whichever is greater.

Section 3: The City Clerk of the City of Walla Walla is hereby authorized and directed to attest the agreement approved by section 1 herein, any amendments, modifications or change orders authorized by section 2 herein, and to attach to each duplicate thereof a copy of this resolution.

PASSED by the City Council of the City of Walla Walla, Washington, May 25, 2022.

Mayor

Attest:

City Clerk

Approved as to form:

City Attorney

BID ABSTRACT

CITY OF WALLA WALLA - WWTP - PHASE 1 IMPROVEMENTS

BID OPENING: Tuesday, May 3 , 2022, at 1:30 p.m. local time

ENGINEER'S ESTIMATE: \$6.6 MILLION

BIDDER'S COMPANY NAME	HEADQUARTERS LOCATION (TOWN & STATE)		Addendum #2 (YES/NO)	SIGNED PROPOSAL (YES/NO)	NAMED SUBCONTRACTORS (YES/NO)	Non- Collusion (YES/NO)	BID BOND (YES/NO)	TOTAL BID
Apollo, Inc.	Kennewick	WA	Yes	Yes	Yes	Yes	Yes	\$7,046,920.09
RSCI	Boise	ID	Yes	Yes	Yes	Yes	Yes	\$9,413,316.00

2022 Wastewater Treatment Plant Improvement Project - 15 Plant Locations



0 55 110 220 Feet

Print Date: 7/12/2021

The City of Walla Walla does not warrant, guarantee or accept any liability for the accuracy, precision or completeness of any information shown or described hereon or for any inferences made therefrom. Any use made of this information is solely at the risk of the user.





ar-4660

Pgs. 78-81

City Council - Regular Meeting

Meeting Date: 05/25/2022

Item Title: Hydroelectric Power Purchase Amendment (#1) with Columbia REA

Submitted For: Frank Nicholson, Public Works Department, Engineering Capital Programs

Project No:

Water O&M

Financial Comments:

The City's hydroelectric plant produces about 11,000 MWh of power per year. Columbia REA proposes a price of \$58.00 per MWh. This will provide the City Water Fund with about \$638,000 per year in revenue for the sale of hydroelectric power.

All Contracts:

Not Applicable

Federally funded contracts only:

Not Applicable

Construction contracts only:

Not Applicable

Brief Summary of Requested Action:

Approve an amendment with Columbia REA, extending the existing power purchase agreement two additional years at a price of \$58.00 per Mega Watt Hour (MWh).

Information

HISTORY:

The City of Walla Walla owns and operates a 2.25-megawatt hydroelectric generator facility at the Mill Creek Water Treatment Plant. The original hydroelectric generator was installed in 1986. The original 28-year-old power purchase agreement with Pacific Power & Light Company expired December 31, 2012.

On September 20, 2011, the City hired Global Energy & Water Consulting LLC (Global) to advise the City in negotiating a new Power Purchase Agreement (PPA). Proposals from Pacific Power (PP), Idaho Power Company, and Columbia Rural Electric Association (CREA) were evaluated. It was determined that CREA provided the highest value to the City. The City entered into a 10-year PPA with CREA. The current agreement expires December 31, 2022.

On July 1, 2021, the City rehired Global Energy and Water Consulting, LLC, (Mark Crisp) to assist in negotiating a new PPA.

Quotes were collected in 2021, but at the time, wholesale electric prices were very low reportedly due to a glut of solar and wind power on the market. Now, nearly one year later, inflation and electric prices have increased significantly. Due to these market changes, CREA

has almost doubled their initial offer. After consultation with Global, CREA has proposed a two-year extension to the current PPA for the purchase of the hydroelectric power. The extension would be for 2023 and 2024 at a rate of \$58.00 per MWh, which exceeds the current (2022) rate by 10.2% (up from \$52.63).

POLICY ISSUES:

Contracts \$50,000 or greater require Council authorization.

PLAN COMPLIANCE:

COMPREHENSIVE PLAN: Capital Facilities and Utilities Goal 5: The sound fiscal management of government services and facilities promotes a transparent and collaborative relationship between government and residents.

ALTERNATIVES:

Pacific Power offered a 5-year PPA with an average price of \$49.69 per MWh. Not only is their price lower, but there would be substantial costs involved in switching including new transmission mains, studies, and fees if the City were to switch to Pacific Power.

A longer-term contract with CREA was discussed, however due to the extreme fluctuations in the price of power, inflation, and energy costs, they were not comfortable with a longer term longer than 2-years.

STAFF RECOMMENDATION:

Adopt the Resolution authorizing the City Manager to execute an Amendment with Columbia Rural Electric Association (CREA), extending the existing PPA for two years at the rate at \$58.00 per MWh.

CITY MANAGER COMMENTS:

Approved for City Council action.

Attachments

Res 2022-77

RESOLUTION NO. 2022-77

A RESOLUTION APPROVING AND AUTHORIZING THE CITY MANAGER OF THE CITY OF WALLA WALLA TO EXECUTE AN AMENDED AGREEMENT TO SELL POWER TO COLUMBIA REA, TO PURCHASE POWER FROM COLUMBIA REA, TO INTERCONNECT WITH COLUMBIA REA, AND TAKING SUCH FURTHER ACTION NEEDED THEREWITH

WHEREAS, the City of Walla Walla passed Municipal Ordinance A-2405 on May 13, 1970 which classified the City of Walla Walla as a nonchartered code city under Title 35A of the Revised Code Washington (RCW); and

WHEREAS, the Walla Walla City Council, by RCW 35A.11.020, and through RCW 35A.13.230, has any authority ever given to any class of municipality or to all municipalities of this state, and all powers possible for a city or town to have under the Constitution of this state, and not specifically denied to code cities by law, which may be exercised in regard to the regulation or use of real property of all kinds; and

WHEREAS, Walla Walla has “all of the powers which any city of any class may have and shall be governed in matters of state concern by statutes applicable to such cities in connection with such powers to the extent to which such laws are appropriate and are not in conflict with the provisions specifically applicable to code cities” pursuant to RCW 35A.21.160 of the Revised Code of Washington; and

WHEREAS, the Washington Supreme Court held in *U. S. v. Town of Bonneville*, 94 Wn.2d 827, 832, 621 P.2d 127 (1980) that optional code cities organized under RCW Title 35A have “‘the broadest powers of local self-government consistent with the Constitution of this state.’ RCW 35A.01.010. Such municipalities are capable of entering into contracts without restriction[.]”and

WHEREAS, the City of Walla Walla was offered an opportunity to sell power generated at its water treatment plant to Columbia REA, to purchase power from Columbia REA, and to interconnect with Columbia REA; and

WHEREAS, the Walla Walla City Council passed Municipal Resolution 2012-71 (Sept. 26, 2012) authorizing entry into an agreement with Columbia REA; and

WHEREAS, Columbia REA has proposed an extension of its agreement on amended terms; and

WHEREAS, the Walla Walla City Council has considered this matter during a regularly and duly called public meeting of said Council, has given said matter careful review and consideration, and finds that good government and the best interests of the City of Walla Walla will be served by passage of this resolution,

NOW THEREFORE, the City Council of the City of Walla Walla resolves as follows:

Section 1: The City Manager of the City of Walla Walla is hereby authorized and empowered on behalf of the City of Walla Walla to execute an amended contract and other documents needed to sell and buy power from Columbia REA and to interconnect

its Mill Creek Hydro facility to Columbia REA.

Section 2: The City Manager of the City of Walla Walla is hereby authorized and empowered to execute amendments and modifications to the contract and other documents authorized by section 1 herein; provided that such amendments and modifications are made available for public inspection and reported to the City Council as soon as practicable after their execution; and, provided further, that any such amendments or modifications may be revoked by the Walla Walla City Council at any time within sixty (60) days following the date that they are reported to Council.

Section 3: The City Clerk of the City of Walla Walla is hereby authorized and directed to attest the amended contract and other documents, amendments, and modifications authorized by this resolution, and to attach to each duplicate thereof a copy of this resolution.

PASSED by the City Council of the City of Walla Walla, Washington, May 25, 2022.

Mayor

Attest:

City Clerk

Approved as to form:

City Attorney