

**WALLA WALLA CITY COUNCIL**  
**Regular Meeting Minutes**  
**February 22, 2017**

**1. CALL TO ORDER**

Mayor Pomraning called the meeting to order at 7:00 p.m.

Present: Councilmembers Jim Barrow, Barbara Clark, Jerry Cummins, Steve Moss, Tom Scribner, and Mayor Allen Pomraning.

Absent: Councilmember Dick Morgan.

City staff in attendance: Acting City Manager/Development Services Director Elizabeth Chamberlain, City Attorney Tim Donaldson, Public Works Director Ki Bealey, Fire Chief Bob Yancey, City Engineer Neal Chavre, Communications Manager David Brauhn, and City Clerk Kammy Hill.

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

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

**3. PRESENTATIONS**

Mayor Pomraning presented a gold Audio Visual Arts Digital award to Wil Drake, local filmmaker, and Dan Plemon, local musician, for their work on the "Alder Street is Smooth" video which announced the completion of the Alder Street Infrastructure Repair and Replacement project.

**4. PUBLIC COMMENTS**

Steve Owens, 807 Whitman Street, Walla Walla, asked what the City's plan is to address major street damage on local streets due to the extreme winter weather.

Norm Ostermann, 1032 Pomona, Walla Walla, commented that some local streets have become impassable.

Public Works Director Bealey reported there are many frost heave eruptions occurring on older local streets. Before staff can make repairs, utilities must be located and fill material excavated. The hot mix asphalt plants have not begun production so only temporary repairs can be

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made. Residents are asked to report significant street damage to the streets division to be placed on a list for prioritization.

**5. CONSENT AGENDA**

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

- A. Washington State Liquor & Cannabis Board: Special occasion liquor license for University of Washington Alumni Association at the Gesa Powerhouse Theatre on March 31, 2017.
- B. Washington State Liquor & Cannabis Board: New liquor license application for Radix Winery, 1491 W. Rose, Suite H.
- C. Washington State Liquor & Cannabis Board: Special occasion liquor license for Downtown Walla Walla Foundation on April 8 and April 9, 2017.
- D. Washington State Liquor & Cannabis Board: Special occasion liquor license for Danza Classica Ballet Foundation at the Gesa Powerhouse Theater on March 25, 2017.
- E. Resolution No. 2017-12 approving and authorizing an agreement with the Palouse River & Coulee City railroad for apportionment of the costs and expenses for changes to the railroad crossing located on Isaacs Avenue near Penrose Avenue.
- F. Resolution No. 2017-09 awarding the bid for the Roosevelt Street stormwater CIPP lining project to Columbia Pumping & Construction in the amount of \$49,503.23.
- G. Resolution No. 2017-11 authorizing execution of an agreement with Tim Bush regarding the extension of sewer facilities to 1110 Dalles Military Road.
- H. Approval of minutes of the regular meeting held February 8, 2017.

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

**Councilmember Barrow moved to adopt Consent Agenda Items A through H with the exception of Item G. Councilmember Moss seconded the motion.**

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

**The motion to adopt Consent Agenda Items A through H with the exception of Item G unanimously carried with 6 yes votes and 0 no votes.**

## **6. ACTIVE AGENDA**

AA. Resolution No. 2017-11 authorizing execution of an agreement with Tim Bush regarding the extension of sewer facilities to 1110 Dalles Military Road.

Acting City Manager Chamberlain and City Engineer Chavre reviewed the proposal to enter into an agreement with Tim Bush to extend sewer services. Staff has developed a refined cost estimate of \$201,000 to extend sewer to 1110 Dalles Military Road with Mr. Bush contributing \$50,000 to the project. There are three other properties that could benefit from this sewer extension at a reduced proportionate share. There are economic benefits to the City by development of this project.

There was discussion on:

- Prospective changes to the 9<sup>th</sup> Street/Plaza Way/Dalles Military Road intersection and its impact on any development at this site.
- Potential for other benefitting properties to connect to the sewer and whether those connections would be stubbed out to the property line.
- Offering a proportionately reduced fee as an incentive to connect to the sewer line during the construction rather than waiting until septic systems fail.
- Sewer connection for the Rancho Villa mobile home park.
- Any future work at the 9<sup>th</sup> Street/Plaza Way/Dalles Military Road intersection is unlikely to affect the proposed sewer extension.
- Measures to ensure development of a commercial project on the site and assurances in the proposed agreement.
- Amending the agreement to require the payment of \$50,000 in liquidated damages so the City would keep the funds if the development does not move forward.

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

**Councilmember Barrow moved to adopt Resolution No. 2017-11.  
Councilmember Cummins seconded the motion.**

**Councilmember Cummins moved to amend the draft agreement to include a requirement for payment of liquidated damages in the amount of \$50,000. Councilmember Clark seconded the motion. The amendment carried with 6 yes votes and 0 no votes.**

**The motion to adopt Resolution No. 2017-11 with an amendment to the draft agreement to include a requirement for payment of liquidated damages in the amount of \$50,000 carried with 5 yes votes and 1 no vote by Councilmember Moss.**

- A. Ordinance No. 2017-04 relating to camping on public property and storage of personal property on public property and adding Section 9.18 to the Municipal Code.

Acting City Manager Chamberlain reported a final version of this ordinance has been brought back to Council for consideration and reviewed the changes from the draft ordinance considered on February 8. There is an extensive record to support adoption of this ordinance. Adoption is directly linked to the temporary homeless camp currently located in the area of Par 72 drive.

There was discussion on the protections offered to the community by eliminating camping on public property except for property that has been designated as a place for the homeless to go to rest/sleep.

Mayor Pomraning invited public input.

Andrew Riley, 644 E. Chestnut, Walla Walla, asked the City not to criminalize homeless people.

Dan Clark, 717 N. Main Street, Walla Walla, commented on the limited facilities available for some segments of the homeless community. The City has both a legal and humanitarian reason to provide an area for the homeless.

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Norm Ostermann, 1032 Pomona, Walla Walla, suggested the City keep providing services for a homeless camp.

Sharon Schiller, 1414 Topaz, Walla Walla, sought clarification on whether the City is obligated to continue a homeless camp.

Councilmembers expressed their individual opinions and there was discussion on whether the ordinance would allow the City Manager to establish a recreational vehicle park without further approval from the City Council. Staff assured Council that no funds would be expended for a recreational vehicle park without Council approval.

**Councilmember Cummins moved to adopt Ordinance No. 2017-04. Councilmember Moss seconded the motion. The motion unanimously carried with 6 yes votes and 0 no votes.**

- B. Ordinance No. 2017-05 prohibiting sitting or lying on public sidewalks in the downtown area during certain times.

Acting City Manager Chamberlain reported this ordinance is specific to the downtown area and exempts certain activities. It is part of a series of twelve recommendations to address unwanted behaviors downtown.

Mayor Pomraning invited public input.

Norm Ostermann, 1032 Pomona Street, Walla Walla, asked if this ordinance would allow sitting on downtown sidewalks to distribute political information or gather signatures on petitions as protected activities under the First Amendment.

Dan Clark, 717 N. Main Street, Walla Walla, commented that this proposed ordinance does not have an exception for free speech rights and suggested adding a section so the ordinance does not criminalize people for sitting down during first amendment activities.

Sharon Schiller, 1414 Topaz, Walla Walla, asked that people not be penalized for sitting on public benches downtown.

Steve Owens, 807 Whitman Street, Walla Walla, representing the Chamber of Commerce and downtown businesses, spoke in support of the

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ordinance to address behavioral issues experienced by downtown business owners.

Andrew Riley, 644 E. Chestnut Street, Walla Walla, asked how the ordinance would be fairly enforced and the potential need for more police resources if it is enacted.

City Attorney Donaldson reported the ordinance does not apply to publicly provided benches only to sidewalks. It would not allow people to sit on the sidewalks for free speech activities as it is intended to protect the free flow of pedestrian traffic on the sidewalks. If it were amended to allow people to sit for free speech activities, this would also include panhandling. It does not prohibit free speech/first amendment activities if people remain standing.

There was discussion on the need to preserve protections for first amendment activities and whether the ordinance is necessary to protect the free flow of pedestrian traffic.

**Councilmember Scribner moved to reject Ordinance No. 2017-05. Councilmember Clark seconded the motion. The motion carried with 5 yes votes and 1 no vote.**

The meeting was recessed for a break at 9:31 p.m. and reconvened at 9:40 p.m.

Councilmember Moss expressed his appreciation for citizen input and passion on the issue of homelessness and suggested staff members gain pertinent information, develop operational criteria with a memorandum of understanding, and make a recommendation back to the City Council.

Councilmember Moss was excused from the meeting at 9:44 p.m.

- C. Resolution No. 2017-08 awarding the bid for the Sudbury Road landfill area 7 cell 3 construction project to Apollo, Inc. in the amount of \$1,723,969.57.

Public Works Director Bealey reported this project adds volume to the landfill and described how it will join with cells 1 and 2 to provide capacity out to the year 2027. The additive alternate allows for the excavated

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material to be placed on the inert waste site on Isaacs Avenue (Burdine property) to level out the site and provide additional cover.

There was discussion on the benefit of adding the excavated material to the Burdine property for possible future development of the site and the favorable bidding climate resulting in lower than estimated bids.

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

**Councilmember Cummins moved to adopt Resolution No. 2017-08. Councilmember Scribner seconded the motion. The motion unanimously carried with 5 yes votes and 0 no votes.**

D. Resolution No. 2017-10 authorizing an Interlocal agreement with Walla Walla County for emergency medical services levy funding.

Fire Chief Yancey reported this is the annual contract renewal with Walla Walla County for receipt of emergency medical services levy funding. The revenue of \$1,480,000 provides approximately one-third of the money for the ambulance fund. The formula used is the same as previous years.

There was discussion on the status of negotiations with other agencies for funding ambulance services currently provided by the City. Fire Chief Yancey provided an update on the process. Council asked for a status report by the end of June, 2017.

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

**Councilmember Cummins moved to adopt Resolution No. 2017-10. Councilmember Clark seconded the motion. The motion unanimously carried with 5 yes votes and 0 no votes.**

E. Approval of minutes of the regular meeting held January 25, 2017.

**Councilmember Barrow moved to approve the minutes of the regular meeting held January 25, 2017. Councilmember Scribner seconded the motion. The motion unanimously carried with 5 yes votes and 0 no votes.**

**7. COUNCIL MEMBER MEETING REPORTS**

Mayor Pomranning, with the consensus of Council, tabled Councilmember meeting reports to a future meeting.

**8. UNFINISHED AND NEW BUSINESS**

Council asked that they be made aware of any efforts to deputize local police officers to assist Homeland Security in deportation efforts. City Attorney Donaldson reported that any agreement between the City and Department of Homeland Security would have to come before the City Council for consideration.

There was discussion on whether formation of a Homelessness Advisory Committee is necessary to move the homeless camp to a spot within the current general location. It was the consensus of Council that the City Manager has the authority to relocate the homeless camp to another area within the same general location to accommodate construction of the golf maintenance building.

**9. EXECUTIVE SESSION**

Mayor Pomranning announced the City Council would be recessing to Executive Session to discuss with legal counsel litigation or potential litigation to which the City is a party or is likely to become a party pursuant to RCW 42.30.110(1)(i). The Executive Session will last no more than forty minutes and no further action will come before Council in open session. The meeting was recessed at 10:20 p.m.

**10. ADJOURNMENT**

**There being no further business, the meeting adjourned at 10:47 p.m.**