

WALLA WALLA CITY COUNCIL
Regular Meeting Minutes
December 19, 2012

1. CALL TO ORDER

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

Present: Councilmembers Conrado Cavazos, Jr., Barbara Clark, Jerry Cummins, Mary Lou Jenkins, Shane Laib, Chris Plucker and Mayor Jim Barrow.

Absent: None.

City staff in attendance: City Manager Nabel Shawa, City Attorney Tim Donaldson, Deputy City Manager Tim McCarty, Public Works Director Ki Bealey, Parks & Recreation Director Jim Dumont, Police Chief Scott Bieber, Fire Chief Bob Yancey, Deputy Fire Chief Brad Morris, Public Works Manager Mori Struve, City Engineer Neal Chavre and City Clerk Kammy Hill.

Also present: Tom Glover, Executive Director of the Walla Walla Joint Community Development Agency.

2. PLEDGE OF ALLEGIANCE/MOMENT OF SILENCE

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

3. PRESENTATIONS

A. Donation of four defibrillator units to the city.

Fire Chief Yancey reported the City safety committee had identified a need to have Automated External Defibrillators (AEDs) available in City buildings. The Providence St. Mary cardiology group has donated four AEDs for placement in City Hall, the Service Center, the City Library, and the Police Station. Dr. Wong and Dr. Maxwood commented on the need for immediate care for heart attack victims; the use of AEDs; and indicated they are very proud to be able to help the community in this way. Fire Chief Yancey reported each AED is \$1500 so this is a very generous donation. There were thanks extended by Council and

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comments on an informational video available on the HeartRescueNow.com website.

4. PUBLIC COMMENTS

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

5. CONSENT AGENDA

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

- A. Washington State Liquor Control Board: Assumption of license for Olive Marketplace & Café, 21 E. Main Street.
- B. Resolution No. 2012-91 approving and authorizing the City Manager to execute a professional services agreement with URS Corporation. (Stormwater master plan.)
- C. Resolution No. 2012-92 authorizing the City Manager to execute a professional services agreement with Anderson-Perry & Associates related to the Rose Street reconstruction project.
- D. Resolution No. 2012-94 awarding the bid for removal, supply and installation of fencing for the City landfill compost facility to Eagle Fence of Walla Walla. (Compost leachate pond perimeter fencing).
- E. Resolution No. 2012-95 adopting a tourism promotion area business plan and authorizing the City Manager to execute associated agreements.
- F. Ordinance No. 2012-35 amending Section 3.11.070 of the Municipal Code relating to the change revolving account. (Increase from \$2,500 to \$3,200 to maintain and improve cashiering for customer service.)
- G. Ordinance No. 2012-36 repealing Municipal Code Sections 2.70.050, 20.94.030, 20.98.080 and 20.98.090 and amending Municipal Code Sections 20.50.070, 20.51.030, and 20.100.040 regarding land use and related matters.

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- H. Accept resignation of Dick Swenson from the Bicycle & Pedestrian Advisory Committee.
- I. Approval of minutes of the regular meeting held November 28, 2012.
- J. Routine year-end budget adjustments:
 - 1. Ordinance No. 2012-37 amending the 2011-2012 maintenance and operations budget; and
 - 2. Ordinance No. 2012-38 establishing new capital projects and amending the City's capital improvement project budget.

Council requested a brief report on Item B. City Manager Shawa reported funding has been accumulating from the stormwater utility fee. These funds will be used for preparation of the stormwater master plan. There were many qualified firms and URS Corporation was determined by staff as most qualified and a fee was negotiated. This plan is necessary for the City to be in compliance with stormwater regulations. The Department of Ecology is providing twenty percent of the funding for this plan for compliance with the Federal mandate.

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

Councilmember Plucker moved to adopt Consent Agenda Items A through J. Councilmember Laib seconded the motion. The motion unanimously carried with 7 yes votes and 0 no votes.

Council acknowledged and thanked Dick Swenson for his service on the Bicycle & Pedestrian Advisory Committee.

6. ACTIVE AGENDA

- A. Presentation of the Friends of the Aviary funding plan.

Craig Keister, 1310 Dell Avenue, Walla Walla, commented on the current Union Bulletin poll regarding sustaining aviary operations. The Friends of the Pioneer Park Aviary have a three-fold task: raise short-term aviary operation funding; raise long-term aviary operation funding; and raise capital improvement funds. Mr. Keister reviewed their two-year strategic plan, including benchmarks for each of the goals. All of the revenue are

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estimates based on past experience and the experience of people on the committee with major fundraising expertise. The Friends of the Pioneer Park Aviary are prepared to submit the documentation for their corporate designation. They are seeking feedback from the City Council on their proposed benchmarks. The committee is very comfortable the estimated revenues can be achieved. They would also like to start on the capital fundraising so the City will release the insurance/FEMA funds for rejuvenation of the aviary facility. The citizens serving on the committee the last two years had the passion to save the facility and now the committee has added professionals to raise the money. The goal is to eventually take over the financial responsibility for operation of the facility from the City.

There was discussion on:

- Hiring of professional staff for the Friends of the Pioneer Park Aviary.
- Relocation of all birds into one pen. Staff indicated the birds will need to be relocated to one pen for reconstruction of the main pen and the concept is to have only one pen.
- Feasibility of raising \$12,500 per quarter and whether this is sufficient as a benchmark.
- The amount in the City's budget for the first quarter is \$28,400. This amount includes \$15,000 for shutting down the operation and \$13,400 for staff salaries/benefits.
- Construction funds will not be necessary for five to six months which will allow the committee to raise the necessary capital funds.

Mayor Barrow invited public input.

Randy Snyder, Walla Walla, asked if the City Council is in favor of the proposal. Council indicated their position will be known when a vote is taken on this issue.

Sharon Schiller, 1414 Topaz, Walla Walla, indicated she feels the aviary should be funded by the City and cited the values, principles and philosophies in support of this position. Requiring funding by volunteers puts the safety of the birds at risk and is inconsistent with the City's stated values. The City needs to place a higher value on its human resources.

Tom Osborne, 976 W. Langdon Road, Walla Walla, expressed his enjoyment of the aviary as one of the most visible parts of the City's park

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system. Mr. Osborn indicated he supports the plan as outlined by the Friends of the Pioneer Park Aviary.

There was further discussion on:

- The proposed benchmarks and capital funding for the facility. Concerns were expressed with making the capital improvements to the facility and then not having the funds to support operations. The Council needs a reasonable expectation that operations funding will continue for a minimum of ten years.
- Whether staff is comfortable with the plan. Staff indicated the plan appears to be reasonable and suggested allowing the Friends of the Pioneer Park Aviary the opportunity to prove their plan is realistic.
- The City has too many other needs for general fund money and should not be responsible for the aviary. If the Friends of the Pioneer Park Aviary are unable to raise the operational funds, then the aviary should be closed.
- Efforts have already begun on the capital fundraising campaign and the corporate asks. The Friends of the Pioneer Park Aviary are comfortable with the benchmarks and the City Council should allow an opportunity for this group to prove their goals are attainable
- There should be a clear understanding that if significant progress is not made, it will be necessary to find new homes for the birds.
- The civic involvement and engagement of the community on this issue is very commendable.

Mr. Keister commented on the insurance funds designated for the capital improvements at the aviary. They are pretty confident the capital funds can be raised and are planning to seek long term commitments for operational funds.

Councilmember Laib moved to approve the Friends of Pioneer Park Aviary outline of fundraising solutions with benchmarks for 2013-2014.
Councilmember Cavazos seconded the motion.

There was discussion on how the City Council will know at what point to release the funds for capital improvements; and what is a reasonable date for the City Council to make a determination.

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Councilmember Clark moved to amend the motion to approve the Friends of Pioneer Park Aviary outline of fundraising solutions with benchmarks for 2013-2014; with a review of the progress by the second City Council meeting in May in order to make a final decision on the release of funds for capital improvements to the aviary structure. Councilmember Jenkins seconded the amendment.

There was discussion on whether the review should occur in June rather than May.

Councilmember Clark, with the consent of Councilmember Jenkins, withdrew the amendment.

Councilmember Clark moved to amend the motion to approve the Friends of Pioneer Park Aviary outline of fundraising solutions with benchmarks for 2013-2014; with a review of the progress by the second City Council meeting in June in order to make a final decision on the release of funds for capital improvements to the aviary structure. Councilmember Jenkins seconded the amendment. The amended motion carried with 6 yes votes and 1 no vote by Mayor Barrow.

The motion to approve the Friends of Pioneer Park Aviary outline of fundraising solutions with benchmarks for 2013-2014 with a review of the progress by the second City Council meeting in June to make a final decision on the release of funds for capital improvements to the structure unanimously carried with 7 yes votes and 0 no votes.

- B. Resolution No. 2012-97 supporting a United States Constitutional amendment to regulate corporate political spending and campaign financing.

Norm Ostermann, 1032 Pomona, Walla Walla, reported this is a purely bipartisan issue. Over 350 cities and towns and 12 states have taken action to support a U.S. Constitutional amendment to regulate corporate political spending and campaign financing. A great portion of Americans feel the Citizens United vs. Federal Election Commission Supreme Court decision was very detrimental and has had a negative effect on election campaigns. Mr. Ostermann provided copies of a graph depicting outside spending. This reflects the political parties are losing control and weakens the party system.

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Mary Lou Yocum, 660 Pleasant Street, Walla Walla, reiterated the impact of the Citizens United vs. Federal Election Commission court decision. This decision doesn't curtail political spending. Over \$2,000,000,000 was spent in the November election, not only impacting federal elections but also state and local elections. Under this court decision, these contributions are not subject to disclosure. Ms. Yocum shared that one person in Ohio donated over \$2,000,000 to Washington State Initiative 502 (legalizing marijuana). Two-thirds of the money for the State Supreme Court candidates was contributed by special interest groups to sway court decisions. This is a critical issue affecting all citizens and the City Council is asked to approve the proposed resolution.

Council asked if the local group had approached both of the local political parties. Ms. Yocum responded the Democratic Party has been approached but not the Republican Party.

Mayor Barrow invited public input.

Richard Monacelli, 444 Washington Street, Walla Walla, reported this was a 5-4 decision by the U.S. Supreme Court and destroys 100 years of precedent. This decision allows double-dipping. Mr. Monacelli described the definition of "legal person" and how this decision now gave corporations "legal person" status. The Supreme Court has made the wrong decision and the only redress is to seek a constitutional amendment.

Robbie Seeger, Economics Major at Whitman College, commented on the economic impact of the Citizens United court decision. Unless this decision is repealed, all elected representatives are subject to corporate interests. A no vote on this resolution is against the democratic purpose.

Chris Howard, University Street, Walla Walla, felt this issue was about democracy and that he does not see corporations fitting under the definition of a "legal person."

David Evans, 346 Palouse Street, Walla Walla, commented this court decision redefined a legal person. A person must be held to certain responsibilities and this is why the issue needs to be addressed.

Council asked if this issue had been presented before Walla Walla County, Waitsburg, and College Place. Ms. Yocum indicated the City of

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Walla Walla is the first group approached in the County to address this issue. There is a movement at the state level and this will likely be where they focus their efforts.

**Councilmember Jenkins moved to adopt Resolution No. 2012-97.
Councilmember Cavazos seconded the motion.**

There was discussion on:

- The Supreme Court decision was made along party lines. The City Council is a non-partisan group. This subject is more appropriately addressed by the political parties and other partisan elected members.
- Appreciation was expressed for the work of the local group but the City Council is elected to serve citizens in a non-partisan way. It is difficult to rationalize a vote by the City Council on a partisan matter.
- The issue should not be characterized as a partisan issue. It revolves around how decisions are made. Spending huge amounts of money, without disclosure, can corrupt the discussion of public policy. This issue has a direct impact on the City since public policy decisions are made that the City then has to address. Decisions need to be made in a transparent manner.
- This is an issue of accountability. Media blitzes of blatant untruths come from campaign funds that are unaccountable and not subject to legal action. There should be public discussion on the issues and not lies.
- Whether this is the appropriate role of the City Council. Local citizens have demonstrated this is a local issue as it has the potential to corrupt the democratic process.

The motion to adopt Resolution No. 2012-97 carried with 5 yes votes and 2 no votes by Councilmembers Laib and Plucker.

The meeting was recessed for a break at 8:55 p.m. and reconvened at 9:04 p.m.

- C. Resolution No. 2012-98 authorizing execution of an intergovernmental agreement and approving bylaws establishing a Walla Walla Valley Metropolitan Planning Organization, and taking such further action needed therewith.

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City Manager Shawa reported the 2010 census triggered the formation of a Metropolitan Planning Organization (MPO). If this MPO is not formed the City will lose Federal transportation funding. There is no choice for the City if it wants to continue to receive Federal transportation funds. The Walla Walla Joint Community Development Agency has been the interim agency for the formation of this MPO.

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

Council expressed support of the formation of an MPO to continue to receive Federal transportation funds. Section 2 of the proposed Resolution is very important to ensure good project selection criteria for implementation and use of transportation funding.

**Councilmember Cummins moved to adopt Resolution No. 2012-98.
Councilmember Laib seconded the motion. The motion unanimously carried with 7 yes votes and 0 no votes.**

- D. Resolution No. 2012-93 approving and authorizing the City Manager to execute a climate reserve tonnes purchase agreement and taking such further action needed therewith.

City Manager Shawa reported this is cutting edge for the City to sell carbon credits as a result of the burning of methane gas at the Sudbury Road landfill. The City of Seattle has offered to purchase these carbon credits for 2011 and 2012 in the amount of \$126,000. The efforts of Utilities Engineer Frank Nicholson were acknowledged.

Council asked if there was a downside to this purchase agreement. City Manager Shawa reported the City is mandated to burn the methane at the landfill and has spent money on consultants to ensure the validity of this action.

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

**Councilmember Laib moved to adopt Resolution No. 2012-93.
Councilmember Clark seconded the motion. The motion unanimously carried with 7 yes votes and 0 no votes.**

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- E. Resolution No. 2012-96 establishing a City employee wellness program and taking such further action needed therewith.

City Manager Shawa reported the City has had an informal wellness program for a number of years. This resolution formalizes the program to take the first step to be eligible for a two percent credit on health care benefits in 2014 from the Association of Washington Cities.

There was discussion on:

- Cost of the wellness program. City Manager Shawa indicated he is not aware of any new expenses other than additional staff time. Funds have been collected in an employee deduction pool. There may be indirect costs by allowing employees to participate in wellness activities on City time.
- The City Council will be allowed to participate in the wellness activities.

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

**Councilmember Laib moved to adopt Resolution No. 2012-96.
Councilmember Jenkins seconded the motion.**

Council commented the goal is to have more energetic and productive employees.

The motion to adopt Resolution No. 2012-96 unanimously carried with 7 yes votes and 0 no votes.

- F. Approval of minutes of the special meeting held December 4, 2012.

Councilmember Clark moved to approve the minutes of the special meeting held December 4, 2012. Councilmember Plucker seconded the motion. The motion unanimously carried with 6 yes votes, 0 no votes, and 1 abstention by Councilmember Cavazos.

- G. Approval of the Accounts Payable register dated November 30, 2012 containing check numbers 174375 through 174627 and 990524 through 990532 totaling \$5,672,675.36.

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Councilmember Cummins moved to approve the Accounts Payable register dated November 30, 2012 containing check numbers 174375 through 174627 and 990524 through 990532 totaling \$5,672,675.36 with the exception of the checks to Jerry Cummins. Councilmember Laib seconded the motion. The motion unanimously carried with 7 yes votes and 0 no votes.

Councilmember Laib moved to approve payment of the checks to Jerry Cummins. Councilmember Clark seconded the motion. The motion unanimously carried with 6 yes votes, 0 no votes, and 1 abstention by Councilmember Cummins.

7. COUNCIL MEMBER MEETING REPORTS

It was the consensus of Council to defer providing their meeting reports until the next City Council meeting.

8. UNFINISHED AND NEW BUSINESS

Councilmember Laib moved to make the following appointments:

- **Dorothy O'Brien to the Public Library Board of Trustees for a term expiring December 31, 2017;**
- **R. Clayton Hudiburg to the Sustainability Committee for a term expiring June 30, 2014; and**
- **Kurt Othberg to the Water & Wastewater Advisory Committee for a term expiring June 30, 2014.**

Councilmember Jenkins seconded the motion. The motion unanimously carried with 7 yes votes and 0 no votes.

Councilmember Cummins suggested, in light of the recent Newtown, Connecticut tragedy, the City review its protocols for City-owned building to protect citizens and employees; and work with social service entities providing services to people with mental illnesses.

Councilmember Plucker asked what progress is being done on the Baldrige Excellence project. City Manager Shawa reported some progress has been made, such as the adoption of the City's mission, vision, and values. Other projects have been delayed due to workloads but staff plans to begin diligently working on them again in 2013.

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City Attorney Donaldson distributed copies of Resolution No. 2012-99 authorizing the City Manager to sell or dispose of certain surplus property of the City. This resolution is necessary because the City Council had previously authorized the purchase of a replacement tractor but neglected to surplus the equipment being traded in as part of the purchase.

Councilmember Laib moved to approve Resolution No. 2012-99. Councilmember Jenkins seconded the motion. The motion unanimously carried with 7 yes votes and 0 no votes.

9. EXECUTIVE SESSION

Mayor Barrow announced the City Council would be recessing to Executive Session to evaluate the performance of a public employee pursuant to RCW 42.30.110(1)(g). No further business will come before the City Council in open session and the Executive Session will last no more than two hours. The meeting was recessed at 9:29 p.m.

10. ADJOURNMENT

There being no further business, the meeting adjourned at 11:24 p.m.