



City Council Meeting Minutes

Vancouver City Hall | Council Chambers | 415 W. 6th St.
PO Box 1995 | Vancouver, WA 98668-1995
cityofvancouver.us

Anne McEnerny-Ogle, Mayor • Bart Hansen • Ty Stober • Erik Paulsen • Sarah J. Fox • Diana H. Perez • Kim D. Harless

March 25, 2024

WORKSHOPS: 5:00-6:00 p.m.

Vancouver City Hall - Council Chambers - 415 W 6th Street, Vancouver WA

Workshops were conducted in person in the Council Chambers of City Hall. Members of the public were invited to view the meeting in person, via the live broadcast on www.cvtv.org and CVTV cable channels 23 or HD 323, or on the City's Facebook page, or www.facebook.com/VancouverUS.

View the CVTV video recording, including presentations and discussion, for workshops at:

https://www.cvtv.org/vid_link/36337?startStreamAt=0&stopStreamAt=2408

Section 30 Update

(Approximately 1 Hour)

Patrick Quinton, Economic Development Director, 360-487-7845

Summary

Staff led Council through a discussion of the Section 30 Update.

Councilmember Paulsen was absent from the workshop.

COUNCIL DINNER/ADMINISTRATIVE UPDATES

COUNCIL REGULAR MEETING

This meeting was conducted as a hybrid meeting with in person and remote viewing and participation over video conference utilizing a GoToMeeting platform. Members of the public were invited to view the meeting in person, via the live broadcast on www.cvtv.org and CVTV cable channels 23 or HD 323, or on the City's Facebook page, www.facebook.com/VancouverUS. Public access and testimony on Consent Agenda items and under the Community Forum were also facilitated in person and via the GoToMeeting conference call.

Vancouver City Council meeting minutes are a record of the action taken by Council. To view the CVTV video recording, including presentations, testimony and discussion, for this meeting please visit: https://www.cvtv.org/vid_link/36339?startStreamAt=0&stopStreamAt=7036 Electronic audio recording of City Council meetings are kept on file in the office of the City Clerk for a period of six years.

Pledge of Allegiance

Call to Order and Roll Call

The regular meeting of the Vancouver City Council was called to order at 6:30 p.m. by Mayor McEnerny-Ogle. This meeting was conducted as a hybrid meeting, including both in person and remotely over video conference.

Present: Councilmembers Harless, Perez, Fox, Stober, Hansen, and Mayor McEnerny-Ogle

Absent: Councilmember Paulsen

Motion by Councilmember Stober, seconded by Councilmember Hansen, and approved unanimously to excuse Councilmember Paulsen.

Approval of Minutes

Minutes - March 4, 2024

Motion by Councilmember Hansen, seconded by Councilmember Perez, and carried unanimously to approve the meeting minutes of March 4, 2024.

Proclamations: International Transgender Day of Visibility

Mayor McEnerny-Ogle read and presented a proclamation to Hillary Magallanez, Triple Point Director, proclaiming March 31, 2024, as International

Transgender Day of Visibility.

Community Communications

Mayor McEnerny-Ogle opened Community Communication and received testimony from the following community members regarding any matter on the agenda not scheduled for a Public Hearing:

- Kimberlee Goheen Elbon, La Center, WA
- Carmen DeLeon, Vancouver
- Joshua Lucas, Yacolt, WA
- Santino Juarez, Portland, OR
- James Lopez, Portland, OR
- Trampas Simmons, Portland, OR

There being no further testimony, Mayor McEnerny-Ogle closed Community Communication.

Consent Agenda (Items 1-14)

Council pulled item 11 for discussion.

Motion by Councilmember Fox, seconded by Councilmember Stober, and carried unanimously to approve items 1-10 and 12-14 on the Consent Agenda.

Motion by Councilmember Fox, seconded by Councilmember Hansen, and carried unanimously to approve item 11 on the Consent Agenda.

1. **Bid Award for SE Mill Plain 139th to 164th Water Quality Retrofits for UICs per Bid #24-16**

Staff Report: 052-24

SE Mill Plain Boulevard is a 6-lane principal arterial corridor providing access to various properties and businesses. Stormwater pollutants in this area include oils, metals, and organic materials. Soils in this portion of the Columbia Slope basin are excessively draining and infiltration rates are high. Direct infiltration through Underground Injection Control (UIC) wells is used almost exclusively for stormwater runoff control in this area currently with minimal water quality treatment.

This project will improve the regulated wells by retrofitting the current system to treat stormwater prior to infiltration, treating approximately 11 acres of pollution-generating impervious surfaces.

On 2/27/2024, the City received 5 bids for the subject project. The bids ranged between \$1,423,751 and \$2,176,007. The low bidder was

responsive. The bids are as follows:

SUMMARY OF BIDS	
BIDDER	AMOUNT
<i>Interlaken Inc., Fairview, Oregon</i>	\$1,423,751.00
<i>Grade Werks Excavating, LLC., Battle Ground, Washington</i>	\$1,429,241.00
<i>Western United Civil Group, LLC., Yacolt, Washington</i>	\$1,467,356.00
<i>Advanced Excavating Specialist, Kelso, Washington</i>	\$1,572,620.00
<i>Clark and Sons Excavating Inc., Battle Ground, Washington</i>	\$2,176,007.00
<i>Engineers' Estimate</i>	\$1,367,975.00

The contractor intends to meet the 3% apprenticeship goal by utilizing 102 apprenticeship hours of the total 2,434 project hours.

Request: On March 25, 2024, award a construction contract for the SE Mill Plain 139th to 164th Water Quality Retrofits for UICs project to the lowest responsive and responsible bidder, Interlaken Inc., of Fairview, Oregon, at the bid price of \$1,423,751, and authorize the City Manager or designee to execute the same.

Aron Rice, Senior Civil Engineer, 360-487-7170

Motion approved the request.

2. Bid Award for SE 1st Street (SE 177th Avenue to SE 192nd Avenue) project, per Bid #24-11 (Project #PRJ072617)

Staff Report: 053-24

SE 1st Street has been improved from SE 164th Avenue to SE 177th Avenue, along with off-street bike lanes and sidewalks. This project will include similar improvements, street lighting, a roundabout at SE 184th Avenue, and a traffic signal at SE 190th Avenue to complete the improvement from SE 177th Avenue to SE 192nd Avenue.

On February 27, 2024, the City received 6 bids for the subject project. The bids ranged between \$10,119,280.99 and \$11,144,825.73. The low bidder was responsive. The bids are as follows:

SUMMARY OF BIDS	
BIDDER	AMOUNT
<i>Golf Construction, LLC, Vancouver, WA</i>	\$10,119,280.99
<i>Tapani, Inc., Battle Ground, WA</i>	\$10,165,903.32
<i>Nutter Corporation, Vancouver, WA</i>	\$10,429,715.35
<i>Granite Construction Company, Vancouver, WA</i>	\$10,759,482.95
<i>Rotschy, Inc., Vancouver, WA</i>	\$10,812,818.41

Jeffries Construction, LLC, Brush Prairie, WA
Engineers' Estimate

\$11,144,825.73
\$14,500,000

Due to the federal funding associated with this project, the Washington State Department of Transportation (WSDOT) has set a Disadvantaged Business Enterprise (DBE) goal of 15% and a training goal of 400 hours. Colf Construction, LLC from Vancouver, Washington has committed to meet these goals. There are no City Apprenticeship goals as federal guidelines for grant projects do not allow the inclusion of local agency apprenticeship programs.

Request: On March 25, 2024, award a construction contract for the SE 1st Street (SE 177th Avenue to SE 192nd Avenue) project to the lowest responsive and responsible bidder, Colf Construction, LLC, of Vancouver, Washington, USA at their bid price of \$10,119,280.99, which includes Washington State sales tax, and authorize the City Manager or designee to execute the same.

Leslie Degenhart, Senior Civil Engineer, 360-487-7710

Motion approved the request.

3. RFQ 40-23 NE 192nd Corridor Improvements

Staff Report: 054-24

A Request for Qualifications (RFQ 40-23) for the NE 192nd Ave Corridor Improvements Project was issued on May 26, 2023. The scope of work identified in the RFQ was to perform the necessary traffic and design engineering, environmental process, public involvement process and other related professional services.

Along with the standard advertising, firms from the MRSC list, which include veteran-, minority-, and women-owned firms, were notified of the solicitation and requested their qualification statements. On June 28, 2023, the City received four qualification statements for the NE 192nd Avenue project (RFQ40-23). The qualification statements were evaluated based on experience, project understanding and approach, and public process. Harper Houf Peterson Righellis Inc. of Vancouver, Washington was selected from four proposals to provide professional services for the NE 192nd Avenue (NE 18th Street to SE 1st Street) project, including final engineering designs; environmental evaluation and permitting; and public outreach. The amount of the contract shall not exceed \$2,068,275.33 and will be billed on a time and material basis in accordance with the attached scope and fee schedule. Due to the federal funding associated with this project, the Washington State Department of Transportation (WSDOT) set a Disadvantaged Business Enterprise (DBE) goal of 17%. Harper Houf Peterson Righellis Inc. provided a DBE Participation Plan and they are committed to meeting these goals. During the project, City staff will be

monitoring the consultant's progress at meeting the DBE requirements.

This is project TRANS-607 in the City of Vancouver 6 Year Transportation Improvement Program.

Request: Authorize the City Manager, or designee, to execute a professional services agreement with Harper Houf Peterson Righellis Inc. for a contract amount of \$2,068,275.33.

Ivar Christensen, Senior Civil Engineer, 360-487-7765; Hassan Abdalla, Engineering Manager, 360-487-7704

Motion approved the request.

4. Professional Services Agreement for Water Station 4 Per- and polyfluoroalkyl substances (PFAS) Treatment System Preliminary Design (RFQ 71-23)

Staff Report: 055-24

Water Station 4 sits on two separate property parcels totaling 2.16 acres located at 4205 E 5th Street and has served the community with safe clean drinking water since the 1940s. The site contains six groundwater wells with a combined capacity of 8,550 gallons per minute, an air stripping tower for pH adjustment, a booster pump station that boosts water into the distribution grid, disinfection and fluoridation systems. A Water Station 4 site map is attached for reference.

PFAS represent a group of thousands of synthetic chemicals that are prevalent in commercial products and applications. These chemicals do not readily degrade and thus build-up in people, animals and in the environment. Studies reported by the Environmental Protection Agency (EPA) have proven that exposure to high levels of specific PFAS compounds can have adverse health effects. In response, federal and state agencies have proposed regulations to limit the concentrations of specific PFAS compounds in drinking water. In 2022 the Washington State Board of Health established state action levels (SALs) for five PFAS compounds. Additionally, the EPA has proposed a National Primary Drinking Water Regulation to establish maximum contaminant levels (MCLs) for six PFAS compounds. A final rule is expected from the EPA in early 2024. Sampling results in 2020 were the first to detect PFAS concentrations in the Water Station 4 wells. Continued sampling has shown consistent levels at or above the implemented SAL and above EPA's 2023 proposed MCL for PFOS and PFOA – the two most prevalent PFAS compounds. Pilot testing was completed at Water Station 4 earlier this year as a means to evaluate PFAS filtration technologies and to acquire data to provide to Washington Department of Health (WDOH) for approval of full-scale filter implementation. The City's water quality monitoring program has included a proactive approach to monitoring PFAS at all the system's water stations. Water Station 4 sampling has consistently been one of the highest of all water stations and has been at or exceeded the above-mentioned state and

federal regulations, and as such, was identified in the City's PFAS Management Plan as a priority for treatment. The new PFAS treatment system will allow the water utility to continue to meet the community's expectation of safe, reliable water service.

A Request for Qualifications (RFQ 71-23) for the Water Station 4 PFAS Treatment System Design was issued on November 3, 2023. The scope of work for the professional service's identified in the Request for Qualifications has been divided into two parts to streamline the project scoping; Phase 1 will include the preliminary design and associated initial permitting tasks and Phase 2 will include final bid-ready plans and specifications for construction. The attached contract is for the scope of work identified as, 'Phase 1: Water Station 4 PFAS Treatment System Design Project'. This portion of the work is expected to take five months to complete. The completed preliminary design will then be used as the basis for the final design. 'Phase 2: Water Station 4 PFAS Treatment System Final Design' work will follow with an amendment to this contract and approval request to City Council expected later this year. Along with standard advertising, firms from the MRSC list, which included veteran-, minority-, and women-owned firms, were notified of the solicitation and requested their qualification statements.

In response to the Request for Qualifications, four engineering firms submitted proposals with statements of qualifications. Stantec was selected through the City's evaluation process and if approved by council will act as the design lead while working closely with City staff in the development of the preliminary design.

The City has applied for the Drinking Water State Revolving Fund (DWSRF) for this project and has received preliminary notification that we will receive \$12 million in the form of a potentially forgivable loan (grant). Once the DWSRF contract is finalized and approved by council, the city will be required to have a Water Station 4 construction contract awarded within 18 months. Therefore, it is important to get the design started. Additionally, the water utility will continue to seek other grants sources to help fund this project. As this project may be federally funded, the professional services work is scoped conservatively to follow federal loan requirements. The major design element for the Water Station 4 project is the installation of the new PFAS treatment units. Much of the associated design work with the new treatment system is dependent on the selection of the PFAS treatment technology, which will be either ion exchange or granular activated carbon filters.

Stantec has proposed an approach that provides a collaborative effort between City staff and their experienced team. They have proven qualifications with the completion of similar municipal water projects of this size and complexity.

Request: Authorize the City Manager, or designee, to execute a professional services agreement between the City of Vancouver and Stantec for an estimated amount not to exceed \$615,741.12.

Mehrin Selimgir, Civil Engineer, 360-487-7128

Motion approved the request.

5. Active Net Contract Amendment Approval

Staff Report: 056-24

In 2015-2016, the City went through an extensive review of available systems to support robust Parks and Recreation registration and reservation management. At that time, the ACTIVENet / Athlactron software system was determined to be the best product for City needs. This system provides a wide range of functionality including course registrations, payment processing, facility rentals, membership pass management, point-of-sale, reporting, and other Recreation and Special Event program needs. All banking fees are managed by this system and are part of the costs under this contract. The system also has a wide range of user-friendly online functionality.

Parks staff is regularly in communication with peer agencies throughout the Northwest and beyond. Through this engagement, we have had recent conversations about systems in use by other agencies, and we remain confident that ACTIVENet is the best product in the marketplace. In 2022, this contract was extended along with a not-to-exceed amount of \$300,000. Transactions from the existing contract are expected to exceed the current \$300,000 threshold in 2024, requiring Council approval. Of the \$300,000 authorized, less than \$50,000 of contractual capacity remains available for use. The increase in this threshold to a maximum of \$950,000 for the next additional four years, ending December 31, 2027, will enable Vancouver Parks, Recreation & Cultural Services to continue utilizing the system for parks and recreation transactions.

Request: Authorize the City Manager, or designee, to continue to use ACTIVENet / Athlactron software for Recreation and Special Event program needs, up to a maximum of \$950,000 through December 31, 2027.

*David Perlick, Parks, Recreation & Cultural Services
Director, 360-487-8314*

Motion approved the request.

6. Interlocal Agreement with Clark County Correction Services for Offender Restitution Crew Labor/Maintenance Services

Staff Report: 057-24

The City of Vancouver (Public Works/Operations) has contracted with Clark County Corrections for offender labor maintenance services for more than 20 years. This alternative contract partnership has provided the City with an additional resource to complete non-skilled maintenance tasks within available budget.

The attached Interlocal Agreement provides five crews that can be used for up to 988 crew days over the term of the one-year agreement. Activities include, but are not limited to, general litter removal, landscape maintenance and weeding, road right-of-way and median maintenance, and general park and recreation area maintenance for four full-time crews. A fifth crew will be assigned to the Greenway Sensitive Lands program for removal of non-native plant species, assistance in plantings, and general shrub bed maintenance generally within the Burnt Bridge Creek Greenway and at other sensitive lands within the City of Vancouver.

The attached agreement is one year in duration.

Request: Authorize the City Manager, or their designee, to sign an Interlocal Agreement with Clark County Correction Services for offender restitution crew labor/maintenance services.

Michael Cero, Operations Superintendent, 360-487-8245

Motion approved the request.

7. Interlocal Agreement with Clark County for Solid Waste Planning

Staff Report: 058-24

Background

In the August 2023 workshop, City staff provided a primer on the current law and status of the County's work to update the last version of a Comprehensive Solid Waste Management Plan (CSWMP). This plan and work is anticipated to have numerous connections and critical touchpoints for Vancouver, which City staff brought to the City Council for discussion at the August 14, 2023 Council Workshop.

The County's CSWMP is developed to provide the community with goals and policies for implementing, evaluating, and modifying existing or future solid waste management programs. The plan includes updating descriptions of existing conditions and programs to reflect progress and accomplishments over the previous years. It lists policies and practices reviewed by the County's Solid Waste Advisory Commission (SWAC), solid waste staff and representatives of the seven cities and town in the region, as well as interested community members, solid waste industry representatives, and other stakeholder groups. The County Council and cities/town councils adopt the final draft plan and practices as

recommended by SWAC. As a participating jurisdiction in a County-led plan, Clark County Council will be responsible for guiding solid waste policy into the future and approaches under the plan timeframe of the coming five years.

A CSWMP addresses critical items needed for future decision making on implementing improvements to the solid waste system in Clark County as follows:

- **Promotes sustainable practices** for governments, non-governmental organizations, businesses, and residents.
- **Reviews pertinent regulations** and other management plans.
- **Guidelines for the development** of programs, policies, operating plans.
- **Planning for solid waste infrastructure** and operations including facility, siting criteria and process.
- **Background information to support facility permitting** decisions by Clark County Public Health and other state and local government agencies.
- **Technical support and justification** for grant applications, capital project fund request, budget planning and future programs.
- **Identifies and presents opportunities for collaboration** with others in the region for collection, recycling services and potential ownership and operation of transfer facilities.

Present Status

With this context in mind and since the August workshop, City and County staff have regularly engaged in discussions that result in a final staff recommended Interlocal Agreement (ILA) for Solid Waste Planning. Note one key difference from this ILA for Planning between the two public agencies is this is uniquely focused on the plan update process. This change is due in part to updated guidance received from the Department of Ecology (Ecology) as part of the state regulating agency's update to their own local solid waste planning guidelines, which have undergone a review by committee of fellow county and select city's that plan for solid waste. These guidelines are important as they contain criteria through which a future, to-be-provided, Preliminary Draft Plan will be reviewed and weighted for completeness.

In anticipation of Ecology's updated guidance being finalized, the County is expected to submit a Preliminary Draft CSWMP to Ecology for review and open a public comment period. This timing aligns with City's staff recommendation to enter into this new Interlocal Agreement for Planning, to commence upon City Council and County Council approval for a term of three years.

A proposed companion interlocal agreement relating to implementation by the City and County of the new solid waste transfer and disposal Master Services Agreement with Columbia Resources Company is being introduced in conjunction with this matter, although as a separate

discussion point. The two agreements have some similar themes but are different enough that they are being presented separately.

Next Steps

City staff are requesting City Council's approval to enter into the Interlocal Agreement for Planning. Upon City Council's approval, this ILA for Planning is scheduled to be brought to Clark County Council on March 26 for review and motion consideration.

Final policy consideration by City Council as it relates to the County's Final Draft CSWMP is anticipated in 2025 as part of the adoption process of the Final Draft Plan.

Request: Authorize the City Manager or designee to sign the Interlocal Agreement for Solid Waste Planning between Clark County and the City of Vancouver.

Julie Gilbertson, Solid Waste Supervisor, 360-487-7162

Motion approved the request.

8. Interlocal Agreement with Clark County for Solid Waste Coordination

Staff Report: 059-24

In late February 2024, Vancouver and Clark County Councils' approved entering into an Agreement In Principle with the current owner and operator of the regional transfer stations, CRC. Consistent with the past and current disposal contracts, the City and County have long collaborated on collection services and transfer & disposal contracts, it is in this vein that both public agencies have been able to cost-effectively manage solid waste services and yield resilient, environmentally responsible outcomes for our communities.

In advance of a new transfer and disposal contract that is anticipated in the second quarter of 2024, City and County staff captured current and future terms and understandings from both the transfer and disposal contract, other key contracts and activities in this proposed second Interlocal Agreement (ILA). This proposed ILA identifies key roles, clarifies terms, captures key understandings and shared objectives between the public agency partners.

This coordinated effort is an efficient way for both public agencies to assure the region's largest incorporated city's needs are clear and transparent for both elected Councils as well as members of the public who experience the benefits of efficient, collaborative and coordination with solid waste services in the next 15 years.

Detailed in the attached ILA for Coordination are key definitions, support for waste diversion, establishes a process for transparent and accountable fee setting, and affirms near-term agreement projects that are high-impact for our regional solid waste system.

Note, directly preceding this agenda item City Council weighed in on staff's recommendation for agreeing to a 3-year term focused ILA for Solid Waste Planning establishing the County as the lead agency for planning region-wide and that will eventually result in a Final Draft Comprehensive Solid Waste Management Plan. However, the City has a unique role in coordinating with the County that are not captured in the ILA for Planning.

In conclusion, City staff are requesting City Council's approval to enter into the ILA for Solid Waste Coordination. Upon City Council's approval the ILA for Coordination, the agreement is scheduled to be brought to Clark County Council on March 26, 2024, for review and motion consideration.

Request: Authorize the City Manager, or designee, to sign the Interlocal Agreement for Solid Waste Coordination Clark County and the City of Vancouver.

Julie Gilbertson, Solid Waste Supervisor, 360-487-7162

Motion approved the request.

9. Approval of Interlocal Agreement with Cities of Camas and Washougal for Creation of Southwest Region Opioid Abatement Council

Staff Report: 060-24

Since 2015, local governments around the Country have been united in efforts seeking to hold the manufacturers, distributors, and pharmacies of opioids responsible for the harms caused to their residents. The City of Vancouver joined this fight in 2019, filing suit against a number of manufacturers, distributors and pharmacies. That lawsuit was then transferred to the Northern District of Ohio as part of a nationwide multi-district litigation.

On April 4, 2022, Council authorized the City to execute a Memorandum of Understanding that specifies requirements for the expenditure of funds received in the opioid litigation while at the same time establishing a presumptive percentage to which the City of Vancouver would be entitled to receive (roughly 1.73% of anything payable to Washington local governments). Subsequently, the City Council agreed to join the State of Washington's settlements with opioid distributors (AmerisourceBergen Corporation, Cardinal Health, Inc., and McKesson Corporation) and retailers (Teva, Walgreens, Walmart, Allergan, CVS), from which the City is expected to receive over \$7 million within the next decade. Claims against

the defendants who have not settled remain pending.

The One WA MOU permits entities to receive direct payments had exercise discretion over the expenditures thereof provided that they be consistent with approved opioid abatement purposes. To ensure transparency and compliance with this requirement, the One WA MOU requires local governments to form Opioid Abatement Councils (OACs) within their respective regions. Negotiations to create this OAC have been ongoing since last year. Recently, Camas and Washougal have agreed to a proposal from the City for an interlocal agreement (ILA) to meet this purpose.

Under the proposed ILA, each municipality will operate as a subcommittee to ensure its own compliance with the One WA MOU requirements. Each municipality will receive direct payments as a result of any settlement, but and maintains the discretion spend those funds on any approved opioid abatement purposes (see Ex. A to One WA MOU). Ten percent of the funds may be used to cover overhead expenses.

Under the proposed MOU, the City of Vancouver would ultimately recover roughly 1.73% of moneys allocated to local governments in the State of Washington, as outlined in Exhibit B to the MOU. For example, if a settlement with all defendants yielded a distribution of \$173 million to Washington's local governments, the City of Vancouver would be entitled to roughly \$3 million, all to be used for opioid abatement purposes as outlined in Exhibit A to the MOU.

The MOU does not specify an exact sum for which the City of Vancouver would accept as settlement, but rather established a default allocation structure to facilitate resolution and avoid unnecessary litigation with other Washington and SW Washington jurisdictions.

Request: Authorize the City Manager, City Attorney, and/or designee to execute and approve the attached Interlocal Agreement with the Cities of Camas and Washougal to establish the Southwest Region Opioid Abatement Council.

Dan Lloyd, Assistant City Attorney, 360-487-8520

Motion approved the request.

10. **Resolution to apply for the Washington Recreation and Conservation Office Parks Grants**

Staff Report: 061-24

A RESOLUTION authorizing applications for funding assistance for multiple projects from state or federal grant programs, including Washington Wildlife

and Recreation Program (WWRP), the Land and Water Conservation Fund (LWCF) administered by the Recreation and Conservation Office (RCO) and the National Park Service as provided in Chapter 79A.15 79A.25 RCW and WAC 286, Community Outdoor Athletic Facilities (COAF), Boating Facilities Program (BFP), and Youth Athletic Fields (YAF).

The City of Vancouver Grants Management Administrative Policy (2012) seeks to 'assure that grants applied for, and eventually accepted, align with a specific citywide strategic commitment and/or a documented departmental core service and priority'. The proposed grant projects are consistent with the policies, standards, and capital facilities plan in the Vancouver Parks, Recreation & Cultural Services Comprehensive Plan (2022). Council authorization through an adopted resolution is required for application eligibility to pursue state and federal grant applications managed through the Washington Recreation and Conservation Office (RCO).

RCO grant programs are generally open for application every two years pending funding approval by the state legislature. There are twenty-five grant programs with the majority open in even- numbered years with application due dates beginning May 1, 2024. Funding match requirements for the programs vary and range from no match to a maximum of 50% of the total project costs. Match requirements for successful grants can be met through existing and projected Park Impact Fee revenue.

Grant projects identified for funding will require Council approval of a subsequent grant agreement for acceptance and implementation. The agreement includes the terms and conditions by which the grant is made, a project description, period of performance, requirements for compliance with any applicable laws, and standard terms and conditions. City staff and legal counsel have reviewed the sample agreement and determined that the City can effectively implement and comply with the terms.

Request: Adopt a resolution authorizing Parks, Recreation & Cultural Services to apply for grant projects discussed above and authorize the City Manager, or designee, to execute all required documentation associated with the grant applications.

Dave Perlick, Parks, Recreation & Cultural Services Director, 360-487-8314; Monica Tubberville, Senior Park Planner, 360-487-8353

Motion adopted Resolution M-4267 to approve the request.

11. Right-of-way vacation of SE 189th Ave

Staff Report: 062-24

A RESOLUTION fixing April 15, 2024, as the date for a public hearing on a proposal to vacate public right-of-way associated with SE 189th Avenue, on the north side of SE 15th Street, located within the Southeast Quarter of Section 31, Township 2 North, Range 3 East, Willamette Meridian, City of Vancouver, Clark County, Washington.

AN ORDINANCE vacating the right-of-way associated with SE 189th Avenue, on the north side of SE 15th Street, located within the Southeast Quarter of Section 31, Township 2 North, Range 3 East, Willamette Meridian, City of Vancouver, Clark County, Washington; and providing for an effective date.

Staff has received a request from Larry Nielsen to vacate a portion of right-of-way associated with SE 189th Avenue, located on the north side of SE 15th Street. The right-of-way is specifically located within the Southeast Quarter of Section 31, Township 2 North, Range 3 East, Willamette Meridian.

This right-of-way area was dedicated as part of the Nielsen Short Plat, which was platted in the jurisdiction of Clark County and recorded in 1992 (Book 2, Page 634). At the time, none of the surrounding properties had been subdivided yet, and it is assumed that the County intended this right-of-way to be the east half of a right-of-way corridor to accommodate the future construction of SE 189th Avenue northward from SE 15th Street. However, subsequent subdivisions of the abutting properties to the west did not include dedication of the west half of the right-of-way corridor, so it is no longer possible or necessary to construct SE 189th Avenue at this location.

The right-of-way to be vacated contains no public street improvements. Staff has reviewed the City's Transportation Systems Plan and determined there is no future need for this right-of-way to accommodate public travel. Therefore, vacation of this right-of-way will have no adverse impact on the City's transportation assets.

Staff has contacted all utility owners with facilities potentially located within the subject area. The City of Vancouver has no public utilities within the area of the proposed vacation. CenturyLink (Lumen) has indicated that they have no objections to the proposed vacation. Clark Public Utilities (CPU) has indicated that they have no facilities in the vacation area. NW Natural has indicated they have no objections to the vacation.

Generally, under VMC 11.05.130, the property associated with a vacated street belongs to the abutting property owners, one-half to each, subject to established property rights. However, Washington State case law has established precedent that a property owner abutting a street vacation that never possessed the underlying property has no claim to the vacated area, and the vacated area is therefore returned to the originating property. The original dedication of this right-of-way was provided exclusively by the platting of the underlying parent property (Nielsen Short Plat, Book 2, Page

634). Therefore, the entirety of the vacated area will be conveyed back to the originating property which is now owned by the applicant.

RCW 35.79.030 provides for, but does not require, the City to collect compensation for the value of public right-of-way that is vacated. Further, VMC 11.05.120 stipulates provisions for the City to calculate and collect compensation for vacated public right-of-way. As discussed above, this right-of-way was dedicated to Clark County via platting of the underlying parent property; the property was not acquired at public expense. Staff has determined there is no future need for this right-of-way to accommodate public travel. The City has not constructed any street improvements within the subject right-of-way, and is not known to have performed any maintenance of this right-of-way area. Based on these circumstances, pursuant to VMC 11.05.120.D, staff recommends that no compensation be required for the vacated property.

Request: On March 25, 2024, adopt a resolution of intent and approve ordinance on first reading to vacate a portion of public right-of-way associated with SE 189th Avenue located within the Southeast Quarter of Section 31, Township 2 North, Range 3 East, Willamette Meridian, setting the date of public hearing for April 15, 2024.

Ryan Lopossa, Transportation Division Manager, 360-487-7706

Mayor McEnerny-Ogle read the title of the ordinance into the record.

Motion approved the request.

Motion adopted Resolution M-4268 to approve the request.

12. Right-of-way vacation at Brady Rd & 192nd Ave

Staff Report: 063-24

A RESOLUTION fixing April 15, 2024, as the date for a public hearing on a proposal to vacate public right-of-way associated with SE Brady Road, at the northwest corner of the intersection of SE 192nd Avenue and SE Brady Road, located within the Northwest Quarter of Section 8, Township 1 North, Range 3 East, Willamette Meridian, City of Vancouver, Clark County, Washington.

AN ORDINANCE vacating the right-of-way associated with SE Brady Road, at the northwest corner of the intersection of SE 192nd Avenue and SE Brady Road, located within the Northwest Quarter of Section 8, Township 1 North, Range 3 East, Willamette Meridian, City of Vancouver, Clark County, Washington; and providing for an effective date.

Staff has received a request from Hawes Ventures, LLC, to vacate a portion of SE Brady Road right-of-way located at the northwest corner of the intersection of SE 192nd Avenue and SE Brady Road. The right-of-way is specifically located within the Northwest Quarter of Section 8, Township 1 North, Range 3 East, Willamette Meridian.

This right-of-way area is a portion of a larger area which was conveyed to the City of Vancouver from the State of Washington with a quitclaim deed dated June 2, 2021, and Turnback Agreement No. TB4-0095, dated April 11, 2019. The terms of the quitclaim deed indicate that written approval must be given by WSDOT to vacate any portion of the turnback right-of-way area for non-transportation uses. Pursuant to this requirement, staff received a Letter of Surplus, dated October 3, 2023, indicating that WSDOT has reviewed and approved the proposed vacation.

The right-of-way to be vacated contains no public street improvements. Staff has reviewed the City's Transportation Systems Plan and determined there is no future need for this right-of-way to accommodate public travel. Therefore, vacation of this right-of-way will have no adverse impact on the City's transportation assets.

Staff has contacted all utility owners with facilities potentially located within the subject area. The City of Vancouver has utilities within the area of the proposed vacation, specifically stormwater structures and stormwater mains. City staff in the stormwater division have provided the applicant a stormwater reconfiguration plan to accommodate the proposed vacation and improve stormwater operations. The applicant has accepted the reconfiguration plan and has agreed to reconfigure the existing stormwater facilities per the direction of staff. The necessary stormwater system alterations must be constructed by the applicant prior to the proposed vacation being finalized.

CenturyLink has indicated that they have no objections to the proposed vacation but stipulated that if any CenturyLink facilities are found within the vacated area, the applicant will be required to relocate them. An existing conditions survey provided by the applicant appears to indicate that Clark Public Utilities (CPU) may have electrical lines running through a portion of the subject area. CPU has indicated that they have no objections to the proposed vacation but stipulated that all CPU facilities must be protected with appropriate easement(s). Therefore, to accommodate the various utilities located in the vacation area, the applicant will be required to provide public utility easement(s) under and over a portion of the vacated area for the construction, repair and maintenance of public utilities and services. The necessary easement dedication documents must be prepared and recorded by the applicant prior to the proposed vacation being finalized.

Generally, under VMC 11.05.130, the property associated with a vacated street belongs to the abutting property owners, one-half to each, subject to

vested property rights. The area proposed to be vacated is surrounded by property owned by the applicant. Therefore, the entirety of the vacated area will be conveyed to the applicant.

RCW 35.79.030 provides for, but does not require, the City to collect compensation for the value of public right-of-way that is vacated. Further, VMC 11.05.120 stipulates provisions for the City to calculate and collect compensation for vacated public right-of-way. As discussed above, this right-of-way was conveyed to the City of Vancouver from the State of Washington via turnback agreement and quitclaim deed. The property was acquired at public expense when WSDOT originally acquired the property. The City has not constructed any street improvements within the subject right-of-way, but has performed basic maintenance of this right-of-way area as necessary to provide access to the existing public utilities. Further, the vacated area will be utilized by the applicant for a proposed commercial development. Based on these circumstances, staff recommends the imposition of compensation equal to 100% of the total appraised property value.

The City commissioned an appraisal of the subject right-of-way, which identified a fair market value of \$120,000. WSDOT reviewed the appraisal and felt that the value was slightly low. WSDOT identified additional property sales comparisons to augment the information in the appraisal, and indicated that they will accept a market value of \$136,000. Per the provisions of VMC 11.05.120, the sum of \$136,000 shall be paid to the City prior to the right-of-way vacation becoming effective.

Request: On March 25, 2024, adopt a resolution of intent and approve ordinance on first reading to vacate a portion of public right-of-way associated with SE Brady Road located within the Northwest Quarter of Section 8, Township 1 North, Range 3 East, Willamette Meridian, setting the date of public hearing for April 15, 2024.

Ryan Lopossa, Transportation Division Manager, 360-487-7706

Mayor McEnerny-Ogle read the title of the ordinance into the record.

Motion approved the request.

Motion adopted Resolution M-4269 to approve the request.

13. Vancouver Innovation Center Revision

Staff Report: 064-24

AN ORDINANCE amending the Vancouver Innovation Center (VIC) Mixed

Use Master Plan (Master Plan) and Development Agreement (DA) for parcels 126455000, 126816000, 986056494, and 986065748 located at 18110 SE 34th Street; providing for severability; and providing for an effective date.

The applicant requests approval of a revision to an existing master plan and development agreement. Development can occur on the site as approved in 2021 under the existing master plan.

The item was reviewed by the Planning Commission on February 13, 2024, and materials can be reviewed here: <https://www.cityofvancouver.us/events/planning-commission-meeting-23/>

Request: On Monday, March 25, 2024, approve the ordinance first reading; setting date of second reading and quasi-judicial public hearing for April 1, 2024.

Mark Person, Senior Planner, 360-487-7885

Mayor McEnerny-Ogle read the title of the ordinance into the record.

Motion approved the request.

14. Approval of Claim Vouchers

Request: Approve claim vouchers for March 25, 2024.

Motion approved claim vouchers in the amount of \$18,106,723.01.

Communications

A. From the Council

B. From the Mayor

C. From the City Manager

Homelessness Emergency Situation Report #4

Jamie Spinelli, Homeless Response Manager, discussed the Homelessness Emergency Situation Report #4.

Green Building Policy Update

Rebecca Small, Senior Policy Analyst, Chad Eiken, Community Development Director, and Patrick Quinton, Economic Development Director, discussed the Green Building Policy Update.

Council Policies Workshop Preview

Jonathan Young, City Attorney, discussed the Council Policies Workshop Preview.

Adjournment

8:26 p.m.

DocuSigned by:

Anne McEnerny-Ogle

6C89D9089EC8424...

Anne McEnerny-Ogle, Mayor

Attest:

DocuSigned by:

Natasha Ramras

BCF6734E40E92AE...

Natasha Ramras, City Clerk

The written comments below are those of the submitter alone and are not representative of the views of CVTV or the City of Vancouver, its elected or appointed officials, or its employees.

From: [City of Vancouver - Office of the City Manager](#)
To: [City Council](#)
Cc: [Dollar, Sarah](#); [Benoit, Emily](#); [City of Vancouver - Office of the City Manager](#)
Subject: FW: Attn City Council - Support McGillivray Project
Date: Tuesday, March 19, 2024 10:30:48 AM

Hello,

Please see the email below that was received in the CMO inbox.

Thanks,
Stephanie

From: Kelly Hagerman [REDACTED]
Sent: Monday, March 18, 2024 8:38 PM
To: City of Vancouver - Office of the City Manager <CMO@cityofvancouver.us>
Subject: Attn City Council - Support McGillivray Project

You don't often get email from [REDACTED]. [Learn why this is important](#)

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

To the city council of Vancouver,

Please consider this message as a reflection of my support of the recently proposed McGillivray project. I drive on McGillivray to and from work multiple days per week and I look forward to a future where I am able to ride my bike to work instead. I feel that the protected bike lane proposed in the McGillivray project will allow me to feel safe enough to make this a reality.

As things currently stand, McGillivray is not a safe or comfortable street for bikers or pedestrians. This project will change that and I believe will also make McGillivray a more beneficial area to the surrounding community. I look forward to seeing the completion of this project.

Thank you for your time,
Kelly Hagerman

From: [City of Vancouver - Office of the City Manager](#)
To: [City Council](#)
Cc: [Dollar, Sarah](#); [Benoit, Emily](#); [City of Vancouver - Office of the City Manager](#)
Subject: FW: City Council: Support the McGillivray Safety Project
Date: Tuesday, March 19, 2024 10:30:02 AM

Hello,

The following email was received in the CMO inbox.

Thanks!
Stephanie

From: Chris Erickson <[REDACTED]>
Sent: Monday, March 18, 2024 8:50 PM
To: City of Vancouver - Office of the City Manager <CMO@cityofvancouver.us>
Subject: City Council: Support the McGillivray Safety Project

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

Hello,

Please forward this message to the City Council:

I fully support the McGillivray Safety Project and the recommendations of the Transportation and Mobility Commission. The project will make the corridor safer for all users and will help create a more vibrant, pleasant community. The Commission has done their due diligence and has studied the matter through and through. The project will only create positive outcomes and should begin posthaste.

I urge the City Council to lend their support to this project and see it become a reality. We should not let a vocal minority get in the way of progress. All community members will benefit from this project, even if they don't realize it yet. We have the power to create a more livable, just, and peaceful city and it starts with safety projects like these. I look forward to the day where I can safely and comfortably ride my bike down McGillivray.

Thank you for your time.
-Chris Erickson

From: [City of Vancouver - Office of the City Manager](#)
To: [City Council](#)
Cc: [Dollar, Sarah](#); [Benoit, Emily](#)
Subject: FW: City Council: support the McGillivray changes
Date: Monday, March 18, 2024 8:21:11 AM

Good morning!

We have received this in the CMO inbox.

Amelia Pilipchuk | Support Specialist
City Manager's Office | Information Desk
P: (360) 487-8101

From: Karrie Brower <[REDACTED]>
Sent: Saturday, March 16, 2024 9:49 AM
To: City of Vancouver - Office of the City Manager <CMO@cityofvancouver.us>
Subject: City Council: support the McGillivray changes

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Good morning,

I am writing in support of the proposed changes to McGillivray. The current design allows too much room for cars with too wide of lanes, which encourages drivers to feel safe speeding making the corridor unsafe for other modes of travel. To pursue the city's lofty climate goals, there is going to have to be a change of the status quo around traveling. These changes will be difficult for some members of the community to stomach initially. Please know that there are also members of the community that support your goals here.

Thanks,
Karrie Brower
Meadow homes neighborhood

Get [Outlook for iOS](#)

From: [City of Vancouver - Office of the City Manager](#)
To: [City Council](#); [Benoit, Emily](#)
Cc: [Dollar, Sarah](#)
Subject: FW: City Council: Please Support the new McGillvray Changes!
Date: Friday, March 15, 2024 10:26:02 AM

Good morning,

We have received this in the CMO inbox

Amelia Pilipchuk | Support Specialist
City Manager's Office | Information Desk
P: (360) 487-8101

From: Jason Cromer [REDACTED]
Sent: Friday, March 15, 2024 9:22 AM
To: City of Vancouver - Office of the City Manager <CMO@cityofvancouver.us>
Subject: City Council: Please Support the new McGillvray Changes!

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

Hello City Council members,

I wanted to write to you in support of the McGillivray project. Right now, that corridor is very dangerous, and doesn't offer people the freedom to safely walk or bicycle down it.

I've heard some people have pushed back stating that they don't want changes for this road and to keep it car-centric, but the truth is that this corridor is a public corridor for everyone to use, not just car users, and keeping the status quo, that we know doesn't work, just isn't good enough.

As our city grows in population and density, we absolutely must look to the future and update our city so we are prepared for the influx of population. We already know that cars are the most [inefficient mode of transportation](#), and so by not updating our roads, we are actively making them worse for future residents. We must give people the freedom to choose how they travel, and to give them options that are safe. We must also prioritize methods of transportation that are efficient, cost-effective, and safe, all of which personal vehicles are not.

As someone who uses this corridor, and has friends who live in the area, most nearby residents are fully in support of this and do not agree with the small group of those who would rather keep the status quo. In every urban project around the world, there will always be a small handful of loud voices that speak against it. However, I would urge you to look to our future and envision how great of a success this project will be for our growing city, especially as more and more people take transit, walk, and bicycle. It's imperative that our streets become safe for all users, and become efficient modes of moving people like they are in other first world countries. Thank you.

Best,
Jason

From: [City of Vancouver - Office of the City Manager](#)
To: [City Council](#); [Benoit, Emily](#)
Cc: [Dollar, Sarah](#)
Subject: FW: We Need These Changes on McGillvray!
Date: Thursday, March 14, 2024 9:45:44 AM

Good morning,

We have received this in the CMO Inbox.

Amelia Pilipchuk | Support Specialist
City Manager's Office | Information Desk
P: (360) 487-8101

From: Dev <[REDACTED]>
Sent: Wednesday, March 13, 2024 10:18 PM
To: City of Vancouver - Office of the City Manager <CMO@cityofvancouver.us>
Subject: We Need These Changes on McGillvray!

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

Hi City Council,

I write to you today to show my support for the McGillivray project and to ask you to continue to support it.

We cannot, and I repeat **cannot**, put off building infrastructure that'll support our needs in the future. We're a fast growing city, and if we don't allocate more space for walking, bicycling, and transit, we will become another LA: suburban sprawl where a 3 mile trip will take 45 minutes of bumper to bumper traffic instead of a 10 minute bicycle or bus ride.

Let's instead aim for the lessons other cities have taught us: Give equal (or even greater) priority and space to walking, bicycling, and transit, and you won't face the issue of traffic jams or safety issues that car-centric towns and cities face. Give people the freedom to choose how they get from A->B, and let's break the status quo in assuming that the expensive, dangerous, and inefficient mode of driving a personal vehicle is somehow our future, despite all data and real-world examples showing it isn't.

Thank you.

Kindly,
Dev