



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

April 1, 2024

WORKSHOPS: 3:00-6:00 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/36353?startStreamAt=0&stopStreamAt=5948

Council Policies Update

To be held in City Council Chambers on the 2nd floor of the City Hall Building

(Approximately 1 hour)

Jonathan Young, City Attorney; 360-487-8500

Summary

Staff led Council through a discussion of the Council Policies Update.

Councilmembers Hansen, Fox, and Harless were late to the workshop.

Comprehensive Plan Update

*To be held in the Aspen Room on the first floor of the City Hall Building
(Approximately 2 hours)*

Rebecca Kennedy, Deputy Community Development Director, 360-487-7896; Dominique Martinelli, Senior Planner, 360-487-7943

Summary

Staff led Council and the Planning Commission through a joint discussion of the Comprehensive Plan Update.

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/36355?startStreamAt=0&stopStreamAt=6467 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, Paulsen, Stober, Hansen, and Mayor McEnerny-Ogle

Absent: None

Approval of Minutes

Minutes - March 11, 2024

Motion by Councilmember Hansen, seconded by Councilmember Stober, and carried unanimously to approve the meeting minutes of March 11, 2024. Councilmember Paulsen abstained.

Minutes - March 18, 2024

Motion by Councilmember Fox, seconded by Councilmember Paulsen, and carried unanimously to approve the meeting minutes of March 18, 2024. Councilmember Perez abstained.

Proclamations: National Poetry Month; Food Waste Prevention Week

Mayor McEnerny-Ogle read and presented a proclamation to Michele Hanlon, Poetry Moves Program, and Susan Dingle, Clark County Poet Laureate, proclaiming April 2024, as National Poetry Month.

Mayor McEnerny-Ogle read and presented a proclamation to Liz Erickson, Solid Waste Analyst for the City of Vancouver, proclaiming April 1-7, 2024, as Food Waste Prevention Week.

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

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

Consent Agenda (Items 1-6)

Motion by Councilmember Hansen, seconded by Councilmember Perez, and carried unanimously to approve items 1-6 on the Consent Agenda.

1. **2024 East Curb Ramps Project**

Staff Report: 065-24

The City is issuing three separate curb ramp contracts this year as part of its 2024 pavement management program. These contracts include the "2024 Fourth Plain Blvd Curb Ramps – Ft. Vancouver Wy to Andresen Rd",

the “2024 East Curb Ramps”, and the “2024 West Curb Ramps”. The purpose of splitting the work into three contracts is to reduce each contract to a manageable size, which helps expedite ramp construction. From a construction sequencing standpoint, it is far more efficient to construct the new curb ramps in advance of the on-street pavement management resurfacing work.

This staff report and recommended action is to award the 2024 East Curb Ramps. A construction contract for the 2024 Fourth Plain Blvd Curb Ramps – Ft. Vancouver Wy to Andresen Rd has already been awarded and a recommendation to award the 2024 West Curb Ramps accompanies this one today.

On March 12, 2024, the City received four bids for the subject project. The bids ranged between \$1,764,000.00 to \$2,360,509.00. The low bidder was responsive. The bids are as follows:

SUMMARY OF BIDS	
BIDDER	AMOUNT
<i>Advanced Excavating Specialists, Kelso, WA</i>	<i>\$1,764,000.00</i>
<i>Lee Contractors, Battle Ground, WA</i>	<i>\$1,922,000.00</i>
<i>Grade Werks Excavating, LLC., Battle Ground, WA</i>	<i>\$1,998,775.00</i>
<i>Clark & Sons Excavating, Inc., Battle Ground, WA</i>	<i>\$2,360,509.00</i>
<i>Engineers’ Estimate</i>	<i>\$1,600,000.00</i>

There is a minimum apprenticeship goal of 4% of the utilized labor hours for this project. Advanced Excavating Specialists, Kelso, Washington has submitted an Apprenticeship Utilization Plan to meet or exceed this goal by using approximately 520 hours of apprentice time of the estimating a total of 8151 applicable labor hours for the project.

Request: On April 1, 2024, award a construction contract for the 2024 East Curb Ramps Project to the lowest responsive and responsible bidder, and authorize the City Manager or designee to sign a contract with Advanced Excavating Specialists, Kelso, Washington at their bid price of \$1,764,000.00, which includes Washington State sales tax.

Chris Sneider, Senior Civil Engineer, 360-487-8239

Motion approved the request.

2. 2024 West Curb Ramps Project

Staff Report: 066-24

The City is issuing three separate curb ramp contracts this year as part of its 2024 pavement management program. These contracts include the

“2024 Fourth Plain Blvd Curb Ramps – Ft. Vancouver Wy to Andresen Rd”, the “2024 East Curb Ramps”, and the “2024 West Curb Ramps”. The purpose of splitting the work into three contracts is to reduce each contract to a manageable size, which helps expedite ramp construction. From a construction sequencing standpoint, it is far more efficient to construct the new curb ramps in advance of the on-street pavement management resurfacing work.

This staff report and recommended action is to award the 2024 West Curb Ramps. A construction contract for the 2024 Fourth Plain Blvd Curb Ramps – Ft. Vancouver Wy to Andresen Rd has already been awarded.

On February 27, 2024, the City received seven bids for the subject project. The bids ranged between \$393,650.00 to \$690,900.00. The low bidder was responsive. The bids are as follows:

SUMMARY OF BIDS	
BIDDER	AMOUNT
<i>Halme Excavating, Inc., Battle Ground, WA</i>	<i>\$393,650.00</i>
<i>Raz Construction Co., Ridgefield, WA</i>	<i>\$481,841.44</i>
<i>Advanced Excavating Specialists, Kelso, WA</i>	<i>\$499,100.00</i>
<i>Clark & Sons Excavating, Inc., Battle Ground, WA</i>	<i>\$528,030.00</i>
<i>Tikka Masonry, Inc., Battle Ground, WA</i>	<i>\$538,556.50</i>
<i>Western United Civil Group, Yacolt, WA</i>	<i>\$614,166.00</i>
<i>MJ Hughes Construction, Vancouver, WA</i>	<i>\$690,900.00</i>
<i>Engineers' Estimate</i>	<i>\$550,000.00</i>

There is a minimum apprenticeship goal of 3% of the utilized labor hours for this project. Halme Excavating, Inc., Battle Ground, Washington has submitted an Apprenticeship Utilization Plan to meet or exceed this goal by using approximately 80 hours of apprentice time of the estimating a total of 2,028 applicable labor hours for the project.

Request: On April 1, 2024, award a construction contract for the 2024 West Curb Ramps Project to the lowest responsive and responsible bidder, and authorize the City Manager or designee to sign a contract with Halme Excavating, Inc., Battle Ground, Washington at their bid price of \$393,650.00, which includes Washington State sales tax.

Chris Sneider, Senior Civil Engineer, 360-487-8239

Motion approved the request.

3. Professional Services Agreement for On-Call Facilitation Services

Staff Report: 067-24

AN ORDINANCE authorizing the execution of a contract amendment with Kearns & West (“Contractor”), to continue providing facilitation services for a variety of different processes and meetings and other related services on an as needed basis (“Services”) to the City of Vancouver, Washington (“City”); authorizing a contract amendment extending the contract beyond its original five-year duration; providing for severability; and setting an effective date.

The City currently utilizes Kearns & West for on-call facilitation services, including the charter review process that is underway.

The current professional services agreement with Kearns & West was entered into on May 1, 2019, and was for a period of five years. The agreement was to provide facilitation services for a variety of different processes and meetings and other related services on an as needed basis and was in response to RFP No. 2-19.

Kearns & West engaged with the City to facilitate the charter review process in October 2023. The process is currently underway with a Council workshop scheduled for May 20, 2024 to present the Charter Review Committee’s recommendations to Council. Depending on Council action on the Committee’s recommendations, Kearns & West will be asked to assist staff in preparing ballot materials.

To allow Kearns & West to continue work on the charter review process, staff are requesting an amendment to extend the Kearns & West professional services agreement, currently expiring April 30, 2024, to instead expire July 31, 2024.

City staff have commenced a new procurement process for on-call facilitation services.

Request: On April 1, 2024, approve the ordinance on first reading, setting the date of second reading and public hearing for April 15, 2024.

*Aaron Lande, Program and Policy Development Manager,
360-487-8612*

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

Motion approved the request.

4. Nomination for Appointment to the Fort Vancouver Regional Library District Board

The Fort Vancouver Regional Library Board is the governing body for the

library district and oversees the library system, the service area includes Clark, Klickitat, and Skamania counties. The City of Vancouver has two representatives on the board.

Council Committee 1 recently interviewed applicants for one full-term position and recommends Mary Williams be nominated for the full-term seat expiring December 31, 2031. This recommendation will be moved forward to the Clark County Board of Commissioners, after which the appointment is contingent upon approval by the Clark, Klickitat and Skamania boards of commissioners.

*If there are no objections, we would like to request approval of this nomination at the **Monday, April 1**, council meeting.*

Request: Nominate Mary Williams for appointment to the Fort Vancouver Regional Library District Board for a full-term position effective January 1, 2024, and expiring December 31, 2031.

Council Committee 1

Motion approved the request.

5. Appointment Parking Advisory Committee

The Parking Advisory Committee advises City Council on policy issues related to all city-owned on-street and off-street parking facilities and makes recommendations on facilities and parking regulations.

Council Committee 2 recently interviewed candidates for one vacancy on the Parking Advisory Committee and recommends the appointment of Travis Schemp. Council policy 100-06 4.2 states "If a candidate is selected to fill the remainder of an unexpired term of six (6) months or less, their appointment shall be for the unexpired term plus the next full term." Per this policy, term dates for this appointment are effective January 1, 2024, and expiring July 31, 2028.

*If there are no objections, we would like to make these appointments at the **Monday, April 1** Council meeting.*

Request: Appoint to the Parking Advisory Committee Travis Schemp to the remainder of the mid-term and a full-term position (per council policy 100-06 4.2) effective January 1, 2024, and expiring July 31, 2028.

Council Committee 2

Motion approved the request.

6. Approval of Claim Vouchers

Request: Approve claim vouchers for April 1, 2024.

Motion approved claim vouchers in the amount of \$2,249,111.24.

Public Hearings (Items 7-8)

7. Right-of-Way Franchise Agreement for Njord LLC, (dba) Zing Broadband

Staff Report: 047-24

AN ORDINANCE relating to management of the public rights-of-way, granting to (Njord LLC, (DBA) Zing Broadband) and its affiliates ("Grantee"), a (LLC) (collectively "Parties"), a non-exclusive and revocable Franchise to install, operate and maintain a telecommunication system in, on, over, upon, along, and across Public Ways of the City of Vancouver, Washington ("City"), establishing certain rights, duties, terms, and conditions with respect to the Franchise; and setting an effective date and conditions.

Njord LLC, (DBA) Zing Broadband wishes to occupy and utilize portions of the public rights of-way in the City. Cities may require a permit or franchise for the use of its right-of-way for telecommunication facilities (RCW 35.99.030); the City may not charge a franchise fee for the franchise (RCW 35.21.860). The proposed ordinance establishes the terms and conditions of the right to construct and maintain its telecommunications facilities within the City's rights-of-way.

City staff has worked with Zing Broadband to negotiate the terms of a franchise ordinance, which manages the deployment of a telecommunications system that balances local aesthetics, character, and public health and safety, while also deriving technological benefits for the City's residents to the greatest extent practicable.

Request: On Monday, April 1, 2024, subject to second reading and public hearing, approve the ordinance.

Cary Driskell, Assistant City Attorney, 360-946-3065; Aaron Lande, Program and Policy Development Manager, 360-487-8612

Cary Driskell, Assistant City Attorney, provided an overview of the Right-of-Way Franchise Agreement for Njord LLC, (dba) Zing Broadband.

Council discussed the item briefly with staff.

Mayor McEnemy-Ogle opened the public hearing and received testimony from the following community members:

- Kimberlee Goheen Elbon, La Center, WA

There being no further testimony, Mayor McEnerny-Ogle closed the public hearing.

Motion by Councilmember Stober, seconded by Councilmember Hansen, and carried unanimously to approve Ordinance M-4444.

8. **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, April 1, 2024, subject to second reading and public hearing, approve the ordinance.

Mark Person, Senior Planner, 360-487-7885

Mark Person, Senior Planner, and Patrick Quinton, Economic Development Director, provided an overview of the Vancouver Innovation Center Revision.

Council discussed the item briefly with staff.

Mayor McEnerny-Ogle opened the public hearing and received testimony from the following community members:

- Kimberlee Goheen Elbon, La Center, WA
- James Lopez, Portland, OR
- Jonathan Rodriguez, Portland, OR
- Joshua Lucas, Yacolt, WA

There being no further testimony, Mayor McEnerny-Ogle closed the public hearing.

Motion by Councilmember Paulsen, seconded by

Councilmember Stober, and carried unanimously to approve Ordinance M-4445.

Communications

A. From the Council

B. From the Mayor

C. From the City Manager

State Legislative End of Session Update

Aaron Lande, Program and Policy Development Manager, and Brian Enslow, Contract State Lobbyist, discussed the State Legislative End of Session Update.

EXECUTIVE SESSION RE: PERSONNEL - RCW 42.30.110(1)(g) (1 HR)

Mayor McEnerny-Ogle announced the Council would be entering into executive session from 8:16-9:03 p.m. to discuss Personnel.

Adjournment

9:03 p.m.

DocuSigned by:

Anne McEnerny-Ogle

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Anne McEnerny-Ogle, Mayor

Attest:

DocuSigned by:

Natasha Ramras

BCF6734E40E94AE...

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.



U.S. DEPARTMENT OF LABOR

News Release

US DEPARTMENT OF LABOR RECOVERS MORE THAN \$947K FROM OREGON FEDERAL CONTRACTORS WHO DENIED FULL WAGES, BENEFITS TO 213 CONSTRUCTION WORKERS

Investigations found four employers in violation of federal contracting laws

PORTLAND – The U.S. Department of Labor has recovered \$947,547 from four Oregon contractors who failed to pay fringe benefits, prevailing and overtime wages to 213 employees working on federally funded construction projects in Oregon and Washington.

The recovery follows several investigations by the department's Wage and Hour Division and the discovery of violations of the Davis-Bacon and Related Acts, the Contract Work Hours and Safety Standards Act and the Fair Labor Standards Act.

Specifically, federal investigators found the following:

- G Builders LLC, a Damascus wood framing company, classified employees incorrectly and failed to pay them the appropriate prevailing wages and fringe benefits for the type of work they did while building affordable housing units at U.S. Department of Housing and Urban Development-funded projects in Gresham and Eugene, and in Vancouver, Washington. **\$46,440.00**
- Joshua Legacy Painting and Restoration LLC, a Hillsboro construction contractor, did not pay workers the correct prevailing wages, fringe benefits and overtime while building affordable housing for farmworkers at the federally funded Colonia Paz complex in Lebanon.
- Emagineered Solutions Inc., a Redmond heavy construction contractor and equipment manufacturer, incorrectly classified workers for the type of work they did and failed to pay them proper prevailing wages and overtime while working on a U.S. Army Corps of Engineers-funded project at the John Day Lock and Dam in the Columbia River near Rufus.
- Reyes Construction LLC, a Bend roofing services contractor, failed to pay employees corresponding prevailing wages and fringe benefits while working on a residential construction project in Ontario with funds from the U.S. Department of Housing and Urban Development.

In total, the division's investigations helped 213 workers recover **\$846,440** in prevailing wages and fringe benefits, and \$101,106 in overtime wages. The department also assessed G Builders \$10,000 in penalties because the company violated similar federal labor laws in 2016 and 2021.

"Employers who do work on government-funded construction projects will be held accountable for making sure workers receive their proper prevailing wages and fringe benefits," said Wage and Hour Division Assistant District Director Michelle Phillips in Portland, Oregon. "The U.S. Department of Labor works tirelessly to ensure employers follow all applicable laws and come into compliance. Employers who do not respect their workers' rights will likely struggle to retain and recruit the people they need to remain competitive, as workers look for opportunities with employers who do. Violating federal contracting laws can also result in debarment from future federal contracting opportunities."

Learn more about the DBRA, the CWHSSA and other laws enforced by the division, as well as a search tool to use if you think you may be owed back wages collected by the division. The department can speak with callers confidentially in more than 200 languages through the agency's toll-free helpline at 866-4US-WAGE (487-9243). Download the agency's new Timesheet App, now available for Android and i-OS devices in English and Spanish, to ensure hours and pay are accurate.

[Learn more about the Wage and Hour Division.](#)

Agency: Wage and Hour Division

Date: September 21, 2023

Release Number: 23-1970-SAN

Media Contact: Michael Petersen

Phone Number: [415-625-2630](tel:415-625-2630)

Email: petersen.michael.w@dol.gov

Media Contact: Jose Carnevali

Phone Number: [415-625-2631](tel:415-625-2631)

Email: carnevali.jose@dol.gov

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U.S. DEPARTMENT OF LABOR

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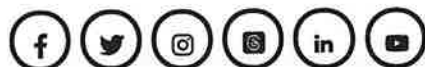
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Spotlight on Westside Drywall, Inc., Cont'd

- ❖ 155 wage and hour violations in past 20 years, including over \$340,000 in back wages.
- ❖ 7 OSHA Investigations since 2016. Found 3 violations and fined \$1,000.



part of wanted to go in and figure out, okay, we've got What's our track

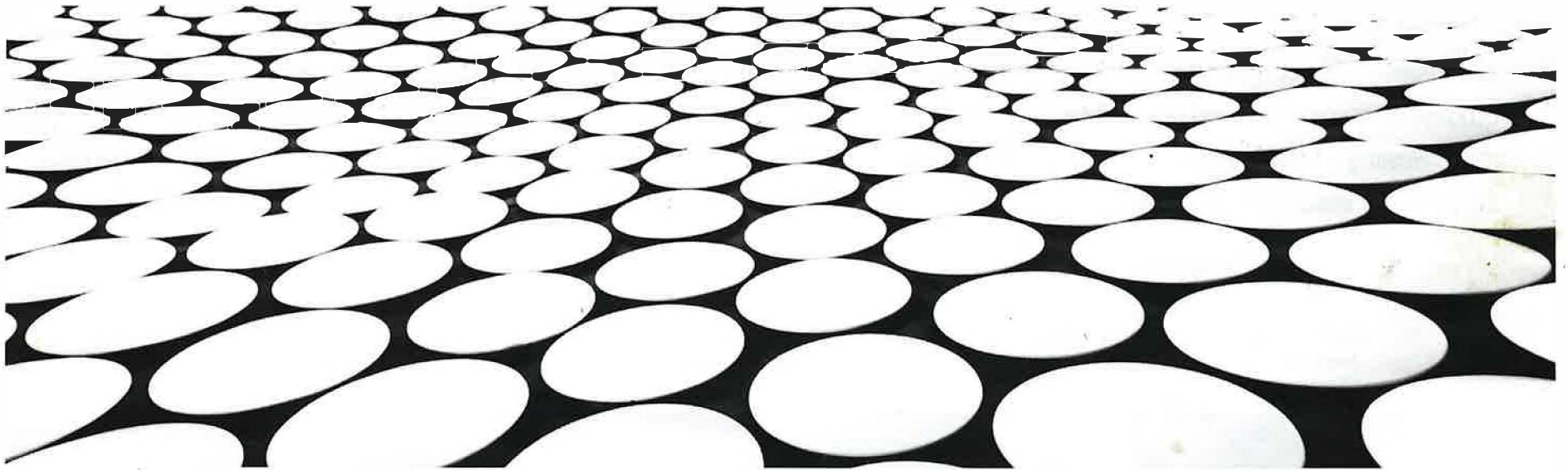


MICHAEL T. Wood Chairman Wood & 2 production Company Inc

Juneteenth 2024 Community Celebration

2024 City of Vancouver Grant

Request: to open second bidding window
(for Level Two grant for up to \$160,000)



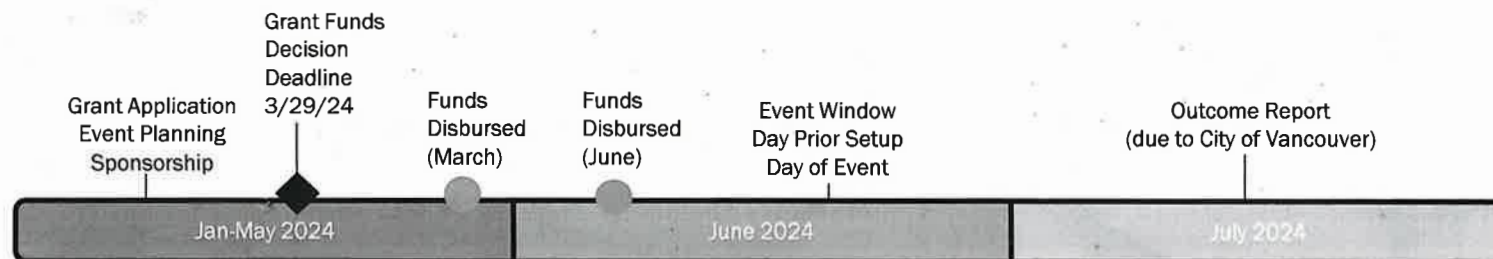
Break the Silence Foundation

Danah Executive Director

Danah Executive Director Break the Silence Foundation

Proposal to Fund Juneteenth 2024 Community Celebration

- **Ask:** open a **second bidding window** for grant applications/acceptance up to \$160,000 with money disbursements in March and June.
- **Need:** project targets local and international partners committed to meeting unmet needs in the community through connection. This project builds and strengthens community. It will provide opportunities to get involved/get out and to make new connections, promote talent over violence and empower people to be heard.
- **Support:** project aligns with the City Council priorities, primarily to build Community Safety and support Diversity *Equity and Inclusion*.
- **Community Involvement:** Break the Silence Foundation has global partners. Collectively, we will reach out to community groups, organizations and international stakeholders to strengthen connections, empower people to get involved and to message our shared values. We are committed to ending violence, using talents to uplift community and empower people. Our community celebration will showcase a tapestry of talent woven from shared heritage, traditions, and interests in our neighborhood and worldwide.
- **Community Impact:** The project builds on the many Mainstreet Makeover partners who are collaborating on fulfilling the Main Street Promise. Our community will benefit from revenue generated from patronage at hotels/restaurants/shops, new business ventures, and more. Hosting a **worldwide Juneteenth 2024 celebration** meets Mayor Anne McEnerny-Ogle's "State of the City Address" delivered to the public on March 18th when she shared her vision of making Vancouver an "urban destination" of choice!



- The website is under construction at www.lib3rateus.com that will describe our purpose and feature our Juneteenth 2024 Event Schedule, Volunteer Sign Up, Solicit Event Suggestions and share how to Donate.

"It's being in the right place at the right time and taking advantage of your opportunities" quote by Lee Majors