



City Council Meeting Minutes

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

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

April 8, 2024

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 CTVV 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 CTVV video recording, including presentations, testimony and discussion, for this meeting please visit: https://www.cvtv.org/vid_link/36369?startStreamAt=0&stopStreamAt=1550 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 Pro-Tem Paulsen. This meeting was conducted as a hybrid meeting, including both in person and remotely over video conference.

Present: Councilmembers Harless, Perez, Fox, Paulsen, and Hansen

Absent: Councilmember Stober and Mayor McEnerny-Ogle

Motion by Councilmember Hansen, seconded by Councilmember Fox, and approved unanimously to excuse Councilmember Stober and Mayor McEnerny-Ogle.

Approval of Minutes

Minutes - March 25, 2024

Motion by Councilmember Hansen, seconded by Councilmember Harless, and carried unanimously to approve the meeting minutes of March 25, 2024.

Proclamations: National Arbor Month; Native Plant Appreciation Month

Mayor Pro-Tem Paulsen read and presented a proclamation to Charles Ray, City of Vancouver Urban Forestry Coordinator, proclaiming April 10, 2024, as Arbor Day and the month of April as Arbor Month.

Mayor Pro-Tem Paulsen read and presented a proclamation to Hailey Heath, City of Vancouver Volunteer Coordinator, proclaiming April 2024, as Native Plant Appreciation Month.

Community Communications

Mayor Pro-Tem Paulsen 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
- Kyle Roslund, Vancouver
- Carmen DeLeon, Vancouver
- Michael Wood, Vancouver

There being no further testimony, Mayor Pro-Tem Paulsen closed Community Communication.

Consent Agenda (Items 1-7)

Motion by Councilmember Fox, seconded by Councilmember Perez, and carried unanimously to approve items 1-7 on the Consent Agenda.

1. 2023 West Curb Ramps Project Acceptance

Staff Report: 068-24

The 2023 West Curb Ramps project included constructing ADA-compliant curb ramps, installing pedestrian push buttons and traffic cameras, and improving curbs and sidewalks. Advanced Excavating Specialists LLC has satisfactorily completed the subject improvements in accordance with the contract plans and specifications.

The original contract bid amount was \$1,418,000. Quantity adjustments during construction resulted in a final contract value of \$1,560,352.67, an approximate 10% cost increase. The cost increase is attributed to additional flagging costs for pedestrian traffic control.

There was a 4% apprenticeship goal for this project which the contractor met.

Request: On April 8, 2024, accept the 2023 West Curb Ramps project as constructed by Advanced Excavating Specialists LLC of Kelso, Washington, and authorize the release of bond, subject to receipt of all documentation required by law.

Madeline Burke, Civil Engineer, 360-487-7763

Motion approved the request.

2. Bid Award - Fourth Plain Road Diet - F Street to Fort Vancouver Way

Staff Report: 069-24

In preparation for this project, City of Vancouver Pavement Management group delivered two prior construction projects in support of this effort:

- Fourth Plain Boulevard (F Street to Fort Vancouver Way) Curb Ramps, 2023*
- Fourth Plain Boulevard (Main Street to Fort Vancouver Way) NHS resurfacing, 2023*

On February 27, 2024, the City received 4 bids for the subject project. The bids ranged between \$1,585,100.00 and \$1,828,760.00. The low bidder was responsive. The bids are as follows:

SUMMARY OF BIDS	
BIDDER	AMOUNT
<i>Western United Civil Group, LLC, Yacolt, WA</i>	<i>\$1,585,100.00</i>
<i>Daybreak Construction, LaCenter, WA</i>	<i>\$1,617,000.00</i>
<i>Advanced Excavating Specialist, Kelso, WA</i>	<i>\$1,647,804.50</i>
<i>Lee Contractors, Battle Ground, WA</i>	<i>\$1,828,760.00</i>
<i>Engineers' Estimate</i>	<i>\$1,750,000</i>

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 11%. Western United Civil Group, LLC from Yacolt, Washington is committed to meet this goal. There are no City Apprenticeship goals as federal guidelines for grant projects do not allow the inclusion of local agency apprenticeship programs.

Request: On April 8, 2024, award a construction contract for the Fourth Plain Road Diet (F Street to Fort Vancouver Way) project to the lowest responsive and responsible bidder, Western United Civil Group, LLC, of Yacolt, Washington, USA at their bid price of \$1,585,100.00, which includes Washington State sales tax, and authorize the City Manager or designee to execute the same.

Ivar Christensen, Senior Civil Engineer, 360-487-7765

Motion approved the request.

3. **Amendment of Professional Services Contract with Live Love Outreach**

Staff Report: 070-24

Background

*At a previous ECHO meeting, Council for the Homeless shared that there were more than 1,100 individuals on the shelter waitlist, and all existing shelter beds were full, which is the norm in Clark County. An estimated 500-600 individuals reside in tents or vehicles within the City of Vancouver, which poses significant health and safety risks to the individuals experiencing unsheltered homelessness, as well as the rest of the community and the environment. At this time, our community does not have an adequate supply of shelter or housing options to meet the growing need. This Council has observed that many individuals who live outdoors on public property do so, not by choice, but due to a lack of financial means to afford adequate shelter. These individuals are adversely mentally and physically impacted by outdoor habitation, and single female encampment occupants experience a disproportionately high incidence of violent crime as compared to other people. In 2023, at least 24 individuals in our community died while experiencing unsheltered homelessness, 14 while living in supportive housing, and 7 while in shelter or medical facility. Nearly **35% of those deaths were due to overdose**, with each of those occurring while individuals were unsheltered or in housing. It is also worth noting that at least 37 of the 45 individuals who passed away in 2023 experienced multiple co-occurring challenges, such as chronic health conditions, mental/behavioral health and substance use, all of which are only compounded by experiences of homelessness.*

Simultaneously, Council has also observed that the City's sensitive

*ecological areas are adversely impacted by secondary impacts of outdoor habitation. The City's sensitive waterways, water treatment facilities, stormwater and wastewater facilities are particularly vulnerable to impacts of illegal dumping and improper disposal of human waste. In 2023, HART removed more than **345 tons** of solid waste from encampments city-wide. Additionally, individuals living outdoors in greenways and wooded areas, who utilize fire as a source of heat, or to cook with, increase the potential for wildfire in those areas, particularly during our dry/summer months. While we've addressed the most vulnerable/sensitive areas through City ordinance, and HART works to mitigate impacts as much as possible, negative environmental impacts from people living outdoors will persist as long as there are not enough indoor options for people experiencing homelessness to be.*

*In an effort to reduce the aforementioned negative impacts of unsheltered homelessness, provide for greater safety, stability, and access to needed services for individuals experiencing unsheltered homelessness, and to remain in compliance with *Martin v. Boise*, in 2021, this Council approved the establishment of city-sponsored Safe Stay Communities in designated areas. At the adoption of the 2021 Vancouver Homeless Response Plan, Council expressed concern about local service provider capacity to operate the Safe Stay Communities, and it was agreed that staff would need to work with local providers to build additional capacity and or support the development of newer providers. To date, we have opened 4 Safe Stay Communities, each managed and supported by 3 different, and relatively new, contracted service providers who work to:*

- ensure safety and sanitation within and immediately surrounding the designated Communities,*
- assist Safe Stay Community residents with obtaining stability, accessing needed resources, and transitioning into more permanent housing situations, and*
- proactively engage with the surrounding neighborhoods to mitigate potential negative impacts to the neighborhoods, facilitate neighborhood participation and volunteer opportunities within the designated Community, and encourage participation in neighborhood/community events, neighborhood association meetings, etc. amongst Safe Stay Community residents.*

Our existing Safe Stay Communities and their operators have met those expectations in the neighborhoods they exist in, but because of the number of people still waiting to get indoors, these sites are still needed; and because of the shortage in service providers with the capacity to provide the kinds of stabilizing supports needed to assist site residents in successfully exiting Safe Stays to housing, growing provider capacity is also still needed.

Current Status

Living Hope Church began providing meals, clothing and walk-in severe weather shelter several years ago, and operated a city-sanctioned and funded tent camp on their church property as a COVID response in 2020, with much of that being done utilizing dedicated volunteers and community donations. In 2022, the church established Live Love Outreach as a 501c3, after being selected through a competitive RFP process, to operate the City's second Safe Stay Community, Hope Village. The Safe Stay Community was their first full-time, year-round program as a service provider within the local Homeless Crisis Response System, and they have done a great deal of work in just two years to build their team, in both number and knowledge, to be able to effectively meet the increasingly complex needs of Hope Village residents.

In their first year of operations, around 26% of their residents exited to housing, and 43% of the residents served since May 2023 have exited to housing. However, due to a variety of reasons, including housing affordability, an increasing number of residents entering shelter with no or very low fixed incomes, and an increasing number of residents entering with co-occurring and complex needs/barriers (chronic health conditions, significant mental health, substance use, evictions/landlord debt, etc.), lengths of stay in shelters, including Hope Village, have started to increase. To effectively address these growing needs and achieve greater throughput, while also ensuring that residents are prepared for the transition to housing, Live Love Outreach has asked for an increase in budget to hire a Case Manager to add to their current staff of Peers, as well as increase their staff wages and offer additional benefits, like PTO/vacation time, to be more competitive and ensure a livable wage, particularly in light of inflation/cost of living increases.

Request: Approve the amendment of a professional services contract with Live Love Outreach of Vancouver, WA, and to authorize the City Manager, or designee, to execute a contract for delivery of supportive services and site management at city-sanctioned Safe Stay Community #2.

Jamie Spinelli, Homeless Response Manager, (360) 487-8610

Motion approved the request.

4. Multi-Family Tax Exemption- Amendment to Development Agreement Port Block 1

Staff Report: 071-24

City Council adopted resolution M-4264 on February 5, 2024, authorizing the City Manager to execute the associated project development agreement. The Port of Vancouver, as property owner, was included in the signature block for the development agreement. The Port of Vancouver has

requested to be removed as a signatory to the development agreement. The City Attorney's office has reviewed the request and agreed that the Port of Vancouver can be removed from the development agreement without any effect to the validity of the adopted resolution or development agreement.

Request: Approve the removal of the Port of Vancouver as a signatory from Resolution M-4264, Exhibit B "Development Agreement" and authorize the City Manager or their designee to execute the amended development agreement on behalf of the City of Vancouver.

Bryan Monroe, Associate Housing Project Coordinator, 360-487-7958

Motion approved the request.

5. **Amendments to 2022 and 2023 Department of Housing and Urban Development Action Plans**

Staff Report: 072-24

A RESOLUTION relating to two substantial amendments to the City of Vancouver's Community Development Block Grant (CDBG) and HOME Investment Partnerships (HOME) Annual Action Plans for program years (PY) 2022 and 2023; authorizing the City Manager to execute agreements on behalf of the City of Vancouver; providing for severability and an effective date.

The City of Vancouver intends to submit substantial amendments to both PY2022 and PY2023 Annual Action Plans for CDBG and HOME funds overseen by HUD. Substantial amendments are defined by 24 CFR 91.505 as changes in allocation priorities, new activities proposed for funding, or a change in the purpose, scope, location, or beneficiaries of an activity. HUD requires a public comment period and submission of an updated Action Plan when these types of program updates are made. The 2022 and 2023 proposed amendments are designed to optimize the utilization of funds, notably through the reprogramming of unused allocations and the cancellation of projects. In accordance with regulatory requirements and the Citizen Participation Plan, the proposed changes are being publicly advertised to facilitate community input.

Activities and amounts to be reprogrammed:

- **Agency Cancelled Project:** *Second Step Housing Acquisition. Returned PY2022 and 2023 HOME, \$300,000.*
- **Agency Cancelled Program:** *Mercy Corps NW Business Assistance Program. Returned PY2023 CDBG, \$50,500.*
- **Funding Source Change:** *Hispanic Metropolitan Chamber Small*

Business Assistance. Previously awarded with City of Vancouver PY2023 CDBG in the amount of \$104,000. Agency is now funded with \$100,000 Washington State CDBG-CV2 and \$4,000 City of Vancouver PY2023 CDBG.

- **Funding Source Changed:** *Proud Ground Buyer-Initiated Land Trust Program. Previously awarded \$100,000 PY2023 HOME, now funded with \$100,000 PY2023 CDBG to meet HUD CDBG spend down requirement.*
- **Added Funding:** *Family Solutions Integrated Health Center Improvements. Previously funded with \$250,000 PY2022 CDBG, requested additional \$25,000 PY2022 CDBG for construction cost increases. Final award \$275,000 PY2022 CDBG.*
- **New Funding:** *Council for the Homeless Building Acquisition for Homeless Services. Requested \$300,000 PY2024 CDBG funding, providing \$300,000 in CDBG reprogrammed funding for acquisition to meet HUD CDBG spend down requirement. The funds to be reprogrammed consist of unused funds from projects that were ended or cancelled and program income.*

Request: Approve a resolution approving and adopting the substantial amendments to the 2022 and 2023 Community Development Block Grant and HOME Investment Partnerships Action Plans, authorizing the City Manager, or designee, to execute agreements on behalf of the City of Vancouver.

Samantha Whitley, Housing Programs Manager, 360-487-7952; Tasha Slater, Associate Housing Project Coordinator, 360-487-7952

Motion adopted Resolution M-4270 to approve the request.

6. **Waterfront Gateway Ground Lease Approval**

Staff Report: 073-24

A RESOLUTION relating to the approval of a form of ground lease between the City of Vancouver and LPC West, LP; establishing the terms and conditions under which the Waterfront Gateway Site may be leased by the City to LPC West; and authorizing the City Manager to execute the ground leases.

Waterfront Gateway is a 6.4-acre City owned site located at the vacant lot south of City Hall and the City Hall parking lot.

The proposed development is described as follows:

- *95-unit affordable housing residential apartment building with 100% of units at or below 60% Area*

Median Income

- *Two market rate residential apartment buildings with approximately 340 units total*

- *Approximately 35,000 square feet of ground floor retail*
- *One approximately 100,000 square feet 8-story cross laminate timber office building*
- *510 parking spaces across a 6-story parking garage for private and public parking and underground parking below the market rate apartment building known as Building 1*
- *Approximately two acres of open space*

As stated in the DDA, each building will sit on its own parcel and all parcels, except for the affordable housing parcel, will be ground leased. The affordable housing parcel will be sold to Lincoln for \$1 with a 50-year affordability covenant recorded against the land.

The substantive terms of the ground lease outlined in the DDA have not changed. The key terms are as follows.

- *50-year term plus two 15-year extensions with the buildings and improvements reverting to the City at the end of the lease term.*
- *Rent is calculated by multiplying the appraised value of the property (using the value set forth in the February 28, 2023, appraisal prepared for the City by Colliers International) by the square footage of each parcel and then multiplying the allocated value of each parcel by 6% cap rate.*
- *Rent is adjusted annually using Consumer Price Index (CPI) for the Seattle-Tacoma-Bellevue MSA and the CPI is capped at 5.5% with a floor of 2.5%. The rent will be adjusted at the closing dates.*
- *The rent will reset every 20 years by virtue of an appraisal and multiplying the allocated value of each parcel by 6% cap rate but shall not exceed 10% of the rent from the preceding year.*
- *Rent will be abated during first two years of the lease term during construction and is discounted during lease years three through seven.*
- *Lincoln cannot assign the ground lease without the City's consent and without meeting certain conditions of approval (see Section 20.2). However, prior to the issuance of a certificate of occupancy, Lincoln is entitled to assign the ground lease without the City's consent to (i) an affiliate, or (ii) a lender or creditor for security or collateral purposes. Following the issuance of a certificate of occupancy, Lincoln can assign without the City's approval to an affiliate in connection with a public offering, a merger, or a sale to a transferee approved by the City.*
- *Subleasing space within the buildings is permitted without the City's prior consent.*
- *Lincoln has a right of first refusal to purchase the property from the City if it chooses to sell to a nonpublic third party. However, this right does not apply to a transfer to a governmental or quasi-governmental entity.*
- *The public benefits and development and construction requirements*

in the DDA are carried forward in the ground lease.

The City's environmental consultant prepared a Contaminated Media Management Plan, known in the DDA as the Soil Remediation Plan (the CMMP), which provides recommendations for handling and disposing the mild contamination across the site during construction. The CMMP is under final review and is not included in the attached ground lease. A finalized copy will be inserted in the executed ground leases and can be circulated to City Council but does not require City Council's approval.

Request: Adopt a resolution approving the form of ground lease and authorizing the City Manager, or designee, to execute the ground leases specific to each development parcel in accordance with the DDA, and related implementation documents and certain amendments to the ground lease.

Amy Zoltie, Real Estate Project Manager, 360487-7953

Motion adopted Resolution M-4271 to approve the request.

7. Approval of Claim Vouchers

Request: Approve claim vouchers for April 8, 2024.

Motion approved claim vouchers in the amount of \$11,925,480.65.

Communications

A. From the Council

B. From the Mayor

C. From the City Manager

Adjournment

6:55 p.m.

DocuSigned by:
Anne McEnerny-Ogle
6C89D9089EC5424...
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.