

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 15, 2024 WORKSHOPS

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

WORKSHOPS: 3:00-6:00 p.m.

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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/36391?startStreamAt=0&stopStreamAt=10618

Supporting Small Business

(Approximately 1 hour)

Chris Harder, Deputy Economic Development Director; 360-487-7934

Summary

Staff led Council through a discussion of Supporting Small Business.

Councilmember Fox was late to the workshop. Councilmember Perez was absent from the workshop.

Tiered Rates/Low Income Assistance

(Approximately 1 hour, to immediately follow previous workshop)

Chris Malone, Public Works Finance & Asset Manager, 360-487-7711

Summary

Staff led Council through a discussion of Tiered Rates and Low-Income Assistance.

Councilmember Perez was absent from the workshop.

Charter Review Committee Interim Update

(Approximately 1 hour, to immediately follow previous workshop)

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

Summary

Staff led Council through a discussion of the Charter Review Committee Interim Update.

Councilmember Perez was absent from the workshop.

COUNCIL DINNER/ADMINISTRATIVE UPDATES (6:00-6:30 p.m.) 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/36393?startStreamAt=0&stopStreamAt=3303
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, Fox, Paulsen, Stober, Hansen,

and Mayor McEnerny-Ogle

Absent: Councilmember Perez

Motion by Councilmember Hansen, seconded by Councilmember Harless, and approved unanimously to excuse Councilmember Perez.

Approval of Minutes

Minutes - April 1, 2024

Motion by Councilmember Hansen, seconded by Councilmember Paulsen, and carried unanimously to approve the meeting minutes of April 1, 2024.

Proclamations: National Preservation Month; Child Abuse Prevention Month

Mayor McEnerny-Ogle read and presented a proclamation to Bradley Richardson, Executive Director of the Clark County Historical Museum, proclaiming April 2024, as National Preservation Month.

Mayor McEnerny-Ogle read and presented a proclamation to Amy Russell, Executive Director of the Arthur D. Curtis Children's Justice Center, proclaiming April 2024, as Child Abuse Prevention Month.

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
- Nickeia Hunter, Vancouver

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

Consent Agenda (Items 1-7)

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

1. Bid Award - Fircrest Neighborhood Improvements for Water, Sewer,

and Streets, per ITB 24-21

Staff Report: 074-24

This project will install water, sewer, and transportation improvements within an area of the Fircrest Neighborhood. The project limits are shown on the attached map. The predominant work will be to install a large diameter water transmission main in Northeast 112th Avenue, Northeast 9th Street, and through Haagen park. These water utility improvements are part of a series of larger water transmission main projects identified in the City of Vancouver's 2015 Comprehensive Water System Plan as necessary to supply an adjacent water tower and convey additional water into areas with increasing demand. In addition to the water utility work this project will; extend sewer in Northeast 9th Street to twelve homes currently on septic, upgrade and install new sidewalk and curb ramps along Northeast 9th Street, upgrade crosswalks with the addition of a signalized crosswalk for safety near the Fircrest Elementary School, upgrade traffic calming devices, and repave Northeast 9th Street from curb to curb once all the utility work has been completed.

Coordination within Public Works to meet road, pedestrian, and utility infrastructure needs led to a collaborative effort in developing a single project that provides several infrastructure improvements achieving multiple goals with benefits to the community. There have been several public outreach efforts to surrounding residents during the development of the project through neighborhood meetings, social media, and mailings. City engineers learned of several neighborhood concerns and were able to tailor much of the project around them. For instance, after hearing concerns about construction of the new water main through the forested area of Haagen Park, an alternative project route was chosen that is supported by Parks and Urban Forestry to minimize tree impacts and improve the existing pedestrian path through the west side of Haagen Park.

On March 26, 2024, the City received two bids for the subject project. The bids are as follows:

SUMMARY OF BIDS	
BIDDER	AMOUNT
Tapani, Inc., Battle Ground, Washington Nutter Corporation, Vancouver, Washington	\$6,851,128.55 \$8,101,651.10
Engineers' Estimate	\$8,950,000

Tapani, Incorporated of Battle Ground, Washington was the lowest responsive and responsible bidder. Tapani, Incorporated has successfully completed at least three similar construction projects of this size and scope within the last ten years.

Tapani, Incorporated intends to meet the minimum required Apprenticeship Utilization goal of 6% by utilizing 400 apprenticeship hours out of the total 6050 project hours projected.

Request: Award a construction contract for the Fircrest Neighborhood

Improvements for Water, Sewer, and Streets project to the lowest responsive and responsible bidder, Tapani, Incorporated of Battle Ground, Washington at their bid price of \$6,851,128.55, which includes Washington State sales tax, and authorize the City Manager or designee to execute the same.

Michelle Henry, Senior Civil Engineer, 360-487-7155

Motion approved the request.

2. Bid Award - 2024 Joint Agency Slurry Seal Project

Staff Report: 075-24

The City of Vancouver and Clark County have solicited a joint bid for each agency's 2024 Joint Agency Slurry Seal Project. Each agency will execute a separate contract for their part of the work.

On March 26, 2024, the City received five bids for the 2024 Joint Agency Slurry Seal Project. Two bidders were non-responsive. The bids ranged from \$669,471.16 to \$1,015,160.52. The low bidder was responsive. The estimated 2024 City of Vancouver part of the work is \$412,030.00.

SUMMARY OF BIDS			
BIDDER	VANCOUVER'S BID	COMBINED BIDS	
Blackline, Inc, Vancouver, WA	\$412,030.00	\$669,471.16	
Doolittle Construction, LLC, Sacramento, CA	\$518,135.80	\$858,858.00	
One Way Trigger, LLC, Sacramento, CA	\$591,810.00	\$1,015,160.52	
Engineers' Estimate	\$440,000.00	\$749,285.76	

The engineer's estimate of \$440,000.00, which covers the City's portion of the cost, is below the \$500,000.00 threshold requirement set for apprenticeship utilization goals. No apprenticeship utilization goals are required for this project.

Request:

On April 15, 2024, award a construction contract for the 2024 Joint Agency Slurry Seal Project to the lowest responsive and responsible bidder, Blackline, Inc, of Vancouver, Washington, at their bid price of \$412,030.00, which includes Washington State sales tax, and authorize the City Manager, designee, to execute the same.

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

Motion approved the request.

3. Body Armor Purchase for Vancouver Police Department

Staff Report: 076-24

Body armor is associated with vests, helmets, gas masks, and other associated equipment to provide ballistic protection to the vital organs in the torso and

head. Each sworn officer is issued a ballistic vest system, helmet, and gas mask. VPD replaces all ballistic helmets for officers as the helmets near their five-year warranty expiration date. Southwest Washington SWAT Team also utilizes this contract to purchase and replace body armor.

VPD ballistic helmets are expiring in May 2024 and need to be replaced as well as gas masks and associated equipment. VPD would like to continue to piggyback on Sourcewell contract #080922 with Safeware. Purchases are expected to exceed the current \$300,000 threshold, requiring Council Approval. The current contract has been liquidated approximately \$298,571.71 and has a November 7, 2026 expiration with the option to extend one additional year. Increasing this contract threshold to a maximum of \$1,000,000 will enable Vancouver Police Department to continue to purchase body armor while taking advantage of the Sourcewell Contract's competitive pricing.

Request:

Authorize the City Manager, or designee, to continue to purchase body armor from Sourcewell under Contract #080922, up to a maximum of \$1,000,000 through November 7, 2027.

Jeff Mori, Police Chief, 360-487-7498

Motion approved the request.

4. Capital Facilities Lease Agreement - City of Vancouver and Washington State Department of Transportation

Staff Report: 077-24

The City of Vancouver's East Precinct facility currently houses both VPD and the Public Works Construction Services Division. VPD occupies 16,178 SF and Construction Services occupies 10,000 SF. VPD growth in staff and space needs requires additional space at VPD East Precinct; relocating Construction Services to alternate space was determined to be appropriate to provide this additional space for VPD.

Washington State Department of Transportation (WSDOT) headquarters building located at 1018 NE 51st Cir, Vancouver, WA 98682, was identified as viable space for Construction Services based on the location, lease rate, square footage availability that meets Construction Services current and projected staffing needs, and synergy and partnership opportunities with WSDOT.

The lease agreement negotiated with WSDOT is for approximately 15,776 square feet for a Five-year (5-year) period. The lease rate will be a fixed rate of \$19.82 per square foot of office and \$10.50 per square foot of secured storage for the five-year term.

VPD East Precinct Background: In 2005, the City of Vancouver Police Department, Public Works and Parks & Recreation collaborated to build the VPD East Police Precinct facility and adjacent neighborhood park.

At that time, both the Police Department and Public Works Construction Services were leasing space at non-city owned facilities. This collaboration resulted in the ability to build a new east precinct that would accommodate VPD and Construction Service's then current needs and provide future growth space for VPD.

Request:

Ratify the attached Capital Facilities Lease Agreement between the Washington State Department of Transportation and City of Vancouver and authorize the City Manager or his designee to execute the document.

Linda Carlson, Property Management Specialist, 360-487-8423

Motion approved the request.

5. 2022 State Homeland Security Program Grant

Staff Report: 078-24

Vancouver Police Department (VPD) and Vancouver Fire Department (VFD) partnered with CRESA to enhance community safety by applying for the 2022 SHSP Grant. Homeland Security Grants provide funding to implement investments that build, sustain, and deliver the core capabilities essential to achieving the National Preparedness Goal of a secure and resilient nation. These core capabilities support five mission areas of prevention, protection, mitigation, response, and recovery based on allowable costs. These grant programs are essential in funding a range of preparedness activities, including planning, organization, equipment purchase, training, exercises, and management and administration.

This federally funded grant will allow VPD to replace grant-funded equipment for the Metro Explosive Disposal Unit (MEDU). Approximately ten years ago, VPD and CCSO each received a grant-funded X-Ray Scanner System through the Portland Police Department to assist our collateral duty explosives technician officers with MEDU responses throughout the Portland-metropolitan area. X-Ray Scanners are used to "develop" images of suspected explosive devices so the appropriate steps can be taken for a safe resolution. The current X-Ray Scanner is nearing end-of-life and needs to be replaced. This asset will also be available as part of the MEDU team response throughout Southwest Washington and the greater Portland Metropolitan area.

This federally funded grant will allow VFD to participate in training activities such as Type 1 & 2 Hazmat, Hazmat equipment, and coordination of joint training and exercises with other fire agencies within Region 4. Region-wide trainings are comprehensive and collaborative in response capabilities which include early detection and screening to maximize communities' life-protection capability during emerging threat situations.

Request:

Authorize the City Manager, or designee, to approve the 2022 SHSP Grant and procure the X-Ray Scanner for MEDU as a regional asset for Southwest Washington and the greater Portland Metropolitan area, and authorize regional training for VFD.

Jeff Mori, Police Chief, 360-487-7498

Motion approved the request.

6. 2023-2025 Internet Crimes Against Children (ICAC) Grant

Staff Report: 079-24

VPD did not submit a grant application for funding. This is a one-time funding award offered through Seattle to the VPD Digital Evidence Cybercrime Unit (DECU) for Internet Crimes Against Children (ICAC) equipment, supplies, overtime, training, staff wellness, and other priorities. VPD intends to use this funding to invest in one-time purchases without any local subsidy or ongoing costs, including staff training, wellness initiatives, operational supplies, and other items approved by the funder.

Request: Authorize the City Manager, or designee, to approve the 2023-

2025 ICAC Grant.

Jeff Mori, Police Chief, 360-487-7498

Motion approved the request.

7. Approval of Claim Vouchers

Request: Approve claim vouchers for April 15, 2024.

Motion approved claim vouchers in the amount of \$4,004,793.80.

Public Hearings (Item 8-10)

8. 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 Keams & 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.

Keams & 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 15, 2024, subject to second reading and public

hearing, approve the ordinance.

Aaron Lande, Program and Policy Development Manager, 360-

487-8612

Aaron Lande, Program and Policy Development Manager, provided an overview of the Professional Services Agreement for On-Call Facilitation Services.

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

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

Motion by Councilmember Hansen, seconded by Councilmember Paulsen, and carried unanimously to approve Ordinance M-4446. Councilmember Stober abstained due to being out of Council Chambers during the vote.

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

Staff Report: 062-24

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-ofway 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 April 15, 2024, subject to second reading and public hearing, approve the ordinance.

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

Ryan Lopossa, Transportation Division Manager, provided an overview of the Right-of-Way Vacation of SE 189th Ave.

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

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

Motion by Councilmember Fox, seconded by Councilmember Stober, and carried unanimously to approve Ordinance M-4447.

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

Staff Report: 063-24

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 Tumback 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 tumback 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 tumback 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 April 15, 2024, subject to second reading and public hearing, approve the ordinance.

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

Ryan Lopossa, Transportation Division Manager, provided an overview of the Right-of-Way Vacation at Brady Rd and 192nd Ave.

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

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

Motion by Councilmember Hansen, seconded by Councilmember Stober, and carried unanimously to approve Ordinance M-4448.

Communications

- A. From the Council
- B. From the Mayor
- C. From the City Manager

Homeless Emergency Response Update #5

Jamie Spinelli, Homeless Response Manager, discussed the Homelessness Emergency Situation Report #5.

EXECUTIVE SESSION RE: REAL ESTATE ACQUISITION (RCW 42.30.120 (1)(b)) 1 HOUR

Mayor McEnerny-Ogle announced the Council would be entering into executive session from 7:30-7:49 p.m. to discuss Real Estate Acquisition.

Adjournment

7:49 p.m.	Docusigned by: Anne McEnerny-Ogle
	Anne McEnerny-Ogle, Mayor
Attest:	
DocuSigned by:	
Natasha Ramras	
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.