

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 22, 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/36407?startStreamAt=0&stopStreamAt=5103

2025-26 Biennial Budget

(Approximately 2 hours)

Shannon Olsen, Budget Manager, 360-487-8497

Summary

Staff led Council through a discussion of the 2025-26 Biennial Budget.

Councilmember Harless was late to the workshop.

Rental Habitability Action Plan

(Approximately 1 hour, to immediately follow previous workshop)

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

Summary

Staff led Council through a discussion of the Rental Habitability Action Plan.

Councilmember Fox attended the workshops remotely.

COUNCIL DINNER/ADMINISTRATIVE UPDATES (6:00-6:30 p.m.)

The Executive Session was moved from the end of the meeting to being held immediately following the workshops.

Motion by Councilmember Stober, seconded by Councilmember Paulsen, and carried unanimously to move the time of the Executive Session on the agenda.

Mayor McEnerny-Ogle announced the Council would be entering into executive session from 4:40-5:35 p.m. to discuss Potential Litigation and Contract Negotiations.

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/36409?startStreamAt=0&stopStreamAt=2750 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 - April 8, 2024

Motion by Councilmember Hansen, seconded by Councilmember Stober, and carried unanimously to approve the meeting minutes of April 8, 2024.

Proclamations: National Small Business Week; National Volunteer Week; Imperial Sovereign Court of the Raintree Empire's 50th Anniversary

Mayor McEnerny-Ogle read and presented a proclamation to Martin Golden, District Director

U.S. Small Business Administration (SBA), Jerry Petrick, Certified Business Advisor

Washington State University's Small Business Development Center (SBDC), and John McDonagh, President/CEO of Greater Vancouver Chamber (GVC), proclaiming April 28 - May 4, 2024, as National Small Business Week.

Mayor McEnerny-Ogle read and presented a proclamation to Sherry Braga, Volunteer Coordinator of the Fort Vancouver Regional Library, and Hailey Heath, Volunteer Coordinator for the City of Vancouver, proclaiming April 21-27, 2024, as National Volunteer Week.

Mayor McEnerny-Ogle read and presented a proclamation to Ducky David, Rain Emperor 49 of the Imperial Sovereign Court of the Raintree Empire, and Jacquelyn Frost, Tree Empress 49 of the Imperial Sovereign Court of the Raintree Empire, proclaiming April 22, 2024, as Imperial Sovereign Court of the Raintree Empire's Day.

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:

- Carmen DeLeon, Vancouver
- Kimberlee Goheen Elbon, La Center, WA

- Peter Fels, Vancouver
- Mark Jolgen, Vancouver

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

Consent Agenda (Items 1-5)

Council pulled item 3 for discussion.

Motion by Councilmember Fox, seconded by Councilmember Stober, and carried unanimously to approve items 1-5 on the Consent Agenda.

Bid Award - NE 137th Avenue Corridor Completion Project (NE 49th Street to NE Fourth Plain Boulevard)

Staff Report: 080-24

On March 19, 2024, the City received 3 bids for the subject project. The bids ranged between \$26.37 million and \$32.95 million. One bidder was considered non-responsive because they provided incomplete bid bond form. The low bidder was responsive. The two responsive bids are as follows:

SUMMARY OF BIDS	
BIDDER	AMOUNT
Tapani, Inc., Battle Ground, WA	\$26,368,398.26
Rotschy, Inc., Vancouver, WA	\$32,950,435.18
Nutter Corporation, Vancouver, WA	non-responsive
Engineer's Estimate	\$23.54 million

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 16%, and 1,200 hours of training. Tapani, Inc. from Battle Ground, Washington is 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 April 22, 2024, award a construction contract for the NE 137th Avenue Corridor Completion Project (NE 49th Street to NE Fourth Plain Boulevard) to the lowest responsive and responsible bidder, Tapani Inc., of Battle Ground, Washington, USA at their bid price of \$26,368,398.26, which includes Washington State sales tax, and authorize the City Manager or designee to execute the same.

Hassan Abdalla, Engineering Manager, 360-487-7704

Motion approved the request.

2. On Call Contracts for Owner Representative Professional Services

Staff Report: 081-24

The City routinely utilizes contracts with various companies for the provision of professional services using "on-call" procedures. On-call procedures allow for a master contract establishing rates and scope to be executed without identifying work to be done, or costs incurred, until a project specific task order is issued. There are no costs or budgetary impacts until there is a task order and funding identified for an active project.

The City has large facilities capital projects scheduled for design and construction over the next several years. These projects are in support of multiple citywide initiatives and goals including safety, resiliency, climate action framework, and having a city government that supports vibrant communities.

The City has determined that consideration for utilization of alternative construction delivery methods, specifically General Construction/Construction Manager (GC/CM) as identified and applicable by Washington State RCWs, can offer successful projects. These contracts enable the City to supplement City staff with qualified consultant staff for GC/CM projects.

The only project currently designated for the GC/CM construction project delivery method is the New Public Works Operations Campus, however it could be used for delivery of future fire stations, large dollar value water and sewer treatment projects and transfer stations.

Request:

- Authorize the City Manager, or designee, to enter into professional services agreements with OAC Services, Inc. and Parametrix for the provision of owner's representative and other contract applicable services on an as-needed basis for five years in an amount of \$1,000,000.
- Authorize the City Manager, or designee, to activate services to be provided under this contract with a series of specific task orders. The task order proposal provides for timely "as-needed" service provision, but within the framework, scope, and limitations of the overall master contract.
- 3. Authorize the City Manager, or designee, to approve any legal action necessary to enforce the terms of the

foregoing agreements.

Jean Singer, Capital Projects Division Manager, 360-487-7755

Motion approved the request.

3. Approval of Participation Agreement for State of Washington Opioid Settlement with Johnson & Johnson/Janssen

Staff Report: 082-24

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 multidistrict litigation. The lawsuit has been pending there ever since. The City has already joined settlements with multiple opioid distributors (AmerisourceBergen Corporation, Cardinal Health, Inc., and McKesson Corporation) and retailers (Teva, Allergan, CVS, Walgreens, and Walmart).

The Council approved a memorandum of understanding in April 2022 ("One Washington MOU"), that delineates the amount the City of Vancouver would receive if any statewide settlement was reached (1.7306605325% of amounts allocated to local governments) and limits the categories for which opioid funds may be expended. Last month, the City entered into an interlocal agreement with Camas and Washougal to fulfill its obligations under this MOU so that any expenditure of opioid funds is as transparent as possible to the public.

On January 22, 2024, the State of Washington reached a settlement with the Johnson & Johnson/Janssen retailers for a total of \$123,340,000, fifty percent of which will be allocated to Washington's local governments. (See JNJ WA Settlement, §§ V.C & VI.A). The settlement is contingent on every one of the 37 litigating local governments (of which Vancouver is one) joining the settlement by May 11, 2024. Joining the settlement, assuming all other litigating Washington local governments do as well, would result in an estimated net allocation to local governments in the amount of \$55,071,614.88. The estimate is premised on the total local government share (\$61,670,000) less the current estimate of the total LG contingency fee requirement (\$6,598,385.12) under Section IX.B. of the settlement agreement and the One Washington MOU. Given Vancouver's allocation percentage of 1.7306605325% per the One Washington MOU, it is estimated that Vancouver's allocation would be \$953,102.70. Ninety-five percent of this amount would be paid in a one-time payment this upcoming June The remainder would be paid once every non-litigating local government joined the settlement, or January 22, 2026, whichever comes

first.

Request:

Authorize the City Manager or designee to execute the attached Settlement Participation Form to join Washington State's January 22, 2024, settlement with Johnson & Johnson, Johnson & Johnson Innovative Medicine, Janssen Pharmaceuticals, Inc., Ortho-McNeil-Janssen Pharmaceuticals, Inc., and Janssen Pharmaceutica, Inc.

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

Motion approved the request.

4. Comcast Cable Franchise Renewal

Staff Report: 083-24

AN ORDINANCE relating to cable television, renewing with revised terms and conditions, a nonexclusive and revocable franchise to Comcast Cable Communications Management, LLC, a limited liability corporation organized under the laws of the State of Washington ("Comcast"), pursuant to state and federal law, City Charter and City ordinance codified at Chapter 5.19, Vancouver Municipal Code, to operate, maintain, reconstruct and repair a Cable System for the purpose of providing only cable service, subject to the terms set forth in the Franchise Agreement.

The current cable franchise agreement between the City (and Clark County) and Comcast will expire June 30, 2024. Federal law outlines the process which local governments must follow in determining whether to renew a franchise with an existing operator. Beginning in 2021, the Vancouver/Clark County Telecommunications Commission (Commission) conducted an extensive public process, consistent with the requirements of federal law, to determine community needs and priorities regarding a renewed franchise with Comcast. A City/County team has negotiated a proposed new agreement which reflects those needs and priorities, as highlighted in the attached "Priority Issues of the Vancouver/Clark County Franchise Renewal Process." The Commission conducted public hearings and adopted Findings and Recommendations (attached), unanimously recommending that the City and Clark County each award Comcast a renewed franchise agreement to be effective July 1, 2024 through July 1, 2034. (NOTE: City charter requires that franchise agreements be published for at least 30 days between first and second reading.)

The Commission finds that the proposed renewed franchise agreement, if approved, would meet the identified community needs and interests as follows:

1. Franchise term of 10 years, effective July 1, 2024 – July 1, 2034;

- 2. Comcast would continue to pay 5% of gross revenues in franchise fees to the City and County;
- 3. Comcast would switch from collecting \$1/month per residential subscriber PEG Capital Fees to support capital equipment needs of Public, Education and Government (PEG) channels to 1% of gross revenues;
- 4. The proposed franchise would provide expanded customer service provisions;
- 5. The density buildout requirements for extending the cable service moves from requiring 30 homes per cable mile to 20 homes in aerial neighborhoods;
- 6. Comcast would provide two additional High-Definition ("HD") simulcast PEG channels by November 2024 for a maximum of five HD channels:
- 7. PEG channels would be available to all cable subscribers; and
- 8. Comcast would maintain where possible Washington State and local programming (including continuation of TVW, the Washington State public affairs station).

Request:

On April 22, 2024, approve the franchise ordinance on first reading, setting date of second reading and public hearing for June 3, 2024.

Jim Demmon, Video Services Manager, 360-487-8706

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

Motion approved the request.

5. Approval of Claim Vouchers

Request: Approve claim vouchers for April 22, 2024.

Motion approved claim vouchers in the amount of \$12,669,521.84.

Communications

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

EXECUTIVE SESSION RE: POTENTIAL LITIGATION (RCW 42.30.110(1)(i)(iii)); CONTRACT NEGOTIATIONS (RCW 42.30.110(1)(d)) (1 hour)

The Executive Session was moved from the end of the meeting to being held immediately following the workshops.

Motion by Councilmember Stober, seconded by Councilmember Paulsen, and carried unanimously to move the time of the Executive Session on the agenda.

Mayor McEnerny-Ogle announced the Council would be entering into executive session from 4:40-5:35 p.m. to discuss Potential Litigation and Contract Negotiations.

Adjournment

7:14 p.m.

Docusigned by:

Anne McEnerny-Ogle

SCRODDO089EC5424.

Anne McEnerny-Ogle, Mayor

Attest:

Natasha Ramsas

ROCEGO734E40E94AE

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.

PUT THESE DOCUMENTS ON VANCOUVER CITY COUNCIL MINUTES OF APRIL 15, 2024 a Monday scanned at 4:20pm

2022 MEETING CALENDAR

2023 MEETING CALENDAR

2024 MEETING CALENDAR

Submitted by Kimberlee Goheen Elbon

Vancouver City Council

2022 Meeting Calendar

Amended January 3, 2022



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- Regular Meeting
- Consent Agenda Meeting & Community Forum
- Holiday/5th Monday—No Meeting (see reverse side for details)



VANCOUVER CITY COUNCIL 2022 MEETING CALENDAR

Unless otherwise advertised, City Council meets at 6:30 p.m., every 1st through 4th Mondays every month in the *Council Chambers at Vancouver City Hall, 415 W. 6th Street, Vancouver, WA.

*While under state and local emergency public health orders, Council meetings will be held remotely over video conference, as needed. Details regarding any revised format and/or venue required to comply with such orders and/or public health guidance, as well as information regarding opportunities for public attendance and participation, will be published with the final agenda for each respective Council meeting.

- Regular Meetings, which may or may not include public hearings, are held on the 1st and 3rd Mondays.
- Consent Agenda Meetings are held on the 2nd and 4th Mondays. Consent meetings conclude with a Community Forum of up to 90 minutes, during which members of the public are invited to testify to the Council regarding any matter of interest.

Council does not meet on 5th Mondays or on most federally recognized holidays. City Charter requires Council to hold at least two Regular Meetings per month. In the event a holiday falls on a Regular Meeting date, that Regular Meeting will be held the following Monday in lieu of a Consent Agenda meeting.

2022 Monday Holidays—No Council

- Jan. 17—Rev. Dr. Martin Luther King Jr. Day
- ♦ Feb. 21—President's Day
- May 30—Memorial Day
- → June 20—Juneteenth (observed)
- ♦ July 4—Independence Day
- ◆ Aug. 22—Council break
- ♦ Sept. 5—Labor Day
- ♦ Dec. 26—Council break

2022 5th Mondays-No Council

- ♦ Jan. 31
- ♦ Aug. 29
- ♦ Oct. 31

Additional 2022 Holidays—City offices closed

- Friday, Nov. 11—Veteran's Day
- ♦ Thursday Nov. 24 —Thanksgiving Day
- Friday, Nov. 25—Native American Heritage Day
- Monday, December 26—Christmas Day (holiday observed)

Anne McEnerny-Ogle, Mayor

Vancouver City Council

2023 Meeting Calendar



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Vancouver City Council 2023 Meeting Calendar



Unless otherwise advertised, City Council meets at 6:30 p.m., every 1st through 4th Mondays every month in the Council Chambers at Vancouver City Hall, 415 W. 6th Street, Vancouver, WA.

Community Forums are held four times per year with the format varying from quarter to quarter and ground rules will be announced.

Council does not meet on 5th Mondays or on most federally recognized holidays. The Vancouver City Charter requires that Council meet regularly, but not less often than twice each month. In the event a City-recognized holiday occurs on Monday, the Council shall not meet.

2023 Monday Holidays—No Council

Jan. 2—New Year's Day (observed)

Jan. 16—Martin Luther King Jr. Day

Feb. 20-Presidents Day

May 29—Memorial Day

June 19-Juneteenth

July 24—Mid-Year Break

Sept. 4—Labor Day

Dec. 25—Christmas; End of Year Break

2023 5th Mondays—No Council

Jan. 30

May 29

July 31

Oct. 30

Additional 2023 Holidays— City Offices Closed

Tues., July 4—Independence Day

Fri., Nov. 10-Veteran's Day

Thurs., Nov. 23—Thanksgiving Day

Fri., Nov. 24—Native American Heritage Day

Vancouver City Council 2024 Meeting Calendar



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Jan. 1—New Year's Day (observed)

Jan. 15—Martin Luther King Jr. Day

Feb. 19—Presidents Day

May 27—Memorial Day

July 22—Mid-Year Break

Sept. 2—Labor Day

Nov. 11—Veteran's Day

Dec. 23—End of Year Break

2024 5th Mondays—No Council

Jan. 29

April 29

July 29

Sept. 30

Dec. 30

Additional 2024 Holidays— City Offices Closed

Wed., June 19—Juneteenth

Thurs., July 4—Independence Day

Thurs., Nov. 28—Thanksgiving Day

Fri., Nov. 29—Native American Heritage Day

Wed., Dec. 25—Christmas



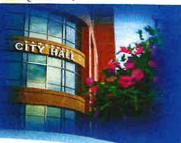
Vancouver City Council

Anne McEnerny-Ogle, Mayor Sarah J. Fox | Bart Hansen | Kim D. Harless Erik Paulsen | Diana H. Perez | Ty Stober cityofvancouver.us/council

Vancouver City Council

2022 Meeting Calendar

Amended January 3, 2022



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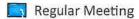
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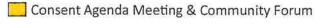
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Unless otherwise advertised, City Council meets at 6:30 p.m., every 1st through 4th Mondays every month in the *Council Chambers at Vancouver City Hall, 415 W. 6th Street, Vancouver, WA.

*While under state and local emergency public health orders, Council meetings will be held remotely over video conference, as needed. Details regarding any revised format and/or venue required to comply with such orders and/or public health guidance, as well as information regarding opportunities for public attendance and participation, will be published with the final agenda for each respective Council meeting.

- Regular Meetings, which may or may not include public hearings, are held on the 1st and 3rd Mondays.
- Consent Agenda Meetings are held on the 2nd and 4th Mondays. Consent meetings conclude with a Community Forum of up to 90 minutes, during which members of the public are invited to testify to the Council regarding any matter of interest.

Council does not meet on 5th Mondays or on most federally recognized holidays. City Charter requires Council to hold at least two Regular Meetings per month. In the event a holiday falls on a Regular Meeting date, that Regular Meeting will be held the following Monday in lieu of a Consent Agenda meeting.

2022 Monday Holidays-No Council

- Jan. 17—Rev. Dr. Martin Luther King Jr. Day
- Feb. 21—President's Day
- May 30—Memorial Day
- June 20—Juneteenth (observed)
- ♦ July 4—Independence Day
- Aug. 22—Council break
- ♦ Sept. 5—Labor Day
- ◆ Dec. 26—Council break

2022 5th Mondays-No Council

- ♦ Jan. 31
- Aug. 29
- ♦ Oct. 31

Additional 2022 Holidays—City offices closed

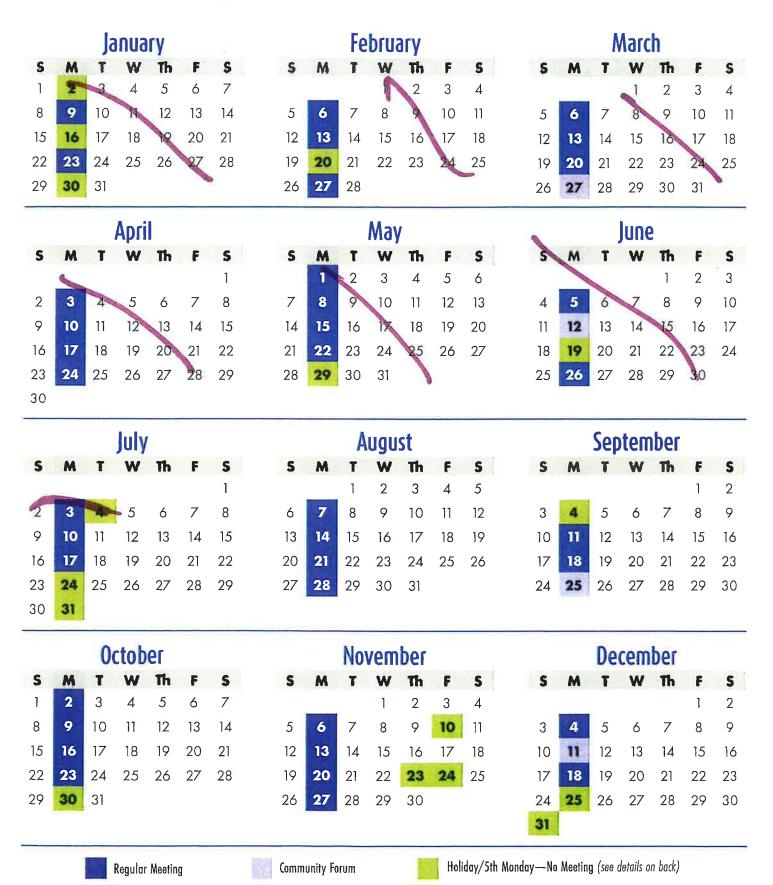
- ◆ Friday, Nov. 11—Veteran's Day
- ◆ Thursday Nov. 24 —Thanksgiving Day
- Friday, Nov. 25—Native American Heritage Day
- Monday, December 26—Christmas Day (holiday observed)

Anne McEnerny-Ogle, Mayor

Vancouver City Council

2023 Meeting Calendar





Vancouver City Council 2023 Meeting Calendar



Unless otherwise advertised, City Council meets at 6:30 p.m., every 1st through 4th Mondays every month in the Council Chambers at Vancouver City Hall, 415 W. 6th Street, Vancouver, WA.

Community Forums are held four times per year with the format varying from quarter to quarter and ground rules will be announced.

Council does not meet on 5th Mondays or on most federally recognized holidays. The Vancouver City Charter requires that Council meet regularly, but not less often than twice each month. In the event a City-recognized holiday occurs on Monday, the Council shall not meet.

2023 Monday Holidays—No Council

Jan. 2—New Year's Day (observed)

Jan. 16—Martin Luther King Jr. Day

Feb. 20-Presidents Day

May 29—Memorial Day

June 19-Juneteenth

July 24—Mid-Year Break

Sept. 4—Labor Day

Dec. 25—Christmas; End of Year Break

2023 5th Mondays—No Council

Jan. 30

May 29

July 31

Oct. 30

Additional 2023 Holidays— City Offices Closed

Tues., July 4—Independence Day

Fri., Nov. 10—Veteran's Day

Thurs., Nov. 23—Thanksgiving Day

Fri., Nov. 24—Native American Heritage Day

Vancouver City Council 2024 Meeting Calendar



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Sept. 2—Labor Day

Nov. 11—Veteran's Day

Dec. 23—End of Year Break

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Jan. 29

April 29

July 29

Sept. 30

Dec. 30

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Fri., Nov. 29—Native American Heritage Day

Wed., Dec. 25—Christmas



Vancouver City Council

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

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