



Anne McEnerny-Ogle, Mayor
Bart Hansen • Ty Stober • Linda Glover
Laurie Lebowsky • Erik Paulsen • Sarah J. Fox

November 2, 2020 - Vancouver City Council Meeting Minutes

WORKSHOPS

Workshops were conducted remotely over video conference utilizing a GoToMeeting platform. Members of the public were invited to view the meeting 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, or listen via the GoToMeeting conference call.

4:30-6:00 p.m. 2021-2022 Recommended Biennial Budget Review

Natasha Ramras, Chief Financial Officer, 360-487-8484

Summary

Staff provided Council with a recap of the 2021-2022 proposed biennial budget, including changes made as a result of previous Council workshop discussions and an overview of the budget package being brought forward for Council action starting on November 9.

REGULAR COUNCIL MEETING

This meeting was conducted remotely over video conference utilizing a GoToMeeting platform. Members of the public were invited to view the meeting 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 and Public Hearing items was also facilitated via the GoToMeeting conference call.

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 remotely over video conference.

Present: Councilmembers Fox, Paulsen, Lebowsky, Glover, Stober, Hansen, Mayor McEnerny-Ogle

Absent: None

Also present on the call were the following: Eric Holmes, City Manager; Jonathan Young, City Attorney; Amanda Delapena, Assistant to the City Council; Teresa Brum, Economic Development Division Manager; Brian Carlson, Interim Deputy City Manager; Chad Eiken, Community and Economic Development Director; Charles Fell, Senior Civil Engineer; Julie Hannon, Parks and Recreation Director; Ryan Lopossa, Streets and Transportation Manager; James McElvain, Police Chief; Bryan Monroe, Associate Planner; Troy Price,

Assistant Police Chief; Peggy Sheehan, Community Development Programs Manager; Bryan Snodgrass, Principal Planner; Dan Swensen, Interim Public Works Director; Monica Tubberville, Senior Planner; and members of the public.

Mayor McEnerny-Ogle noted Chief McElvain had been asked to provide Council with an update regarding civil unrest in the downtown area over the past weekend, and that briefing would take place at the beginning of the Communications portion of the agenda.

Approval of Minutes

Minutes - October 12, 2020

Motion by Councilmember Glover, seconded by Councilmember Paulsen, and carried unanimously to approve the meeting minutes of October 12, 2020.

Minutes - October 19, 2020

Motion by Councilmember Paulsen, seconded by Councilmember Glover, and carried unanimously to approve the meeting minutes of October 19, 2020.

Citizen Communication (Items 1-5)

Mayor McEnerny-Ogle opened Citizen Communication and, receiving no testimony, closed Citizen Communication.

Consent Agenda (Items 1-5)

Motion by Councilmember Stober, seconded by Councilmember Lebowsky, and carried unanimously to approve the Consent Agenda.

1. Completion of Construction, East Mill Plain Boulevard NHS Resurfacing

Staff Report 148-20

Summary

Granite Construction Company of Vancouver, Washington, has satisfactorily completed the subject improvements in accordance with the plans and specifications. The original construction contract bid amount was \$1,233,233.00. Quantity adjustments during construction decreased the contract amount by 5.0% to \$1,171,353.82.

There was no apprenticeship goal for this project because federal requirements for grant projects do not allow the inclusion of local agency apprenticeship programs.

Request: Accept the East Mill Plain Boulevard NHS Resurfacing Project as constructed by Granite Construction Company of Vancouver, Washington, subject to receipt of all documentation required by law.

Charles Fell, Senior Civil Engineer, 369-487-7790

Motion approved the request.

2. Vancouver Waterfront Park, construction acceptance and release of retainage bond.

Staff Report 149-20

Summary

The project constructed the Vancouver Waterfront Park.

The original construction contract bid amount was \$9,984,781.51. Change orders and quantity

adjustments during construction increased the contract amount by 9.8% to \$10,960,568.78. The largest change was \$167,084 for the addition of two public restrooms and a small building that houses the park's electrical panels. These items were not included in the original scope of the project because the City had to coordinate the design of the restrooms and electrical panel building with adjacent developers after the Vancouver Waterfront Park project began construction.

Tapani Inc. of Battle Ground, Washington, has satisfactorily completed the subject improvements in accordance with the plans and specifications.

Request: Accept the Waterfront Park Regional Trail as constructed by Tapani Inc. of Battle Ground, Washington, and authorize release of the retainage bond, subject to receipt of all documentation required by law.

Charles Fell, Senior Civil Engineer, 360-487-7790

Motion approved the request.

3. **2020 Central Curb Ramps Project, Construction Acceptance and Release of Retainage**

Staff Report 150-20

Summary

Halme Excavating Inc. of Battle Ground, WA, has satisfactorily completed the subject improvements in accordance with the contract plans and specifications. The original contract bid amount was \$343,763.50. Quantity adjustments and a contract change order to correct the tax rule in accordance with Washington Administrative Code decreased the contract value by 9% to \$312,766.79. There were no apprenticeship requirements for this project because the contract amount falls below the \$500,000 policy threshold for the requirement of an apprenticeship goal.

Request: Accept the 2020 Central Curb Ramps as constructed by Halme Excavating, Inc., of Battle Ground, Washington, and authorize release of retainage in the amount of \$15,638.34, subject to receipt of all documentation required by law.

Charles Fell, Senior Civil Engineer, 360-487-7790

Motion approved the request.

4. **2020 Pavement Repairs Project, Construction Acceptance and Release of Retainage**

Staff Report 151-20

Summary

Granite Construction Co. of Vancouver, WA, has satisfactorily completed the subject improvements in accordance with the contract plans and specifications.

The original contract bid amount was \$576,576. Contract change orders and quantity adjustments increased the contract amount by 24% to \$715,711.28. Due to COVID-19 budget reductions, City crews were not able to use temporary help for pavement preparation as they normally do. This put the pavement preparation process significantly behind schedule. A substantial portion of the additional costs facilitated the completion of necessary pavement repairs. This was achieved by supplementing City forces with contractor crews for added pavement preparation by the contractor. A smaller part of the additional costs added portable changeable message signs to the contract, an item which was inadvertently omitted from the original contract bid.

There was an apprenticeship requirement of 3% for this project. To fulfill the apprenticeship requirements the contractor needed a minimum of 65.9 delivered apprenticeship hours. The contractor successfully met the apprenticeship goal by delivering a total of 121.5 apprenticeship hours for the project, yielding an actual apprenticeship utilization rate of 6%.

The work was completed satisfactorily in accordance with the plans and specifications.

Request: Accept the 2020 Pavement Repairs Project as constructed by Granite Construction Company, of Vancouver, Washington, and authorize release of retainage in the amount of \$35,785.56, subject to receipt of all documentation required by law.

Charles Fell, Senior Civil Engineer, 360-487-7790

Motion approved the request.

5. **2020 Slurry Seal Project, Construction Acceptance and Release of Retainage**

Staff Report 152-20

Summary

Blackline Inc. of Vancouver, WA, has satisfactorily completed the subject improvements in accordance with the contract plans and specifications. The original contract bid amount was \$448,205. Quantity adjustments during construction reduced the contract amount by approximately 5.8% for a final contract value of \$422,070.50. There were no apprenticeship requirements for this project as the contracted amount fell below the policy threshold of \$500,000 for the establishment of an apprenticeship goal.

Request: Accept the 2020 Slurry Seal Project as constructed by Blackline Inc., of Vancouver, Washington, and authorize release of retainage in the amount of \$21,103.53, subject to receipt of all documentation required by law.

Charles Fell, Senior Civil Engineer, 360-487-7790

Motion approved the request.

Public Hearings (Items 6-8)

6. **2019 CDBG / HOME Consolidated Annual Performance Report**

Staff Report 153-20

Summary

The Consolidated Annual Performance Evaluation Report (CAPER) is designed to provide a meaningful overview of the funding activities administered by the Vancouver CDBG and HOME programs in the 2019 Program Year (July 1, 2019, through June 30, 2020). The CAPER also provides a measuring tool to track the City's progress in meeting the goals, objectives, and areas of priority identified in the 2019-2023 Consolidated five-year Plan.

The 2019 CAPER marks the seventeenth year for Vancouver as a CDBG entitlement city and the eleventh year as a HOME Investment Partnership Program participating jurisdiction. The 2019 CAPER is the first year of reporting under the 2019-2023 five-year Consolidated Plan.

In the 2019 Program Year Vancouver expended \$1,278,810 (PR05) in CDBG funds, and \$671,294.65 in HOME funds (PR05). (These expenditure amounts may also include funding from previous program years that was expended during the 2019 program year.) These funds were spent on programs focused on local needs that follow the national objectives, goals and outcomes for the CDBG and HOME programs administered by the U.S. Department of Housing and Urban Development. The funding allocated by the City of Vancouver projects leveraged additional federal, state, and other local funds, resulting in an approximate leveraging ratio of 1:9 of City to total funding for 2019 CDBG and a ratio of 1:15 for 2019 HOME funding.

Goal	Outcome
Increase and Preserve Affordable Housing	325 households Assisted

<i>Increase Economic Opportunity</i>	<i>99 Persons Assisted</i>
<i>Public Services</i>	<i>5,050 Persons Assisted</i>
<i>Public facilities</i>	<i>16,890 Persons Assisted</i>

The 2019 CAPER can be found online at www.cityofvancouver.us/cdbg.

Request: Following a public hearing, approve the 2019 CAPER report for submission to the HUD Region X Office for approval.

*Peggy Sheehan, Community Development Programs Manager, 487-7952;
Bryan Monroe, Associate Planner, 487-7958*

Peggy Sheehan, Community Development Programs Manager, provided a summary of the CDBG and HOME program over the past year.

Mayor McEnerny-Ogle opened the public hearing and, receiving no testimony, closed the public hearing.

Motion by Councilmember Stober, seconded by Councilmember Lebowsky, and carried unanimously to approve the request.

7. **112th Avenue Apartments proposal to change zoning map designation from R-30 to R-35 for a 2.6-acre site comprising adjacent properties at 501 NE 112th Ave and 11312 NE 4th Street**

Staff Report 147-20

AN ORDINANCE relating to zoning for the City of Vancouver and Vancouver Municipal Code (VMC) Title 20; amending the Vancouver Zoning map designation for adjacent properties at 501 NE 112th Ave and 11312 NE 4th Street, tax parcel numbers 164942000 and 164946000, subject to entering into a Development Agreement to limit future building heights; providing for severability; and providing for an effective date.

Summary

The proposed change from R-30 to R-35 zoning would modestly increase the size of potential future apartment development on the site, from 46 to 53 or 54 units. Potential vehicle traffic to and from the site after development would increase from an estimated 231 to 269 daily trips. The Planning Commission recommended approval at July 14, 2020, public hearing at which a neighboring property owner testified with concerns about additional traffic impact from future development on 4th Street, a private road. Commission discussion focused on potential future development of the site, including a recommendation to limit future building heights to 50 feet. The Commission considered but did not recommend also requiring that a percentage of the development be devoted to three-bedroom units. The applicant indicates that future development of the site if the zone change is approved would likely consist of one- and two-bedroom units only, with building heights below 50 feet unless three-bedroom units are required, which may necessitate higher building heights. Included are links to the Planning Commission public hearing staff report, CVTV recording, and audio.

Detailed estimates of the overall citywide need for three-bedroom units are not readily available from non-proprietary sources, and will need to be developed as part of the next full update of the Vancouver Comprehensive Plan beginning in 2022. As summarized at the October 5 Council workshop, three-bedroom units currently account for 12% of apartment units listed citywide according to Apartments.com, with an average monthly rent of \$1,589 compared to an average of \$1,233 for all other units.

Within Vancouver, a comparison between the number of three bedroom apartment units or homes for rent, and the number of local renting households who could be served by those units or homes suggests there is a local shortage. The American Community Survey reports that there were 8707

three bedroom units or homes for rent citywide in 2019, but a roughly estimated 13,942 renter households potentially needing those units. About half of the 13,942 figure is three person renter households, and about half four person renter households, reflecting the fact that in many cases bedrooms are shared, either by adult couples or two or more smaller children.

Recent (2014-2018) data from the American Community Survey shows the following comparisons with other jurisdictions:

	<i>City of Vancouver</i>	<i>Portland/Vancouver/ Salem CSA</i>	<i>Washington</i>	<i>U.S.</i>
<i>Median income, all households</i>	\$64,861	\$66,769	\$70,116	\$60,293
<i>Median income, three/four person households</i>	\$81,220/ \$87,000	\$85,859/ \$96,546	\$88,941/ \$100,974	\$77,463/ \$89,780
<i>Percentage of renter households</i>	41.2%	38.2%	37.3%	36.2%
<i>Percentage of renter three bedroom households</i>	10.1%	8.5%	8.2%	8.9%

It is difficult to draw definitive conclusions from the data above, since the data on households includes single-family homes as well as apartments. However, it appears Vancouver's relative income position, as comparable but lower than the metro region, lower than the state and higher than the nation holds true for three-and four-person households, as well as all households. Vancouver has a higher share of renters than the region, state or nation, but the percentage of those renters who occupy three-bedroom households is comparable to surrounding markets. Together this suggests that Vancouver's need for market rate three-bedroom units is not significantly different than the other areas compared. Unfortunately data on local or regional vacancy rates for three-bedroom units was not available from the ACS or other readily available sources.

Request: On Monday, November 2, 2020, subject to second reading and public hearing, approve the ordinance.

Bryan Snodgrass, Principal Planner, 360-487-7946

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

Bryan Snodgrass, Principal Planner, provided an overview of the proposal, the current zoning and features of the subject site, the applicant's conceptual plan, and the process to date.

City Attorney Jonathan Young stated that this matter implicates the Appearance of Fairness Doctrine, which means the presentation is considered evidence for this hearing and the Council is sitting as a quasi-judicial body. As such, the City Attorney's Office conducted a review of public records to determine whether there had been any ex parte communication between the applicant or proponents of the request and the Council that would need to be disclosed. Mr. Young stated that upon review, his office discovered no communications that would need to be disclosed.

Mr. Young advised on the appropriate procedure for this hearing, which should include each Councilmember and the Mayor stating whether they have any disclosures of ex parte communication not included in the records reviewed by the City Attorney's Office or any conflicts of interest to declare. Following any disclosures, the Mayor should allow any participant in the meeting an opportunity to raise any information regarding the inability of any member of the Council to sit fairly in consideration of this hearing. The public hearing would continue with testimony from the applicant, followed by testimony from anyone who is opposed to or neutral about the application. The hearing would then be turned over

to the Council for questions and discussion, after which the Council will consider the question of whether they are in agreement that the proposed zoning change is more consistent with the applicable policies of the Vancouver Comprehensive Plan and the existing designation and that a change in circumstances has occurred since the existing designation was established.

Mayor McEnerny-Ogle asked each Councilmember if they had any ex parte communication or conflicts of interest to disclose.

Councilmember Fox stated she did not have anything to disclose.

Councilmember Paulsen stated he did not have anything to disclose.

Councilmember Lebowsky stated she did not have anything to disclose.

Councilmember Glover stated she did not have anything to disclose.

Councilmember Stober stated he did not have anything to disclose.

Councilmember Hansen stated he did not have anything to disclose.

Mayor McEnerny-Ogle stated she did not have anything to disclose.

Mayor McEnerny-Ogle asked if there were any individuals participating in the meeting who would like to share any concerns about any member of the Council's inability to participate. Hearing none, Mayor McEnerny-Ogle opened the testimony and invited the applicant to provide comments.

- Bob Carpenter of Carpenter Engineering, representing the applicant, stated the applicant has submitted information referencing the Vancouver Municipal Code Section 20, and believes that the request meets the criteria for the zone change and that there are significant changes in the area, particularly related to transportation. He stated the proposed project would add increased density that would be of benefit and provide a better fit than what is available.

Mayor McEnerny-Ogle next asked for testimony from any member of the public in opposition to the proposed zone change and received the following testimony:

- Teresa Gomez, Vancouver, expressed concerns that the Council has taken campaign donations for building and zoning, which she considers a conflict of interest. She also expressed concerns that the proposed development would make use of her property but she has not yet been contacted by the developer about the project. She stated the project will require access to extend the sewer and the water main. She requested that the City specifically ask the applicant to demonstrate up front that they have access to Fourth Street for the sewer and water and for traffic access for the fire lane and second entry and exit.

Mr. Young noted that Ms. Gomez raised an Appearance of Fairness issue and stated that there is a state law implicated when all Councilmembers are challenged on the Appearance of Fairness Doctrine known as the Doctrine of Necessity, and no one can be disqualified, as the Council would lose a quorum; therefore, the grounds raised by Ms. Gomez are not sufficient to set aside this hearing and the Council could proceed.

Mayor McEnerny-Ogle asked staff to address Ms. Gomez's concerns about the project.

Mr. Snodgrass stated that the access to Fourth Street would have to be demonstrated by the applicant during the site plan review process, should the zoning request be approved.

Mayor McEnerny-Ogle closed the hearing and returned this item to the Council for further discussion.

Councilmember Stober reiterated that during this hearing the Council is only considering the rezone and not approval of any specific project on the property, and if the project requires access to any other adjacent properties, the matter would have to be dealt with before the project could move forward. Mr. Snodgrass confirmed this is correct, with the addition of the Council's consideration of the integrity factor of future building height via a development agreement.

Motion by Councilmember Stober, seconded by Councilmember Glover, and carried unanimously to approve Ordinance M-4309 approving the request.

8. **Disposition of Real Property – Burton park property located at NE 28th St. & NE 145th Ave.**

Staff Report 154-20

A RESOLUTION of the City of Vancouver authorizing disposition of certain real property known as the Burton Park Parcel.

Summary

The Burton park property is 6.96 acres located immediately east of Evergreen High School. No committed funding sources were used to purchase the property; therefore no associated deed restrictions encumber the property title or sale.

The property is currently classified as Urban Natural Area in the park inventory and a relatively undeveloped park asset. The northern 2.2 acres are used for storm water infiltration and the remaining 4.76 acres has been programmed and minimally maintained by EPS for decades.

As part of the 2018 Evergreen School District Bond, EPS is committed to field improvements at Evergreen High School, including consolidating four existing grass ball fields that will be converted to synthetic turf and construction of a new dual purpose football and track field. The improvements will meet federal Title IX requirements to provide improved opportunity and equity for student sports participation. EPS expressed a desire to purchase 4.76 acres of the City's adjoining real property to facilitate a more functional design with the challenges of the sloped terrain and allow for a comprehensive blend of the field design with improvements to the adjoining open space.

Vancouver Municipal Code Chapter 3.30 provides a predictable policy and procedure governing the disposition of real property that is surplus to the needs of the City where such disposition provides the City a reasonable return. If determined to be surplus, the disposition requires a separate hearing and action to determine the method of sale.

Consistent with City Code, Council deliberated and approved the proposed Declaration of Surplus for the 4.76 acres of the Burton property on October 5, 2020, with the City retaining the 2.2 acre storm water infiltration area. Sale proceeds were directed by Council to be allocated toward the Parks capital fund for prepayment of the Fenton interfund loan and capital improvements to the Evergreen School Park and Burton Natural Area in the immediate vicinity. The approved declaration of surplus allows for continued due diligence and public outreach by EPS to minimize associated impacts to the surrounding residential area and maximize the public benefit of a comprehensive field and public open space design.

The total parcel is assessed at \$1,047,640 with the portion proposed for sale to EPS appraised at \$950,223 (excludes the 2.2 acre storm water area). The appraisal was contracted with an independent appraiser for highest and best use at the City's expense in order to first explore consideration of a long term lease or joint improvement partnership.

Staff recommends disposition of the surplus property a direct through negotiated sale to Evergreen Public Schools at the appraised value. Staff also recommends that the deed be restricted for school and/or open space use in perpetuity. If EPS should consider liquidating the property, the City of Vancouver shall be provided the first right of refusal to purchase the property at the then current market value as determined by certified appraisal market value.

The property submitted for Council review for approval of disposition is outlined in the attached property report and map.

Request: On November 2, 2020, following a public hearing, adopt a resolution approving disposition of a portion of certain real property located at NE 28th Street and NE 145th Avenue (Burton park ownership), Assessor parcel 110089420 through direct negotiated sale to Evergreen Public Schools; and authorize the City Manager to execute a Purchase and Sale Agreement and all other documents necessary to complete a sale of the specified property to Evergreen School District with the terms specified above.

Julie Hannon, Parks and Recreation Director, 360-487-8309; Monica Tubberville, Senior Planner, 360-487-3853

Julie Hannon, Parks and Recreation Director, and Monica Tubberville, Senior Planner, provided background information on the proposed disposition and an overview of the site and the process. Susan Steinbrenner, Evergreen Public Schools Executive Director of Facilities, was also available to address Council questions.

Mayor McEnerny-Ogle asked Ms. Steinbrenner if she would like to provide any comments regarding concerns about safety issues and impact to nearby neighbors.

Ms. Steinbrenner stated the school district had reached out to everyone who had previously contacted the district about this project to update them on the status and notify them about the Council public hearing, clarifying the process and opportunities they have to engage. She noted the district had submitted a pre-application to the City based on the previous plans for the site just to ensure it would satisfy City code, but those plans are not final. She stated the district intends to set up an open house for the public if this disposition is approved by Council. She stated the school district is committed to the neighbors and respecting their privacy.

Councilmember Hansen stated that at the surplus hearing in October, the Council had directed that half of the proceeds from a sale of the property be dedicated to the Evergreen forested area nearby and developing a nature trail on that site. He asked whether that is the intent. Ms. Hannon stated that is the intent, and the site he is referring to is what staff has classified as the Evergreen School Park. She noted Parks and Recreation staff needs time to evaluate what can be done at that site with the proceeds and then bring those details back to the Council before finalizing any plans.

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

- Lyle Johnson, Vancouver, spoke in opposition to the disposition, stating he lives about 60 feet from the proposed ball fields, and expressed concerns that the school district is pursuing purchase of this property when it had developed an alternative plan for building ball fields on property already owned by the district, which would not have as big an impact on the neighbors.
- Sean Janson, Parks and Recreation Commissioner, Vancouver, spoke in support of the proposed disposition, stating the project will provide a maximum public benefit and increase equity for students of Evergreen School District.
- Jaynee Haygood, Parks and Recreation Commissioner, Vancouver, spoke in support of the proposed disposition, stating it would become a significant asset to the community, better satisfying the district's Title IX requirements, and that the impacts to the neighborhood should largely be mitigated by the school district.
- Glen Yung, Vancouver, spoke in support of the disposition and the project and urged the school district to stay true to its word regarding outreach and mitigation to the neighbors; he also expressed concerns about the City's proposal to use of a portion of the funds to support the debt service on the Fenton park property.

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

Motion by Councilmember Stober, seconded by Councilmember Lebowsky, and carried unanimously to adopt Resolution M-4103 approving the request.

Communications

Vancouver Police Chief James McElvain provided Council with an update on to civil unrest that had occurred in downtown Vancouver over the weekend following the officer-involved shooting death of Kevin Peterson in Clark County, as well as an overview of the police department's response.

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

a. *Vancouver Innovation Center Briefing*

Chad Eiken, Community and Economic Development Director, provided an overview of the proposed Vancouver Innovation Center, including a history of the site, background on the project and a status update, and clarified the roles and responsibilities of the City Council.

Adjournment

8:50 p.m.

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Anne McEnerny-Ogle, Mayor

Attest:

DocuSigned by:

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Natasha Ramras, City Clerk

Meetings of the Vancouver City Council are electronically recorded on audio and video. The audio files are kept on file in the office of the City Clerk for a period of six years.