



CITY COUNCIL MEETING MINUTES

Vancouver City Hall - Council Chambers - 415 W.
6th Street
PO Box 1995 - Vancouver, Washington 98668-
1995
www.cityofvancouver.us

Anne McEnerny-Ogle, Mayor

Bart Hansen | Bill Turlay | Alishia Topper | Ty Stober | Linda Glover | Laurie Lebowsky

October 22, 2018

WORKSHOPS

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

All present

4:00-5:00 p.m. The Heights District Plan Update

Presenters: Teresa Brum, Economic Development Division Manager, 487-7949; Rebecca Kennedy, Long Range Planning Manager, 487-7896

Staff provided Council with an update on The Heights District subarea planning effort.

5:00-6:00 p.m. City Manager's Recommended 2019-2020 Capital Budget

2019-2020 Budget (PDF)

Presenter: Natasha Ramras, Chief Financial Officer, 487-8484

Staff provided Council with an overview of the City Manager's recommended 2019-2020 biennial capital budget.

6:00-6:30 p.m. Executive Session re: Real Estate Transaction

Mayor McEnerny-Ogle announce the Council would enter into executive session from 6:00-6:30 p.m. for the purpose of discussing a real estate transaction. No action was taken.

COUNCIL CONSENT AGENDA MEETING

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 in the Council Chambers of City Hall, 415 W. 6th Street, Vancouver, Washington.

Present: Councilmembers Lebowsky, Glover, Stober, Topper, Turley, Hansen, Mayor McEnerny-Ogle

Absent: None

Proclamation: Native American Cultural Heritage Month

Mayor McEnerny-Ogle read and presented a proclamation to Sande Bea Allman and Becky Archibald, representing Native American community members, proclaiming November as Native American Cultural Heritage Month in Vancouver.

Citizen Communication (Items 1-9)

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

Consent Agenda (Items 1-9)

Council requested that item 2 be pulled for separate action.

Motion by Councilmember Stober, seconded by Councilmember Hansen, and carried unanimously to approve Items 1 and 3-9 of the Consent Agenda.

- 1. Bid Award for BRT Fort Vancouver Way and E. McLoughlin Blvd Sidewalk Infill and Pedestrian Signal Upgrade, per Bid #18-12 (Project #071457)**

Staff Report 152-18

Summary

This project is a collaborative effort between Clark College and City of Vancouver. Presently sidewalk is missing along Fort Vancouver Way from McLoughlin Blvd. to the recently completed C-TRAN BRT Project.

On October 9th, 2018, the City received seven bids for the subject project. The bids ranged between \$561,666.00 and \$650,000. The low bidder was responsive. The bids are as follows:

SUMMARY OF BIDS	
BIDDER	AMOUNT
<i>Clark and Sons Excavating, Battle Ground, WA</i>	<i>\$561,666.00</i>
<i>Conway Construction Company, Vancouver, WA</i>	<i>\$573,774.00</i>
<i>Halme Excavation, Inc., Battle Ground, WA</i>	<i>\$585,319.60</i>
<i>MJ Hughes Construction, Inc., Vancouver, WA</i>	<i>\$589,603.99</i>
<i>C&R Tractor and Landscaping, Inc., Kelso, WA</i>	<i>\$630,084.70</i>
<i>3 Kings Environmental, Inc., Vancouver, WA</i>	<i>\$648,578.08</i>
<i>Advanced Excavating Specialists (AES), Longview, WA</i>	<i>\$650,000.00</i>
<i>Engineers' Estimate</i>	<i>\$700,000-\$750,000</i>

Due to the federal funding associated with this project, the Washington State Department of Transportation (WSDOT) set an Underutilized Disadvantaged Business Enterprise (UDBE) goal of 7%. Clark and Sons Excavating from Battle Ground, WA, has committed to meet this goal. Although this project has not been assigned a federal training requirement, federal guidelines for grant projects do not allow the inclusion of local agency apprenticeship programs. Consequently, there are no City apprenticeship goals for this project.

Request: October 22nd, award a construction contract for the BRT Fort Vancouver Way and E. McLoughlin Blvd. Sidewalk Infill and Pedestrian Signal Upgrade project to the lowest responsive and responsible bidder, Clark and Sons Excavating of Battle Ground, WA, USA, at their bid price of \$561,666.00, which includes Washington State Sales Tax, and authorize the City Manager or designee to execute the same.

Leslie Degenhart, PE, Senior Civil Engineer, 487-7710

Motion approved the request.

2. Celebrate Freedom Agreement

Staff Report 154-18

Summary

The City has contracted with the Vancouver National Historic Reserve Trust (dba The Historic Trust) to produce the Celebrate Freedom programs since 1999. Celebrate Freedom promotes the ideals of public service, leadership, civic engagement and community pride and includes many of the City's signature events, the Marshall Lecture, Marshall Adult and Youth Leadership Awards, Flag Day, Independence Day at Fort Vancouver and the Veterans Day Parade. The agreement between the City and the Trust continues a public/private partnership that maximizes the use of public resources and supports volunteerism. The City originally created and managed many of the Celebrate Freedom programs, including the Marshall Programs and the Veterans Day Parade.

When the City Council banned the sale and use of personal fireworks, effective in 2017, it had a significant financial impact on the Independence Day event since approximately \$90,000 per year in revenue was derived from fireworks sales at booths licensed to the Historic Trust. On September 17, 2018, the Historic Trust presented a recap of the 2018 Independence Day event including an overview of the revenue and expenses. The Historic Trust is willing to continue producing the event but will need an additional \$90,000 per year from the City to fill the funding gap.

Request: Authorize the City Manager or his designee to execute an agreement with the Vancouver National Historic Reserve Trust for the planning, coordination and funding of the Celebrate Freedom events.

Jeanette (Jan) Bader, Program & Policy Development Manager, 487-8606

Councilmember Glover recused herself from discussion and action on this item, as she sits on the board of directors for The Historic Trust.

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

3. **Suspension of Aviation Advisory Committee**

Staff Report 155-18

A RESOLUTION suspending the Aviation Advisory Committee pending future action by the City Council.

Summary

Pearson Field Airpark has been operated by the City as a general aviation airport since 1947. Initially the airport was overseen by a volunteer "Vancouver Aeronautic Board". When Vancouver went to a City Manager form of government, the City Council created, via resolution in 1959, an "Aviation Advisory Committee" (AAC) whose role was to provide advice to the City Council and City Manager on aviation issues impacting the city, including the operation of Pearson Field airport. When the City hired a full-time, professional airport manager, the Aviation Advisory Committee continued to serve in an advisory role. The establishing resolution for the AAC has remained unchanged since 1959.

The City's airport manager resigned on September 15, 2018, and the City decided to use this opportunity to undertake a comprehensive assessment of the governance, operations and management of Pearson Field, including a review of the role and responsibilities of the Aviation Advisory Committee. The City Manager has recommended that the operation of AAC be suspended pending the completion of that assessment. Currently, three of the nine seats on the AAC are vacant or being filled by extension of an expired term. Three of the seats will be at the end of their term by the end of 2018.

Request: On October 22, 2018, adopt a resolution suspending the Aviation Advisory Committee pending future action by the City Council.

Jeannette (Jan) Bader, Program & Policy Development Manager, 487-8606

Motion adopted Resolution M-3983.

4. **Washington Traffic Safety Commission Grant Agreements to Reduce Impaired Driving**

Staff Report 156-18

Summary

The Washington Traffic Safety Commission (WTSC), as the statewide

administering organization for the National Highway Traffic Safety Administration, has awarded funding to the City of Vancouver for a regional initiative to reduce and prevent impaired driving crashes. A total of \$75,000 will be available over 12 months to support an evidence-based national program model that provides collaborative approaches and multi-agency partnerships to support high visibility data-driven regional enforcement with targeted outreach through education and a layered media campaign.

Traffic safety is an issue that affects everyone who lives or travels in Southwest Washington. Impaired driving crashes are emerging as a priority for Vancouver and Clark County, as Washington State crash data shows that serious injuries and fatalities involving impaired drivers are continuing to increase despite statewide decreases.

Vancouver will partner with the Washington Traffic Safety Commission and local law enforcement agencies to mobilize a High Visibility Enforcement campaign that employs evidence-based strategies to address high-risk factors involved in impaired driving-related fatal and serious injury crashes in Vancouver and Clark County. A series of targeted enforcement patrols will be deployed based on a risk assessment that takes into account high-risk hours of the day, days of the week, and months of the year; holidays and local events associated with increases in impaired driving; and focuses on geographic locations and roadways throughout Vancouver and Clark County with the highest concentrations of impaired driving crashes.

Washington Traffic Safety Commission funding is effective October 1, 2018 – September 30, 2019, and will provide a total of \$75,000 for police overtime, including an education component with driving schools, and professional services. Of the total amount, \$55,000 has been set aside to provide overtime reimbursement to VPD and for its partner agencies, which include the cities of Battle Ground, Camas, LaCenter, Ridgefield, Washougal, CRESA and the Clark County Sheriff. The remaining balance of \$20,000 will be used for professional services media. No match or retention funding is required.

Request: Authorize the City Manager or designee to execute agreements approving the receipt and disbursement of grant funds to enhance traffic safety.

James McElvain, Vancouver Police Chief, 487-7473; Mike Githens, VPD Finance & Logistics Supervisor, 487-7498

Motion approved the request.

5. **Collective Bargaining Agreement with Fire Command Officers Local 4378**

Staff Report 157-18

Summary

The labor agreement between the City and the Fire Command Officers Local 4378 bargaining unit expired on December 31, 2016. The parties were able to work through a collaborative process and consensual decision making on many of the provisions for a new three-year agreement. The labor agreement is being brought to Council for approval.

Key Points:

- *New three-year collective bargaining agreement (CBA) effective January 1, 2017 – December 31, 2019*
- *Maintains anti-compression between Fire Command and Fire Suppression unions by retaining the existing 21.5% spread between the base wage for top step Battalion Chief and establishing a 5% spread between the top step Division Chief and top step Battalion Chief. This results in a wage increase of slightly over 9% in 2017 with inflationary adjustments of 3% and 2% in 2018 and 2019.*
- *Increases the contribution to the Fire Health Trust by 5% each year over the contract period*
- *Adds two new holidays (Martin Luther King's Birthday and Veteran's Day) for 40-hour employees bringing the total number of holidays to ten (10)*
- *Allows a 40-hour employees up to one hour per week for Physical Training*
- *Eliminates waiting period to utilize accrued sick and vacation leave*
- *Establishes the City's contribution at \$370 per employee for wellness programming*
- *Clarifies policies in the following areas: additional work assignments, promotions/demotions, duty-related injury leave and vehicle assignments*
- *Provides for a \$1,333 one-time ratification bonus payable on the first full pay period after Council ratification*

Request: On October 22, 2018, authorize the City Manager or his designee to sign the 2017-2019 Collective Bargaining Agreement with the Fire Command Officers Local 4378.

Lenda Crawford, Deputy City Manager, 487-8600

Motion approved the request.

6. **Proposed amendments to to the City's Shoreline Master (SMP) Chapters 4, 6, and 8**

Staff Report 158-18

AN ORDINANCE relating to the City of Vancouver's implementation of shoreline management as required by Revised Code of Washington ("RCW") Chapter 90.58, the Shoreline Management Act; amending the City of Vancouver Shoreline Master Program (SMP) Chapter 4, Shoreline Designations Section 4.3.1.4; Chapter 6, Specific Shoreline Use Regulations Table 6-1; Section 6.3.3.4, Joint Use and Community Moorage Facilities; Section 6.3.4, Commercial Uses; Section 6.3.11, Residential Development; and Chapter 8, Definitions; subject to approval by the Washington State Department of Ecology (Ecology); providing for severability; and providing for an effective date.

Summary

Overwater Structures and Buildings

A key element of the City of Vancouver's City Center Vision (VCCV) Plan is the redevelopment of the Columbia West Renaissance District which includes the Port of Vancouver's Terminal 1 site. In order to complete the planned redevelopment of Terminal 1, the pier and subsequent building would have to be replaced due to the age and deterioration of the supporting piles affecting the long-term structural sufficiency of the pier. The pier and building are also in the identified right-of-way needed for an I-5 replacement bridge which would mean the structures would need to be removed to accommodate a new bridge.

While replacement of the pier would likely qualify as normal repair per WAC 173-27-040(2)(b), the building on this site would need to be relocated. This building is a non-conforming building, and the relocation of this building would constitute a new overwater structure for water-enjoyment use. Current SMP language prohibits both the relocation of a non-conforming use and building a new overwater structure for water-enjoyment use in the Aquatic shoreline designation.

Joint-use Docks

Some requirements related to joint-use docks are vague or are not compatible with other provisions of the SMP. As currently written, the definition of Dock, Joint-Use does not specifically state if the parcels with access to the joint use dock have to be contiguous to each other nor does it indicate the parcels must be residential, or if the lots are capable of being developed in compliance with zoning ordinance or SMP. This ambiguity has generated inquiries whether a joint-use dock would be allowed if the lots were separated, were in different zones, or were not on developable lots.

On-water Residences

Effective September 7, 2017, certain definitions were amended in WAC 173-26-020 relating to on-water residences/floating homes. The revisions added definitions of floating homes and floating on-water residences (PERMANENT RULES; Washington State Code Reviser's Office filing number 17-17-016; Order 15-06—Filed August 7, 2017, 2:58 p.m., effective September 7, 2017). The revisions are intended to clarify that certain floating structures are considered floating on-water residences and not vessels.

Live-aboard Boats

The Washington State Shoreline Management Act (SMA) and the Vancouver SMP do not allow on-water residences, but do allow live-aboard boats within marinas (up to 20% of the marina's slips if utilities and restroom facilities are provided). The intent of the state law and the City's SMP is to allow a limited number of live-aboard boats within marina areas and prohibit floating homes. The intent is to allow recreational boats within marinas to be used as live-aboard vessels while not allowing large, unseaworthy vessels.

Request: On Monday, October 22, 2018, approve the ordinance with recommended amendments to the Shoreline Master Program on first reading, setting date of second reading and public hearing for Monday, November 5, 2018.

Jennifer Campos, Principal Planner, 487-7728

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

Motion approved the request.

7. Continuation of a temporary moratorium on the acceptance and processing of applications for permits for the development of new structures; the expansion of existing structures; or subdivisions in the Tower Mall area

Staff Report 159-18

AN ORDINANCE declaring an emergency and continuing a temporary moratorium for the duration of six months upon the acceptance and processing of applications for permits for the development of new structures; the expansion of existing structures; or subdivisions in the Tower Mall area as defined herein; establishing six months as the tentative effective period of this ordinance; and establishing an immediate effective date.

Summary

The Heights District Subarea is identified as a future urban center in the City of Vancouver Comprehensive Plan. In order to establish a vision for

the area and guide its future growth and development, the City of Vancouver is undertaking a subarea planning process for the Heights District. In June 2017, the Vancouver City Council approved the purchase of an 11.83-acre parcel known as the Tower Mall site. Following the purchase of the property, Council adopted a six-month development moratorium for the site and adjacent properties in the Tower Mall area, and has twice adopted ordinances continuing the temporary moratorium, in November 2017 and May 2018. This temporary moratorium prohibits the acceptance and processing of applications for permits for the development of new structures, the expansion of existing structures, or subdivisions in the Tower Mall area.

After purchase of the Tower Mall site in May 2017, the City initiated a subarea planning process for the 205-acre Heights District. Over the last 15 months, City staff and a consultant team have conducted extensive public outreach on the future of the Heights District, including one-on-one meetings, focus groups, group presentations, large public open houses, and online surveys. Staff has heard from a variety of stakeholders, including neighborhood associations, property owners, residents, Vancouver Public Schools, C-TRAN, the faith community, social service providers, non-profit organizations, and a 20-member Community Advisory Committee that meets monthly and helps guide project decision-making.

In addition to public outreach, the project team has completed a detailed technical analysis of existing land use, transportation, and environmental conditions, as well as a feasibility study to determine what future uses and development typologies the market will support. Information gathered through the public outreach process, technical analysis, and market study informed the development of conceptual redevelopment alternatives for the Tower Mall Area, which are currently available for public comment.

Continuation of the moratorium allows staff time to complete the subarea planning process for the area that is currently underway and is anticipated to be completed in Fall of 2019. A continuation of the temporary moratorium is necessary to ensure that future development aligns with the vision articulated in the forthcoming plan.

Request: On Monday, October 22, 2018, approve ordinance on first reading, setting date of second reading and public hearing for Monday, November 5, 2018.

Rebecca Kennedy, Long Range Planning Manager, 487-7896

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

Motion approved the request.

8. Appointment to Parks and Recreation Advisory Commission

Request: Appoint Matthew Kuntz to the Parks and Recreation Advisory Commission, term beginning immediately and expiring July 31, 2021.

Council Committee 1 (Hansen, Stober, Glover)

Motion approved the request.

9. Approval of Claim Vouchers

Request: Approve claim vouchers for October 22, 2018.

(Copy available upon request.)

Motion approved claim vouchers for October 22, 2018, in the amount of \$7,414,090.96.

Citizen Forum

Mayor McEnerny-Ogle opened the Citizen Forum and received the following testimony:

- Karen Madsen, chair of Arts of Clark County, invited the Council and the community to the 2018 Open Studios tour.
- Carolyn Crain, Vancouver, expressed concerns about the response from the Vancouver Police Department related to the recent theft of her friend's vehicle.
- Vincent Marcy, Vancouver, expressed concerns about the response from the Vancouver Police Department related to the recent theft of his vehicle.

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

Adjournment

7:05 p.m.

DocuSigned by:

Anne McEnerny-Ogle

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Anne McEnerny-Ogle, Mayor

Attest:

DocuSigned by:

Carrie Lewellen

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Natasha Ramras, City Clerk

By: Carrie Lewellen, Deputy City
Clerk

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