



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

September 24, 2018

WORKSHOPS

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

Mayor McEnerny-Ogle was absent; Mayor Pro Tem Bart Hansen presided.

4:00-4:30 p.m. Block 10 Update

Presenters: Chad Eiken, Community & Economic Development Director, 487-7882; Barry Cain, Gramor Development

Summary

Staff provided Council with an update on the status of the development of Block 10 in downtown Vancouver; the developer of the site provided an overview of current plans.

4:30-5:30 p.m. Review of Draft 2019 State Legislative Agenda

Presenters: Mark Brown and Brian Enslow, Governmental Affairs Liaisons

Summary

The City's governmental affairs liaisons provided Council with an overview of the draft 2019 state legislative agenda.

Council attended a reception from 5:30-6:30 p.m. in the lobby of City Hall recognizing Mr. Brown's retirement

COUNCIL CONSENT AGENDA MEETING

Pledge of Allegiance

Call to Order and Roll Call

The consent meeting of the Vancouver City Council was called to order at 6:34 p.m. by Mayor Anne McEnerny-Ogle in the Council Chambers of City Hall, 415 W. 6th Street, Vancouver, Washington.

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

Motion by Councilmember Topper, seconded by Councilmember Turlay, and carried unanimously to excuse Mayor McEnerny-Ogle.

Proclamation: Clark County Poet Laureate Month

Mayor Pro Tem Hansen read and presented a proclamation to LaRae Zawodny, Chair of the Poet Laureate Program for the Clark County Arts Commission, Toni Luna, wife of outgoing Poet Laureate Chris Luna, and Gwendolyn Morgan, incoming Poet Laureate, proclaiming October as Clark County Poet Laureate Month in Vancouver.

Proclamation: Deaf Awareness Week

Mayor Pro Tem Hansen read and presented a proclamation to Jared Redford, president of the Junior National Association for the Deaf, proclaiming September 23-30, 2018, as Deaf Awareness Week.

Citizen Communication (Items 1-7)

Mayor Pro Tem Hansen opened Citizen Communication and, receiving no testimony, closed Citizen Communication.

Consent Agenda (Items 1-7)

Council requested Items 4 and 6 be pulled from the Consent Agenda for separate consideration.

Motion by Councilmember Topper, seconded by Councilmember Glover, and carried unanimously to approve Items 1-3, 5 and 7 of the Consent Agenda.

- 1. Interlocal Services Agreement between Clark County and the City of Vancouver to provide for a coordinated fall leaves disposal program for residents**
Staff Report 142-18

Summary

For more than ten years the City of Vancouver and Clark County have coordinated efforts to offer free leaves disposal to residents using a coupon issued through various

methods. Since 2015, the City and County have made use of the Grounds Equipment and Maintenance Services Intergovernmental Agreement as the instrument for this program. To track costs associated specifically with the fall leaves program and maintain a separate agreement, the City and County are seeking to establish an Interlocal Agreement specifically for the fall leaves.

Request: Authorize the City Manager or his designee to sign the interlocal agreement with Clark County for a coordinated fall leaves disposal program for residents.

Tanya Gray, Solid Waste Supervisor, 487-7163

Motion approved the request.

2. Interlocal agreement with Clark County for receipt and disbursement of Registered Sex Offender Monitoring Verification Program grant funding
Staff Report 143-18

Summary

In July 2018, the Washington Association of Sheriffs and Police Chiefs allocated \$246,405.52 in State funding to Clark County and its cities to enhance law enforcement monitoring of registered kidnapping and sex offenders required by state law (RCW 9A.44.130). Law enforcement officers must provide face-to-face verification at a registered sex offender's place of residence every 3-12 months, based on the level of offense. The Clark County Sheriff's Office coordinates and maintains the sex offender registry and database entries for the public website for all sex offenders within the county. Vancouver Police is responsible for monitoring registered sex offenders and kidnapping offenders who live within the city of Vancouver. Washington State reports 580 registered sex offenders living in the city of Vancouver, requiring Vancouver Police to conduct more than 650 monitoring contacts each year.

Law enforcement monitoring and address verification programs reduce and prevent crime in two ways. First, police monitoring serves as a deterrent for future crimes, as registry violations may result in arrest, prosecution, and sentencing for any new offenses. Second, police monitoring provides updated information for Washington State's registry database and public website, providing tools to enhance public safety through community awareness and notification.

The Clark County Sheriff's Office has provided an interlocal agreement with the City of Vancouver effective July 1, 2018 –June 30, 2019, disbursing \$94,297.00 for police overtime, training and equipment to support sex offender monitoring and compliance with State law.

Request: Authorize the City Manager or his designee to execute an interlocal agreement with Clark County for disbursement of grant funds by Clark County for Vancouver Police overtime, training and equipment to support sex offender monitoring and compliance with State law.

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

Motion approved the request.

3. Amendment to Intergovernmental Agreement with City of Portland for Regional Justice Information Network (RegJIN) Participation
Staff Report 144-18

Summary

On June 19, 2018, the City of Vancouver notified the RegJIN User Board of VPD's intent to withdraw from RegJIN effective January 1, 2019. The selection and implementation of the new RMS is expected to occur in 2019, but not before January 1, 2019. An extension in the RegJIN system is needed to bridge the gap between selecting and implementing the new RMS and the withdrawal from RegJIN.

Request: Approve and authorize the City Manager or his designee to sign the Amendment No. 1 for RegJIN Participant Intergovernmental Agreement Regional Partner Agency – Full Entry

James McElvain, Vancouver Police Chief, 487-7476; Chris Sutter, Assistant Police Chief, 487-7421

Motion approved the request.

4. Amendments to City Council Policies
Staff Report 145-18

A RESOLUTION relating to City Council policies regarding the City Manager evaluation process, Council meeting procedures, Councilmember representation on boards and commissions, and the social media policy; amending City Council Policies 100-06, 100-32, 100-33, 100-35, 100-38; adopting new City Council Policy 100-41; and rescinding Section 2 of Resolution M-3734.

Summary

The City Council's operating policies and procedures were originally adopted in 1999. Periodic review and updates to the policies are necessary in order to reflect changes in City policy and practices as well as changes in state law.

After recent review of the Council policies with City Council, staff recommends the revisions as reflected in the redlined versions of the policy documents attached to this staff report. The updates primarily reflect common practices for certain operations and procedures that have evolved since the previous policy review, clarifications to processes and protocols, requests from Council, as well as some routine text changes.

In addition, a new policy providing for Mayor and Councilmember receipt of payment if they choose to opt out of the City's health insurance benefit is proposed. Adoption of this

policy would rescind Resolution M-3734, which prohibits the making of an opt-out payment to Councilmembers not participating in the City's health insurance program.

Revisions to Council policies must be made by resolution.

Request: Adopt a resolution amending City Council Policies 100-06, 100-32, 100-33, 100-35, 100-38, and adopting new Council Policy 100-41.

E. Bronson Potter, City Attorney, 487-8500; Amanda Delapena, Assistant to City Council, 487-8605

Councilmember Stober noted that the resolution title (above) incorrectly identified the policies being amended. City Attorney Bronson Potter stated the operative parts of the resolution are correct, and the title could be amended to remove the descriptions of the policies in the title, as follows, to reconcile it with the action of the resolution:

A RESOLUTION relating to City Council policies amending City Council Policies 100-06, 100-32, 100-33, 100-35, 100-38; and rescinding Section 2 of Resolution M-3734.

Motion by Councilmember Stober, seconded by Councilmember Lebowsky, and carried unanimously to amend the title as stated above and adopt Resolution M-3980.

5. Vancouver Police Department 2016-2020 Staffing Plan – Revenue replacement plan

Staff Report 130A-18

Mayor Pro Tem Hansen read the title of the ordinance into the record.

AN ORDINANCE amending Vancouver Municipal Code (VMC) Sections 5.04.020, 5.04.075, 5.04.090, 5.04.095, 5.92.010, 5.93.010, 5.94.030, 14.04.210, 14.14.230, and 14.09.060 to amend business license fee limitations and exemptions; to increase water, sewer, and stormwater rate and taxes; and to increase solid waste taxes to fund additional police protection services; and repealing Section 5.04.096 business license fees based on square footages for commercial, industrial, and multi-family residential rental properties; providing for savings, severability, ratification, and an effective date.

Summary

In February 2017 the City Council adopted a revenue and staffing package (herein referred to as “resourcing package”) to support an increase in sworn and civilian positions that would close identified gaps in key service areas of the Vancouver Police Department (VPD). The resourcing package is intended to add 42 sworn and 19 civilian positions to VPD by 2020.

The package was designed to be implemented over a 5-year period, with staffing increases generally matched with a concurrently phased in set of revenues. The package was adopted based on Community Resource Team recommendations, which were developed through a broad-based, inclusive community engagement effort over the preceding 10 months.

This revenue package adopted by City Council included a \$20 increase in the existing per FTE business license surcharge (to a total of \$90 per FTE per year), a 3.4% increase to the utility tax rate on City-owned utilities (sewer, water, drainage, garbage) and a new indoor space business license fee surcharge for retail, commercial and industrial businesses and a per-unit surcharge for leased multi-family residential units. The new business license surcharges (per square foot and per multi-family unit) were approved to become effective on 1/1/2019, while other funding components of the package have already been implemented. Of the total combined resources dedicated to police, the new business license surcharges represent \$6.1 million in annual revenue. This dollar amount included the costs for the City to administer the new tax, which was estimated to be approximately \$0.25 million annually; the net revenue dedicated to police would have been approximately \$5.8 million.

The Council action to adopt a multi-year funding package for police included legislative intent to consider alternative funding sources to the new surcharges in the context of a larger, more comprehensive plan for sustainable, stable and streamlined resourcing for all City services.

As a result, the City initiated an extensive community engagement effort in the spring of 2017 referred to as Vancouver Strong. Central to the Vancouver Strong engagement efforts is the Executive Sponsors Council (ESC), a nine-member advisory group composed of leaders from business, not-for-profit, diverse and volunteer communities. Since May 2017 the ESC has been engaged in developing a recommended comprehensive, long-term, streamlined funding solution to close identified gaps in core City services and to more fully implement the City's strategic plan. The first actionable component of their work is the replacement revenue source for the business license surcharge portion of the original police resourcing package.

In June of 2018, the ESC presented at a Council workshop their recommendation for replacement revenue to fund police. The ESC recommendation includes replacing the per square foot and per multi-family unit surcharge with a combination of increased utility tax on water, sewer, drainage and solid waste and an expansion of the per FTE business license surcharge to cover the not-for-profit organizations, as well as eliminating the 400 FTE cap per business. Their recommendation included a recognition that Council may wish to consider phasing in implementation of the replacement revenue, as well as take into account the unique considerations of including nonprofits as subject to the FTE surcharge.

While eliminating the 400 FTE cap per business ultimately applies to a relatively small number of all businesses in Vancouver, in some instances the difference between the current cap and actual FTEs subject to the fee is substantial. By providing for a two-year phase out of the cap, the City provides a longer transition period and multiple fiscal periods for effected businesses to plan for and accommodate the change.

At the June workshop, Council expressed an interest in additional engagement with the nonprofit sector to gather feedback on the recommendation to include them as subject to the surcharge. Council was further interested in additional phasing scenarios of the proposed fee and surcharge. On September 10, 2018, three additional scenarios of generating the replacement revenue for the police resourcing package were presented to Council. All three scenarios preserved the main replacement revenue principles as presented by the Vancouver Strong Executive Council. Those principles included:

- *Expanding the base of the current business license surcharge to the greatest extent possible;*
- *Closing the remaining gap through a utility tax increase; and*
- *Considering phasing options to ease implementation.*

Council supported the scenario that increased the business license fee from the current \$125 to \$200 per year, reduced exemptions from the business license fee while maintaining the current exemptions from the business license surcharge, and removed the cap on the number of FTEs per company subject to the business license surcharge over a two year period. The scenario also maintained a utility tax increase of 4% over the two-year time period.

The proposed ordinance reflects changes to the respective ordinances in accordance with the above mentioned scenario: a phasing proposal, with the cap of FTEs per business being increased from 400 to 799 per company in year 2019, and removing the cap in 2020; an increase in the business license fee per company or nonprofit organization per year from \$125 to \$200; and reduction in exemptions from the business license fees. The City would also utilize a combination of its undesignated General Fund in 2019 to offset the lost revenue in 2019. The utility tax increase on water, sewer, drainage and solid waste is recommended at 2.4% in 2019 and an additional 1.6% in 2020.

In addition to the changes above, the 2017 Washington State Legislature passed a law requiring cities with business licenses to administer their business license program through the state's Business Licensing System by 2022 or File Local by 2020 and to adopt the model ordinance by October 17, 2018. The model ordinance includes a mandatory definition of "engaging in business" and a minimum threshold exception to establish when out-of-town or transient businesses are required to be licensed. The City is already administering its business license program through File Local and has current provisions compliant for the most part with the model ordinance. The model ordinance has recommended including a \$2,000 threshold level, or higher, per year for out-of-city businesses. The city's current limit is \$12,000 per year. The proposed ordinance brings the City in compliance with the model ordinance, but does not recommend changing income thresholds.

Request: Approve the ordinance on first reading, setting the date of second reading and public hearing for Monday, October 1, 2018.

Natasha Ramras, Chief Financial Officer, 487-8484

Motion approved the request.

6. Garbage, Yard Debris and Recycling Collection Rate Increases for 2019 Staff Report 131A-18

Mayor Pro Tem Hansen read the title of the ordinance into the record.

AN ORDINANCE relating to the collection of solid waste, recyclable materials and yard debris, and amending certain sections of VMC 6.12 to increase rates and charges

consistent with approved utility user taxes and rates and in accordance with current contracts for the coming year; providing for savings, severability and an effective date.

Summary

City Council is the rate-making authority for garbage, residential recycling, and yard debris collection services within the City of Vancouver. The City contracts with a private hauling company, Waste Connections of Washington, to provide comprehensive garbage, recycling and yard debris collection services to residents and businesses within city limits. The contract terms authorize Waste Connections to receive annual adjustments to customer rates based on changing operating conditions including: an inflation adjustment factor tied to a percentage of the CPI and fuel costs, disposal tip fees, the number of customers served and fees paid to the City to support solid waste related programs. All adjustments to rates are made in accordance with Exhibit D of the contract. Garbage rates also include the City's utility tax embedded within them. The City's utility tax does not apply to recycling or yard debris services.

For 2019, Public Works staff updated the model consistent with the contract and the anticipated increase in the utility tax and determined that garbage rates will need to increase by 6.6 percent while recycling and selected other fees, not linked to the disposal tip fee, will need to increase by 4 percent, effective January 1st. Key reasons for this increase are a 3.61 percent increase in the CPI, a 19.68 percent increase in the diesel fuel index, and a 2.7 percent increase in the disposal tip fees.

Inflation Adjustment Factor

Under the contract, collection costs for garbage, recycling and yard debris adjust at 80 percent of a blended and combined CPI (92 percent) and diesel fuel index (8 percent) factor which leads to a 3.91 percent increase for the collection cost component and other miscellaneous fees. New this year, the CPI specified in the contract (Consumer Price Index First Half for the Portland Metropolitan Area for Urban Wage Earners and Clerical Workers, All Items (Revised Series) (CPI-W, 1982-1984=100), prepared and reported in August each year by the United States Department of Labor, Bureau of Labor Statistics) is no longer being calculated by the Bureau of Labor Statistics (BLS). Therefore, the parties have agreed to a replacement index as is permissible under the contract. The new CPI is the First Half for all items in Seattle-Tacoma-Bellevue, WA, urban wage earners and clerical workers, not seasonally adjusted (1982-84=100).

Disposal Tip Fees

On January 1st, the disposal tip fee is scheduled to increase \$2.49 per ton due to growth in the CPI (Waste Connections receives 75 percent of the CPI change). This \$2.49 per ton increase in the tip fee will take the current tip fee at the transfer stations from \$93.22 per ton to \$95.71 per ton (a 2.7 percent increase). The proposed tip fee for 2019 also includes a continuance of \$1.43 per ton surcharge approved by the Clark County Council to make up for a reduction in Department of Ecology grant funds of approximately \$540,000 per year in the 2017-2019 biennium, and an additional 9 cents per ton surcharge for the acquisition and development of private land near the Central Transfer Station to be developed into a drop lane for customers entering the transfer station heading south on SR 503. Those latter improvements were deemed necessary to handle increased traffic at Central Transfer Station.

Recycling Fees

The rates proposed for January 1, 2019, include adjustments to these fees based only on the Inflation Adjustment Factor detailed above. As a result of international recycling market conditions over the past 6 to 9 months, Columbia Resource Company (the designated processor of recyclable materials collected under this contract and a wholly owned subsidiary of Waste Connections of Washington) has requested increased compensation to offset increased processing costs as well as decreased market revenue. No specific strategy or a particular surcharge has been agreed to at this time, however, the City should anticipate that with involvement of Clark County and other cities that contract for recycling collection, some further increase to the recycling fee(s) may be proposed later this year or early in 2019.

City Fee

Garbage rates were last increased in January 2018 after remaining flat since 2013. Customer rates for those operating cost factors were kept stable by offsetting Waste Connections' contractually allowed cost increases using a combination of the Solid Waste Fund's Operating and Rate Stabilization Reserve and a reduction in the franchise fee paid by Waste Connections to the City used to fund the City's solid waste program. Increases to customer rates in January 2016 and April 2017 were a pass through of the City-imposed Utility Tax on garbage services.

These adjustments are in line with the City policy to maintain steady rates to customers with reasonable increases. For 2019, contractual rate adjustments are proposed to be passed on to the customers. The combination of tip fee increases and the inflation adjustment factor results in a proposed rate increase of approximately 7.0 percent for most customer rates. For example, the typical customer with a 32 gallon cart currently pays \$20.87 per month for garbage and recycling services. With the proposed increase, for 2019 that service would cost \$22.22 per month. Households with subscription yard debris service currently pay \$7.15 per month and with the proposed increase that rate would grow to \$7.43 per month.

Staff recommends increasing customer rates to meet the contractual obligations of adjusting collection services by the defined Inflation Adjustment Factor. Garbage rates, which include disposal costs, will increase 7.0 percent while residential recycling, yard debris and other rates, which do not include disposal costs, will increase by about 4% as detailed on a two-page Proposed Rate Summary for 2019. All adjustments will be effective January 1, 2019.

Request: Approve ordinance on first reading, setting date of second reading and public hearing for Monday, October 1, 2018.

Tanya Gray, Solid Waste Supervisor, 487-7163

Tanya Gray, Solid Waste Supervisor, provided staff comments.

Councilmember Topper noted that a portion of the action of this item relates to the police funding plan outlined in Item 5, but a portion also relates to the normal rate adjustments written into the contract with the City's solid waste vendor, Waste Connections, and the City is in the process of negotiating the future of that vendor contract. She asked if the Waste Connections contract expires at the end of 2019. Ms. Gray explained the current

contract is set to expire at the end of 2020. Councilmember Topper stated she has concerns about the City going out for an RFP on this contract prior to the exhaustion of the contract and any extensions and stated she would prefer the Council to direct staff to continue to negotiations on the current contract.

Councilmembers Hansen and Glover agreed with that direction.

Councilmember Stober noted that staff had recently presented to Council an update on this contract and provided the reasons why the City was contemplating issuing an RFP for this service at this time.

City Manager Eric Holmes stated that the current rate adjustment under consideration would be under the terms of the current contract and in relation to the adjustments made under the police resourcing plan outlined in Item 5. He noted this action is independent from the discussions related to any competitive process for the solid waste contract. He stated staff had addressed that matter under Communications at a previous meeting and outlined a recommendation to initiate a competitive process for the contract. He stated the current contract with Waste Connections does have provisions for extension through direct negotiation. He stated when staff last spoke to Council about this matter there was an interest from Council to conduct a competitive process, but staff could continue conversations with the current vendor about terms of a potential extension if directed by Council to do so.

Councilmember Topper stated she did not believe the current vendor was aware that negotiations for extension of the contract had been concluded. She noted it would be a significant transition for residents if the vendor was changed and the City owes it to the citizens to attempt to negotiate an extension, given that the current vendor has demonstrated exceptional service. She noted this item gave her an opportunity to bring this matter up.

Motion by Councilmember Topper, seconded by Councilmember Glover, and carried unanimously to approve the ordinance on first reading, setting second reading and public hearing for Monday, October 1, 2018.

Mr. Holmes stated staff could either come back soon in a workshop format to further discuss potential solid waste contract options, including both negotiation of extension of the current contract and options for a competitive process, or staff could exhaust potential negotiation for extension on the current contract first, if it is the desire of the Council, and staff could report back to the Council with the results of that.

Council confirmed they would like staff to continue negotiations with the current vendor on a potential contract extension.

7. Approval of Claim Vouchers

Request: Approve claim vouchers for September 24, 2018

(Copy available upon request.)

Motion approved claim vouchers for September 24, 2018, in the amount of \$3,601,615.98.

Citizen Forum

Mayor Pro Tem Hansen opened the Citizen Forum and received the following testimony:

- Hiedi Lee, Vancouver, expressed concerns about crimes and threats to safety in the downtown area attributed to people who are homeless, and frustrations with the response she had received from the City related to this issue.
- Dan Mitchell, Vancouver, expressed concerns about crimes and threats to safety in the downtown area attributed to people who are homeless, and stated he is looking for opportunities to move his business out of downtown.
- Carmen Caraballo, Vancouver, expressed concerns about crimes and threats to safety in the downtown area attributed to people who are homeless, and stated there needed to be better stakeholder engagement to discuss how to address these issues.
- Tom Sawyer, Vancouver, expressed concerns about crimes and threats to safety in the downtown area attributed to people who are homeless, especially as it pertains to children who are unable to enjoy the amenities in Esther Short Park because of these issues.
- Beverly Theuris, Vancouver, expressed concerns about crimes and threats to safety in the downtown area attributed to people who are homeless, and stated the City should be doing more to enforce its laws in and around Esther Short Park.
- Helga Mattei, Vancouver, expressed concerns about crimes and threats to safety in the downtown area attributed to people who are homeless.
- Cheryl Aichele, Vancouver, encouraged the Council and the public to visit the Parkside Neighborhood and see its heritage trees.
- Jane Wilson, Vancouver, expressed concerns regarding discussions about changing on-street parking along McLoughlin Blvd to improve bike facilities in the corridor.
- Fred Meurer, Vancouver, expressed concerns about litter throughout Vancouver, especially related to homeless camps and also political or advertising signs in the right-of-way.
- Greg Thares, Vancouver, expressed concerns about crimes and threats to safety in the downtown area attributed to people who are homeless, as well concerns about traffic speeds around Esther Short Park.

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

Adjournment

7:50 p.m.

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Anne McEnerny-Ogle, Mayor

Attest:

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Natasha Ramras, City Clerk
By: Carrie Lewellen, Deputy City Clerk

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