



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

September 21, 2020 - City Council Meeting Minutes

WORKSHOPS

To be conducted remotely.

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.

Councilmember Fox was absent from workshops from 4:30-4:57 p.m.

4:00-5:00 p.m. 2021 State Legislative Session Preview

Brian Enslow, Arbutus Consulting; Aaron Lande, Senior Policy Advisor, 360-487-8612

Summary

The City's government affairs liaison for the Washington State Legislature provided Council with a preview of the City's state legislative agenda for consideration and feedback.

5:00-6:00 p.m. Community Task Force on Council Representation Interim Update

Aaron Lande, Senior Policy Analyst, 487-8612; Jeff Swanson, Task Force consultant/facilitator

Summary

The Community Task Force on Council Representation facilitator and members provided Council with an update on their work to date and an overview of the public involvement plan for soliciting feedback on preliminary recommendations.

Executive Session re: City Manager Performance Evaluation (30 minutes)

Mayor McEnerny-Ogle announced the Council would be entering executive session from 6:00-6:30 p.m. to finish the City Manager's annual performance evaluation.

Council entered a closed remote executive session via Webex at 6:00 p.m.

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 CTV 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

Councilmember Fox was absent from the meeting from 7:02-7:48 p.m.

Also present on the call were the following: Eric Holmes, City Manager; Jonathan Young, City Attorney; Amanda Delapena, Assistant to the City Council; Brennan Blue, incoming Vancouver Fire Chief; Teresa Brum, Economic Development Division Director; Brian Carlson, Interim Deputy City Manager; Frank Dick, Wastewater Engineering Supervisor; Aaron Lande, Senior Policy Advisor; Ryan

Lopossa, Streets and Transportation Manager; James McElvain, Vancouver Police Chief; Jordan MacFarlane, NOW Director; Joe Molina, retiring Vancouver Fire Chief; Troy Price, Assistant Police Chief; Natasha Ramras, Chief Financial Officer; Peggy Sheehan, Community Development Programs Manager; Dan Swensen, Interim Public Works Director; Brenda Tryon, Police Management Analyst; Anna Vogel, Procurement Manager; and members of the public.

Approval of Minutes

Minutes - August 24, 2020

Motion by Councilmember Paulsen, seconded by Councilmember Lebowsky, and carried unanimously to approve the meeting minutes of August 24, 2020. Councilmember Glover abstained.

Recognition of Retiring Fire Chief Joe Molina

City Manager Eric Holmes and Council recognized Joe Molina, Vancouver Fire Chief who has retired after serving 14 years with the City of Vancouver. Mr. Holmes introduced incoming Fire Chief Brennan Blue.

Citizen Communication (Items 1-7)

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

Consent Agenda (Items 1-7)

Council requested Items 2 and 3 be pulled for separate discussion as summarized below.

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

- 1. Interlocal agreement between the City of Vancouver and Clark County for receipt and disbursement of Registered Sex Offender Monitoring Address Verification Program (RSO) grant funding from the Washington Association of Sheriffs and Police Chiefs**

Staff Report 127-20

Summary

In July 2020 the Washington Association of Sheriffs and Police Chiefs allocated \$252,038.00 to Clark County and its cities to enhance law enforcement monitoring of registered kidnapping and sex offenders as required by Washington 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 sex offender registration within the county and works with local police departments to ensure compliance in each of the cities. Vancouver Police is responsible for monitoring registered sex offenders and kidnapping offenders who live within the City of Vancouver.

Law enforcement monitoring and residential address verification programs reduce and prevent crime in two ways. First, regular police monitoring provides updated information for Washington State's registry database and public website, which serve as important tools to enhance public safety through community awareness and notification. Second, regular police monitoring serves as a protective factor for the community, as any new crimes may result in arrest, prosecution, and sentencing.

The Clark County Sheriff's Office has provided an interlocal agreement with the City of Vancouver effective July 1, 2020 – June 30, 2021, disbursing \$95,776.48 for police overtime, training and equipment. WASPC funds must be used to enhance compliance with state requirements for face-to-face verification of a sex offender's address at the place of residency.

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 in compliance with Washington State law and to take any and all action necessary to enforce the terms thereof.

James McElvain, Chief of Police 360-487-7473; Sara Baynard-Cooke, Assistant City Attorney 360-487-8542; Brenda Tryon, Police Management Analyst 360-487-7497

Motion approved the request.

2. Interlocal agreement between the City of Vancouver and Clark County for disbursement of Justice Assistance Grant (JAG) funds from the United States Department of Justice

Staff Report 128-20

Summary

The United States Department of Justice, Office of Justice Programs, Bureau of Justice Assistance will award Justice Assistance Grant (JAG) funds to Clark County, Washington, in the amount of \$88,459 for the Fiscal Year 2020. JAG funds are intended to support a wide range of activities to

reduce and prevent crime based on the needs and conditions of local jurisdictions. Allowable purpose areas include law enforcement equipment and supplies, technology, and training to enhance criminal justice. Clark County will administer this grant and disburse budgeted funds for the Vancouver Police Department through an interlocal agreement. When funding is awarded in late 2020, the City of Vancouver will receive \$50,422 to purchase police equipment, technology and supplies.

Request: Authorize the City Manager or his designee to execute an interlocal agreement with Clark County for disbursement of Justice Assistance Grant (JAG) funds from the United States Department of Justice and take any and all action necessary to enforce the terms thereof.

James McElvain, Chief of Police 360-487-7473; Sara Baynard-Cooke, Assistant City Attorney 360-487-8542; Brenda Tryon, Police Management Analyst 360-487-7497

Councilmember Stober stated that JAG grants have been identified as one of the primary tools the federal government has used to implement the current system that led to mass incarceration in the U.S. that led to the country having the highest incarceration rate in the world. He requested the task force that is reviewing the police department's use of force policies review how the City has used JAG funds historically and make recommendations about how to use them in an equitable and just fashion in the future.

Motion approved the request.

3. Services Agreement with SeaMar Community Services Northwest (SeaMar) for the Washington Association of Sheriffs and Police Chiefs (WASPC) Mental Health Field Response Team Grant Program

Staff Report 129-20

Summary

WASPC recently awarded \$314,917 to the Vancouver Police Department to partner with SeaMar Community Services Northwest to enhance mental health responses. This pilot program will provide mental health professionals to partner with police in connecting individuals with appropriate resources and treatment options. Vancouver was selected for this competitive grant last year, but after months of planning, field deployment was put on hold due to the coronavirus.

The City of Vancouver, Clark County, and SeaMar Community Services are part of a strong local network that includes law enforcement,

prosecutors and judiciary, crisis responders, behavioral health services, treatment providers and advocacy organizations. This new initiative builds on the current crisis model, which is highly successful in diverting individuals from the hospital or jail when other providers are better suited to provide assistance. However, the current system is often at capacity. This grant will add crisis outreach capacity to assist law enforcement officers with calls during peak hours.

Vancouver will partner with SeaMar Community Services Northwest to provide pass-through funding for three new full-time mental health responder positions to assist VPD officers in the field with calls involving individuals in crisis. This will enhance opportunities for early intervention and pre-arrest diversion, improving individual health and safety outcomes and a more effective use of resources. SeaMar will add two Mental Health Professionals and one Peer Support Specialist position to respond during peak call hours.

After a scene is stabilized, mental health responders will respond in teams of two to call locations in the community at the request of law enforcement officers on the scene, in order to maximize safety for all involved. SeaMar mental health professionals are specially trained to provide a clinical evaluation to determine the appropriate level of care and evaluate risk to the individual and the community. The goal of this on-call field-based intervention is to provide effective alternatives to incarceration or hospitalization.

After the scene is stabilized and legal requirements are met, Vancouver Police officers may transition the call to mental health crisis team responders, so that the individual of concern can receive needed behavioral health treatment or services, while law enforcement officers can leave and respond to other emergency calls.

The City of Vancouver will serve as grant administrator and fiscal agent to coordinate grant reporting and reimbursement with SeaMar for eligible grant expenses associated with adding three full-time mental health field response positions, up to a maximum of \$248,389. Clark County Crisis Services had intended to add a part-time designated crisis responder with \$10,240 in grant funds, but will support the project with current staffing instead.

The grant also includes \$56,288 for training and overtime. In addition to the patrol-based callouts for mental health professionals described above, Vancouver Police Department will select specially trained officers to partner with mental health field responders to provide proactive outreach to establish positive relationships, assist with safety planning, and provide resources and support. We will use grant funds to schedule these officers on overtime shifts so they are able to go out in the field with mental health

field responders without having to respond to 911 calls.

We are fortunate that WASPC has extended this opportunity for competitive funding, which is effective July 1, 2020 – June 30, 2021. Funding was awarded last year, but after months of planning, implementation was put on hold due to the coronavirus pandemic. No match or retention funding is required.

Request: Authorize the City Manager or his designee to execute a Services Agreement with SeaMar Community Services Northwest to disburse grant funds to enhance mental health field response and take any and all action necessary to enforce the terms thereof.

James McElvain, Chief of Police 360-487-7473; Sara Baynard-Cooke, Assistant City Attorney 360-487-8542; Brenda Tryon, Police Management Analyst 360-487-7497

Councilmember Stober asked for clarification about the language in the agreement pertaining to the timeline for a mental health professional becoming involved at the scene of a situation they would be called to. He expressed concerns that it seems based on the language that a mental health professional would not become involved until the scene is under control, at which point it may be too late to intervene and de-escalate the situation.

Chief James McElvain explained that the intent is for a mental health professional to intervene once the situation is safe for them to do so.

Motion approved the request.

4. Mutual Law Enforcement Assistance Agreement for Senior Wellness Check Program

Staff Report 130-20

Summary

CCSO administers the Senior Wellness Check Program for Clark County and currently calls all participants. This program provides an important service to high-risk populations that may be isolated during this challenging time of COVID-19. If approved, CCSO would continue to administer the program but VPD volunteers would call City of Vancouver residents and as staffing permits, VPD law enforcement officers may, within VPD's discretion, dispatch to a participant's residence to perform a welfare check in person.

Request: Authorize the City Manager or his designee to execute the attached Mutual Law Enforcement Assistance Agreement for the Senior Wellness Check Program and take any and all action necessary to enforce the terms thereof.

Troy Price, Assistant Police Chief, 360-487-7463

Motion approved the request.

5. Amendment to Professional services agreement C-90662 with engineering firm Brown and Caldwell to include engineering services during construction associated with upgrades to Vancouver's industrial wastewater pretreatment lagoon system

Staff Report 131-20

Summary

The nearly 40-year-old lagoon receives food-process wastewater from three industries in Vancouver. The lagoon is integral to Vancouver's wastewater treatment strategy, particularly with operations at the Westside Wastewater Treatment Plant. It is currently operating with treatment equipment that is beyond its expected service life.

To date the consultant engineering firm and City staff have evaluated a wide range of technology options for upgrades to the lagoon and determined the existing system, with pertinent upgrades, is the most cost effective. The upgrades will include an electrical system overhaul, rehabilitation of infrastructure structures and equipment, a new high efficiency aeration blower and instrumentation for improved process control. Consultant engineering plans and specifications are complete, and currently under review with the City's building department.

Construction support services were anticipated and included as an optional Phase 7 in contract C-90662, previously approved by City Council. Although City staff will oversee the daily construction management activities, technical support is needed to review contractor submittals, provide specialized inspections, observations and other technical support. This amendment No. 2 rounds out the services for a successful project.

Request: Authorize amendment #2, in the amount of \$591,283, to contract C-90662 with Brown and Caldwell, Inc. to include engineering design and construction support services for construction of upgrades at Vancouver's industrial wastewater pretreatment lagoon system and authorize the City Manager or his designee to execute the attached professional services agreement with Brown & Caldwell, Inc. of Portland, Oregon,

with a not-to-exceed total cost of \$1,370,167.00, to approve amendments to this contract, as needed, and take any and all action necessary to enforce the terms thereof.

Frank Dick, Wastewater Engineering Supervisor, 503-539-8940

Motion approved the request.

6. Professional services agreement (PSA) for Washington State government relations

Staff Report 132-20

Summary

The City issued a request for proposals for security services on June 10, 2020, the City received two (2) proposals. The required services included general education and insight on the administration and legislative budgets and potential impacts on the City of Vancouver; assisting the City in securing Southwest Washington delegation support and funding for identified policy priorities and projects; assisting the City in securing administration and legislative support and funding for the Interstate Bridge Replacement project; coordination with the City's federal government affairs consultant; research and provide information on state grant opportunities; and, regular meetings with City staff on specific issues to review, analyze and develop strategies.

After a review of all proposals, the evaluation committee selected Arbutus Consulting for a professional service contract. Staff proposes to execute a contract for a period of five years. The contract shall not exceed \$335,000.00.

Request: Authorize the City Manager or his designee to execute a Professional Services Agreement with Arbutus Consulting for the provision of Washington State government relations on an as-needed basis for five years and to take any and all action necessary to enforce the terms thereof.

Aaron Lande, Senior Policy Advisor, 360-487-8612

Motion approved the request.

7. Designation of TV ETC and CVTV respectively as the education and government access providers on the Comcast cable system

Staff Report 133-20

A RESOLUTION relating to cable television and to the designation of The Vancouver Educational Telecommunications Consortium (“TV ETC”) as the educational access provider on the Comcast and CenturyLink cable systems for Vancouver and Clark County.

A RESOLUTION relating to cable television and to the designation of Clark Vancouver Television (“CVTV”) as the educational access provider on the Comcast and CenturyLink cable systems for Vancouver and Clark County.

Summary

The City and County have a cable television franchise agreement with Comcast of Washington, V LLC that was effective on July 1, 2013, and a cable franchise agreement with Qwest Broadband Services, Inc. dba CenturyLink that was effective on January 22, 2016. Under the terms of those agreements, Comcast and CenturyLink provide channels for Public, Education and Government (PEG) programming and it is the responsibility of the City and County to designated authorized entities to provide programming on those channels.

Organizations that are designated as access providers have authorization to broadcast programs over assigned channels on the Comcast and CenturyLink cable systems. They are also able to apply for annual PEG grants, administered by the City, for equipment and other capital expenses associated with producing and broadcasting programming.

TV ETC is a consortium of K-20 educational institutions operated by Educational Service District 112 and is the current educational access provider for Vancouver and Clark County. CVTV, operated by the City/County Cable Television Office, is the current government access provider for Vancouver and Clark County.

The City/County Telecommunications Commission (“Commission”) recommends organizations to serve as access providers to the City Council, per VMC 5.19.320(7). The Commission met on September 2, 2020, to review designation applications and annual reports and to receive presentations from the applicants. Based on their review, the Commission is recommending re-designation of TV ETC and CVTV, respectively, as the education and government access providers for Vancouver and Clark County.

Request: Adopt resolutions approving The Vancouver Educational Telecommunications Consortium (TV ETC) as the designated educational access provider and Clark Vancouver Television (CVTV) as the designated government access provider for

Vancouver and Clark County on the Comcast and CenturyLink cable systems.

Aaron Lande, Senior Policy Advisor, 360-487-8612

Motion adopted Resolution M-4093 (TV ETC) and Resolution M-4094 (CVTV) approving the request.

Public Hearings (Items 8-11)

8. Multifamily Tax Exemption: The Broadway Apartments (8-year tax exemption with Public Benefit Improvements)

Staff Report 134-20

A RESOLUTION of the City Council of the City of Vancouver approving an agreement with 25th and Broadway Investors LLC for an 8 year property tax exemption with public improvements for the abutting property located at 2409 Broadway Street (Exhibit A) in Vancouver, Washington.

Summary

The applicant is requesting an 8 year exemption with development agreement for providing public improvements in lieu of affordable units. The proposed project will take place at 2409 Broadway.

The developer is proposing two 3-story buildings containing a total of 48 units with 36 on-site parking spaces.

The estimated development cost is \$13 million. Unit types will include:

<i>10 Studio units</i>	<i>\$1,224 mo.</i>
<i>23 1BR/ 1BA units</i>	<i>\$1,651 mo.</i>
<i>13 2BR units</i>	<i>\$2,438 mo.</i>
<i>2 2BR Live/work units</i>	<i>\$2,499 mo.</i>

For the public benefit component the applicant is proposing to extend a linear park (enhanced street frontage improvement) at an off-site location ½ mile to the south of the development site.

Similar linear park elements were previously installed at the Uptown Apartments on Washington Street south of McLoughlin Boulevard. The applicant proposes to continue the existing linear park frontage improvements at a site two blocks south between 15th and 16th Streets. The applicant has provided a cost analysis of the enhanced improvements at \$121,090. The project was reviewed and approved by the City Center Redevelopment Authority on Thursday, July 16, 2020. CCRA asked that staff review the public benefit option to provide more clarification on the

improvements.

The 2019 property taxes for the development site are estimated to be \$6,915. Over 20 years (allowing development with the exemption) the project is estimated to generate nearly \$1.43 million in taxes benefiting all taxing districts (ports, county, city, etc.) with \$518,000 specifically generated for the City of Vancouver. Potentially foregone revenue is estimated at \$408,000 for all taxing districts and \$126,000 specifically for Vancouver. Without the exemption the site might forego the higher developed site tax revenues as well as affordable residential housing units. Following the exemption period the project will return to the tax rolls at full value.

Request: On Monday, September 21, 2020, following a public hearing, adopt a resolution approving the development agreement with 25th and Broadway Investors LLC and authorizing the City Manager or designee execute a multi-family housing limited property tax exemption agreement.

Peggy Sheehan, Community Development Programs Manager, 360-487-7952

Councilmember Fox left the meeting at 7:02 p.m.

Peggy Sheehan, Community Development Programs Manager, provided an overview of the Broadway Apartments MFTE request and proposed project.

Randy Printz, representing the applicant Cascadia Development Partners, spoke regarding the history of the MFTE tool in Washington State and the success the program has had in transforming Vancouver's downtown area. He spoke regarding how this current request and project fits within the City's current MFTE program and regulations, noting the Council is poised to discuss potential changes to the program to further incentivize affordable housing. He requested the Council consider this application consistent with the projects they have recently considered and approved under the current MFTE ordinance.

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

- Glen Yung, Vancouver, expressed concerns with the MFTE program and cited an audit of multifamily tax exemption programs in Washington by the Joint Legislative Audit and Review Committee that found that programs without good internal controls, tracking and enforcement can lead to many unintended consequences to affordable housing and stewardship of public funds. Mr. Yung questioned whether the City's program includes these internal controls.

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

hearing.

Council spoke at length regarding the proposed public benefit features of this project and the timing of bringing this proposed MFTE agreement and the one under Item 9 before Council when they are going to begin review of potential revisions to the program at their next meeting.

Councilmember Paulsen noted it is important to reflect on the origins of the MFTE program and the improvements made downtown since the City has been able to use this as an economic development tool. He stated that only looking at the foregone revenue of a tax abatement versus the price of the public benefit is very transactional, when it is important to look at the broader context. He stated there is a good faith component also with these agreements, noting the Council has been mentioning the need to make changes to the program for a while, while recognizing that uncertainty in the City's regulations can slow down economic development. He stated it would be prudent for the Council to apply the current standards in their consideration of this application as part of that good faith effort.

Councilmember Hansen agreed, stating it is also important to remember Council decisions to put projects on hold can have negative impacts in people's lives. He stated he supports moving this project forward.

Motion by Councilmember Hansen, seconded by Councilmember Lebowsky, and carried unanimously (Fox absent) to adopt Resolution M-4095 approving the request.

9. Multifamily Tax Exemption: Washington Apartments Apartments (8-year tax exemption with 20% of units restricted to 100% area median income)

Staff Report 135-20

A RESOLUTION of the City Council of the City of Vancouver approving an agreement with Evergreen Downtown Vancouver LLC for an 8 year property tax exemption for the property located on the city block between 4th and 5th Streets and Columbia and Washington Streets (Tax Lots 48320000, 48350000) in Vancouver, Washington, as specifically described in Exhibit A.

Summary

Evergreen Downtown Vancouver LLC is requesting a multifamily tax exemption for a six-story, mixed use building with 170 apartment units, a 9,080 square foot retail space and 124 structured parking spaces. The project site is located in the Vancouver City Center Vision District at Washington Street and W 5th Street. The project site has an existing 8,400 square foot retail building and a smaller 650 square feet building. The structures will be demolished to accommodate the new development.

The applicant is requesting an 8 year exemption where 20% of the total units are reserved for tenants earning up to 100% area median income. The HUD 100% area median income in the Portland/Vancouver MSA is \$92,100. Limiting that income amount to 30% for housing costs, the maximum monthly affordable rent would be \$2,302.50 per month.

The proposed building will include studio, 1 bedroom, and 2 bedroom units, 34 of which will be income restricted units.

Per the applicant the unit types and rents will be:

- 20 studio units starting at \$806 per month,*
- 114 one bedroom units at \$1,545-1,625 per month.*
- 36 two bedroom units at \$1,880 per month.*

The total estimated development cost is \$45 million. The City Center Redevelopment Authority reviewed and approved the development on September 17, 2020.

Over 20 years (with the exemption) the project is estimated to generate nearly \$5.69 million in taxes benefitting all taxing districts (ports, county, city, etc.) with \$1.77 million specifically generated for the City of Vancouver. Potentially foregone revenue during the exemption is estimated at just over \$1 million for all taxing districts and \$325,000 specifically for Vancouver. Without the proposed development and exemption the site might remain primarily vacant foregoing the higher developed site tax revenues as well as income restricted residential housing units. Following the exemption period the project will return to the tax rolls at full taxable value.

Request: On Monday, September 21, 2020, following a public hearing, adopt a resolution approving an agreement with Evergreen Downtown Vancouver LLC and authorizing the City Manager or designee execute a multi-family housing limited property tax exemption agreement and take any and all action necessary to enforce the terms thereof.

Peggy Sheehan, Community Development Programs Manager, 360-487-7952

Peggy Sheehan, Community Development Programs Manager, provided an overview of the Washington Apartments MFTE request and proposed project.

Greg McGreevey, representing the applicant Hurley Development, echoed many of the comments made by Mr. Printz under the previous item, and stated that the economics of this specific project are such that the developer can really dive into the affordability in rents. He noted that the developer had originally planned to build a hotel on the site with a smaller footprint, but given

the downturn in the hospitality industry, they pivoted to a housing project.

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

- Glen Yung, Vancouver, spoke regarding further points from the audit he cited under the previous hearing, noting that jurisdictions that do not gather and monitor appropriate data have no way of knowing whether an MFTE program is effective. He also expressed concerns regarding equity.

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

Councilmember Fox returned to the meeting at 7:48 p.m.

Councilmember Stober requested more information regarding the mix of rents and the percentage of units that would be held at affordable rates. Mr. McGreevey stated that calculation is related to HUD's Area Median Income (AMI), which relies on family size rather than a single income level. He stated that until family size is known, it is difficult to determine what mix of unit sizes will be affordable. Councilmember Stober expressed concerns about a lack of data showing there would be a significant difference between the market rate units and the subsidized rates for a tenant at 100 percent AMI.

Councilmember Hansen stated the Council needs to have a broader conversation about the definitions of AMI in Vancouver while considering potential revisions to the MFTE program. Regarding this project, he stated he liked that it includes 9,000 square feet of commercial space that would not receive a tax abatement, and the fact that this project will develop a long-vacant lot at one of the gateways to downtown.

Councilmember Paulsen stated that in considering future revisions to the program, the Council should keep in mind that data and metrics can be improved, but a degree of subjectivity also exists with a program like this, and there are many unmeasurables that go into their decisions about these projects. He stated this particular project is in a great location, and he is supportive of the application.

Councilmember Glover stated that one of the biggest obstacles to downtown revitalization in recent years has been reaching a population density to justify other services and businesses moving into the downtown core to improve vibrancy. She stated this project and previous ones like it have helped increase that density. She stated this project is a good opportunity to improve that vacant lot that can be considered a gateway to downtown.

Councilmember Fox stated that because she had been absent for much of this public hearing, she would abstain from the vote.

Mayor McEnerny-Ogle noted the Council may want to add to its legislative

agenda review of the state law that includes the definition of low- and moderate-income.

Motion by Councilmember Hansen, Councilmember Glover, and carried 5-1 to adopt Resolution M-4096 approving the request. Councilmember Stober voted No; Councilmember Fox abstained.

10. Street vacation of partially improved right-of-way associated with the alley connecting U Street and Fort Vancouver Way

Staff Report 110-20

AN ORDINANCE vacating the right-of-way associated with the alley connecting U Street and Fort Vancouver Way, on the south side of Fourth Plain Blvd, located within a portion of Rowley's Eighth Addition, in the Southeast Quarter of Section 23, Township 2 North, Range 1 East, Willamette Meridian, City of Vancouver, Clark County, Washington; and providing for an effective date.

Summary

The City has received a request from Clark Community College District No. 14 Foundation (the Applicant) to vacate a portion of public alley connecting U Street to Fort Vancouver Way, located on the south side of Fourth Plain Blvd. The right-of-way is specifically located within a portion of Rowley's Eighth Addition, within the Southeast Quarter of Section 23, Township 2 North, Range 1 East, Willamette Meridian.

The alley right-of-way extends from the east side of the U Street right-of-way eastward approximately 120 feet where it connects to the right-of-way for Fort Vancouver Way. This right-of-way has historically been used to provide property access to the adjoining properties, and is roughly paved, with no sidewalk, curb or gutter. The physical connection of this alley to Fort Vancouver Way was abandoned and blocked in 2016 with the construction of a stop for The Vine bus rapid transit system at this location.

Staff has reviewed the City's Transportation System Plan and determined there is no future need for this portion of alley right-of-way. Therefore, vacation of this alley right-of-way will have no adverse impact on the City's transportation assets. Staff has contacted all private utility owners with facilities potentially located within the alley right-of-way to be vacated; there are no known private utilities identified within the right-of-way. Also, the alley right-of-way contains no known City of Vancouver utilities.

Generally under VMC 11.05.130, the property associated with a vacated street belongs to the abutting property owners, one-half to each, subject to vested property rights. Multiple parcels adjoin the alley right-of-way to be vacated. The single parcel on the south side of the alley is owned by the

State of Washington and is part of the Clark College campus. The parcels on the north side of the alley are owned by the Applicant. The Applicant has contacted the State and they have agreed to release all interest in the subject right-of-way, allowing the applicant to obtain the entirety of the area to be vacated. A letter from the State of Washington Department of Enterprise Services is attached.

RCW 35.79.030 and VMC 11.05.120 authorize, but do not require, the City to collect compensation for the value of public right-of-way that is vacated. Based on a property value analysis of this area, the value of the subject right-of-way is estimated to be \$27,952. City Council may pass an ordinance to vacate a property without requiring compensation for such vacation where: (1) the property was not acquired at City expense; (2) the subject property is not needed for public travel either now or in the foreseeable future; and (3) the City's maintenance or upkeep of the subject property is unrelated to its use for public travel.

Records indicate that the subject area of right-of-way was dedicated in 1905 as part of the plat for Rowley's Eighth Addition; it appears that the City incurred no cost in obtaining this right-of-way. Because the physical connection of this alley to Fort Vancouver Way was abandoned with the construction of The Vine bus rapid transit system, there is no present or future transportation needs associated with this portion of alley right-of-way. In addition, vacation of the right-of-way will facilitate the Clark College Foundation's plans for redevelopment of this area as a gateway to the Clark College campus in support of the public higher education mission. As a part of that development, Clark College will provide improved pedestrian circulation facilities between Fourth Plain Blvd. and Fort Vancouver Way. Based on these circumstances, per the provisions of VMC 11.05.120(D), staff recommends that no compensation be required for the vacated right-of-way.

The vacation process for this right-of-way was originally initiated March 2, 2020, with Council approval of a resolution of intent to set a public hearing on the proposed vacation for April 6, 2020. That public hearing was canceled due to restrictions to the types of actions public agencies were allowed to take during the Governor's Stay Home Stay Healthy order in response to the COVID-19 pandemic. Those restrictions have since been lifted, and staff is requesting the vacation process for this alley be re-initiated at this time.

Request: On Monday, September 21, 2020, subject to second reading and public hearing, approve the ordinance vacating the right-of-way.

Eric Hahn, Senior Civil Engineer, 360-487-7702; Ryan Lopossa, Streets and Transportation Manager, 360-487-

7706

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

Ryan Lopossa, Streets and Transportation Manager, provided an overview of the proposed vacation.

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

- Lisa Gibert, representing the Clark College Foundation, spoke in support of the right-of-way vacation, and explained the college is excited to be able to develop a long-neglected lot that can serve as a gateway to both the college campus as well as the Fourth Plain International District.
- Maren Calvert, representing the applicant, stated she was available to address any Council questions.

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

Motion by Councilmember Hansen, seconded by Councilmember Paulsen, and carried unanimously to approve Ordinance M-4306.

11. **Street vacation of approximately 5,193 square feet of unimproved street right-of-way associated with E 5th Street, located west of Grand Boulevard**

Staff Report 111-20

AN ORDINANCE vacating a portion of public right-of-way, associated with E 5th Street located west of Grand Boulevard, and situated within the Southeast Quarter of Section 26, Township 2 North, Range 1 East, Willamette Meridian, City of Vancouver, Clark County, Washington; and providing for an effective date.

Summary

Staff has received a request from the applicant, Lee-Way Development Company LLC, to vacate a portion of E 5th Street right-of-way located west of Grand Boulevard. The right-of-way is specifically located within the Southeast Quarter of Section 26, Township 2 North, Range 1 East, Willamette Meridian.

The right-of-way to be vacated contains no public street improvements. Staff has reviewed the City's Transportation Systems Plan and determined

there is no future need for this right-of-way to accommodate public travel. Therefore, vacation of this right-of-way will have no adverse impact on the City's transportation assets.

Staff has contacted all utility owners with facilities potentially located within the subject area. The City of Vancouver has no utilities within the area of the proposed vacation. Clark Public Utilities and Century Link have lines running adjacent to but just outside the proposed vacation area; these facilities will remain within the existing right-of-way. Therefore, no utility easements are required in the proposed vacation area.

Pursuant to VMC 11.05.130, generally the property associated with a vacated street shall belong to the abutting property owners, one-half to each. The right-of-way to be vacated is adjoined only by the parcel represented by the applicant and that portion of E 5th Street maintained by the City. Therefore, the entirety of the area to be vacated will become part of the applicant's parcel.

RCW 35.79.030 provides for, but does not require, the City to collect compensation for the value of public right-of-way that is vacated. Further, VMC 11.05.120 stipulates provisions for the City to calculate and collect compensation for vacated public right-of-way. Property records indicate that the subject area of right-of-way was dedicated in 1942 to the State of Washington to accommodate the 5th Street corridor, which served as a segment of the primary access route to the Kaiser Shipyards from downtown Vancouver. Subsequently, the City received the right-of-way from the State as part of transfers of public streets during annexations of the area.

The City incurred no cost in obtaining the right-of-way. The City has not constructed any street improvements within the subject right-of-way, does not intend to construct any future improvements, and has historically performed no maintenance of this right-of-way area. With this vacation, the subject right-of-way will be returning to the property from which it originated.

However, per the stipulations of VMC 11.05.120(C), when vacated properties have been part of a dedicated public right-of-way for 25 years or more, the applicant must compensate the City in an amount equal to the full fair market value of the property to be vacated. In addition, vacation of the subject right-of-way will provide a direct benefit for private development. Therefore, staff recommends that full compensation be required for the vacated right-of-way. An analysis of the County Assessor's records for similar properties in the vicinity of the proposed vacation area resulted in an estimated property value equal to \$6.30 per square foot. The total area of the proposed vacation is 5,193 square feet. This results in a total estimated property value equal to \$32,716. This sum shall be remitted to the City prior to the right-of-way vacation becoming effective.

Request: On Monday, September 21, 2020, subject to second reading and public hearing, approve the ordinance vacating the right-of-way.

Eric Hahn, Senior Civil Engineer, 360-487-7702; Ryan Lopossa, Streets and Transportation Manager, 360-487-7706

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

Ryan Lopossa, Streets and Transportation Manager, provided an overview of the proposed vacation.

Timothy Lee, the prospective developer of the parcel, stated he appreciated the opportunity to improve the site and improve safety within the surrounding corridor.

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

Councilmember Stober asked whether there is any public right-of-way along Z Street to the north of the subject parcel and whether there are any adjacent properties that would need access via the parcel. Mr. Lopossa stated there is an old roadway along Z Street but the right-of-way does not exist any more. He confirmed there are no other properties that would need access via the subject parcel.

Motion by Councilmember Stober, seconded by Councilmember Lebowsky, and carried unanimously to approve Ordinance M-4307 approving the request.

Communications

A. From the Council

B. From the Mayor

C. From the City Manager

a. Apprenticeship Program Update

Anna Vogel, Procurement Manager, [presented proposed updates](#) to the City's Apprenticeship Utilization Program and solicited feedback from Council. Dan Swensen, Interim Public Works Director, was also available to address Council questions.

Council expressed concerns with the proposal regarding the minimum qualifications for contractors being enrolled in an approved apprentice program. The City Manager stated staff would return to Council in the near future for further discussion on this item.

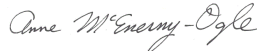
By consensus, Council supported moving forward with implementing the other recommendations as presented.

b. 2020-21 Limited Term General Obligation Bonds Update

Natasha Ramras, Chief Financial Officer, provided Council with an update on the results of the City's Limited Term General Obligation bonds.

Adjournment

9:05 p.m.

DocuSigned by:

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Anne McEnerny-Ogle, Mayor

Attest:

DocuSigned by:

BCF6734E40E94AE...
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.