



CITY COUNCIL MEETING MINUTES

Vancouver City Hall | Council Chambers | 415 W. 6th St.
PO Box 1995 | Vancouver, WA 98668-1995
www.cityofvancouver.us

Anne McEnerny-Ogle, Mayor

Bart Hansen · Bill Turlay · Ty Stober · Linda Glover · Laurie Lebowsky · Erik Paulsen

September 16, 2019

WORKSHOPS

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

**4:00-6:00 p.m. A Stronger Vancouver: Programs and Services
Work Session**

This workshop took place in the Aspen Room (1st floor) at City Hall.

Summary

Council discussed details and preferences related to operating programs that have been proposed in the Stronger Vancouver Sponsors Council recommendation. Council also received an interim report on the ongoing community engagement efforts related to the Stronger Vancouver initiative.

Executive Session re: Potential Litigation (30 minutes)

Mayor McEnerny-Ogle announce the Council would be entering executive session from 6:00-6:30 p.m. to discuss potential litigation.

COUNCIL REGULAR 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 Paulsen, Lebowsky, Glover, Stober, Turlay, Hansen,
Mayor McEnerny-Ogle

Absent: None

Citizen Communication (Items 1-6)

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

Consent Agenda (Items 1-6)

Mayor McEnerny-Ogle noted that staff had requested Item 1 be pulled and returned to staff for further development.

Motion by Councilmember Glover, seconded by Councilmember Stober, and carried unanimously to approve Items 2-6 of the Consent Agenda and return Item 1 to staff.

1. **BRT Fort Vancouver Way and E. McLoughlin Blvd. Sidewalk Infill and Pedestrian Signal Upgrade, construction acceptance and release of retainage bond**

Staff Report 123-19

Summary

This project constructed approximately 1,000 feet of sidewalk on Fort Vancouver way from E. McLoughlin Boulevard to the north and connecting to the C-TRAN BRT project, constructed ADA-compliant ramps at E. McLoughlin Boulevard and 'G' Street intersection, and upgraded pedestrian signal to a HAWK pedestrian signal system on Fort Vancouver Way.

The original construction contract bid amount was \$561,666.00. Field adjustments and contract change orders during construction increased the contract amount to \$628,286.68, an 11.9% increase. The major changes were addition of retaining wall concrete coping to connect the sidewalk to the retaining wall and revision of approximately 190 feet of handrail from 2-rail steel to 3-rail aluminum for better corrosion protection and safety.

There was no apprenticeship utilization goal specified for the project. Federal guidelines for grant projects do not allow inclusion of the local agency apprenticeship program.

Request: Accept construction as complete in accordance with contract plans and specifications and authorize release of retainage bond to Clark and Sons Excavating of Battle Ground, Washington, subject to receipt of all documentation required by

law.

Steve Lee, Senior Civil Engineer, 487-7752

Item remanded to staff for further development.

2. Continued Use of Clark County Contract for Asphalt Purchases from Lakeside Industries

Staff Report 124-19

Summary

The City currently purchases hot and cold mix asphalt for street maintenance, pavement management street preparation, pothole repairs, and utility cut repairs from Lakeside Industries, Inc through their contract with Clark County (#2639).

Public Works is seeking authorization to continue to use this contract to purchase up to the Council-approved annual budgeted amount for materials and supplies through the end of the contract, which is 5/31/20, and into any extended period offered by Clark County.

The City has purchased up to the approved levels authorized by Council in 2018 and requests authority to continue to purchase using this contract up to the amounts approved by the Council in the City's budget process for the street maintenance and pavement management programs.

Request: Authorize the City Manager or his designee to approve purchases under Clark County contract #2639 for the life of the contract with Lakeside Industries, Inc.

Ryan Miles, Operations Superintendent, 487-7708

Motion approved the request.

3. 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 125-19

Summary

In June 2019, the Washington Association of Sheriffs and Police Chiefs allocated \$250,726.80 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.

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, 2019 – June 30, 2020, disbursing \$95,950.72 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; Brenda Tryon, Management Analyst, 487-7497

Motion approved the request.

4. 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 126-19

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 \$96,127 for the Fiscal Year 2019. 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, training and technology 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 October 2019, the City of Vancouver will receive \$54,792 to enhance police training and leadership development.

Request: Authorize the City Manager or his designee to execute an interlocal agreement with Clark County for disbursement of Justice Assistance Grant funds.

James McElvain, Vancouver Police Chief, 487-7473; Michael Githens, VPD Finance & Logistics Supervisor, 487-7498; Brenda Tryon, VPD Management Analyst, 487-7497

Motion approved the request.

5. Settlement of Tort Claim by Karyn and Douglas Cassle

Staff Report 127-19

Summary

During daylight hours on February 18, 2017, former Vancouver Police Department Officer Gregory Zimmerman was operating a City-owned 2015 Ford Explorer when he attempted to make a left-hand turn from W. Evergreen Blvd. onto Columbia Street. In the process of his turn, Officer Zimmerman struck two pedestrians in the crosswalk, one of which was Ms. Cassle. As a result of the collision, Ms. Cassle underwent extensive medical treatment and also sustained lost wages. Following the conclusion of Ms. Cassle's treatment, City staff and Ms. Cassle's attorney began settlement negotiations beginning with an opening demand of more than \$216,000. The parties engaged in mediation on July 10, 2019, and were unable to reach an agreement. Subsequent to that date, the Cassles and City agreed to a tentative settlement, subject to City Council approval, to resolve the claims of both Karyn and Douglas Cassle fully for \$125,000, which would encompass payment for Ms. Cassle's medical expenses.

Request: Authorize the City Manager or his designee and the Acting City Attorney to execute any and all documents necessary to complete the settlement with Karyn and Douglas Cassle in the amount of \$125,000.

Dan Lloyd, Assistant City Attorney, 487-8500

Motion approved the request.

6. Approval of Claim Vouchers

Request: Approve claim vouchers for September 16, 2019.

Copy available upon request.

Motion approved claim vouchers for September 16, 2019, in the amount of \$4,677,501.35.

Public Hearings (Item 7-9)

7. Surplus of Water Utility Survey Instruments

Staff Report 128-19

A RESOLUTION authorizing the City of Vancouver's Director of Public Works to dispose of survey equipment that was originally acquired for public utility purposes but is now surplus to the needs of the City of Vancouver's (the "City's") public utility and authorizing the City's Director of Public Works ("Director") to sell such property for fair market value.

Summary

The City's Public Works Department originally acquired two Trimble S-6 robotic surveying total-stations, which are described in Exhibit A - the proposed resolution. One of these total stations was purchased 11 years ago and the other 12 years ago.

Although the instruments have become obsolete for water utility use, they still have value to other organizations for alternate uses. Both Vancouver Police and the Clark County Sheriff's office have expressed interest in purchasing these survey instruments from the water utility for crime scene documentation purposes.

The Public Works Director has determined that the two total stations are obsolete for utility use and no longer needed for continued public utility service. RCW 35.94.040 requires that the City Council hold a public hearing and authorize the sale of the surplus utility property by resolution .

Public Works therefore requests that City Council, after holding a public hearing, declare by resolution that the pieces of survey equipment are surplus to the City's needs and authorize the Public Works Director to sell

the two survey total-stations for fair market value as determined by similar recent sales of comparable used equipment. Amounts of recent sales of comparable instruments from early June through mid-August are summarized in Exhibit "B"

Request: Authorize the City Manager, or his designee to adopt a resolution to declare the two survey total stations as surplus property and authorize City staff to sell the equipment for fair market value.

Weston Dorszynski, City Surveyor, 487-7771

Weston Dorszynski, City Surveyor, provided an overview of the proposed surplus action.

City Manager Eric Holmes noted that, because the equipment proposed to be surplus belonged to the public utility, state law requires that the City hold a public hearing prior to taking action on the surplus regardless of the value of the asset.

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

Motion by Councilmember Stober, seconded by Councilmember Paulsen, and carried unanimously adopted Resolution M-4035 approving the request.

8. 2018 CDBG / HOME Consolidated Annual Performance and Evaluation Report

Staff Report 129-19

Summary

CAPER – Program Year 2018

Annually, the City of Vancouver prepares a Consolidated Annual Performance and Evaluation Report (CAPER) for submission to HUD outlining the expenditures and accomplishments of the City CDBG and HOME programs. The 2018 program year covers from July 1, 2018, to June 30, 2019. The 2018 CAPER can be found online at www.cityofvancouver.us/cdbg.

In Program Year 2018 Vancouver expended \$1,702,936 in CDBG funds and \$1,227,229 in HOME funds. HUD funds allocated by the City were only a portion of the dollars needed to complete the 2018 projects. These projects leveraged additional federal, state, and other local funds, resulting in an approximate leveraging ratio of 1:19 of City to total funding for 2018

CDBG and a ratio of 1:27 for 2018 HOME funding.

The following is a synopsis of the accomplishments and people assisted during the 2018 program year.

Affordable Housing:

- *Tenant Based Rental Assistance (TBRA): Assisted 180 households (CDBG), 104 households HOME*
- *Homeowner housing rehabilitation: Assisted 21 households*
- *New Rental units construction: 30 units funded*

Increase Economic Opportunity:

- *Persons assisted: 135 (small business assistance)*

Supportive Services for At-Risk & Homeless Persons:

- *Public Service Activities: Assisted 8,093 persons*

Public Facilities and Improvements

- *Homeless facilities: Assisted 4,725 persons*

The cumulative five year total accomplishments for the 2014-2019 Consolidated Plan are:

- *40,224 people served through funded public service agencies*
- *29,334 people served by funded public facilities*
- *580 business assisted by economic development funded activities*
- *480 household provided with direct rental assistance*
- *392 households provided with housing case management*
- *159 constructed rental units*
- *67 household rehabilitated*

Request: Following a public hearing, approve the 2018 CAPER report for submission to the HUD Region X Office for approval.

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

Peggy Sheehan, Community Development Programs Manager, provided an overview of the annual performance evaluation and a summary of the program accomplishments for the prior year.

Councilmember Lebowsky asked if the City has ever partnered with private developers to work on the HOME projects. Ms. Sheehan explained the City has never been able to work out an agreement with private developers, as the federal requirements for the funding are so strict. It is a program in which private companies have not wanted to participate.

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

- Paul Montague, representing the Greater Vancouver Chamber of Commerce, thanked the City for its CDBG/HOME program, specifically the small business assistance program that has helped people become better prepared to launch their businesses.
- Saeed Hajarizadeh, Deputy Director of the Vancouver Housing Authority, thanked the City for supporting the VHA's projects through the CDBG/HOME program and for playing a vital role in addressing affordable housing in the community.

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

Motion by Councilmember Paulsen, seconded by Councilmember Hansen, and carried unanimously to approve the request.

9. **Park Service Area Overlays**

Staff Report 121-19

AN ORDINANCE relating to park impact fees, amending VMC 20.915.030 and VMC 20.915.050, amending the Park Impact Fee Technical Document, and establishing an effective date.

Summary

The proposed amendments include two components to allow the use of PIF funding outside city limits when reasonable alternatives are not available within city jurisdiction, and using PIF funds across PIF district boundaries when capital projects serve more than one district.

First, City Code (VMC Section 20.915.030) already includes a provision authorizing the establishment of Overlay Service Areas for system improvements supported under the impact fee programs for transportation, schools and parks. However, proposed amendments provide further clarification so that Overlay Service Areas may be established for park system improvements identified in the capital facilities plan, may serve more than one established service area (park district in the case of PIF), or where designed to serve the established park districts, but located partly or entirely outside of city limits or the Vancouver Urban Growth Area. VMC 20.915.050 (A.2) also includes a typo correction and deletion of 'overlays' for clarification, as overlays would not have a separate average cost variable in the PIF formula.

Second, proposed amendments to the PIF Technical Document, which provides the framework and details of the Park Impact Fee program, establish the Park Overlay Service Areas. Amendments to the document would include a map of the Park Overlay Service Area strategically located to align with the capital facilities plan and include detailed criteria to guide use of the overlays.

Additionally, an interagency agreement (Cross-Boundary Overlay Service-Area Agreement) with the City of Camas and Clark County is designed to meet the recreational demand for parks, trails, and open space along common boundaries for the mutual benefit of residents, regardless of jurisdiction, but with a prerequisite that it is in the best interest of city residents. If executed, all parties would commit to consider establishing similar joint overlay areas through an addendum to their applicable governing documents. Similarly, all parties would consider amendments to their respective capital facilities plans, as needed, to identify potential park projects within the Park Overlay Service Areas. Should the parties elect to jointly fund acquisition, development, and/or maintenance and operation efforts, the parties may elect to execute a more detailed and binding project-specific agreement.

The Cross-Boundary Overlay Service Area Agreement is founded in the long-term good will of working together for the best interest of the general public, regardless of jurisdiction. Examples of joint-agency agreements for planning and resource leveraging across jurisdictional lines with other types of public infrastructure and services include utilities, fire district coverage and transportation project services, as well as regional trail and park project planning and funding. These agreements and programs further demonstrate the historical trust and efficiency of project/program agreements with the common goal to efficiently serve the general public.

Proposed amendment/implementation components:

- *VMC Section 20.915.030*
 - *Create Park Overlay Service Areas (VMC Section 20.915.030)*
 - *Clarifies option to serve more than one district, or outside city limits*
- *VMC Section 20.915.050 (A.2)*
 - *Clarifications on average cost per acre calculation*
- *PIF Tech Document Amendments*
 - *Map of Overlay Service Areas*
 - *Criteria and implementation guidelines*
 - *Background updates and clarifications throughout*

- *Cross-Boundary Overlay Service Area Agreement between the City of Vancouver, the City of Camas, and Clark County*

Request: 1) On September 16, 2019, subject to second reading and public hearing, approve the ordinance amending VMC 20.915.030 (Impact Fees/Establishment of Development Service Areas), VMC 20.915.050(A.2) (Park Impact Fee), and the PIF Technical Document.

2) Following approval of amendments to VMC 20.915.030, approve and authorize the City Manager, or his designee, to execute the City of Vancouver, City of Camas and Clark County Cross-Boundary Service Area Overlay Agreement.

Julie Hannon, Parks and Recreation Director, 487-8309

City Manager Eric Holmes provided an overview of the proposed amendments to the park service overlay service areas.

Councilmember Lebowsky stated she supports the change to the code, and noted the amendments will help the faster growing areas of the city. She stated she hoped that in the longer term, the City can look at broader cross-boundary agreements with neighboring jurisdictions.

Councilmember Paulsen stated he supports the amendments, and noted that residents do not care under which jurisdiction their nearby park falls. He thanked the Parks and Recreation Advisory Commission and the Planning Commission for their work on this issue, stating both bodies are very deliberate in their processes.

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

Motion by Councilmember Paulsen, seconded by Councilmember Lebowsky, and carried unanimously to approve Ordinance M-4274 and approve the request.

Communications

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

WALK-ON ITEM: Resolution authorizing litigation against certain manufacturers of opioid narcotics

Acting City Attorney Jonathan Young explained the Council had expressed an interest in pursuing legal action against opioid manufacturers following a report from the Clark County Medical Director regarding the City's ambulance contract and the number of possible opioid-related calls received in the City.

Mr. Young described the contents of a resolution before Council authorizing the City Attorney to bring legal action against opioid manufacturers. He provided an overview of current ongoing legal cases of this nature brought by other jurisdictions in Washington, and summarized the rationale for the City to pursue action.

Councilmember Stober stated the Council has become aware of the effects of opioid addiction in our community, and the financial impact of this on the community. He stated he is unsure if the City will see any benefits as an outcome of litigation, but this resolution and related future action is the Council recognizing that Vancouver is affected and making its concerns heard.

Councilmember Paulsen stated this action is about preventing future harm and seeking redress for the harm already caused.

Motion by Councilmember Stober, seconded by Councilmember Paulsen, and carried unanimously adopted Resolution M-4036 to authorize litigation against certain manufacturers of opioid narcotics.

a. Workforce Southwest Washington Overview

Workforce Southwest Washington is a strategic partner with the City in a range of economic development efforts. To raise awareness of and educate the community about their work, Melissa Bowles and Benton Waterous, Program Managers from Workforce, provided an overview of their mission and services for the City Council.

Adjournment

7:48 p.m.

DocuSigned by:

58CB15C0632F403...
Anne McEnerny-Ogle, Mayor

Attest:

DocuSigned by:

BCF0734E40E94AE...
Natasha Ramras, 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.