



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

September 13, 2021 - Vancouver City Council Meeting Minutes

WORKSHOPS

Workshops were conducted remotely over video conference utilizing a GoToMeeting platform. Members of the public were invited to view the meeting via the live broadcast on www.cvtv.org and CVTV cable channels 23 or HD 323, or on the City's Facebook page, www.facebook.com/VancouverUS, or listen via the GoToMeeting conference call.

Councilmember Lebowsky absent from workshops.

4:00-4:30 p.m. Visit Vancouver USA Update

*Teresa Brum, Economic Development Division Manager, 360-487-7949;
Cliff Myers, Visit Vancouver USA President & CEO*

Summary

Cliff Myers, President & CEO of Visit Vancouver USA, provided Council with an update on the state of tourism locally.

4:30-5:00 p.m. Harper's Playground - Esther Short and Marshall Park Updates

Terry Snyder, Senior Park Architect, 360-487-8317; Cody Goldberg, Executive Director, Harper's Playground

Summary

Cody Goldberg, Executive Director for Harper's Playground, provided an overview and update on Harper's Playground projects in development for Vancouver.

5:00-5:30 p.m. Metro Regional Congestion Pricing Study

Katherine Kelly, Senior Transportation Policy Advisor, 360-487-7947

Summary

Staff provided an overview of the Metro Regional Congestion Pricing Study and sought Council feedback on upcoming action at the Metro Joint Policy Advisory Committee regarding the study recommendations.

Executive Session re: Pending Litigation; Labor Negotiation Strategy (30 minutes)

Mayor McEnerny-Ogle announced the Council would be entering executive session from 5:30 until 6:00 p.m. to discuss Pending Litigation and Labor Negotiation Strategy.

At 6:00 p.m., the Mayor announced the Council would be extending the executive session to 6:20 p.m. to discuss Labor Negotiation Strategy.

REGULAR COUNCIL MEETING

This meeting was conducted remotely over video conference utilizing a GoToMeeting platform. Members of the public were invited to view the meeting via the live broadcast on www.cvtv.org and CVTV cable channels 23 or HD 323, or on the City's Facebook page, www.facebook.com/VancouverUS. Public access and testimony on Consent Agenda and Public Hearing items were 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, Glover, Stober, Hansen,
Mayor McEnerny-Ogle

Absent: Councilmember Lebowsky (arrived at 7:09 p.m.)

Motion by Councilmember Glover, seconded by Councilmember Hansen, and carried unanimously to excuse Councilmember Lebowsky.

Approval of Minutes

Minutes - August 2, 2021

Motion by Councilmember Stober, seconded by Councilmember Paulsen, and carried unanimously to approve the meeting minutes of August 2, 2021.

Minutes - August 9, 2021

Motion by Councilmember Paulsen, seconded by Councilmember Stober, and carried unanimously to approve the meeting minutes of August 9, 2021.

Proclamations

Constitution Week

Mayor McEnemy-Ogle read and presented a proclamation to Cathy Zweig, Vice Regent of the Daughters of the American Revolution, proclaiming September 17-23, 2021, as Constitution Week.

Our City Cares - Suicide Awareness and Prevention Month

Mayor McEnemy-Ogle read and presented a proclamation to Randall Gross, Board Member for Our City Cares, proclaiming September 2021 as Suicide Awareness and Prevention Month.

Hispanic Heritage Month

Mayor McEnemy-Ogle read and presented a proclamation to Carmen Castro, Executive Director of the Hispanic Metropolitan Chamber, proclaiming September 2021 as Hispanic Heritage Month.

Community Communication (Items 1-17)

Mayor McEnemy-Ogle opened Community Communication and received the following testimony:

- Chuck Gauthier, Vancouver, spoke in support of Item 13, amendments to the Pearson Airport municipal code, and expressed support for the City's current airport manager.

- Glen Yung, Vancouver, spoke in support of Item 14, amendments to the Camping municipal code and the establishment of a supportive camping program.

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

Consent Agenda (Items 1-17)

Council requested Items 4, 11 and 14 be pulled from the Consent Agenda.

Regarding Item 4, Mayor McEnerny-Ogle expressed concerns that the recommended bidder for this contract did not meet the apprenticeship requirements of the contract associated with Item 2 on the agenda. She requested further information regarding how the contractor intends to meet the stated goals for Disadvantage Business Enterprise utilization and training hours, and asked if this item could be postponed until the next Council meeting to allow staff time to address this. City Attorney Jonathan Young stated this item could be returned to staff and postponed until the next meeting on September 20, 2021.

Motion by Councilmember Hansen, seconded by Councilmember Paulsen, and carried unanimously to postpone action on Item 4 until September 20, 2021.

Regarding Item 11, Councilmember Fox stated she wanted to highlight this grant opportunity that will allow the City and the Vancouver Police Department to expand available mental health services.

James McElvain, Vancouver Police Chief, outlined the program and introduced Laura Nichols, Program Manager for SeaMar, which is partnering with the City to provide these services. Ms. Nichols provided additional details about the program.

Councilmember Stober asked whether Vancouver's accepting of this grant precludes any other agencies in Clark County from also applying for it. Chief McElvain stated he believes other agencies could apply.

Motion by Councilmember Stober, seconded by Councilmember Glover, and carried unanimously to approve Items 1-3, 5-13 and 15-17.

Council considered action on Item 14 separately, as summarized below.

1. **2021 Pavement Repairs Project, construction acceptance and release of retainage**

Staff Report 119-21

Summary

Lakeside Industries, Inc., of Vancouver, Washington, has satisfactorily completed the subject improvements in accordance with the plans and specifications. The original construction contract bid amount was \$668,754.00. Final construction costs were \$805,875.37, an increase of approximately 20% from original bid amount. The increase in costs was due to a project decision to add streets to the project for efficient delivery of services within available program budget.

The City received very favorable bid prices for the work to be performed under this contract. As a result, the City and the Contractor agreed to add sections of several additional streets to this project, including NE 112th Street, NE 137th Street, and Thurston Way, which had areas of deteriorated pavement that would have been more costly for City maintenance crews to repair.

This project had a minimum apprenticeship goal of 3% of the utilized labor hours for this project, which corresponded to 169 labor hours required. The contractor exceeded this goal by delivering a total of 319 apprenticeship labor hours for the project, yielding a percentage of approximately 6% of the total hours used.

Request: On September 13, 2021, accept the 2021 Pavement Repairs Project as constructed by Lakeside Industries, Inc., of Vancouver, Washington, and authorize release of the retainage bond on file, subject to receipt of all documentation required by law.

Nicollette Roth, Civil Engineer, 360-487-7763

Motion approved the request.

2. 2021 East Curb Ramps Project, construction acceptance and release of retainage

Staff Report 120-21

Summary

Lee Contractors, LLC, of Battle Ground, Washington, has satisfactorily completed the subject improvements in accordance with the plans and specifications. The original construction contract bid amount was \$509,325.00. Final construction costs were \$488,251.55, a reduction of approximately 4% from original bid amount. The cost savings was attributed to minor underruns in multiple bid quantities.

This project had a minimum apprenticeship goal of 3% of the utilized labor hours for this project, which corresponded to 85 labor hours required. The contractor delivered a total of 12 apprenticeship labor hours for the project, yielding a percentage of approximately 0.4% of the total hours used. The contractor was assessed a penalty for the unmet apprenticeship labor hours in the amount of \$7,318.50.

Request: On September 13, 2021, accept the 2021 East Curb Ramps Project as constructed by Lee Contractors, LLC, of Battle Ground, Washington, and authorize release of retainage in the amount of \$24,412.58, subject to receipt of all documentation required by law.

Nicollette Roth, Civil Engineer, 360-487-7763

Motion approved the request.

3. Bid Award - Port Pump Station Replacement

Staff Report 121-21

Summary

The Port Pump Station is in need of replacement and upgrade. The station has outdated communications equipment and does not have a permanent source for back-up power. The station is currently a wet well/dry well configuration which requires regular confined space entries by City staff into a 30 foot deep enclosure. This project will bring communication up to current standards, provide a permanent source of back-up power as well as conversion from a wet well/dry well station into a submersible station. With the replacement of the entire pump station the maintenance cost and confined space entries will be reduced and the efficiencies of the station will greatly improve with the addition of a new communications system.

On August 3, 2021, the City received 5 bids for the subject project. The bids ranged between \$1,400,000 and \$2,200,000. The low bidder was responsive. The bids are as follows:

SUMMARY OF BIDS	
BIDDER	AMOUNT
<i>Rotschy, Inc, Vancouver, WA</i>	<i>\$1,394,080.04</i>
<i>Stettler Supply Company, Salem, OR</i>	<i>\$1,446,740.70</i>
<i>Lee Contractors, Battle Ground, WA</i>	<i>\$1,475,600.00</i>
<i>Tapani, inc, Battle Ground, WA</i>	<i>\$1,594,654.39</i>
<i>Catworks Construction, Vancouver, WA</i>	<i>\$2,219,364.25</i>

*Engineers' Estimate**\$1,124,000.00*

Based on the engineer's estimate of construction costs, this project falls within the \$500,000 to \$1,500,000 apprenticeship policy threshold and will therefore be required to meet the apprenticeship utilization requirement of 3%.

Request: Award a construction contract for the Port Pump Station Relocation project to the lowest responsive and responsible bidder, Rotschy, Inc of Vancouver, WA, at their bid price of \$1,394,080.04, which includes Washington State sales tax, and authorize the City Manager or designee to execute a contract with Rotschy, Inc for the same.

Sheryl Hale, Senior Engineering Manager, 360-487-7151

Motion approved the request.

4. Bid Award for SE 1st Street – 164th Avenue to 177th Avenue transportation improvement project, per Bid #21-20 (Project #PRJ071612)

Staff Report 122-21

Summary

The existing SE 1st Street corridor is a two-lane rural road that provides no center turn lanes or bike lanes and inadequate scattered sidewalks. SE 1st Street serves as an east-west arterial road connecting busy corridors in East Vancouver that collectively carry more than 60,000 vehicles a day. As the area around SE 1st Street has grown with more residential, retail, commercial and industrial sites, the street has not grown concurrently in order to safely provide access for increasing demand for multimodal transportation options to suit the urban environment it has become.

On July 13, 2021, the City received 10 bids for the subject project. The bids ranged between \$9.89 million and \$12.24 million. The low bidder was responsive. The bids are as follows:

SUMMARY OF BIDS	
BIDDER	AMOUNT
<i>Lee Contractors, LLC, Battle Ground, Washington</i>	<i>\$9,887,587.00</i>
<i>Rotschy, Inc., Vancouver, Washington</i>	<i>\$10,972,319.75</i>
<i>Nutter Corporation, Vancouver, Washington</i>	<i>\$11,267,264.22</i>
<i>James W. Fowler, Dallas, Oregon</i>	<i>\$11,717,851.18</i>
<i>J. Joe Thompson, Vancouver, Washington</i>	<i>\$11,870,453.50</i>

<i>Tapani, Inc., Battle Ground, Washington</i>	<i>\$11,978,000.00</i>
<i>McDonald Excavating, Washougal, Washington</i>	<i>\$12,153,274.50</i>
<i>Granite Construction Company, Vancouver, Washington</i>	<i>\$12,238,238.00</i>
<i>Carlson Testing, Tigard, Oregon</i>	<i>Non-responsive</i>
<i>Kerr Contractors Oregon, Woodburn, Oregon</i>	<i>Non-responsive</i>
<i>Engineer's Estimate</i>	<i>\$9,000,000 to \$9,500,000</i>

Due to the federal funding associated with this project, the Washington State Department of Transportation (WSDOT) set a Disadvantaged Business Enterprise (DBE) goal of 19% and a training goal of 400 hours. Lee Contractors, LLC from Battle Ground, Washington, committed to meet these goals. There are no City apprenticeship utilization requirements because federal grant funding requirements do not allow the inclusion of local agency apprenticeship programs.

Request: On September 13, 2021, award a construction contract for the SE 1st Street – 164th Avenue to 177th Avenue project to the lowest responsive and responsible bidder, Lee Contractors, LLC of Battle Ground, Washington, at their bid price of \$9,887,587.00, which includes Washington State Sales Tax and authorize the City Manager or designee to execute the same.

Leslie Degenhart, PE, Senior Civil Engineer, 360-487-7710

Item postponed to September 20, 2021.

5. Bid Award for Tower Mall Demolition, per Bid # 21-23.

Staff Report 123-21

Summary

The Tower Mall and Allstate/Bank of America Buildings were previously purchased by the City of Vancouver. The buildings are currently vacant. The City continues to pay for utilities, fire protection and site security, while the buildings remain standing.

A survey conducted earlier this year determined that there is a quantity of hazardous materials which were used during the construction of the building that will be properly removed and disposed of prior to the demolition of the buildings.

The project requires that concrete from the buildings will be crushed onsite

with the material used to fill and grade the area left from removing the building. The paved parking lot which currently surrounds both buildings will remain to allow for special events or other uses during the interim period.

On August 10, 2021, the City received 6 bids for the subject project. The bids ranged between \$1,906,331 and \$2,875,250. The low bidder was responsive. The bids are as follows:

SUMMARY OF BIDS	
BIDDER	AMOUNT
<i>3 Kings Environmental, Battle Ground, WA</i>	<i>\$1,906,331.87</i>
<i>Staton Companies. Springfield, OR</i>	<i>\$2,086,820.92</i>
<i>NW Construction General Contractor, Battle Ground, WA</i>	<i>\$2,166,860.75</i>
<i>Dickson Company, Tacoma, WA</i>	<i>\$2,270,659.42</i>
<i>Lee Contractors LLC, Battle Ground, WA</i>	<i>\$2,712,500.00</i>
<i>Keystone Contracting Inc, Ridgefield, WA</i>	<i>\$2,875,250.00</i>
<i>Engineers' Estimate</i>	<i>\$2,820,000.00</i>

Based on the Engineer's estimate, this project falls within the \$1,500,000 to \$3,000,000 limit and will therefore be required to meet the apprenticeship utilization goal of 4%.

A plan for interim improvements on the post-demolition site is under development. These would allow for programming and activation of the site with interim and seasonal uses until permanent development is underway.

Request: Award a construction contract for the Tower Mall Demolition project to the lowest responsive and responsible bidder, 3 Kings Environmental of Battle Ground, WA, at their bid price of \$1,906,331.87, which includes Washington State sales tax.

Pete Capell, Facilities Capital Project Manager, (360) 567-7543

Motion approved the request.

6. Approval of purchasing authority for an Existing Contract with Cascade Fire Equipment C-100689; NPP-PS20225

Staff Report 124-21

Summary

The Vancouver Fire Department was approved to add two Squad Rescue units to the fleet. These units are built using a Ford F550 chassis with a service body that houses fire suppression equipment in the rear.

Staff is requesting an increase to the approved contract to cover the amount of this purchase. This contract will only be needed for this purchase because it is specifically for this type of specialized equipment, which has a ten-year lifecycle.

Request: Approve purchases with Cascade Fire Equipment under the National Purchasing Partners Contract (NPP_Gov Contract #PS20225) for two Squad Rescue Units in an amount not to exceed \$600,000 over the life of the contract.

Dan Zenger, Equipment Services Manager, 360-487-8205

Motion approved the request.

7. Agreement with Washington State University for Pollution Prevention Workshops

Staff Report 125-21

Summary

In January 2021, the City of Vancouver received grant funding to conduct webinars and develop marketing materials for pollution prevention tips. These education opportunities will focus on construction sites, farmer's market vendors, and food cart operators.

The Washington Stormwater Center (WSC) provides stormwater management solutions and leadership through research, training and education. The WSC will host and record webinars, manage webinar registration, collect attendee demographics, and post recordings, tips, and checklists to the WSC website and YouTube channel.

Request: Authorize the City Manager or his designee to to execute an Interagency Agreement with the Washington State University to host and record webinars per the Agreement.

Annette Gruffy, Engineering Program Manager 360-487-7190; Kris Olinger, Senior Civil Engineer 360-487-7188

Motion approved the request.

8. **Lease Agreement between City of Vancouver and US Army Corps of Engineers**

Staff Report 126-21

Summary

In October 2011 the US Army Corps of Engineers (USACOE) and City of Vancouver entered into a lease agreement for a parcel of unimproved land located at 4480 SE Columbia Way. The USACOE completed required street improvements and relocated their office trailers and equipment from Kalama to Vancouver in order to provide services closer to the Vancouver metropolitan area. The City of Vancouver and USACOE's current lease agreement expires 9/30/2021. Because of the proximity to the Columbia River and the efficiencies this location provides, USACOE would like to continue leasing this property through 2026.

Request: Authorize the City Manager or his designee to execute a Lease Agreement between the City of Vancouver and United States of America (US Army Corps of Engineers).

Linda Carlson, Property Management Specialist, 360-487-8423

Motion approved the request.

9. **Workday System Subscription Contract Increase**

Staff Report 127-21

Summary

The City has gained many efficiencies and cost-savings by implementing the Workday system. The Workday system subscription contract did not include the cost of sales tax or take into account price increases due to growth of the employee base and project module utilization. As a result, the contract amount needs to be increased by \$377,484.50 to include these factors.

Request: Authorize the City Manager or designee to execute a contract amendment increasing the contract by \$377,484.50.

Scott Cooley, IT Application Services Manager, 360-487-7664

Motion approved the request.

10. **Contract with Maul Foster & Alongi re: EPA Brownfields Coalition Grant**

Staff Report 128-21

Summary

Brownfields are properties previously used for industrial or commercial activities that may have resulted in low level soil contamination from oil-related or hazardous materials. Redeveloping brownfields can promote economic development, more efficiently utilize existing infrastructure to support development, create jobs, strengthen neighborhoods, promote a cleaner environment and reduce health risks.

In 2013, the City of Vancouver was awarded an EPA Brownfields Community Wide Planning Grant, which was used to establish a citywide brownfields site inventory and conduct environmental assessments on key individual sites. This grant allowed the City to prepare several brownfields sites for future redevelopment, including Block 10 in downtown Vancouver and the Quad Investment Sites in the Lower Grand Employment Area.

In 2020, the City of Vancouver, in partnership with Clark County Public Health and the Vancouver Housing Authority, received a \$600,000 EPA Brownfields Coalition Grant to build upon the successes of the previous Brownfields project. The current grant includes a focus area around the Fourth Plain corridor but will include other potential sites throughout the City of Vancouver and Clark County. The following work will be completed over the next three years:

- Update and expand the City's brownfields site inventory to include the expanded Clark County geography*
- At least 15 Phase I Environmental Site Assessments (ESAs) (10 ESAs to be included in the Fourth Plain focus area)*
- At least 12 Phase II ESAs (8 ESAs to be included in the Fourth Plain focus area)*
- Prepare Analysis of Brownfield Cleanup Alternatives (ABCAs) at one hazardous substance site and one petroleum site*
- Develop an Area-Wide Plan (AWP) and a Final Cleanup Plan for up to two brownfield impacted areas, potentially including real estate market analysis, infrastructure assessment, conceptual reuse planning and design, and targeted community outreach and engagement*

The City will act as the lead agency on the Brownfields Coalition Grant and will manage the project through close collaboration with Coalition partners, the consultant team, the EPA and the public. As the lead agency, City staff conducted a competitive Request for Qualifications (RFQ) procurement process and selected Maul Foster & Alongi for consultant services to conduct the work listed above and support community engagement for the Brownfields project.

Request: Authorize the City Manager or his designee to execute a Professional Services Agreement with Maul Foster & Alongi to provide consulting services for the Brownfields project in an amount not to exceed \$530,000, and authorize the City Manager or his designee to amend the contract as needed and to amend the value up to 10% of the not-to-exceed value stated here-in.

Shannon Williams, Associate Long Range Planner, 360-487-7898

Motion approved the request.

11. WASPC Mental Health Field Response Team Grant

Staff Report 129-21

WASPC has awarded \$636,986.40 for the Vancouver Police Department to continue partnering with Sea Mar and expand field-based callout responses to mental health and crisis calls.

Last year, WASPC provided \$314,917 for the Vancouver Police Department to establish a pilot program, and Sea Mar added three full-time mental health responder positions to assist police with crisis calls weekdays noon to 8 p.m. This year, we will add three more mental health responders to expand availability for police callouts weekdays 8 a.m. to midnight so that we can connect even more individuals with treatment and services. (Vancouver was first awarded this competitive grant in 2019, but deployment was put on hold as a result of the coronavirus pandemic.)

The Vancouver Police Department works closely with Sea Mar and a robust network of regional stakeholders to promote arrest diversion and alternatives to justice system involvement. Law enforcement is the first responder for many individuals in crisis, and we are glad for this opportunity to partner with crisis-trained mental health professionals who are uniquely equipped to assist police officers with crisis calls in the field. Providing timely access to mental health evaluation and treatment will contribute to longer-term safety and success for many of our most vulnerable community members. As the program is fully implemented, we anticipate reducing crisis escalation and justice system involvement in favor of more appropriate behavioral health care and treatment services.

This grant will double system capacity to assist law enforcement officers in the field with emergency calls involving individuals in crisis, enhancing early intervention and arrest diversion while improving individual

health and safety outcomes. Sea Mar will retain three full-time mental health responder positions and add three more staff positions to assist law enforcement officers in the field with emergency calls involving individuals in crisis. When the new positions are filled later this year, we anticipate 15-minute callout response times to police requests for assistance sixteen hours every weekday, 8 a.m. to midnight. Sea Mar will provide two shifts, each staffed with two Mental Health Professionals and one Certified Peer Counselor, Monday through Friday 8 a.m. to midnight.

Once a scene is safe, mental health field response teams are able to respond to callouts in the community at the request of law enforcement officers already at that location. Sea Mar mental health professionals are specially trained to provide a clinical evaluation in the field to provide safety planning and assessment, determine the most appropriate level of care, and connect individuals with treatment and services. The goal of this on-call field-based intervention is to connect individuals with more effective treatment alternatives than incarceration or hospitalization. After the scene is safe and legal requirements are met, police officers may transition the call to mental health crisis team responders for evaluation and care while law enforcement officers can leave and respond to other emergency calls.

This year, we also propose to extend WASPC Mental Health Field Co-Responder Crisis Team services to two new law enforcement agencies, the U.S. Department of Veteran Affairs Police Department and the Burlington Northern Santa Fe Railroad Police Department. Each of these law enforcement agencies serves unique communities and jurisdictions in Southwest Washington that bring new challenges and opportunities. We are glad for the opportunity to extend mental health crisis response services to assist these police officers with 911 calls involving persons in crisis, provide officer training, engage proactive outreach, and promote arrest diversion within these two new law enforcement agencies and the communities they serve.

The City of Vancouver will continue to serve as the lead agency and fiscal agent to provide leadership, project management and operational support for this regional multi-disciplinary project. Vancouver will coordinate grant reporting and reimbursement with Sea Mar for eligible grant expenses associated with six full-time positions, up to a maximum of \$632,986.40.

The grant also includes \$4,000 which may be used for staff training in crisis intervention and best practices in order to enhance access to treatment and services for individuals in crisis.

In addition to the patrol-based callouts for mental health professionals described above, the Vancouver Police Department will partner with Sea Mar mental health field responders to provide proactive outreach, establish positive ongoing relationships, assist with safety planning, and connect

community members with resources and support before a crisis occurs.

We are fortunate that WASPC has selected our community to receive this competitive funding award to expand the mental health field co-responder crisis team. The new contract is effective July 1, 2021 through June 30, 2022. While no cash match or retention funding is required, we will begin sustainability planning discussions with Sea Mar and our regional partner agencies and stakeholders soon.

Request: Authorize the City Manager or his designee to execute a Services Agreement with Sea Mar 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, Vancouver Police Chief, 360-487-7473;
Brenda Tryon, Police Management Analyst, 360-487-7497*

Motion approved the request.

12. Washington Traffic Safety Commission MOU

Staff Report 130-21

Summary

There are a limited number of certified Drug Recognition Experts (DRE) in Southwest Washington. When a drug evaluation is required and no certified DRE is on duty, the Washington State Patrol maintains a roster of regional DRE's that would be available on an overtime basis to conduct these investigations. Washington State Traffic Safety Commission reimburses the officer's agency for the overtime expenditures incurred for these investigations.

Request: Authorize the City Manager or his designee to enter into an agreement between the Washington Traffic Safety Commission and the Vancouver Police Department to allow Vancouver Police Department officers who are certified Drug Recognition Experts to work on an overtime basis when a drug evaluation is needed outside of their regular jurisdiction when no other DRE is available on duty.

James McElvain, Vancouver Police Chief, 360-487-7473; Daphne Harris, VPD Finance and Logistics Supervisor, 360-487-7498

Motion approved the request.

13. **Amendments to VMC Title 10 - Pearson Airfield**

Staff Report 131-21

AN ORDINANCE relating to Pearson Field Airport, substantively amending multiple sections of the VMC, re-codifying and amending several other sections of the VMC, and repealing multiple sections of the VMC in order to update and reflect preferred management practices, clarify and update the Aviation Advisory Committee and establish separate stand-alone Rules and Regulations applicable to Pearson Airport; providing for savings, severability and an effective date.

Summary

The current Vancouver Municipal Code, Title 10 "Aircraft and Airports" contains many rules and regulations that control the operation and use of Pearson Airfield. Some of current sections of Title 10 are out of date and do not reflect preferred management practices. In addition, many of these existing rules should not be codified, but rather, should be in a separate Rules and Regulations document that City Council could adjust, modify or change through resolution rather than through the more formal and lengthy code change processes.

Also included in the proposed code update, in proposed section 10.05.04, is an update to the makeup and responsibilities for the Aviation Advisory Committee.

After a period of consultation with the users of Pearson Airfield, City staff has drafted the proposed VMC Title 10 ordinance changes for Council consideration.

If Council approves the proposed code changes, which include references to a new Rules and Regulations document, a proposed Rules and Regulations document will come before City Council for consideration on September 27.

Request: On Monday, September 13, 2021, approve ordinance on first reading, setting date of second reading and public hearing for Monday, September 20, 2021.

Jennifer Belknap Williamson, Public Works Director, 360-487-7131; Guy Lennon, Airport Manager, 360-487-8619

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

Motion approve the request.

14. **Amendments to VMC 8.22 - Camping**

Staff Report 132-21

AN ORDINANCE of the City of Vancouver, Washington establishing Supportive Campsites to facilitate the provision of temporary shelter incidental to the provision of supportive services to individuals experiencing unsheltered homelessness; authorizing the establishment of two Themed Supportive Campsites, one for Families with Children and one for Single-Occupant Females; establishing Camping Impact Areas to protect ecologically sensitive areas and areas within the immediate vicinity of Supportive Campsites; establishing an exemption from the prohibition against daytime camping for individuals who present satisfactory evidence of nighttime employment and obtain a Nighttime Worker Camping Permit; Amending VMC 8.22.010 "Findings", VMC 8.22.020 "Purpose", VMC 8.22.030 "Definitions", VMC 8.22.040 "Unlawful Camping", VMC 8.22.050 "Unlawful Storage of Personal Property in Public Places", VMC 8.22.070 "Permit"; providing for severability; and providing for an effective date.

Summary

Currently, the City of Vancouver's Unlawful Camping Ordinance (Chapter 8.22 VMC) provides that it is unlawful for any person to camp or store personal property on any public land during daytime hours of 6:30 a.m. through 9:30 p.m.

Despite this Ordinance, an estimated 500-600 individuals still reside in tents or vehicles within the City of Vancouver. This Council has observed that many individuals who camp on public property do so, not by choice, but due to a lack of financial means to afford adequate shelter. These individuals are adversely mentally and physically impacted by camping. Some people hold nighttime employment and cannot reasonably be expected to sleep during the hours allowed by VMC 8.22 (9:30 p.m. through 6:30 a.m.). Single female camp occupants experience a disproportionately high incidence of violent crime as compared to other people. Families with children who camp as a result of a lack adequate shelter are also disproportionately adversely impacted through risk of physical danger and impediments to childhood education.

Simultaneously, Council has also observed that the City's sensitive ecological areas are adversely impacted by adverse secondary impacts of camping. The City's sensitive waterways, water treatment facilities, stormwater and wastewater facilities are particularly vulnerable to impacts of illegal dumping and improper disposal of human waste.

There are also Constitutional constraints on cities' authority to regulate camping. The Ninth Circuit Court of Appeals has held that cities cannot criminalize camping in all places, at all times, unless there is adequate access to temporary shelter (Martin v. Boise). As a corollary to this holding,

cities may impose 24-hour daily prohibitions against unlawful camping “in particular locations.” However, the City Attorney’s Office has advised that these locations should be no broader than necessary and Council should ensure that adequate public space remains for nighttime camping throughout the rest of the City.

To balance these competing interests, Staff has proposed that the City revise VMC 8.22 “Camping” from a system in which camping is criminalized everywhere from 6:30a.m. to 9:30p.m., to one that seeks to address a variety of competing interests by (a) legalizing camping within Supportive Campsites, (b) prohibiting camping 24/7/365 in certain ‘camping impact areas’ to include ecologically sensitive areas, (c) allowing camping at night throughout most of the City, and (d) establishing an exemption for nighttime workers.

Accompanying this Staff Report are two ordinances for Council’s consideration (“Ordinance Option A” and “Ordinance Option B”). The only distinction between the two versions is the verbiage relating to Camping Impact Areas. Both ordinances indicate that unless occurring within a City-approved Supportive Campsite, camping shall be illegal 24/7/365 within Camping Impact Areas. However the locations of the Camping Impact Areas differ as follows:

<i>The term “Camping Impact Areas” means:</i>	
<i>Both Ordinances:</i>	
<i>1000’ from Supportive Campsites;</i>	
<i>At a public water station, wastewater or stormwater facility; and</i>	
<i>Ordinance Option A</i>	<i>Ordinance Option B</i>
<i>Within two hundred feet (200’) of the nearest edge of the Columbia River, Vancouver Lake, Burton Channel, Peterson Channel, Fisher’s Creek, or Burnt Bridge Creek.</i>	<i>Upon land classified as one or more of the following:</i> <i>a. Habitats of Local Importance as defined by VMC 20.740.100;</i> <i>b. Riparian Buffers of Fish and Wildlife Habitat Conservation areas as defined by VMC 20.740.110;</i> <i>c. Frequently Flooded Areas as defined by VMC 20.740.120; or</i> <i>d. Wetland Buffer area of Wetlands as defined by VMC 20.740.140.</i>

Staff recommends adoption of Option A for a few reasons. First, Option A is more easily mapped and provides greater clarity to the public and law enforcement regarding areas where camping is prohibited. Additionally, the designations of flood areas, wetlands, and habitat conservation areas under Option B will change over time with environmental changes, so a Critical Areas Protection Map would need to be continuously updated, which may cause more uncertainty regarding the location of Camping Impact Areas. Finally, Option B may be over-inclusive in protecting environmentally sensitive areas. For example, during certain seasons, designated wetlands are dry and isolated camping may not have a significant impact on such land.

Request: On September 13, 2021, approve the Option A and/or Option B ordinance on first reading, setting date of second reading and public hearing for Monday, September 20, 2021.

Jamie Spinelli, Homeless Response Coordinator, 360-487-8610; Jonathan Young, City Attorney, 360-487-8500; Sara Baynard-Cooke, Assistant City Attorney, 360-487-8500

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

City Attorney Jonathan Young explained the Council could choose to advance both versions of the ordinance forward to second reading and public hearing on September 20 or they could approve one of the options to move forward.

Councilmember Fox asked for clarification about the limits and timing of the types of permits, temporary use or right-of-way, that are being considered for permitting campsites under this program.

Mr. Young explained that under the emergency provision of the temporary use permit, a campsite could be approved for a term of one year, with two one-year extensions possible. There is no time limit for the right-of-way permit option.

Chad Eiken, Community and Economic Development Director, stated the emergency provision of the temporary use permits provides for wide latitude of what is allowed, and staff has determined sanctioned campgrounds could be included under that.

Councilmember Fox noted the supported campground program is a sensitive topic in the community, and the City needs to determine what an ideal timeframe is to be effective in serving a very vulnerable population while providing clarity to the community. She recommended adding a specific permit timeframe in Section 8.22.070, subsection B.2(b) of the ordinances to ensure clarity and understanding for all parties.

Councilmember Hansen stated he would prefer to move Ordinance option B forward as he believes it provides better environmental protections for

sensitive areas.

Councilmember Stober stated he was leaning toward Ordinance Option A, as it is a cleaner solution, but he would be open to advancing both ordinance options forward to second reading.

Councilmember Paulsen stated he would like to advance both options to second reading and public hearing.

Councilmember Glover stated she would also like to advance both options but is leaning toward option A as well.

Councilmember Fox also stated she would like to see language added that places a notice requirement in the ordinance so neighborhoods within 1200 feet of a proposed site are notified.

Motion by Councilmember Fox, seconded by Councilmember Hansen, to move both ordinance options forward to second reading and amend both with additional language to be included in Section 8.22.070, subsection B.2(b) regarding timeframe limitations on the establishment of supported campsites and required notification to surrounding neighborhoods.

Mr. Young asked for clarification as to the length of the timeframe and the distance buffer pertaining to the notice requirement. Councilmember Fox stated she is open to staff bringing back a more informed timeframe and recommended the notice requirements be consistent with the 200-foot notification area included in the right-of-way permit code.

Mr. Young noted the Council does not have limitless latitude regarding the timeframe for the use permits, as that is laid out in VMC Title 20, which would need to go through the Planning Commission first to be amended. He said the Council could include timeframes in the camping ordinance that are consistent with the timeframes in Title 20.

Councilmember Fox agreed the timeframe included in Title 8 should be tied to those in Title 20.

Jamie Spinelli, Homeless Response Coordinator, outlined her intended communication plan for the campsite program, which would include mailed notifications to residences and businesses within 1200 feet of a proposed site, as well as notice in the newspaper and the City's various communications platforms, and at least two virtual meetings and a community open house before residents move in.

Councilmember Fox amended her motion to require notification to surrounding neighborhoods within 1200 feet of a proposed campsite. Councilmember Hansen seconded the amendment to the motion.

Councilmember Stober asked whether these changes would require another

first reading of the ordinances. Mr. Young stated changes of substance can be made at this first reading and then moved forward to a second reading.

Councilmember Paulsen expressed concerns about moving the ordinances forward to second reading based on the amendment because the language that's to be inserted is being left to staff, and the updated version should come back to Council before being moved forward for final public hearing.

Councilmember Fox clarified her amendment is intended to add notification to neighbors within 1200 feet of a proposed campsite and add a time limitation consistent with the temporary use timelines in Title 20.

Motion to move both ordinance options forward with amendments to Section 8.22.070B.2(b) approved 6-1. Councilmember Paulsen voted No.

15. Appointment to the Lodging Tax Advisory Committee

The Lodging Tax Advisory Committee is a volunteer body that makes recommendations to the Vancouver City Council about how that tax revenue is spent. Over the years, the committee has helped award hundreds of thousands of dollars in lodging tax grants to local projects and events that increase tourism in the city.

During 2020, operations of LTAC were halted due to the effects of the pandemic. Within that time all eight terms on LTAC had expired. LTAC is now back to working on projects so a recent recruitment for these now mid-term seats was held. Seven sitting members sought reappointment and we received one additional application, for a total of eight candidates for eight mid-term seats. All seven incumbents are being recommended for reappointment and we will open another recruitment for the eight LTAC seat.

Subcommittee 1 had four interviews for four of the eight open seats and they recommend reappointing the incumbents Jordan Boldt, Steve Bowers and Mike McLeod.

Subcommittee 2 had four interviews for four of the eight open seats and they recommend reappointing the incumbents Kari Jonasen, Linda Reid, Brad Richardson and Carla Rise.

Request: Reappoint Jordan Boldt, Steve Bowers, Kari Jonasen, Mike McLeod, Linda Reid, Brad Richardson and Carla Rise to the Lodging Tax Advisory Committee with terms beginning immediately and expiring September 30, 2022.

Council Committees 1 and 2

Motion approved the request.

16. Nomination for Appointment to Clark County Public Health Advisory Council

The Clark County Public Health Advisory Council is a 20-member volunteer body that makes recommendations to Clark County Councilors who also serve as the county's Board of Health.

The advisory council helps protect the community's health by preventing disease, responding to health threats, and reducing health disparities. The advisory council's top priorities are addressing adverse childhood experiences, community health improvement planning, and support for healthy children.

Council Committee 1 recently interviewed three candidates for one full-term position and recommends the nomination of Christine Dunbar. This nomination would then be brought before the Board of Health to be fully appointed to the Clark County Public Health Advisory Council.

Request: Nominate Christine Dunbar for appointment to the Clark County Public Health Advisory Council, with a term beginning September 30, 2021 and expiring September 30, 2024.

Council Committee 1

Motion approved the request.

17. Approval of Claim Vouchers

Request: Approve claim voucher for September 13, 2021.

Motion approved claim vouchers for September 13, 2021, in the amount of \$17,080,387.85.

Public Hearings (Item 18)

18. Navalía (previously Bennett) Mixed Use MFTE Agreement Amendment

Staff Report 133-21

A RESOLUTION of the City Council of the City of Vancouver approving an agreement with Ten Talents Investments 24, LLC for an 8 year property tax exemption for the property located on the city block between W 16th and 17th Streets and Columbia and Washington Streets (Tax Lots 52830000,

46570000, 56930000, 52780000, 52790000, 52800000) in Vancouver, Washington, as specifically described in Exhibit A.

Summary

Hurley Development LLC is requesting a change from the initial 8-year multifamily tax exemption approval to reduce the number of proposed units from 74 units to 73 units. The change is needed to create an additional ADA compliant unit required to meet building code.

The other elements of the project will remain the same. The development will consist of a three-story mixed-use building with 7,694 square feet of retail space and 33 parking spaces. The tax exemption remains at 8 years with 20% of the total units (15 units) reserved for tenants earning 100% area median income or less.

Request: On Monday, September 13, 2021, following a public hearing, adopt a Resolution approving an agreement with Hurley Development LLC operating as Ten Talents Investments 24, LLC and Authorizing the City Manager or designee to execute the multifamily housing limited property tax exemption agreement and take any and all 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 proposed amendment to this MFTE agreement. She noted the developer had to reduce the number of units in the project to accommodate an ADA unit, but nothing else will be changing in the project or the agreement.

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

Councilmember Fox stated she would not be supporting this amendment, as she did not support the original agreement because the exemption is for rent at 100 percent of Area Median Income. She stated she is not comfortable granting exemptions at that level until the AMI targets in the City's MFTE program more closely match up with Vancouver income levels, rather than Portland regional income levels.

Motion by Councilmember Paulsen, seconded by Councilmember Stober, and carried 6-1. Councilmember Fox voted No.

Communications

A. From the Council

B. From the Mayor

C. From the City Manager

a. First Time Homebuyers Shared Real Estate Equity

Peggy Sheehan, Community Development Programs Manager, provided an overview of a proposed forgiveness of shared equity required of some homebuyers who have participated in the City's first-time homebuyers program through the CDBG and HOME programs.

Executive Session re: Labor Negotiations Strategy (*continued*); City Manager Annual Performance Evaluation

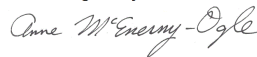
At 8:00 p.m., Mayor McEnerny-Ogle announced the Council would be re-entering executive session to continue discussing labor negotiations strategy, followed by consideration of the City Manager's Annual Performance Evaluation.

Mayor McEnerny-Ogle re-entered public session at 8:45 p.m. and announced the Council would be continuing the executive session regarding the City Manager's Performance Evaluation on September 20, 2021.

Adjournment

9:46 p.m.

DocuSigned by:



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Anne McEnerny-Ogle, Mayor

Attest:

DocuSigned by:



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Natasha Ramras, City Clerk

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