



CITY COUNCIL MEETING MINUTES

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

Anne McEnery-Ogle, Mayor

Bart Hansen • Ty Stober • Erik Paulsen • Sarah J. Fox • Diana H. Perez • Kim D. Harless

August 1, 2022

WORKSHOPS

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

Workshops were conducted in person in the Council Chambers of City Hall. Members of the public were invited to view the meeting in person, via the live broadcast on www.cvtv.org and CVTV cable channels 23 or HD 323, or on the City's Facebook page, or www.facebook.com/VancouverUS.

View the CVTV video recording, including presentations and discussion, for workshops at:

https://www.cvtv.org/vid_link/34821?startStreamAt=0&stopStreamAt=6808

4:00 - 5:00 pm Affordable Housing Fund Levy Renewal

Patrick Quinton, Economic Development Director, 360-487-7845

Summary

Staff led Council through a discussion of the Affordable Housing Fund Levy.

5:00 - 6:00 pm Fossil Fuel Regulations Code Amendment

Chad Eiken, Community Development Director, 360-487-7882

Summary

Staff led Council through a discussion of the Fossil Fuel Regulations Code Amendment.

COUNCIL DINNER/ADMINISTRATIVE UPDATES

REGULAR COUNCIL MEETING

This meeting was conducted as a hybrid meeting with in person and remote viewing and participation over video conference utilizing a GoToMeeting platform. Members of the public were invited to view the meeting in person, 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 items and under Public Hearings were also facilitated via the GoToMeeting conference call.

Vancouver City Council meeting minutes are a record of the action taken by Council. To view the CVTV video recording, including presentations, testimony and discussion, for this meeting please visit: https://www.cvtv.org/vid_link/34823?startStreamAt=0&stopStreamAt=1909 Electronic audio recording of City Council meetings are kept on file in the office of the City Clerk for a period of six years.

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. This meeting was conducted as a hybrid meeting, including both in person and remotely over video conference.

Present: Councilmembers Harless, Perez, Fox, Stober, Hansen,
Mayor McEnerny-Ogle

Absent: Paulsen

Councilmember Harless attended remotely.

Councilmember Stober motioned to excuse Councilmember Paulsen from the Council meeting, seconded by Councilmember Hansen, and carried unanimously to approve the absence.

Approval of Minutes

Minutes - May 2, 2022

Motion by Councilmember Hansen, seconded by Councilmember Stober, and carried unanimously to approve the meeting minutes of May 2, 2022.

Laurie's Kindness Day

Mayor McEnerny-Ogle read and presented a proclamation to Alec Burpee, President of Laurie's Kindness Squad, proclaiming August 7, 2022, as Laurie's Kindness Day.

Community Communications

Mayor McEnerny-Ogle opened Community Communication and received testimony from the following community members regarding Consent Agenda Items 1-4:

- Kimberlee Elbon, La Center, WA

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

Consent Agenda (Items 1-4)

Council requested Items 2 and 3 be pulled for discussion.

Council briefly discussed Items 2 and 3.

Motion by Councilmember Fox, seconded by Councilmember Perez, and carried unanimously to approve the Consent Agenda.

1. **Construction Acceptance - East Vancouver Phase 3 Sewer Improvements**

Staff Report: 092-22

Advanced Excavating Specialists of Longview, Washington, has completed construction of the East Vancouver PH3 Sewer Connection Incentive Program (SCIP) project. The project provided reliable sewer service to 78 parcels by installing 5,475 linear feet of 8-inch gravity sewer mains in the following roadways: SE 156th, SE 157th, NE 163rd, NE 164th and NE 166th Avenues, NE 9th, NE 11th, NE 36th, 38th and 39th Streets, NE 10th Place and NE 165th Court.

The work was completed satisfactorily in accordance with the plans and specifications. Contract costs are summarized below:

TOTAL CONTRACT COSTS

<i>Labor, Equipment and Material</i>	<i>\$1,385,856.61</i>
<i>Sales Tax</i>	<i>\$99,440.50</i>
<i>Total</i>	<i>\$1,485,297.11</i>
<i>Retainage</i>	<i>Bond</i>

The original contract amount, including sales tax, was \$1,453,355.49. The final project cost was \$1,485,297.11, which was \$31,941.62 (approx. 2%) more than the original contracted amount. The difference between original contract amount and final contract amount can be attributed to typical variances in unit prices and/or quantities commonly encountered during construction.

The original contract amount fell within the \$500,000 to \$1,500,000 threshold that would require an apprenticeship utilization of 3%. The contractor recorded over 800 apprenticeship labor hours on this project for a 9% utilization.

Request: On August 1, 2022, accept the facilities as constructed by Advanced Excavating Specialists of Longview, Washington, and authorize release of the retainage bond subject to receipt of all documentation required by law.

Sheryl Hale, Senior Civil Engineer, 360-487-7151

Motion approved the request.

2. Directed Grant Agreement between City of Vancouver and Columbia Springs

Staff Report: 093-22

Building upon two decades of partnership, Columbia Springs, an environmental education and stewardship non-profit located in Vancouver has delivered tangible, salient programs and outreach to the broader community through direct grant agreements covered by the Solid Waste and Water utilities. In exchange, Columbia Springs has numerous positive impacts throughout the year in serving school groups, offering a wide variety of special events, and hosting water and waste reduction and reuse stewardship activities at the site. For example, the City's support through this grant allows for active participation on the board, a summer waste reduction and conservation day camp program, Family Nature Day events, as well as other educational support for volunteer opportunities, including a new docent program to help train volunteers to interpret the site for community visitors.

In response to an invitation for a directed grant issued in late May, Columbia Springs submitted its application for a renewed directed grant agreement, effective July 1, 2022 through December 31, 2024. The substance of their proposal has been incorporated as tasks into the

attached grant agreement.

As outlined in the proposed renewed agreement, Columbia Springs will provide the following deliverables for the City of Vancouver for the purpose of fulfilling the shared priorities in environmental and resource education, resource management, restoration, stewardship of the historic Vancouver Trout Hatchery, and community education about watershed issues:

- Active Partnership between the City and Columbia Springs with the Columbia Springs site and resources; organization of Family Nature Days and/or support and assistance with the Columbia River Watershed Festival once resumed*
- Summer Waste Reduction Day Camp opportunities for school-aged children and youth counselors; and*
- Other educational support in the form of a Docent program, Lead Volunteer program, guided hikes, Stewardship Days, service projects, and other opportunities for the public at Columbia Springs.*

Columbia Springs benefits from the long-term partnership with the City of Vancouver and years of successes with the listed tasks within the agreement. Katherine Cory, Executive Director of Columbia Springs, has provided the following statement of commitment to the project:

"We have an opportunity to be more intentional and thoughtful about how we can achieve common goals and accommodate focus changes for both of our organizations such as the climate change focus of the City and our work to increase access to the site and programs. I look forward to collaborating again with you in the future!"

Request: Authorize the City Manager, or his designee, to sign the grant agreement with Columbia Springs for Environmental Education and Outreach Services Provided at the Columbia Springs Site.

Julie Gilbertson, Solid Waste Supervisor, 360-487-7162

Motion approved the request.

- 3. Rondeau - Right of First Refusal for Future Community Park Acquisition Approval and ratification of an Assignment Purchase Agreement for Right of First Refusal ("Assignment Purchase Agreement") between the City of Vancouver and Robert Rondeau for acquisition of an assignment of the Right of First Refusal legal interest for future purchase of the Groeneveld property (AFN 125654000 and 500811000)**

Staff Report: 094-22

Staff successfully negotiated purchase of the ROFR for \$410,000 through a Letter of Intent and Assignment Purchase Agreement for Right of First

Refusal for your consideration. The purchase price is based upon an estimated value of the ROFR appreciation since the most recent interest transfer to Rondeau in 2015.

The proposed acquisition of the ROFR is a time sensitive first-step opportunity to secure an exceptional recreational asset. The Groeneveld property is one of the last extensive waterfront properties suitable for public access in the urban area, and could serve as the east-side bookend to Vancouver Waterfront Park and Frenchman's Bar Regional Park. The site offers invaluable beach access and spectacular views of the Columbia River, Columbia River Gorge, Lady Island and Mt. Hood.

Although within Camas city limits, the site is included in Vancouver's PIF District C Overlay Service Area, making purchase of the ROFR legal interest and future site acquisition both eligible for PIF funding. The proposal is consistent with the Parks, Recreation and Cultural Services Comprehensive Plan, Capital Facilities Plan, Shoreline Management and Strategic Plans, and the PIF Technical Document.

Context & Background: *Located near the interchange of SR-14 and 192nd Avenue, the subject property is within Camas city limits immediately east of Vancouver's southwest boundary. The property includes two parcels totaling approximately 17 acres with one-half mile of Columbia River beach frontage. The ownership is bisected east-west by BNSF Railroad right-of-way. An existing 1953 single family residence is accessed from Evergreen Highway on the upland parcel.*

Acquisition of the Groeneveld property has been the focus of ongoing negotiations since 2010. The property title is encumbered by a 2005 Right of First Refusal (ROFR) held by a private party (Rondeau) which has restricted efforts to purchase the property directly from the owner to date. The ROFR dictates that negotiations for property acquisition will be triggered upon notice by the property owner to sell, or the death of the owner, with a 75-day timeline for a decision to purchase by the party holding the ROFR legal interest. The Right of First Refusal also requires the owner to first offer the Property to whomever holds the ROFR on the same terms as an intended sale to a third party. Acquiring the Right of First Refusal provides the City with the exclusive right to purchase the Groeneveld property on the terms of any intended sale, before the owner, or heirs, can sell the property to another buyer.

A future park at this location would serve all City residents, but more directly residents of Park Impact Fee District C. Based upon adopted park standards, PIF District C is the most underserved area of the City with a 200-plus acre deficit that continues to increase with on-going growth. With notable private development pressure on available lands, options to acquire large parcels suitable for community park improvements on the

east side have been exceptionally challenging through both high and low economic times. Three major projects currently in the development review process are located within this district. These include Section 30, Vancouver Innovation Center and HQ (Fisher's Quarry). These projects will generate over 11,000 new residents alone. Even with the proposed park acquisitions within the respective project areas, the east side will continue to have a significant park deficit.

Purchase of the ROFR for the Groeneveld property secures a future opportunity for the City to expand the park system to serve this vicinity as well as provide a regional draw to an extraordinary destination on the Columbia River. The site is also located along the Lewis and Clark Centennial Trail corridor planned to extend from Washougal to La Center.

The preliminary vision for property improvements places active improvements on the upland area including picnic shelters, a nature play structure, viewpoints, interpretive materials, restroom and parking, with passive uses on the lowland beach area south of the railroad. An existing single residence railroad crossing permit issued for the property is not transferrable with sale of the property, but preliminary discussions with BNSF Railroad regarding the proposed public park at this location were favorable. A public pedestrian signalized crossing and railroad frontage fencing for safety would likely be required with future park development, but due to the gentle slope of the property both could be accomplished sensitively without obstructing the exquisite views.

Site characteristics offer notable opportunities for a variety of supportive grants and partnerships for land acquisition, shoreline restoration, management, and mitigation value including removal of invasive species. Potential joint agency partnerships include City of Camas, Clark County Legacy Lands, Columbia Land Trust, and Washington Department of Fish and Wildlife.

Request: Council approval and ratification of the Assignment Purchase Agreement for Right of First Refusal for the City to acquire assignment of the Right of First Refusal from Robert Rondeau for the Groeneveld property, and authorization for the City Manager, or his designee, to acknowledge an Assignment to Right of First Refusal to Purchase Real Property substantially in the form attached as Exhibit D to the Assignment Purchase Agreement.

Monica Tubberville, Senior Planner, 360-487-8353

Motion approved the request.

4. Approval of Claim Vouchers

Request: Approve claim vouchers for August 1, 2022.

Motion approved claim vouchers in the amount of \$3,689,506.66.

Communications

A. From the Council

B. From the Mayor

C. From the City Manager

Drug Task Force Update

Jeff Mori, Police Chief, provided an update on the Drug Task Force Update.

Motion by Councilmember Stober, seconded by Councilmember Hansen, and carried unanimously to approve the withdrawal from participation in the Clark-Vancouver Drug Task Force.

Executive Session: Re Real Estate and Potential Litigation (1 hour)

Mayor McEnerny-Ogle announced the Council would be entering executive session from 6:59-8:16 p.m. for the purpose of discussing real estate and potential litigation.

Adjournment

8:16 p.m.

DocuSigned by:

Anne McEnerny-Ogle

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Anne McEnerny-Ogle, Mayor

Attest:

DocuSigned by:

Natasha Ramras

BCF6734E40E94AE...

Natasha Ramras, City Clerk

From: [Noelle Lovern](#)
To: [City Council](#); [City Council](#); [City Council](#); [Holmes, Eric](#); [City Council](#); [City Council](#); [diana.perez@cityofvancouver.com](#); [kim.harless@cityofvancouver.com](#)
Subject: Public comment re: Climate Action Plan
Date: Monday, August 1, 2022 11:24:59 AM
Attachments: [image001.png](#)
[BIA Climate Action Plan Letter FINAL 7 29 2022.pdf](#)

You don't often get email from noelle@biaofclarkcounty.org. [Learn why this is important](#)

CAUTION: This email originated from outside of the City of Vancouver. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Greetings, Mayor McEnerny-Ogle & Councilors.

I am sending this comment letter separate from the online the submission form as I did not receive a confirmation of receipt at time of submission last week. d

Again, we thank you for the opportunity to participate in this critical phase of developing the Climate Action Plan for the City of Vancouver. We are available to discuss our concerns and comments at your convenience. Please see the attached letter detailing our input on the CAP.

Best,

Noelle Lovern | Government Affairs Director
BIA of Clark County - a Top 30 NAHB Association
Protecting and promoting the building industry.

Address: [REDACTED] Vancouver, WA 98663

Phone: [REDACTED] **Web:** www.biaofclarkcounty.org

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BUILDING INDUSTRY ASSOCIATION
OF CLARK COUNTY

Vancouver, WA 98663

Tel: [REDACTED]



July 29, 2022

Vancouver City Council
415 W 6th St.
Vancouver, WA 98660

Comments & Inquiries Re: Proposed Climate Action Plan

Dear Mayor Anne McEnery-Ogle and City Council Members,

On behalf of the Building Industry Association of Clark County, and our more than 750 association members, we would like to thank the City of Vancouver and City Council for the opportunity to weigh in on the proposed Climate Action Plan (CAP).

The BIA supports the overarching goal of reducing the City's carbon footprint. While we believe the City Council and City staff have invested substantial resources to developing Vancouver's CAP, we are concerned that there are some critical components missing from the approach.

As a voice for the building and construction industry, our biggest challenges directly affect the livability of Vancouver. First, we are compelled to address the ever-growing need for accessible housing options in a market impacted by unprecedented population growth and an unrealistic land supply outlook.

Second, our industry employs thousands of workers whose families live, work, and play in Vancouver. The employees of the businesses within our association rely on the building, remodeling, engineering, and construction industry for stable and well-paying jobs.

These employers are operating in a highly regulated and rapidly evolving business environment. The cost of operating is increasing, and profit margins are disintegrating often due to the unintended consequences of poorly planned regulations and flawed policy choices. Currently, regulations add an average of \$134,354 to the price of a new home pushing the dream of homeownership further out of reach. The current median home price in Clark County is \$562,869 and is unaffordable to 84 percent of our residents.

The BIA shares the City Council's concern and passion for our environment and reducing our community's carbon footprint. The building and construction industry relies on a healthy and sustainable environment for critical supplies and resources.

We protect the environment by complying with government regulations and deploying industry best practices. Most importantly, we are in the business of providing shelter and critical infrastructure to support the residents in the region. We recognize that our residents need a clean and functioning environment to flourish. However, they also need accessible housing, safe infrastructure, and stable employment.

Good policy choices are well-researched, supported by data, communicated clearly to the community to gain groundswell and support, accompanied by detailed rollout plan, implemented with incremental goals, and built on expert financial analysis for prioritizing the most effective approaches. These elements are currently absent from the proposed CAP.

The BIA would like clarification on these points:

1. While middle housing options provide shelter for many middle-income wage earners, these housing options rarely provide a path to homeownership. Homeownership is one of the greatest avenues to build generational wealth and is often identified as the differentiating factor to break the poverty line. What provisions will the City Council include in the CAP to keep homeownership in reach for middle-income households?
2. The BIA agrees that zoning updates could be an important approach for battling the current housing crisis and allow for more housing with higher walkability scores. How will the City Council and staff collaborate with the building industry to ensure zoning and code updates are impactful and actionable?
3. In the pursuit of electrification, there are issues that may lead to more inequity. We have an aging and inadequate power grid. Transitioning to electrification prior to grid upgrades is putting the cart before the horse. When will an assessment of the grid be done? If upgrades are needed, what is the timeline and budget for the upgrades?

Retrofitting electrification for aging residential and commercial properties is exceedingly more expensive than integrating for new builds. Aging properties are disproportionately owned and occupied by middle- and lower-income individuals. How will the City of Vancouver address this disparity and inequity?

The BIA urges the City Council to:

- Allow more time for the community to evaluate and comment on the proposed CAP.
- Create a tiered rollout plan with defined timelines and milestones as part of the proposed CAP.
- Provide a detailed financial analysis for prioritizing initiatives that have the greatest off-set impact.
- Evaluate each initiative in the proposed CAP through the lens of accessible housing.

The BIA is always available for consultation and as a resource for better policy making and implementation. Thank you for your time in advance.

Sincerely,

A handwritten signature in black ink, appearing to read "Noelle Lovern", with a long, sweeping horizontal flourish extending to the right.

Noelle Lovern
Government Affairs Director

From: [Noelle](#)
To: [City Council](#)
Subject: Submission: City Council Contact Form
Date: Monday, August 1, 2022 10:51:20 AM
Attachments: [bia_cov_rondeau_community_park_acquisition_letter.pdf](#)

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City Council Contact Form

Submitted date: Monday, August 1, 2022 - 10:51am

Contact Information

First name:

Noelle

Last name:

Lovern

Email address:

[REDACTED]

Street

[REDACTED]

ZIP code:

98663

Inquiry Information

Subject:

Comment on an upcoming Council agenda item

Recipient:

All of Council

Message:

Greetings, Mayor McEnerny-Ogle & Councilors.

On the behalf of the BIA of Clark County, we would like to thank you for an open and transparent governing process. We are taking this opportunity to comment on the Rondeau Park Acquisition Proposal. While we understand it is early in the process, we would like some clarity on the plan for funding the ongoing maintenance and preservation of the potential park.

Please see attached letter for our inquiry and comments.

Thank you for your continued service.

Best,
Noelle Lovern
Government Affairs Director
BIA of Clark County

Upload a file:

[bia_cov_rondeau_community_park_acquisition_letter.pdf](#)



Vancouver, WA 98663
Tel: [REDACTED]
www.biaofclarkcounty.org



August 1, 2022

Vancouver City Council
415 W 6th St.
Vancouver, WA 98660

Rondeau - Right of First Refusal for Future Community Park Acquisition

Dear Mayor Anne McEnery-Ogle and City Council Members,

The Building Industry Association of Clark County would like to thank the City of Vancouver and City Council for the opportunity to comment on the Rondeau Park Acquisition Proposal.

The BIA recognizes the importance of providing Vancouver residents with parks and other green spaces for gathering, recreation, and other community building activities. We also understand the heavy financial burden associated with the maintenance and preservation of parks and other recreation facilities.

In the Right of First Refusal for Future Community Park Acquisition, it is stated,

- Although within Camas city limits, the site is included in Vancouver's PIF (Park Impact Fees) District C Overlay Service Area, making purchase of the property interest eligible for PIF funding.

While Park Impact Fees are a source of funding to increase capacity, they are not allowable for maintenance and preservation. The Rondeau Park Acquisition Proposal does not provide information as to how the ongoing maintenance and preservation will be funded.

The BIA and our membership respectfully recommend clarification regarding any plans or provisions under consideration by the City Council to fund the ongoing maintenance and preservation of the potential park, should the acquisition be approved.

Sincerely,

Noelle Lovern
Government Affairs Director