



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

March 22, 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.

4:00-5:00 p.m. Renaissance Boardwalk (Kirkland East) Development Agreement

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

Summary

Staff and the project developers provided Council with an update on the proposed Renaissance Boardwalk development project and draft development agreement.

5:00-6:00 p.m. Vancouver Climate Roadmap

Aaron Lande, Program and Policy Manager, 360-487-8612; P. J. Tillmann and Tristan Smit, Cascadia Consulting Group

Summary

Consultants from Cascadia Consulting Group provided Council with an update

on the climate strategy development process and presented options for potential strategies moving forward.

COUNCIL CONSENT AGENDA 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 items and under the Citizen Forum were also facilitated via the GoToMeeting conference call.

Call to Order and Roll Call

The Consent Agenda meeting of the Vancouver City Council was called to order at 6:30 p.m. by Mayor McEnerny-Ogle. This meeting was conducted remotely over video conference.

Present: Councilmembers Fox, Paulsen, Lebowsky, Glover, Stober, Hansen, Mayor McEnerny-Ogle

Absent: None

Also present on the call were the following: Eric Holmes, City Manager; Jonathan Young, City Attorney; Amanda Delapena, Assistant to the City Council; Brian Carlson, Deputy City Manager; Chad Eiken, Community and Economic Development Director; Charles Fell, Senior Civil Engineer; Aaron Lande, Program and Policy Manager; James McElvain, Vancouver Police Chief; Natasha Ramras, Chief Financial Officer; Cara Rene, Communications Director; Peggy Sheehan, Community Development Programs Manager; Chris Sneider, Senior Civil Engineer; and members of the public.

Citizen Communication (Items 1-6)

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

Consent Agenda (Items 1-6)

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

1. 2021 West Curb Ramps

Staff Report 043-21

Summary

The City is issuing two separate curb ramp contracts this year as part of its 2021 pavement management program. These contracts include the "2021 West Curb Ramps" and the "2021 East Curb Ramps." The purpose of splitting the work into two contracts is to reduce each contract to a manageable size, which helps expedite ramp construction. From a construction sequencing standpoint, it is far more efficient to construct the new curb ramps in advance of the on-street pavement management resurfacing work.

This staff report and recommended action is to award the 2021 West Curb Ramps contract only. Recommendations for the the other curb ramp projects will be made in the future.

On March 2, 2021, the City received 3 bids for the subject project. The bids ranged between \$875,442.00 to \$910,242.00 dollars. The low bidder was responsive. The bids are as follows:

SUMMARY OF BIDS	
BIDDER	AMOUNT
<i>Advanced Excavating Specialists (AES), LLC, Longview, WA</i>	<i>\$875,442.00</i>
<i>NW Construction GC Inc., Battle Ground, WA</i>	<i>\$899,950.00</i>
<i>Clark and Sons Excavating, Inc., Battle Ground, WA</i>	<i>\$910,242.00</i>
<i>Engineers Estimate</i>	<i>\$900,000.00 to \$1,000,000.00</i>

There is a minimum apprenticeship goal of 3% of the utilized labor hours for this project. AES of Longview, Washington, has submitted an Apprenticeship Utilization Plan to meet or exceed this goal by using approximately 220 hours of apprentice time of the estimated total of 6,375 applicable labor hours for the project.

Request: On March 22, 2021, award a construction contract for the 2021 West Curb Ramps project to the lowest responsive and responsible bidder, and authorize the City Manager or his designee to sign a contract with Advanced Excavating Specialists (AES), LLC from Longview, Washington, at their bid price of \$875,442.00, which includes Washington State sales tax.

Chris Sneider, Senior Civil Engineer, 360-487-8239

Motion approve the request.

2. **LED Streetlight Retrofit Project, construction acceptance and release of retainage**

Staff Report 044-21

Summary

The project upgraded 11,889 of the City's street lights from HPS to LED fixtures.

The original construction contract bid amount was \$1,112,656.88. Change orders and quantity adjustments during construction increased the contract amount by 21% to \$1,351,132.41. The largest change was \$192,272 for a change in the required labor category for the workers performing the work. When the project was about 20% complete, the Washington Department of Labor and Industries (L&I) notified the City that much of the work had to be performed by electricians instead of the lineworkers employed by Magnum Power. The project specifications require the use of lineworkers because that is the labor category recently used by Clark Public Utilities for a similar project. City staff reviewed L&I's notification and determined that in Washington electrical utilities can use lineworkers in instances where other agencies have to use electricians. Staff determined that the most expedient, and least expensive path to project completion was to have Magnum Power hire a subcontractor that employed electricians for portion of the work that required electricians.

Magnum Power of Kelso, Washington, Washington, has satisfactorily completed the subject improvements in accordance with the plans and specifications.

Request: On March 22, 2021, accept the LED Streetlight Retrofit Project as constructed by Magnum Power of Kelso, Washington, Washington, and authorize release of the retainage of \$67,556.62, subject to receipt of all documentation required by law.

Charles Fell, Senior Civil Engineer, 360-487-7790

Motion approve the request.

3. **Professional Services Agreements between the City and Lynn K. Wittwer, M.D., PC.**

Staff Report 045-21

Summary

Lynn K. Wittwer, M.D., PC is the medical program director for Clark County, Washington. Under the authority granted to him by the Washington State Department of Health, he provides mandatory medical oversight, consultation, training and quality assurance services for all Clark County, Washington, emergency medical services personnel. The attached Professional Services Agreements outline the terms and conditions of the MPD providing those services.

The attached contract covers both, services provided to the AMR, Inc. and the City of Vancouver Fire Department. The Medical Program Director provides general oversight services, quality assurance services and training of the medical emergency response personnel. The contract is one year in duration and will renew annually.

The total contract amount for the next full year is \$253,754. The amount will be adjusted annually by an inflationary index for Seattle-Tacoma-Bellevue.

Request: Authorize the City Manager or designee to sign the Professional Services Agreements between the City of Vancouver and Lynn K. Wittwer, M.D., PC for the provision of emergency medical services oversight.

Natasha Ramras, Chief Financial Officer, 360-487-8484

Motion approve the request.

4. Creating a refund process for business license surcharge fees for eligible businesses for 4/1/2021 – 3/31/2022

Staff Report 046-21

AN ORDINANCE regarding the Business License Fee Surcharge (VMC 5.04.095) program; providing for refunds of the business license fee surcharge for new business license applications and annual license renewals for eligible businesses; providing for implementation of such refund program; defining eligibility criteria; providing for an immediate effective date; and providing for a sunset date on March 31, 2022.

Summary

The City generates approximately \$5.5 million annually from the business license fee and surcharge (BLS) program. The revenue is dedicated to funding existing police officer positions and funding the increased level of street pavement management program.

Effective 4/1/2021, all businesses will be required to continue registration and payment of City business license fees through Washington State

Department of Licensing.

From 4/1/2021 through 3/31/2022, businesses in several eligible categories will receive a refund from the City for 2021 fees and surcharges already paid. Eligible businesses will be required to complete a City of Vancouver BLS Refund application form to receive the refund. The State of Washington's application processing system has limited flexibility and cannot accommodate significant deviations from the current program. Refund applications will, therefore, be processed manually by the City of Vancouver Business License division in the Finance department.

The eligibility for this program targets businesses that have traditionally served large numbers of consumers indoors, simultaneously. Specifically:

- Restaurants, Taverns, Breweries, Wineries and Distilleries;*
- Fitness and Training Facilities;*
- Movie Theatres, Theaters & Performing Arts; and*
- Bowling Facilities.*

Specific Washington State Guidance documents that identify which businesses are included in the above categories are identified in attachments A-E to the attached Ordinance.

These businesses are among those most severely impacted by the pandemic, are likely to remain subject to some of the longest restrictions and are particularly well-situated to utilize BLS savings to support increased consumer safety.

Request: On Monday, March 22, 2021, approve the ordinance on first reading, setting date of second reading and public hearing for Monday, April 5, 2021.

Natasha Ramras, Chief Financial Officer, 360-487-8484

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

Motion approve the request.

5. Approval of Council Retreat Summary Report

Request: Approve the summary report for the January 2021 City Council retreat and March 15 follow-up work session.

Eric Holmes, City Manager

Motion approve the request.

6. Approval of Claim Vouchers

Request: Approve the claim vouchers for March 22, 2021.

Motion approve claim vouchers for March 22, 2021, in the amount of \$8,750,151.17.

Citizen Forum

Mayor McEnerny-Ogle opened the Citizen Forum and received the following testimony:

- Glen Yung, Vancouver, stated he was excited about the potential of the Kirkland East (Renaissance Boardwalk) development project; he also stated it seems like affordable housing has been missing from the climate strategy discussions and urged the City to ensure it is considered to prevent any unintended consequences to housing costs.
- Colton Barton, Vancouver, representing Livit Mobile, LLC, expressed concerns about the siting of a future Vancouver Housing Authority homeless shelter at the former Howard Johnson hotel near the Vancouver Mall.
- Ryan Steinbarg, Vancouver, expressed concerns about the siting of a future Vancouver Housing Authority homeless shelter at the former Howard Johnson hotel near the Vancouver Mall.
- Armand Resto-Spotts, representing Centennial Real Estate Company, which owns and operates the Vancouver Mall, expressed concerns about the siting of a future Vancouver Housing Authority homeless shelter at the former Howard Johnson hotel near the Vancouver Mall. He referenced a letter submitted to the City (attached) requesting a formal interpretation of the zoning code that permits the shelter to be located at this site. He requested the City prevent this project from moving forward until a decision is made by the Hearings Examiner on this appeal.
- Cathryn Chudy, Vancouver, urged the City to ensure a clean energy framework with its climate strategy and take steps as soon as possible to eliminate the use of fossil fuels, including natural gas.
- Alona Steinke, Vancouver, urged the City to aim high in its climate strategy goals and work toward the reduction of emissions from motor vehicles.
- Don Steinke, Vancouver, urged Council to enact regulations that clear pathways for new building and development to invest in clean energy

infrastructure first.

- Den Mark Wichar, Vancouver, urged the Council to adopt the most aggressive and idealistic goals in its climate strategy.
- Peter Fels, Vancouver, urged the City to be more ambitious with its climate goals and enact building regulations that encourage use of green energy.
- Heidi Cody, Vancouver, urged the Council to adopt the bold levels for its climate strategy and consider how to incorporate leading edge goals where possible.
- Caroline Ceravolo, Ridgefield, Washington, urged the Council to adopt the bold goals for its climate strategy.
- Caleb Ceravolo, Ridgefield, Washington, urged the Council to adopt the bold goals for its climate strategy.
- Tracy Ceravolo, Ridgefield, Washington, urged the Council to adopt the bold goals for its climate strategy and act as quickly as possible.
- Monica Zazueta, Vancouver, urged community members to focus attention on how to help other members of the community who are experiencing homelessness feel like they are a part of this community. She also urged the Council to adopt the boldest goals possible for its climate strategy.
- Ben Bierman, Vancouver, spoke in strong support of the Council adopting the boldest plan possible for its climate strategy and the quickest phase-out of natural gas.
- Jonah Kropp, Vancouver, urged the Council to be stringent on climate goals, and pursue the most advanced goals possible.
- Jean Avery, Vancouver, congratulated the City on undertaking a comprehensive climate strategy. She read a statement (attached) from Susan Saul, Conservation Chair of the Vancouver Audubon Society, and also urged the City to ensure connected greenspaces through the community and adopt the boldest climate goals possible.
- Teresa Hardy, Vancouver, urged the City to require developers to reach the highest building efficiency standards available, and put leading edge climate goals on the table for consideration.
- Nate Stokes, Vancouver, representing IUOE Local 701, urged the City to work with the energy and building trades to determine how best to invest in renewable energy sources while also diversifying the electrical system.

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

Executive Session re: Labor Negotiations Strategy (1 hour)

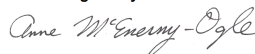
Mayor McEnerny-Ogle announced the Council would be entering into executive session at 7:30 for one hour to discuss Labor Negotiations Strategy. No action would be taken.

Mayor McEnerny-Ogle reconvened the public session at 8:06 p.m. to adjourn the Council meeting.

Adjournment

8:06 p.m.

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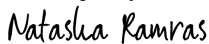


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Anne McEnerny-Ogle, Mayor

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 on file in the office of the City Clerk for a period of six years.



1499 SE Tech Center Place, Ste. 380
 Vancouver, WA 98683
 Tel. (360) 567-3900
 Fax (360) 567-3901
www.jordanramis.com

Armand Resto-Spotts

Direct Dial: [REDACTED]

March 19, 2021

City Council
 City of Vancouver
 415 West 6th Street
 Vancouver, WA 98668-1995

Re: ***Proposed Homeless Shelter at Former Howard Johnson Motel***
 Vancouver Mall Issues With Zoning and Use Classification
 Tenant Letters of Support

Dear City Council:

This letter is submitted on behalf of Centennial Real Estate Company, owner and manager of the Vancouver Mall (the "Mall"). This letter regards the Vancouver Housing Authority (VHA), Clark County, and City of Vancouver's Interlocal Agreement regarding acquisition of the Howard Johnson hotel for operation of a homeless shelter. The Mall is deeply concerned that the VHA and the City continue to move forward on operation of this homeless shelter, despite the existence of a critical legal zoning question on the site and the practical concerns of the Mall and businesses in the area about operation of a homeless shelter in this location.

Request for Interpretation of Zoning Code / Appeal of Decision

Through its legal counsel, the Mall previously appeared at the City's February 8, 2021 City Council meeting when it approved the Interlocal Agreement. At that time, the Mall notified the Council of its formal Request for Code Interpretation (VMC 20.255), which the City recently issued on March 12. In that Request, the Mall has questioned the permitted uses within the General Commercial zone, and specifically, whether "homeless shelters" are permitted, under any level of review, at this particular site. In the Mall's view, the City has not adequately demonstrated how this homeless shelter is in fact permitted at this particular property. In fact, as we have noted and presented for the Planning Official's review in our Request for Code Interpretation, City Code does not clearly permit this type of use at the site at all.

The Mall has reviewed the City's final decision and has since appealed that determination to the Hearings Examiner. The Mall remains troubled with the City's interpretation of its code and deeply concerned that the VHA and the City continue to move forward with this proposal while this fundamental legal issue continues to be reviewed. We hope this letter draws the Council's attention to this critical zoning question, and we would respectfully ask that the Councilors consider pausing further movement on the proposed shelter until the legal issues are analyzed, reviewed, and ultimately, settled.

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Practical Concerns – The Mall and Tenants

Beyond that present legal issue, the Mall, and its tenants and surrounding businesses, continue to have serious practical concerns about the operation of a homeless shelter in this location. Many of these tenants and businesses have raised those concerns with the VHA during its neighborhood sessions several weeks ago. Since that time, however, there has been no further community engagement on the proposed shelter—from the VHA or the City.

The lack of clarity and transparency on this land use process is alarming. All of these business owners have chosen to make long-term financial commitments to this particular location. The Mall, along with these business owners, simply seeks clarity and certainty going into the future knowing what potential operations may exist next door, down the street, or in the same street loop as their business.

From the Mall and tenants' perspective, the City has completely failed to demonstrate not just the permissibility of this use at the location, but the practical and economic impacts on the businesses in the Mall and wider area. Given that there has been no opportunity for public discussion on the proposal, the Mall hopes this letter can shed some additional light on the extent of concern from the Mall's business owners. Additionally, the Mall hopes that other tenants and businesses independently submit comment to the City for its consideration and awareness of these very real, very immediate issues.

For nearly 43 years, the Vancouver Mall has served as a regional hub for shopping and entertainment, and most importantly, from a municipal perspective, an established foundation and marker of economic growth and stability for the greater Clark County region. The Mall houses over 140 businesses and in 2019 alone, the Mall generated over \$11 Million in sales revenue for the city and state. The economic vitality and success of the Mall is not just significant for the tenants, but represents an invaluable economic base for the City and County. We hope this letter begins to emphasize to the Council how serious and significant this proposed homeless shelter is to the Mall and its community.

Respectfully,

JORDAN RAMIS PC

Armand Resto-Spotts
Jamie D. Howsley

VANCOUVER AUDUBON SOCIETY

P.O. Box 1966 Vancouver, WA 98668-1966
www.vancouveraudubon.org



March 21, 2021

Dear Mayor and Council Members:

Re: Vancouver Climate Roadmap

The Vancouver Audubon Society thanks you for your work on climate action planning and the transition to a clean energy economy. As a stakeholder in the process, we appreciate the efforts to gather public input.

Action is essential at all levels of society to stop greenhouse gas emissions and slow climate change. Audubon's own science shows that climate change is by far the biggest threat to the birds that we love. That's why Audubon works for solutions to counteract the effects of climate change and achieve net-zero emissions by 2050. This means not only dramatically reducing carbon emissions, but offsetting what we cannot eliminate.

Thanks to major advances in technology, renewable energy has become increasingly more affordable and obtainable for both businesses and individual homes. That's good news for people and birds, since adopting renewable energy is critical to reducing pollution, lowering global temperatures, and preserving the places that birds need to survive.

We urge the city to ensure that fossil fuels are not being designed into new developments, make the moratorium on large scale fossil fuels facilities a permanent ban, and remove any preference for fossil fuels from the policies and targets associated with the Vancouver Climate Roadmap. Scaling up energy efficiency and renewable energy while eliminating fossil fuels is the best pathway to meaningful emissions reductions and meeting the Bold Target of carbon neutrality by 2040.

We are particularly interested in the Connected, Carbon-Rich Natural Systems Strategy since it also offers concurrent opportunities for making Vancouver a city with abundant and healthy populations of birds. We urge you to view the city as a place *of* nature, not apart from it, by maximizing connections with natural landscapes and biodiversity.

We particularly support the strategy to "optimize management of the City's natural lands and tree canopy to increase carbon sequestration and support resilience to extreme events." Nothing we currently know of works better than allowing trees to suck carbon from the atmosphere when they are living, and store it in their branches, roots and the forest soil for centuries after their death. Trees — especially mature forests — are the cheapest, fastest, most reliable form of carbon storage.

We support the Natural Systems strategy that “parks, trails and green spaces will store carbon and connect neighborhoods, enabling more residents to walk, bike, and spend time in nature as part of their daily commute or routine.”

We look forward to implementation plans that include targets for access to nature (such as a park or green space within a five-minute walk for all residents), for habitat restoration and annual tree planting, and for tree canopy, among others – all specific actions that also help birds and conserve local biodiversity. We urge implementation plans that may include rewilding parks and open spaces and reimagining the many smaller spaces, like turfgrass lawns and spaces adjacent to urban buildings and development, as opportunities for bird habitat. Finally, we also urge that these implementation plans place priority on the use of native plants since they best support native birds.

Thank you for your continued commitment to addressing the challenge of climate change in a way that ensures a livable and sustainable city for the future.

Sincerely,

Susan Saul
Conservation Chair
conservation@vancouveraudubon.org