



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

March 16, 2020 - City Council Meeting Minutes

NO WORKSHOPS

COUNCIL REGULAR MEETING

Pledge of Allegiance

Call to Order and Roll Call

The regular meeting of the Vancouver City Council was called to order at 6:30 p.m. by Mayor McEnerny-Ogle in the Council Chambers of City Hall, 415 W. 6th Street, Vancouver, Washington.

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

Absent: None

Councilmember Paulsen participated remotely over conference call.

Approval of Minutes

Minutes - February 24, 2020

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

Minutes - March 2, 2020

Motion by Councilmember Glover, seconded by Councilmember Fox, and carried unanimously to approve the meeting minutes of March 2, 2020. Councilmember Stober abstained.

Proclamations:

- 2020 Census

Mayor McEnerny-Ogle read a proclamation recognizing the 2020 Census and the Complete Count Committee. She read statements from Ophelia Noble, Executive Director of the Noble Foundation, Lexi Bongiorno, also representing the Noble Foundation, and Virginia Prioleau, Complete Count Coalition president and pastor at Triumphant Life Worship Center.

- Transit Employee Appreciation Day

Mayor McEnerny-Ogle read a proclamation proclaiming March 18, 2020, as Transit Employee Appreciation Day.

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

1. 2020 Central Curb Ramps

Staff Report 030-20

Summary

The City is issuing three separate curb ramp contracts this year as part of its 2020 pavement management program. These contracts include the "2020 East Curb Ramps, the "2020 Central Curb Ramps" and the "2020 West Curb Ramps". The purpose of splitting the work into multiple 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 2020 Central Curb Ramps contract only. The 2020 East Curb Ramps were awarded at the February 24 Council meeting. The 2020 West Curb Ramps are also on the March 16 Council agenda.

On February 25, 2020, the City received eight bids for the 2020 Central

Curb Ramps project. The bids ranged from \$343,000 to \$470,000 dollars. The low bidder was responsive. The bids are as follows:

SUMMARY OF BIDS	
BIDDER	AMOUNT
<i>Halme Excavating, Inc., Battle Ground, WA</i>	<i>\$343,763.50</i>
<i>Clark and Sons Excavating, Inc., Battle Ground, WA</i>	<i>\$384,749.54</i>
<i>NW Construction GC Inc., Battle Ground, WA</i>	<i>\$409,979.64</i>
<i>Advanced Excavating Specialists (AES), LLC, Longview, WA</i>	<i>\$414,0088.00</i>
<i>Barcott Construction LLC, Chehalis, WA</i>	<i>\$454,423.64</i>
<i>Lee Contractors LLC, Battle Ground, WA</i>	<i>\$ 455,388.40</i>
<i>MJ Hughes Construction, Vancouver, WA</i>	<i>\$460,309.76</i>
<i>3 Kings Environmental, Inc., Battle Ground, WA</i>	<i>\$469,379.59</i>
<i>Engineers' Estimate</i>	<i>\$400,000.00 to \$450,000.00</i>

Request: On March 16, 2020, award a construction contract for the 2020 Central Curb Ramps project to the lowest responsive and responsible bidder; authorize the City Manager or his designee to sign a contract with Halme Excavating, Inc. from Battle Ground, Washington, at their bid price of \$343,763.50, which includes Washington State sales tax; and authorize the City Manager to approve any subsequent legal action necessary to enforce the terms of such contract.

Chris Sneider, Senior Civil Engineer, 487-8239

Motion approved the request.

2. **2020 West Curb Ramps**

Staff Report 031-20

Summary

The City is issuing three separate curb ramp contracts this year as part of its 2020 pavement management program. These contracts include the "2020 East Curb Ramps, the "2020 Central Curb Ramps" and the "2020 West Curb Ramps". The purpose of splitting the work into multiple 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 2020 West Curb Ramps contract only. The 2020 East Curb Ramps were awarded at the February 24 Council meeting. The 2020 Central Curb Ramps are also on the March 16 Council agenda

On March 3, 2020, the City received seven bids for the West Curb Ramps project. The bids ranged from \$407,000.00 to \$562,000.00 . The low bidder was responsive. The bids are as follows:

SUMMARY OF BIDS	
BIDDER	AMOUNT
<i>Clark and Sons Excavating, Inc., Battle Ground, WA</i>	<i>\$407,200.00</i>
<i>Halme Excavating, Inc., Battle Ground, WA</i>	<i>\$423,515.00</i>
<i>NW Construction GC Inc., Battle Ground, WA</i>	<i>\$424,985.00</i>
<i>Advanced Excavating Specialists (AES), LLC, Longview, WA</i>	<i>\$479,900.00</i>
<i>3 Kings Environmental, Inc., Battle Ground, WA</i>	<i>\$524,650.00</i>
<i>Lee Contractors LLC, Battle Ground, WA</i>	<i>\$551,400.00</i>
<i>MJ Hughes Construction, Vancouver, WA</i>	<i>\$561,489.60</i>
<i>Engineers' Estimate</i>	<i>\$550,000.00</i>
	<i>to</i>
	<i>\$600,000.00</i>

There is a minimum apprenticeship goal of 3% of the utilized labor hours for this project (based on the Engineer's Estimate and/or actual bid being greater than \$500,000). Clark and Sons Excavating, Inc., Battle Ground, WA, has submitted an Apprenticeship Utilization Plan to meet or exceed this goal.

Request: On March 16, 2020, award a construction contract for the 2020 West Curb Ramps project to the lowest responsive and responsible bidder; authorize the City Manager or his designee to sign a contract with Clark and Sons Excavating, Inc., from Battle Ground, Washington, at their bid price of \$407,200.00, which includes Washington State sales tax; and authorize the City Manager to approve any subsequent legal action necessary to enforce the terms of such contract.

Chris Sneider, Senior Civil Engineer, 487-8239

Motion approved the request.

3. **2018 Joint Agency Slurry Seal Project Contract Amendment (for 2020 work)**

Staff Report 032-20

Summary

On April 3, 2018, the City received bids for the 2018 Joint Agency Slurry Seal Project, which was awarded to Blackline, Inc, of Vancouver, Washington, with the City of Vancouver's portion of the work being approved for \$412,180.00. As part of the bid, the contractor executed a separate contract with each agency. In addition, the participating agencies reserved the right to extend the contract for two (2) one-(1) year periods with the same terms and conditions and the option to review unit prices for adjustment due to inflation and amount of work.

At the end of 2019, the City and partnering agencies discussed a contract extension with Blackline for 2020 and decided that it was in the parties' mutual best interests to enter into such an extension. All 2020 work quantities were sent to Blackline, Inc. and proposed 2020 pricing was agreed upon for the unit bid items. The estimated 2020 City of Vancouver portion of the work is \$438,750.00.

Request: On March 16, 2020, amend the construction contract with Blackline, Inc, of Vancouver, Washington, for the 2018 Joint Agency Slurry Seal Project for sealing for one (1) additional year for the adjusted bid price of \$438,750.00, which includes Washington State sales tax.

Chris Sneider, Senior Civil Engineer, 487-8239

Motion approved the request.

4. **Additional purchase of video production, broadcast equipment, and related services – Advanced Broadcast Solutions, LLC**

Staff Report 033-20

Summary

The current franchise agreements between the City, Clark County, Comcast of Washington V, LLC, and Qwest Broadband Services, Inc. d/b/a CenturyLink provide for a capital contribution in the amount of \$1/month per subscriber for support of Public, Education, and Government (PEG) access and monthly transport costs for public I-NET users. This contribution may only be awarded to designated access providers and public I-NET users. Typically Clark/Vancouver Television is awarded between \$250,000 and \$350,000 annually for video production equipment through budget

allocations from the PEG Capital Fund and/or review and approval of PEG grant requests by Council and the Clark County Council.

Currently, the City purchases video production equipment through the City of Seattle contract. The estimated spending at Advanced Broadcast Solutions, LLC in 2020 is expected to exceed the \$850,000 previously approved amount requiring another Council approval. The raising of this threshold will enable Clark/Vancouver Television to order video equipment in an expeditious manner while taking advantage of the City of Seattle contract's competitive pricing.

Clark/Vancouver Television is requesting Council approve the increased spending at Advanced Broadcast Solutions, LLC up to \$1,250,000 threshold against this contract, which covers five (5) years with an additional two (2) year extension, December 1, 2013, through November 30, 2020.

Request: Authorize the purchase of additional video production equipment from Advanced Broadcast Solutions, LLC through City of Seattle Contract #03178 at an amount not to exceed \$1,250,000 over the life of the contract, which expires November 30, 2020; authorize the City Manager or designee to execute contract amendments memorializing the same; and authorize the City Manager to approve any subsequent legal action necessary to enforce the terms of such contract.

Jim Demmon, Video Services Manager, 487-8706

Motion approved the request.

5. Mutual Law Enforcement Assistance Agreement for Canine Unit Training

Staff Report 034-20

Summary

KPD intends to add a dual-purpose K-9 to KPD and has requested that VPD train the police service dog. VPD has a certified K-9 trainer and will be running an academy to certify a new K-9 for VPD's program in April 2020. VPD will benefit if KPD participates in the academy because KPD will provide additional help and having two dogs in the program allows for better feedback and skills assessment. Also having another certified K-9 in the region assists when there are multiple high profile incidents occurring at the same time.

Request: Authorize the City Manager or his designee to execute the

attached Mutual Law Enforcement Assistance Agreement for Canine Unit Training and take any and all action necessary to enforce the terms thereof.

Lt. Kathy McNicholas, Vancouver Police Department, 487-7442

Motion approved the request.

6. Approval of Claim Vouchers

Request: Approve claim vouchers for March 16, 2020.

Motion approved claim vouchers for March 16, 2020, in the amount of \$1,224,873.76.

Public Hearings (Item 7-9)

7. Declaration of Real Property as Surplus – NE 28th Street / NE 145th Avenue, Burton Special Facility / Drainage Facility

Staff Report 035-20

A RESOLUTION of the City of Vancouver declaring certain real property as surplus, directing its disposal and method of disposition.

Burton Special Facility, also known as Burton Drainage Facility, is approximately 6.96 acres located immediately east of Evergreen High School. The property was acquired by Clark County Parks and transferred to the City prior to 2000 through annexation. There are no records indicating that the site was acquired with park impact fees, utility or grant funding, therefore no associated deed restrictions encumber the property title or sale.

The northern 2.2 acres are used for stormwater treatment/infiltration with the remaining area programmed by Evergreen School District as a practice soccer field. No City recreation programming occurs at this location and there are no City Park capital improvements. The property is currently classified as urban natural area in the park land inventory.

Evergreen School District proposes major improvements and redesign of the Evergreen High School complex in part due to an increased need for additional sports fields to serve expanding enrollment. In response ESD

approached the City to explore opportunities to collaborate on joint sports field improvements at this location. The analysis concluded that the site is too small to serve the league needs of both agencies, and resources are not available through existing City funding sources for the City to pursue sports complex improvements independently.

Although some surrounding neighbors use the site for passive recreational use, this area is within the half-mile service area of two recently improved parks, including Diamond and First Place Neighborhood Parks. The site is surrounded on three sides by school ownership and further isolated from the larger vicinity by a significant grade change and limited road access. It has been a long standing practice to co-locate neighborhood parks with elementary schools rather than upper grades in order to minimize off-campus nuisance behaviors on park properties. All combined these factors conclude that this site is not well suited for consideration of future neighborhood park development. The Parks Department and ESD have received inquiries from a few neighbors about current on-site survey activity and they expressed support of continued use for school related sports activities.

Following continued discussions with ESD, Public Works and Stormwater staff, Parks is recommending the 4.76 acres located outside of the stormwater treatment area be declared as surplus for disposition. Declaring the property surplus and allowing for sale of the acreage to the adjoining property owner would allow ESD the opportunity to meet their identified need to expand sport field use and sale proceeds can be used at alternative locations to address priority City Park projects. The total parcel is assessed at \$1,047,640 and appraised at \$950,223 (excluding the 2.2 acre stormwater treatment area). The revenue will not be encumbered by park impact fee concurrency or grant use restrictions.

The Parks and Recreation Advisory Commission reviewed this proposal on February 19th and supports the surplus of the estimated 4.76 acres and disposition through negotiations with Evergreen School District for purchase of the property for sports field development.

The parcel submitted for Council review as surplus is outlined in the attached Surplus Property Report and a map (Exhibit A). Declaration of surplus is the first of a two-step process outlined in the Vancouver Municipal Code (Chapter 3.30) to determine if properties are surplus to the needs of the City and where such liquidation provides a reasonable return. The second step, disposition, requires a separate hearing and action prior to actual sale of the property.

Request: On Monday, March 16, 2020, subject to public hearing, adopt a resolution declaring the subject property as surplus.

Linda Carlson, Property Management Specialist, 487-8423;

Monica Tubberville, Senior Planner, 487-8353

City Manager Eric Holmes requested Council continue this public hearing to a future date uncertain due to the recommendations for social distancing to prevent the spread of COVID-19 and in an effort to ensure the community has a full opportunity to provide testimony on the issue in a manner that is safe and not restrictive.

Mr. Holmes provided an overview of the proposed surplus action.

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

- Paul Fallon, Vancouver, stated that many people in the surrounding neighborhoods utilize this open space for walking, and the development of the majority of the parcel into sports fields would greatly impact neighbors immediately adjacent to and also further back from site. He urged the City to expand its notification of future actions regarding this property to residences within at least 10-15 blocks of the parcel. He also expressed concerns about light pollution resulting from evening and night games.

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

Councilmember Fox stated she is sure staff completed the legal notifications at the minimum requirements, but hearing about the walkability issues in the neighborhood and the use of this parcel by residents, she would encourage notice to residences within a half mile.

Councilmember Stober stated he would be interested in hearing from Evergreen School District how a future Evergreen Park fits into the larger context of the school district's intentions for this subject parcel.

This public hearing was continued to a future date uncertain once the COVID-19 emergency declaration has been lifted.

8. **Amendment to VMC Ch. 2.57 Increasing the Number of Civil Service commissioners from three (3) to five (5)**

Staff Report 027-20

AN ORDINANCE amending Vancouver Municipal Code 2.57.010 to increase the number of Civil Service commissioners, redefine a quorum thereof, and provide for savings, severability, and an effective date.

Summary

At their 2019 retreat, the City Council confirmed an interest in expanding

the composition of the Civil Service Commission from 3 to 5 members, and to designate at least one seat on the commission as being labor representatives.

Pursuant to VMC 2.57.010, the current composition of the Civil Service Commission is currently limited to three (3) commissioners, with a quorum consisting of two (2) commissioners.

This change to the municipal code adds two seats to the commission for a total of five members, and stipulates that at least one appointment shall be filled by a union representative. Three commissioners will constitute a quorum.

Request: On Monday, March 16, 2020, subject to second reading and public hearing, approve ordinance.

Michael Nigrey, Assistant City Attorney, 487-8504

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

City Attorney Jonathan Young provided an overview of the proposed action.

Councilmember Stober asked which employees the Civil Service Commission's authority covers. Mr. Young stated it includes employees working within the Vancouver Fire Department and the Vancouver Police Department. Mr. Holmes clarified that it includes a vast majority of the civilian and commissioned employees within those departments.

Councilmember Stober asked how union representation would be ensured among the membership of the commission. Mr. Young stated that these seats are appointed by Council, who would have discretion in reviewing candidates for those specific seats, and he believes there is already strong union representation on the commission.

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

Motion by Councilmember Stober, seconded by Councilmember Glover, and carried unanimously approved Ordinance M-4291.

9. **Continuation of a temporary moratorium on the acceptance and processing of applications for permits for the development of new structures; the expansion of existing structures; or subdivisions in the Tower Mall area**

Staff Report 028-20

AN ORDINANCE declaring an emergency and continuing a temporary moratorium for the duration of six months upon the acceptance and processing of applications for permits for the development of new structures; the expansion of existing structures; or subdivisions in the Tower Mall area as defined herein; establishing six months as the tentative effective period of this ordinance; and establishing an immediate effective date.

Summary

The Heights District Subarea is identified as a future urban center in the City of Vancouver Comprehensive Plan. In order to establish a vision for the area and guide its future growth and development, the City of Vancouver is undertaking a subarea planning process for the Heights District. In June 2017, the Vancouver City Council approved the purchase of an 11.83-acre parcel known as the Tower Mall site. Following the purchase of the property, Council adopted a six-month development moratorium for the site and adjacent properties in the Tower Mall area, and has adopted five subsequent ordinances continuing the temporary moratorium, in November 2017, May 2018, November 2018, April 2019, and October 2019. This temporary moratorium prohibits the acceptance and processing of applications for permits for the development of new structures, the expansion of existing structures, or subdivisions in the Tower Mall area.

After purchase of the Tower Mall site in May 2017, the City initiated a subarea planning process for the 205-acre Heights District. Over the last two years, City staff and a consultant team have conducted extensive public outreach on the future of the Heights District, including one-on-one meetings, focus groups, group presentations, large public open houses, and online surveys. Staff have heard from a variety of stakeholders, including neighborhood associations, property owners, residents, Vancouver Public Schools, C-TRAN, the faith community, social service providers, non-profit organizations, community members with mobility challenges and people with disabilities, and a 20-member Community Advisory Committee that meets monthly and helps guide project decision-making.

In addition to public outreach, the project team has completed a detailed technical analysis of existing land use, transportation, and environmental conditions, as well as a feasibility study to determine what future uses and development typologies the market will support. Information gathered through the public outreach process, technical analysis, and market study informed the development of conceptual redevelopment alternatives for the Tower Mall Area, which were presented to the public in fall 2018 for input and feedback. Based on this public engagement and guided by the project goals, a draft redevelopment concept for the Tower Mall area was developed and made available for public review starting in April 2019. The draft redevelopment concept responds to public input that highlights the need for programmable open space, safer mobility and

increased connectivity, a variety of housing types, and amenities that encourage community integration and support health, equity and wellness.

In the second half of 2019, the project team continued to refine the redevelopment plan for the former Tower Mall, and incorporated this into a draft Heights District Plan that includes policies and recommendations for the entire District as well as those specific to the redevelopment area. District-wide recommendations related to land use, transportation, housing, economic development, parks and open space, and sustainability are included in the draft plan.

A public comment draft of the plan was released in November 2019, in advance of planned workshops with the Planning Commission and the City Council. Based on feedback gathered through ongoing public engagement, the draft plan was refined and an updated draft was released in January of this year. Along with the updated plan, a draft environmental impact statement (DEIS) was also released on Jan. 23, and provides an analysis of environmental impacts and outlines mitigation measures. Implementation steps, including the adoption of development regulations required to implement the vision established by the plan, will be developed and presented to Council for consideration and adoption in the third quarter of 2020.

Continuation of the moratorium allows staff the time to complete the subarea planning process for the area that is currently underway and is anticipated to be completed in May of this year. A continuation of the temporary moratorium is necessary to ensure that future development aligns with the vision articulated in the forthcoming plan. This is intended to be the final extension of the development moratorium.

Request: On March 16, 2020, subject to second reading and public hearing, approve ordinance.

Rebecca Kennedy, Long Range Planning Manager, 487-7896

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

Rebecca Kennedy, Long Range Planning Manager, provided an overview of the moratorium and the Heights District planning process.

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

Motion by Councilmember Stober, seconded by Councilmember Glover, and carried unanimously to approve Ordinance M-4292.

New Business: Presentation of Declaration of Emergency

Mr. Holmes introduced the Declaration of Civil Emergency in and for the City of Vancouver, Washington (2020-01), authorizing the City to take measures to minimize the contraction and spread of the COVID-19 virus within the community. He explained that he issued the declaration of emergency on March 13, 2020, consistent with the statewide declaration of emergency and guidance issued by public health officials, the CDC and the World Health Organization. Mr. Holmes outlined the measures the City had taken so far to minimize the spread of the virus, including closure of City facilities, cancelation of public events, and implementation of a telework policy for City employees. Mr. Holmes summarized the emergency actions being taken by other agencies in the surrounding area and explained the City is working in close consultation with the Clark Regional Emergency Services Agency (CRESA) and Clark County Public Health.

Mr. Holmes explained the City Manager has authority under VMC 2.12 to issue a declaration of emergency provided that it is ratified by the City Council at the earliest convenience.

Motion by Councilmember Lebowsky, seconded by Councilmember Stober, and carried unanimously to adopt Resolution M-4061 to ratify the Declaration of Civil Emergency No. 2020-01 issued by the Vancouver City Manager at 14:30 hours on March 13, 2020.

Communications

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

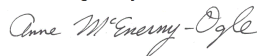
Executive Session re: Potential Litigation

Mayor McEnerny-Ogle announced the Council would be entering into executive session to discuss potential litigation.

Executive session convened at 8:05 p.m. and concluded at 9:10 p.m.

Adjournment

9:10 p.m.

DocuSigned by:

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Anne McEnerny-Ogle, Mayor

Attest:

DocuSigned by:
Natasha Ramras
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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.