



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

March 9, 2020 - City Council Meeting Minutes

WORKSHOPS

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

4:00-6:00 p.m. A Stronger Vancouver: Review of Final Package

This workshop was held in the Aspen Room (1st floor) at City Hall.

Summary

Council continued discussions regarding the final programs and services for the Stronger Vancouver package and provided feedback on funding options. The discussion will continue at future work sessions.

Executive Session re: Cyber Security (30 minutes)

Mayor McEnerny-Ogle announced the Council would be entering into executive session for 30 minutes to discuss cyber security.

COUNCIL CONSENT AGENDA MEETING

Pledge of Allegiance

Call to Order and Roll Call

The regular meeting of the Vancouver City Council was called to order at 6:31 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

Proclamation: Transgender Day of Visibility

Mayor McEnerny-Ogle read and presented a proclamation to Owen McHatton and Brian Montano, representing the Imperial Sovereign Court of the Raintree Empire, proclaiming March 31, 2020, as Transgender Day of Visibility.

Citizen Communication (Items 1-4)

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

Consent Agenda (Items 1-4)

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

1. 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 9, 2020, approve ordinance on first reading, setting date of second reading and public hearing for Monday, March 16, 2020.

Michael Nigrey, Assistant City Attorney, 487-8504

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

Motion approved the request.

2. 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 9, 2020, approve ordinance on first reading, setting date of second reading and public hearing for Monday, March 16, 2020.

Rebecca Kennedy, Long Range Planning Manager, 487-7896

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

Motion approved the request.

3. Settlement of Workers' Compensation Claim by Doug Murray

Staff Report 029-20

Summary

Vancouver Fire Captain Doug Murray injured his back in 2012, which eventually led to his medical separation roughly two years later. Workers' compensation laws required the City to pay for not only his medical benefits but also his time loss. The City sought to suspend his benefits due to what was alleged to be non-cooperation in the vocational rehabilitation program, for which the City paid to ensure Mr. Murray could re-enter the workforce in a different capacity. The Board of Industrial Insurance Appeals denied the City's request, and the City appealed that decision to Superior Court, where trial is scheduled to take place later this year.

The City has an excess insurance policy that covers all expenses once the self-insured retention is exhausted. That has occurred. The insurance company has reached a settlement with Mr. Murray and his attorney to avoid ongoing exposure, which is subject to approval by the Board of Industrial Insurance Appeals. The terms of the settlement call for an initial \$32,650 lump sum payment, followed by 81 monthly payments of \$5,000, and a final payment of \$2,350. The entirety of the settlement will be paid by the City's third-party administrator, which will then be able to seek immediate reimbursement from the City's insurance carrier. Even though no City expenditure is necessary for this settlement, Council approval is necessary because it is resolving a claim.

Request: Authorize the City Manager to execute any and all settlement documents needed to resolve Doug Murray's workers' compensation claim stemming from his injury in 2012 in the agreed amount described above, to be paid by the City's Third-Party Administrator, and subject to full reimbursement of the settlement amount by the City's insurance company; and authorize the City Manager to approve any subsequent legal

action necessary to enforce the terms of the same.

Dan Lloyd, City Attorney's Office, 487-8500

Motion approved the request.

4. Approval of Claim Vouchers

Request: Approve claim vouchers for March 9, 2020.

Motion approved claim vouchers for March 9, 2020, in the amount of \$8,205,123.52

Citizen Forum

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

- Terry Phillips, Vancouver, expressed concerns about the Heights District Plan Draft Environmental Impact Statement, and requested the public comment period be extended an additional 60 days.
- Joe Fernald, Vancouver, thanked the City for not including surrounding churches in the rezone plan for the Heights District, and expressed concerns about transparency of the planning process.
- Kate Dulemba, Vancouver expressed concerns about the Westside Bike Mobility project and requested more details about projected costs and a timeline for the project.
- Jim Luce, Vancouver, expressed support for the City's purchase of the Tower Mall site, and requested a 60-day extension of the public comment period for the Heights District Plan Draft Environmental Impact Statement.
- Glen Yung, Vancouver, expressed concerns about the City's utilization of public feedback regarding the Westside Bike Mobility project.
- Sean Denniston, Vancouver, expressed concerns about the Providence Academy redevelopment project and urged the City to set new policy for the preservation of the site to increase protections of it, as well as other historical sites in the city.
- Marianne Russell, Vancouver, expressed concerns about the Providence Academy redevelopment project, and urged the City to reconsider the

impacts to the historic site.

- Janice Ritter, Vancouver, thanked the City for not including surrounding churches in the rezone plan for the Heights District, expressed concerns about parking and traffic impacts that could result from implementation of the Heights District Plan, and requested a 60-day extension of the public comment period for the Heights District Plan Draft Environmental Impact Statement.
- Mary Lou Putnam, Vancouver, expressed concerns that the Council did not seek compromise on the Westside Bike Mobility project, and stated instead the decision on the project polarized the community.
- Janet Hedgepath, Vancouver, thanked the City for proposing to include a focus on climate and energy within the update of the City's Strategic Plan, and urged the City to ban all new fossil fuel infrastructure projects.
- Maldus Alver, Vancouver, expressed concerns about rental management companies and their eviction policies contributing to homelessness.
- Teresa Hardy, Vancouver, spoke regarding resources for and future development of City parks and recreation assets and programs.
- Don Steinke, Vancouver, urged the City to set aggressive greenhouse gas emission reduction targets.
- James Dougherty, Vancouver, expressed concerns about negative impacts of the Navigation Center on the surrounding community and the operations of the center being in compliance with the Hearing Examiner's land use decision regarding the site.
- Mary Todd, Battle Ground, Washington, spoke in support of the City's proposal to include a focus on climate and energy within the update of the City's Strategic Plan, and requested the City set a target of reducing greenhouse gas emissions by at least 10 percent annually.
- Monica Zazueta, Vancouver, urged the City to act now on adopting a Climate Action Plan.
- Gary Wallace, Kalama, Washington, urged the City to set aggressive targets for reducing greenhouse gas emissions.
- Terry Ibert, Vancouver, expressed concerns about the Westside Bike Mobility project process and urged the City to conduct a review of that process.
- Den Mark Wichar, Vancouver, urged the City adopt a strong climate action plan and lead other communities in that regard.
- Ryan Welch, Vancouver, thanked the City for proposing to include a focus on climate and energy within the update of the City's Strategic Plan, and urged

the City to adopt a strong climate action plan.

- Dr. Shana Sundstrom, Vancouver, thanked the City for proposing to include a focus on climate and energy within the update of the City's Strategic Plan, and urged the City to also strategically plan for how to mitigate and address the impacts of climate change.
- Peter Fels, Vancouver, thanked the City for proposing to include a focus on climate and energy within the update of the City's Strategic Plan, but expressed concerns that the time frame is not quick enough and urged the City to take actions in the meantime to reduce emissions locally.
- Cathryn Chudy, Vancouver, thanked the City for proposing to include a focus on climate and energy within the update of the City's Strategic Plan, and urged the City to pass a resolution making a statement on the climate crisis and committing to taking action.
- Alona Steinke, Vancouver, thanked the City for proposing to include a focus on climate and energy within the update of the City's Strategic Plan, and urged the City to adopt aggressive targets for reducing greenhouse gas emissions.
- Lisa Gay, Vancouver, representing Citizens Climate Lobby, urged the Council to adopt a Climate Action Plan.
- Mark Leed, Vancouver, thanked the City for proposing to include a focus on climate and energy within the update of the City's Strategic Plan, and urged the City to ban all new fossil fuel infrastructure projects.
- Tina Brakefield, Vancouver, urged the City to adopt a Climate Action Plan, and requested that the master composting and recycling classes happen more frequently to increase education in the community.
- Tracy Ceravolo, Ridgefield, Washington, urged the Council to adopt a Climate Action Plan and make being a green city Vancouver's identity.
- Caroline Ceravolo, Ridgefield, Washington, stated the climate crisis should be getting the same media attention as the COVID-19 outbreak, and urged the City to adopt an enforceable climate action plan immediately.
- Caleb Ceravolo, Ridgefield, Washington, urged the City to adopt an enforceable climate action plan immediately.

Council agreed to extend Citizen Communication past the 90 minute limit.

- Linda Leonard, Kalama, Washington, urged the City to stop new fossil fuel infrastructure and adopt a strong, enforceable climate action plan.
- Linda Horst, Kelso, Washington, urged the City to adopt a strong, enforceable climate action plan.

- Tim Emineth, Vancouver, urged the City to take steps to lower greenhouse gas emissions.
- Kate Murphy, Portland, Oregon, representing Columbia Riverkeeper, urged the City to adopt a strong, enforceable climate action plan in step with what action the Port of Vancouver has taken.
- Danielle Jokela, Vancouver, noted it has been a year since a number of officer-involved shootings resulted in the deaths of young men in Vancouver. She thanked the City for steps that have been taken so far to improve relationships and understanding, but stated that more improvements are needed.
- Michelle Briede, Vancouver, representing the Heights District Neighborhood Coalition, thanked the City for not including surrounding churches in the rezone plan for the Heights District, and requested a 60-day extension of the public comment period for the Heights District Plan Draft Environmental Impact Statement.
- Kate Fernald, Vancouver, thanked the City for not including surrounding churches in the rezone plan for the Heights District, and requested a 60-day extension of the public comment period for the Heights District Plan Draft Environmental Impact Statement.
- Marsha Joslin, Vancouver, expressed concerns about racial profiling resulting in unemployment for people of color.
- Margaret Bomber, Vancouver, expressed concerns about the Heights District plan and the impact increased density in that area could have on the surrounding neighborhoods.

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

Mayor McEnerny-Ogle asked how the comment period on the Draft Environmental Impact Statement could be extended. City Manager Eric Holmes explained that the decision is up to the Planning Official, but Council could provide a recommendation to do so for the Planning Official to take under consideration.

Motion by Councilmember Hansen, seconded by Councilmember Stober, to recommend extension of the Heights District Draft Environmental Impact Statement comment period.

Mayor McEnerny-Ogle asked how long that extension would be. City Attorney Jonathan Young stated it would be at least 14 days but recommended Council clarify the motion to include the Council's preferred time frame.

Motion by Mayor McEnerny-Ogle, seconded by Councilmember Fox, and carried unanimously to amend the motion to recommend a 60-day extension of the comment period for the Heights District Draft Environmental Impact Statement.

Mr. Holmes reminded the Council that there is a development moratorium on the Tower Mall site that Council may extend another six months, but the key to lifting that moratorium is making sure development regulations are in place, which cannot happen until the Heights District Plan is adopted. As such, extending the comment period could cause delays to both actions.

Councilmember Paulsen thanked Mr. Holmes for the reminder, stating that he wants to ensure the City is working toward consensus on this project, and if that necessitates a further extension of the moratorium, he would find that trade-off acceptable.

Mayor McEnerny-Ogle urged residents who have questions about the plan to contact staff and get further information.

Motion to recommend to the Planning Official a 60-day extension of the Heights District Plan Draft Environmental Impact Statement comment period carried unanimously.

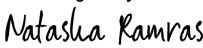
Adjournment

8:42 p.m.

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Anne McEnerny-Ogle, Mayor

Attest:

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Natasha Ramras, City Clerk

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