



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

March 1, 2021 - Vancouver City Council Meeting Minutes

WORKSHOPS

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

Councilmember Lebowsky absent from workshops.

4:00-5:00 p.m. 2021 CDBG, HOME, and Affordable Housing Fund Application Prioritization

Peggy Sheehan, Community Development Programs Manager, 360-487-7952; Andrew Westlund, Assistant Planner; Bryan Monroe, Associate Planner

Summary

Staff provided Council with an overview of the proposed grant awards for the 2021 CDBG, HOME, and Affordable Housing Fund programs.

5:00-6:00 p.m. VPD Drug Enforcement Activities

Mike Lester, Assistant Police Chief, 360-487-7494; James McElvain, Vancouver Police Chief

Summary

Vancouver Police Department staff provided Council with an update of the department's drug enforcement activities and regional partnerships.

REGULAR COUNCIL MEETING

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

Call to Order and Roll Call

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

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

Absent: Councilmember Lebowsky

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

Also present on the call were the following: Eric Holmes, City Manager; Jonathan Young, City Attorney; Amanda Delapena, Assistant to the City Council; Teresa Brum, Economic Development Division Manager; Chad Eiken, Community and Economic Development Director; Julie Hannon, Parks and Recreation Director; Aaron Lande, Program and Policy Manager; Ryan Lopossa, Streets and Transportation Manager; Andy Meade, Marshall Recreation Center Director; Bryan Monroe, Associate Planner; Andrew Reule, Senior Planner; Peggy Sheehan, Community Development Programs Manager; Chris Sneider, Senior Civil Engineer; Alicia Sojourner, Diversity, Equity and Inclusion Director; and members of the public.

Approval of Minutes

Minutes - February 8, 2021

Motion by Councilmember Glover, seconded by Councilmember Fox, and carried unanimously to approve the meeting minutes of February 8, 2021

Proclamations:

Red Cross Month

Mayor McEnerny-Ogle read and presented a proclamation proclaiming March 2021 as Red Cross Month.

COVID Memorial Day

Mayor McEnerny-Ogle read and presented a proclamation proclaiming March 1, 2021, as COVID-19 Memorial Day.

Citizen Communication (Items 1-3)

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

Consent Agenda (Items 1-3)

Council requested Item 1 be pulled for discussion as summarized below.

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

1. Broadway Corridor Improvements

Staff Report 033-21

Summary

The 2021 Broadway Corridor Project is being constructed as part of the Pavement Management program. This project involves paving with hot mix asphalt on Broadway from E. 13th Street to McLoughlin Blvd. It also involves replacing and upgrading existing sewer and water main. In addition, 300 linear feet of sidewalk will be repaired and 7 existing curb ramps will be upgraded to current ADA standards along corridor.

This is the first of two phases of the corridor improvement project. The second phase is scheduled for construction in 2022. The second phase will extend from E 6th Street to E 13th Street. It will also include upgrading the existing sewer and water mains, paving the full street width, and repairing damaged sidewalk.

On February 2, 2021, the City received seven bids for the subject project. The bids ranged from \$1.3 to \$1.6 million. The low bidder was responsive. The bids are as follows:

SUMMARY OF BIDS	
BIDDER	AMOUNT
<i>Catworks Construction, Vancouver, WA</i>	<i>\$1,349,727.70</i>
<i>Clearwater Contracting, Nampa, ID</i>	<i>\$1,400,183.28</i>
<i>Nutter Corporation, Vancouver, WA</i>	<i>\$1,400,869.92</i>
<i>Lee Contractors, Battle Ground, WA</i>	<i>\$1,531,694.83</i>
<i>Advanced Excavating, Longview, WA</i>	<i>\$1,588,403.32</i>
<i>Moore Excavation, Fairview, OR</i>	<i>\$1,612,922.41</i>
<i>Carlson Testing, Tigard, OR</i>	<i>Non-responsive</i>
<i>Engineers' Estimate</i>	<i>\$1,541,084</i>

There is a minimum apprenticeship goal of 4% of the utilized labor hours for this project. Catworks Construction of Vancouver, Washington, has submitted an Apprenticeship Utilization Plan to meet or exceed this goal by using approximately 298 hours of apprentice time of the estimated total of 5,049 applicable labor hours for the project.

Request: On March 1, 2021, award a construction contract for the 2021 Broadway Corridor Improvement Project to the lowest responsive and responsible bidder, Catworks Construction, Vancouver, Washington, at their bid price of \$1,349,727.70, which includes applicable Washington State sales tax, and authorize the City Manager or designee to execute the same.

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

Councilmember Stober noted that with this and other upcoming pavement management projects, the City would be opening up quite a bit of roadway and asked if there would be an opportunity to lay down conduit for fiber optics while the roadway was dug up.

Chris Sneider, Senior Civil Engineer, stated that was not something staff specifically had looked at for this project but something that could be evaluated.

Ryan Lopossa, Streets and Transportation Manager, stated Public Works staff will start looking into incorporating this into projects, and stated for this specific project, adding that conduit should be something that could be added through change orders to the project at a relatively low cost.

Motion approved the request.

2. Bid Award for Marshall Pool Resurface, per Bid # ITB 21-5

Staff Report 034-21

Summary

Marshall pool is currently closed after consultation with Clark County Health Department noted the deterioration of the current painted pool surfaces. The paint deterioration causes turbidity and water clarity issues during pool use and repainting is not a viable solution. A full resurfacing is the only remedy to the current issue. The detailed specifications in the current bid will ensure effective paint removal, surface preparation and installation of a durable and long lasting sprayed on fiberglass. This is the same product that was installed at Firstenberg Community Center in 2018.

On February 17, 2021, the City received 1 bid for the subject project for \$428,180, from Advanced Pool Coatings of Loomis, CA. The Engineer's Estimate for this project was \$400,000. The low bidder was responsive.

On February 17, 2021, the Parks and Recreation Advisory Commission reviewed and approved the bid results and recommended this item move forwarded expediently.

Request: On March 1, 2021, award a construction contract for the Marshall Pool Resurface project to the lowest responsive and responsible bidder, Advanced Pool Coatings, Loomis, CA, at their bid price of \$428,180.00, which includes Washington State sales tax, and authorize the City Manager or designee to execute the same.

Andy Meade, Marshall Recreation Center Director, 360-487-7098; Justin Serface, Public Works Supervisor, 360-487-8386

Motion approved the request.

3. Approval of Claim Vouchers

Request: Approve claim vouchers for March 1, 2021.

Motion approved claim vouchers for March 1, 2021, in the amount of \$3,456,882.56.

Public Hearings (Items 4-6)

4. **Multifamily Tax Exemption: Bennett Apartments**

Staff Report 035-21

A RESOLUTION of the City Council of the City of Vancouver approving an agreement with Ten Talents Investments 24, LLC for an 8 year property tax exemption for the property located on the city block between W 16th and 17th Streets and Columbia and Washington Streets (Tax Lots 52830000, 46570000, 56930000, 52780000, 52790000, 52800000) in Vancouver, Washington, as specifically described in Exhibit A.

Summary

Hurley Development LLC is requesting a multifamily tax exemption for a new mixed-use development. The proposed development will be a three-story mixed-use building containing 74 apartment units, 7,694 square feet of ground floor retail space and 33 on-site parking spaces. The project will meet minimum parking requirements through additional off-site spaces, adjacent on-street spaces, and allowable reductions.

The project site is located in the Vancouver City Center Vision District northwest of the intersection of Washington Street and W 17th Street. The project site consists of four existing buildings, two commercial and two single family residential. Three of the structures will be demolished to accommodate the new development. The larger commercial building facing Washington Street will be retained and integrated into the new building (residential units will be built above the existing ground floor retail space). The applicant has notified the existing tenants of the proposed project and is working with the remaining tenants to relocate.

The requested tax exemption is for 8 years where 20% of the total units are reserved for tenants earning 100% area median income or less. Currently the HUD 100% area median income in the Portland/Vancouver MSA for a four-person household is \$92,100. Limiting the monthly housing costs to 30% of the gross monthly income, the maximum monthly affordable rent for this income level would be \$2,302.50 per month. The area median income changes overtime and is recalculated annually by HUD.

The proposed residential portion of the development will include studio, 1-bedroom, and 2-bedroom units, 15 of which will be income restricted units.

Per the applicant the unit types and rents will be:

- 48 studio units at \$1,299 per month*
- 20 loft/studios units at \$1,499 per month*
- 4 one-bedroom units at \$1,599 per month*
- 2 two-bedroom units at \$1,999 per month*

The total estimated development cost is \$9.7 million. The City Center Redevelopment Authority reviewed the design of the development on

December 3, 2020, and recommended approval to staff. The CCRA reviewed the multi-family tax exemption request on February 18, 2021.

Over 20 years (with the exemption) the project is estimated to generate nearly \$2.11 million in taxes benefiting all taxing districts (ports, county, city, etc.) with \$682,000 specifically generated for the City of Vancouver. Potentially foregone revenue during the exemption is estimated at \$613,000 for all taxing districts and \$153,000 specifically for Vancouver. Without the proposed development and exemption, the site might remain primarily vacant foregoing the higher developed site tax revenues as well as income restricted residential housing units. Following the 8-year tax exemption period the project will return to the tax rolls at full taxable value.

Request: On Monday, March 1, 2021, following a public hearing, adopt a resolution approving an agreement with Hurley Development LLC and authorizing the City Manager or designee to execute a multi-family housing limited property tax exemption agreement and take any and all action necessary to enforce the terms thereof.

Peggy Sheehan, Community Development Programs Manager, 360-487-7952

Peggy Sheehan, Community Development Programs Manager, provided an overview of the proposed project and requested tax exemption.

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

- Terry Ibert, Vancouver, expressed concerns about the Multifamily Tax Exemption (MFTE) program and the impact the exemptions have on the cost of providing City services to the residents of these projects compounded with the loss of revenue during the exemption period. He expressed concerns regarding zoning issues and adding parking pressure to a part of the city where parking is already stressed.

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

Councilmember Fox asked for clarification of the parking allowances for this project and the potential impacts on the surrounding neighborhood. Andrew Reule, Senior Planner, provided a summary of the minimum parking standards and allowances at the proposed location. Greg McGreevey, representing the applicant Hurley Development, explained that the project would also add about 36 more on-street parking spaces, which are not included or credited in the MFTE agreement. He stated the developer recognizes the parking challenges in the area, which also impact their project's marketability to potential tenants.

Councilmember Stober stated it seems as though the parking standards may need some policy work or perhaps better clarification. He noted it may be an appropriate issue for the the Parking Advisory Committee to look into. He reiterated he strongly disagrees with allowing this level of tax exemption without requiring a public benefit from the developers, which is why he would not be supporting this item.

Councilmember Glover asked whether the proposed project meets the City's current parking regulations. Ms. Sheehan and Mr. Reule confirmed it does. Councilmember Glover stated that the current exemption options are what are included in the City's municipal code and MFTE program, and the developers are following what is currently on the books. She stated it is frustrating if the Council changes expectations while the code remains, even while the Council is exploring improvements to the program based on ongoing questions.

Councilmember Hansen agreed with Councilmember Glover and the applicant is following the current code and policy. He stated he wished there was a better answer to the parking piece for this project.

Councilmember Paulsen agreed that it is not good form to change policy expectations in the midst of an approval process but to take a look at the policy separately to determine whether changes are needed. Regarding the matter of the costs associated with providing City services to tenants of a new multifamily project, he stated the costs would be less than what it would take to support the same number of single family residences so he is not concerned about that issue.

Councilmember Fox asked whether the current project would come in under the current thresholds for Area Median Income (AMI) and whether that would be grandfathered in if the Council makes changes to the AMI definitions for MFTE projects in the future. Ms. Sheehan stated it is her understanding that projects approved under the current AMI levels would be grandfathered in at those same levels if the Council made changes in the future. Councilmember Fox stated she could not support the MFTE program as it is because of those definitions of AMI and other outstanding questions the Council has raised and is working toward addressing with upcoming policy changes.

Councilmember Stober clarified that he was not calling for the parking standards on this specific project to be reviewed, but rather there is an opportunity to review policy standards as a whole and better understand what is currently allowed.

Councilmember Glover stated this project will really activate the surrounding area and support the City's work toward creating 20-minute walkable neighborhoods.

Mr. McGreevey stated he appreciates the larger policy discussion needed on housing and affordability in the community, and his company is looking to do good projects. He stated this project specifically will contribute towards

densification and improving the housing stock. He noted the MFTE program is important to Hurley Development especially for projects like this because of the building code and banking regulations. He stated the best thing developers can have is predictability that if they submit an application that meets the current rules they can be confident it will be allowed to move forward.

Motion by Councilmember Glover, seconded by Councilmember Paulsen, and carried 4-2 to adopt Resolution M-4121 approving the request. Councilmembers Fox and Stober voted No.

5. **Kitterman Annexation**

Staff Report 031-21

AN ORDINANCE relating to approval of an annexation pursuant to RCW 35.13.125; establishing the geographic extent, defining the comprehensive plan and land use designations, and determining the assumption of all or any portion of existing city indebtedness; accepting the certified petition supporting annexation; and providing for an effective date for the Kitterman annexation.

Summary

City staff received a formal annexation petition from a single property owner. The annexation site is .74 acres in size and located at 5115 NE Hazel Dell Avenue which is generally west of Interstate 5 and north of Newhouse Road. The annexation area also includes a parcel of the Washington State right-of-way that is the Burnt Bridge Creek Trail entrance on the east side of Hazel Dell Avenue. Surrounding property uses include Interstate 5 to the east, commercial to the north and south, and residential to the west. The site contains one vacant structure. The applicant intends to redevelop the property in the future. The site is served by the City water and sewer utilities systems.

The current Clark County Comprehensive Plan designation is Commercial (C) with a zoning designation of Community Commercial (CC). Upon annexation into the City of Vancouver the Comprehensive Plan and zoning designation will remain Commercial (COM) and Community Commercial (CC).

At the October 19, 2020, public meeting Council adopted resolution M-4101 to allow the annexation to proceed. The applicant submitted a formal annexation petition that was certified by the Clark County Assessor's office on January 8, 2021. The site has been posted with the hearing dates and relevant information. A public notice was published in the Columbian on January 19, 2021. Staff received two phone calls regarding the project asking about the type of development planned. No objections to the annexation were received.

Request: On Monday, March 1, 2021, subject to second reading and public hearing, approve ordinance on first reading.

Bryan Monroe, Associate Planner, 360-487-7958

Mayor McEnemy-Ogle read the title into the ordinance.

Bryan Monroe, Associate Planner, provided an overview and background of the proposed annexation. He stated at the first reading of this ordinance, questions had been raised about the island territory method and whether the City would be able to utilize that option to annex the adjacent properties to the subject property. He stated he sent certified letters to and called each of the abutting property owners to explain that provision and discuss the potential impacts. He stated both property owners reiterated they were not interested in being annexed into the city. Mr. Monroe stated the individual properties would not meet the island territory method individually, but could be brought into the city together in a combined annexation; however, he stated the City was unlikely to pursue such an annexation as it would be subject to referendum and the City is not currently actively pursuing annexations, only responding to property owner-initiated requests for annexation.

Councilmember Paulsen thanked staff for the extra outreach that had been done to the abutting property owners in being responsive to public testimony and for making the clarifications requested by Council.

Councilmember Stober stated he appreciated the staff follow-up as well. He noted there had been a question when this annexation first came to Council last October regarding whether there would be full rights to the Burnt Bridge Creek trail access once the annexation is completed. Mr. Monroe stated that would be the case. Staff had worked with the Washington State Department of Transportation to identify and correctly file ownership of that trail access.

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

Motion by Councilmember Paulsen, seconded by Councilmember Stober, and carried unanimously to approve Ordinance M-4330 approving the request.

6. **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 032-21

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 seven subsequent ordinances continuing the temporary moratorium, in November 2017, May 2018, November 2018, April 2019, October 2019, March 2020, and September 2020. 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 three 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 met monthly throughout much of the planning process and helped 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 2020. Along with the updated Plan document, a Draft Environmental Impact Statement (DEIS) was also released on January 23, 2020, and provided an analysis of environmental impacts and mitigation measures for the project alternative. In response to public feedback, the DEIS public comment period was extended from 30 to 120 days, and closed on May 22, 2020. On July 10, 2020, the Planned Action Final Environmental Impact Statement (FEIS) for the Heights District Plan was released, and included a new chapter that listed all questions and comments received through the Draft EIS public comment period, and provided responses to all substantive comments.

In July 2020, staff initiated a series of four workshops with Council to review the Heights District Plan recommendations in detail, in advance of a public hearing for adoption of the Plan. Following these and a first reading on August 10, 2020, Council adopted the Heights District Plan on August 17, 2020

Forthcoming policy and regulatory updates are necessary to ensure future development aligns with the vision articulated in the Heights Plan. This includes the adoption of a new Heights Mixed Use zoning district and associated standards and design guidelines. This process is underway including three workshops with the Planning Commission and one workshop with the City Council, as well as additional outreach with all project stakeholders. Staff anticipates holding additional workshops with Planning Commission and City Council in the next several months, with anticipated adoption this summer.

Continuation of the moratorium allows staff the time to complete the subarea planning process that is underway, specifically the development of updated zoning standards and design guidelines. A continuation of the temporary moratorium is necessary to ensure that future development aligns with the vision articulated in the forthcoming plan.

Staff anticipates that this will be the last continuation of the moratorium, and that it will allow for completion and adoption of new Heights development regulations.

Request: On Monday, March 1, 2021, subject to second reading and public hearing, approve ordinance.

Rebecca Kennedy, Long Range Planning Manager, 360-487-7896; Chad Eiken, Community and Economic Development Director, 360-487-7882

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

Chad Eiken, Community and Economic Development Director, provided an overview of the proposed moratorium extension.

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

Motion by Councilmember Paulsen, seconded by Councilmember Glover, and carried unanimously to approve Ordinance M-4331.

Communications

A. From the Council

B. From the Mayor

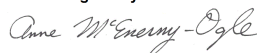
a. Interstate Bridge Replacement Program - Executive Steering Group Update

Aaron Lande, Program and Policy Manager, provided an update on the most recent meeting of the Interstate Bridge Replacement Program Executive Steering Group.

C. From the City Manager

Adjournment

7:39 p.m.

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Anne McEnerny-Ogle, Mayor

Attest:

DocuSigned by:
Natasha Ramras
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Natasha Ramras, City Clerk

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