



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

February 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.

Councilmember Hansen absent from workshops.

4:15-5:00 p.m. Multifamily Tax Exemption Program - Phase 1 Updates

Chad Eiken, Community and Economic Development Director, 360-487-7882; Peggy Sheehan, Community Development Programs Manager, 360-487-7852

Summary

Staff provided Council with an overview of proposed phase 1 updates to the Multifamily Tax Exemption Program and sought Council feedback on the proposals.

5:00-6:00 p.m. Community Task Force on Policing

James McElvain, Vancouver Police Chief, 360-487-7423; Tanya Gray, Performance Analyst, 360-487-8485

Summary

Staff provided Council with an update on the work of the Community Task Force on Policing.

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 Paulsen, Lebowsky, Glover, Stober, Mayor McEnerny-Ogle; Councilmember Fox arrived at 6:32 p.m.

Absent: Councilmember Hansen

Motion by Councilmember Stober, seconded by Councilmember Paulsen, and carried unanimously to excuse Councilmember Hansen.

Also present on the call were the following: Eric Holmes, City Manager; Jonathan Young, City Attorney; Amanda Delapena, Assistant to the City Council; Bill Bjerke, Operations Superintendent; Brent Boger, Assistant City Attorney; Tim Buck, Operations Manager; Tyler Clary, Water Engineering Program Manager; Chad Eiken, Community and Economic Development Director; Daphne Harris, VPD Finance and Logistics Supervisor; Rebecca Kennedy, Long Range Planning Manager; Aaron Lande, Program and Policy Manager; Dan Lloyd, Assistant City Attorney; James McElvain, Vancouver Police Chief; Bryan Monroe, Associate Planner; Peggy Sheehan, Community Development Programs Manager; Dan Zenger, Fleet Services Superintendent; and members of the public.

Approval of Minutes

Minutes - January 25, 2021

Motion by Councilmember Glover, seconded by Councilmember Lebowsky, and carried unanimously to approve the meeting minutes of January 25, 2021.

Minutes - February 1, 2021

Motion by Councilmember Stober, seconded by Councilmember Paulsen, and carried unanimously to approve the meeting minutes of February 1, 2021.

Citizen Communication (Items 1-7)

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

- Glen Yung, Vancouver, spoke regarding Item 4, and asked whether a determination had been made about whether the three abutting properties to the subject annexation would be eligible to be annexed without the 60 percent petition method, and if so, whether the owners of those properties have been notified.

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

Consent Agenda (Items 1-7)

Council requested Items 4 and 6 be pulled for separate discussion.

Councilmember Stober requested a staff response to the citizen testimony received regarding Item 4.

Bryan Monroe, Associate Planner, stated staff had not reached back out the adjacent property owners since the original outreach had been completed. He stated by themselves, each of those properties would not be eligible to be annexed into the city under the unincorporated island provision, but if all three were brought in at the same time, they may be. He stated he would confirm what percentage of the annexed area those properties would make up and whether as a whole they would be eligible under that provision and bring back an update to Council at the second reading and public hearing for this annexation.

Regarding Item 6, Councilmember Stober expressed concerns that the definitions for the tiered priorities in the retreat summary report have been reported differently than on the chart attached to the report and stated those two sections should be reconciled. He also expressed concerns about some of the specific language used in the report. He requested the report be returned to staff to clarify these items.

Councilmember Stober also noted that since the retreat in January, Council had raised the need for several new policy items, and it would be useful for Council to discuss those new issues and determine how to integrate them into the priorities that were set during the retreat. He suggested that Council have further conversation about their priorities at a future date.

Councilmember Glover stated she has some of the same concerns as Councilmember Stober, stating the Council had several hours of good conversation at the retreat, but she felt there was still work to be done to solidify the Council's priorities and set some definite goals for the year.

Councilmember Glover agreed and stated a future discussion would help cement the direction for the Council and ensure they are clear about priorities.

Councilmember Stober suggested the Council start with a clean document that memorializes what occurred at the retreat and then discuss how to integrate additional priorities.

Councilmember Paulsen stated he was supportive of taking additional time to ensure clarity on the Council's priorities.

City Manager Eric Holmes confirmed there would be a block of workshop time set aside in March for the Council to have that discussion.

Council requested the retreat report be returned to staff for clarifications.

Motion by Councilmember Stober, seconded by Councilmember Fox, and carried unanimously to approve Items 1-5 and 7 of the Consent Agenda. Item 6 was returned to staff for further development.

1. Continued Use of Sourcewell Vector Contract 122017-FSC-2

Staff Report 028-21

Summary

The City uses Sourcewell contract 122017 FSC-2 to purchase Vector brand catch basin cleaners, water jetters, vacuum excavators, combination sewer cleaners, and hydro excavators. Sourcewell is a national purchasing cooperative.

Staff is requesting authorization to use this contract to purchase up to the Council approved annual budgeted amount for these commodities through the the end of the contract, which is February 20, 2022, and into any extended period negotiated by Sourcewell.

Request: Authorize the City Manager or their designee to approve purchases under the Sourcewell contract 122017-FSC-2 for the life of the contract with Vector brand authorized dealers.

Dan Zenger, Fleet Services Superintendent, 360-487-8205

Motion approved the request.

2. **Continued Use of Sourcewell Vaccon Contract 122017-AMI/VAC**

Staff Report 029-21

Summary

The City uses cooperative purchase via Sourcewell Contract 122017-AMI/VAC to procure Vaccon brand truck mounted combination water and air sewer cleaners, hydro-excavation machines, jetter machines, and vacuum loader trucks. Sourcewell is a national purchasing co-operative.

Staff is requesting authorization to use this contract to purchase up to the Council approved annual budgeted amount for these commodities through the end of the contract, which is February 20, 2022, and into any extended period negotiated by Sourcewell.

Request: Authorize the City Manager or their designee to approve purchases under the Sourcewell contract 122017-FSC-2 for the life of the contract with Vaccon brand authorized dealers.

Dan Zenger, Fleet Services Superintendent, 360-487-8205

Motion approved the request.

3. **Ammunition Purchase for Vancouver Police Department**

Staff Report 030-21

Summary

The City purchases ammunition through San Diego Police Equipment under Washington State Contract #02616. Purchases are expected to exceed the current \$300,000 threshold, requiring Council approval. The raising of this threshold to a maximum of \$700,000 for the next additional three years, ending December 31, 2023, will enable Vancouver Police Department to continue to purchase ammunition in a quick manner while taking advantage of the Washington State Contract's competitive pricing.

Request: Authorize the City Manager or his designee to continue to purchase ammunition from San Diego Police Equipment of San Diego, CA, under Washington State Contract #02616, up to a maximum of \$700,000 through December 31, 2023.

*James McElvain, Vancouver Police Chief, 360-487-7473;
Daphne Harris, VPD Finance and Logistics Supervisor,
360-487-7498*

Motion approved the request.

4. **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, February 22, 2021, approve ordinance on first reading, setting date of second reading and public hearing for Monday, March 1, 2021.

Bryan Monroe, Associate Planner, 360-487-7958

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

Motion approved the request.

5. 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, February 22, 2021, approve ordinance on first reading, setting date of second reading and public hearing for Monday, March 1, 2021.

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.

Motion approved the request.

6. Approval of Council Retreat Report

Request: Approve the summary report for the January 2021 City Council retreat.

Eric Holmes, City Manager

Item returned to staff for further development.

7. Approval of Claim Vouchers

Request: Approve claim vouchers for February 22, 2021.

Motion approved claim vouchers for February 22, 2021, in the amount of \$13,584,261.95.

Public Hearings (Item 8)

8. Amendments to VMC 13.04 - Cemetery Regulations

Staff Report 027-21

AN ORDINANCE relating to city cemeteries; adding VMC 13.04.005 and 13.04.095; amending VMC 13.04.010, 13.04.020, 13.04.030, 13.04.080, 13.04.085, 13.04.092, 13.04.110, 13.04.120, 13.04.200, 13.04.210, 13.04.230, 13.04.260, 13.04.272, 13.04.330, 13.04.350, 13.04.360, 13.04.370, 13.04.380, 13.04.430, 13.04.440, 13.04.460, 13.04.470, 13.04.480, 13.04.530, 13.04.620; repealing VMC 13.04.070, 13.04.090, 13.04.093, 13.04.140, 13.04.250, 13.04.271, 13.04.280, 13.04.290, 13.04.450, 13.04.490, 13.04.500, 13.04.510, 13.04.560, 13.04.570, 13.04.600; and providing for ratification, severability, and an effective date.

For more than 100 years, the City of Vancouver has operated two cemeteries: Old City Cemetery and Park Hill Cemetery. Seventeen years ago, the City received a land donation that provided the City with the opportunity to own and operate the oldest established cemetery in Clark County, Fisher Cemetery. However, the City never updated its cemetery code to account for the third cemetery. Coupled with a recent judicial decision authorizing the City to remove a cemetery dedication of a 10-acre parcel from Park Hill Cemetery, the present time afforded staff with a ripe opportunity to examine necessary changes to the City's Cemetery Code.

During this research, staff discovered two conflicting sections in chapter 13.04 VMC. VMC 13.04.092 delegated to staff the ability and responsibility to revise cemetery pricing, but VMC 13.04.090, which legislatively established a fixed price schedule, remained in the City's municipal code. Research revealed that the City Council likely intended to permanently allow staff to administratively amend pricing, but failed to include the necessary language in a 1993 ordinance to repeal the legislatively set schedule. This research further revealed that numerous other sections in the Code are now outdated, no longer applicable, or simply incorrect.

Below is a summary of the proposed changes, intended to bring the City's code up to current industry practices as well as resolve potential conflicts:

- 1. Enacts a definitions section to ensure consistency throughout the code, and recognizes a "lead cemetery official" to be responsible for the maintenance and operation of the cemeteries.*
- 2. Places cemetery operation under the umbrella of the Department of Public Works.*
- 3. Redefines the right purchased to be a right of interment instead of a deed.*

4. *Permanently delegates to staff the ability to amend prices to further Council's original intent of charging rates between 90% and 100% of similarly charged services.*
5. *Establishes regulations for disinterment (when human remains may be removed), as this was previously unregulated.*
6. *Modernizes the city's regulations for liners, graves, and memorial.*
7. *Consolidates duplicitous sections of the code for simplicity.*
8. *Eliminates provision for cremation services, which the City no longer offers.*

Staff has prepared a matrix that accompanies this report detailing each section in chapter 13.04 VMC that is added, amended, or repealed, along with commentary as to the reason for the proposed action.

Request: On Monday, February 22, 2021, subject to second reading and public hearing, approve the ordinance.

Bill Bjerke, Operations Superintendent, 360-487-8245; Dan Lloyd, Assistant City Attorney, 360-487-8500

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

Bill Bjerke, Operations Superintendent, provided a summary of the proposed code amendments.

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

- Galina Burley, Vancouver, spoke in support of the proposed code amendments.

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

Motion by Councilmember Fox, seconded by Councilmember Stober, and carried unanimously to approve Ordinance M-4329.

Communications

A. From the Council

B. From the Mayor

C. From the City Manager

Adjournment

7:32 p.m.

DocuSigned by:

Anne McEnerny-Ogle

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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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