



CITY COUNCIL MEETING MINUTES

Vancouver City Hall | Council Chambers | 415 W. 6th St.
PO Box 1995 | Vancouver, WA 98668-1995
www.cityofvancouver.us

Anne McEnery-Ogle, Mayor

Bart Hansen • Ty Stober • Erik Paulsen • Sarah J. Fox • Diana H. Perez • Kim D. Harless

February 7, 2022

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.

View the CVTV video recording, including presentations and discussion, for workshops at:

<https://www.cvtv.org/vid/link/34279?startStreamAt=0&stopStreamAt=2754>.

5:00-6:00 p.m. Strategic Plan Update

Aaron Lande, Program and Policy Manager, 360-487-8612

Summary

Staff provided Council with an update on the Strategic Planning process.

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 items were also facilitated via the GoToMeeting conference call.

View the CVTV video recording, including presentations and discussion, for this meeting at:

<https://www.cvtv.org/vid/link/34281?startStreamAt=0&stopStreamAt=6351>.

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 Harless, Perez, Fox, Paulsen, Stober, Hansen, Mayor McEnerny-Ogle

Absent: None

Approval of Minutes

Minutes - January 24, 2022

Motion by Councilmember Hansen, seconded by Councilmember Stober, and carried unanimously to approve the meeting minutes of January 24, 2022.

Proclamation: Black History Month

Mayor McEnerny-Ogle read and presented a proclamation to Jasmine Tolbert, President of the NAACP Vancouver Chapter, proclaiming February 2022 as Black History Month.

Community Communication (Items 1-8)

Mayor McEnerny-Ogle opened Community Communication and receive the following testimony:

- Glen Yung, Vancouver, spoke in support of Item 3 and Item 6.
- Peter Bracchi, Vancouver, spoke regarding Item 6, stating he was generally

supportive of progressing towards supervised pallet homes but requested more information on the funding of the City's homelessness services.

- Kimberlee Elbon, La Center, Washington, spoke in opposition to any City actions if the City is a member of the ICLEI.

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

Consent Agenda (Items 1-8)

Council requested Items 2, 3, 6 and 7 be pulled for discussion.

Regarding Item 2, Councilmember Harless asked for clarification as to why the HVAC work was not done internally by City staff, and why it was necessary to have HVAC work done in City facilities if many City staff are still working remotely.

City Manager Eric Holmes explained the City generally uses on-call contracts for work that is specialty or episodic in nature, as it is more efficient and economical. He explained that no City facilities are currently unoccupied, and maintaining the HVAC systems at a consistent operating level is more efficient than turning them off and on as staff come into the buildings. He noted City Hall is under-occupied by City staff, but there are private tenants in the building.

Regarding Item 3, Councilmember Stober asked what the big picture is for this project and whether completion of sidewalks along Lincoln may be included. Ryan Lopossa, Streets and Transportation Manager, stated he could not provide an exact timeline as to when sidewalks would be completed in that area, but the City is working to develop a new sidewalk infill program with a prioritized approach. This current project utilizes grant funding, which narrowed the scope of how much could be included with this bid award.

Councilmember Hansen echoed Councilmember Stober's concerns, and noted Rose Village neighborhood at P Street off of 33rd should be a high priority area for sidewalk infill, as it is very dangerous for cyclists and pedestrians.

Councilmember Harless noted this contract is being proposed to go to the lowest bidder and asked if the City is limited in always awarding a contract to the lowest bidder of a project. Mr. Lopossa stated that is usually the case because the City typically uses WSDOT specifications for transportation construction projects, but he stated some elements can be introduced into a project that would allow for deviation from the lowest bidder. He stated the City has traditionally had good results in awarding contracts to the lowest bidder.

Councilmember Perez asked how many minority-owned contractors are invited to bid. Mr. Lopossa stated he is not familiar with how many were solicited. He noted projects with federal funding utilize that metric. The City's procurement policies rather have included an apprenticeship goal.

Regarding Item 6, Councilmember Fox stated she appreciated the details in the staff report of this item outlining the reasons behind the contract, and noted the contracted amount is detailed in the report. She asked staff to give a high level overview for members of the public listening.

Jamie Spinelli, Homeless Response Coordinator, stated she anticipates this Safe Stay Community operating largely like the City's first one. She stated Living Hope is very experienced in providing these services.

Councilmember Stober stated there may be questions from the community regarding why a religious organization is running a City program. He noted there is an Equal Employment Opportunity and non-discrimination provision in the contract. Councilmember Stober asked Ms. Spinelli to provide highlights of the work that has already been accomplished with the first Safe Stay Community.

Ms. Spinelli stated the community has done better than she anticipated, with three to four people obtaining employment, one resident completing inpatient treatment, others making connections to mental health treatment and consistent access to needed medication. She stated residents have been able to set up child visitation, and she noted that everyone at the community is connected to case management.

Councilmember Hansen complimented Ms. Spinelli on her work. He stated he likes the connection of the second Safe Stay Community to Living Hope, as the organization has been doing this type of work for a long time.

Regarding Item 7, Councilmember Stober noted the City had just released its first Affordable Housing Fund report. He stated he was glad to see staff bringing forward changes to the plan and asked staff to emphasize what is being proposed.

Councilmember Hansen stated he agreed and sees the proposal as the City being nimble in addressing the current needs of the community.

Samantha Whitley, Housing Programs Manager, explained the City had exceeded its goal in funding housing production and rehabilitation projects through the Affordable Housing Fund, and so the proposed changes would shift \$1 million of the fund to homelessness and temporary housing services.

Patrick Quinton, Economic Development Director, provided highlights of the Affordable Housing Fund report that had been released earlier that day.

Motion by Councilmember Hansen, seconded by Councilmember Fox, and carried unanimously to approve the Consent Agenda.

1. **City Hall Generator Project, construction acceptance and release of retainage**

Staff Report 010-22

Summary

The City Hall generator project was completed and powers the entire building during a power outage.

The original construction bid ITB 20-32 was for \$296,474.00. Added electrical equipment and connecting into existing building components and programming caused additive change orders. The total project cost was \$344,427.22.

Northeast Electric, LLC has satisfactorily completed the subject improvements in accordance with the plans and specification. No apprenticeship hours were required as the project fell below the \$500,000 minimum threshold.

Total Contract Cost

Labor, Equipment and Materials	\$317,678.10
Sales Tax	\$26,749.12
Total	\$344,427.22
Retainage	\$15,309.93

Request: Accept the City Hall Generator Project as constructed by Northeast Electric, LLC and authorize the release of retainage of \$15,309.93, subject to all documentation required by law.

*Michael Shrum, Facilities Contract Services Supervisor,
360-487-8260*

Motion approved the request.

2. **Approval of Contract Amendment for the Cost Increase to Contract No. C-100137 HVAC On-call Maintenance and Services**

Staff Report 011-22

Summary

On September 28, 2019, a four (4) year Contract C-100137 was awarded to Portland Mechanical Contractors, LLC for HVAC On-Call services with a "not to exceed" cost of \$300,000.00 without Council approval.

Currently Facilities has performed \$273,895.02 in repairs on the City HVAC systems out of the \$300,000 approved for the contract and the contract amount is expected to be exceeded by the end of the contract on

September 27, 2023.

Request: Approve a Contract Amendment for an increase of \$300,000.00 for Contract No. C-100137 HVAC On-call Maintenance and Services and authorize the City Manager, or his designee, to increase the total Contract Amount to \$600,000 for the balance of the term of the contract.

*Michael Shrum, Facilities Contract Services Supervisor,
360-487-8260*

Motion approve the request.

3. **Bid Award for the NW Neighborhood Connectivity Improvements transportation improvement project, per Bid #22-01(Project #PRJ072461)**

Staff Report 012-22

Summary

The existing streets to be improved are two-lane streets without sidewalks. NW Lincoln Avenue is a collector arterial that bisects the Northwest Neighborhood. NW Lincoln Avenue is served by C-Tran route 2 and it carries traffic volumes of 2,500 vehicles per day, with traffic peaking during the morning drop-off and afternoon pick up hours of Benjamin Franklin Elementary School.

On January 11, 2022, the City received four bids for the project. The bids ranged from \$1.7 to \$2.92 million. The low bidder was responsive. The bids are as follows:

SUMMARY OF BIDS	
BIDDER	AMOUNT
<i>Halme Excavating, Inc., Battle Ground, WA</i>	<i>\$1,708,761.60</i>
<i>Western United Civil Group, Yacolt, WA</i>	<i>\$1,851,976.45</i>
<i>Advanced Excavating Specialist, LLC, Kelso, WA</i>	<i>\$1,852,903.70</i>
<i>Granite Construction Company, Vancouver, WA</i>	<i>\$2,195,195.00</i>
<i>Engineer's Estimate</i>	<i>\$1.1 - \$1.3 million</i>

There is a minimum apprenticeship goal of 3% of the utilized labor hours for this project. Halme Excavating, Inc., of Battle Ground, Washington, has submitted an Apprenticeship Utilization Plan to meet or exceed this goal by using approximately 670 hours of apprentice time of the estimated total of 6,080 applicable labor hours for the project.

Request: Award a construction contract for the NW Neighborhood Connectivity Improvements Project to the lowest responsive and responsible bidder, Halme Excavating, Inc., Battle Ground, Washington, at their bid price of \$1,708,761.60, which includes Washington State sales tax and authorize the City Manager or designee to execute a contract for the same.

Ivar Christensen, Senior Civil Engineer, 360-487-7765

Motion approved the request.

4. Continued use of NPP.Gov contract #PS20015 for firefighting equipment from L.N. Curtis & Sons

Staff Report 013-22

Summary

The City of Vancouver Fire Department uses the NPP.Gov Contract # PS20015 for the purchase of firefighting equipment. The equipment needs of the fire department can vary dramatically from year to year due to market forces beyond the City's control. The equipment offerings from each contracted company can shift often as well. As a result, the current contract limit amount with L.N. Curtis and Sons will be reached in the next 4-8 weeks.

Staff is requesting authorization to continue to use this contract to purchase up to the Council-approved annual budgeted amount for equipment through the end of the contract, which is in 2023 with three 1-year extension options up to an expiration of 3/18/2026, and into any extended period offered by NPP.Gov.

Request: Authorize the City Manager, or his designee, to approve purchases under the NPPGov Contract #PS20015 for the life of the contract with L.N. Curtis & Sons.

Nathan Leek, Deputy Fire Chief, 360-487-7204

Motion approved the request.

5. Hearing Examiner reappointments

Staff Report 014-22

Summary

The City of Vancouver currently has contracts with Sharon Rice as Hearing

Examiner and Joe Turner as Hearing Examiner Pro Tem to conduct land use hearings as well as code compliance appeals. Both were appointed to one-year terms in February 2021. VMC 2.51 authorizes City Council to appoint hearing examiners to one-year terms. The term for Sharon Rice, Hearing Examiner, and Joe Turner, Hearing Examiner Pro Tem, are about to expire.

Planning and Code Compliance staff have been satisfied with the performance of Ms. Rice over the last year. Ms. Rice conducted four hearings in 2021 consisting of six land use cases. Additionally, Ms. Rice had three land use projects and one public works project which were appealed and then settled without a hearing. With each appeal/settlement, a pre-hearing conference took place. All final orders were received within the 14-day timeframe and no land use projects that went to a hearing were appealed. Mr. Turner conducted no hearings in 2021.

Ms. Rice is currently compensated at the rate of \$175.00 per hour and utilizes subcontractors to provide some document preparation and drafting of findings and conclusions. Ms. Rice is requesting an increase in the hourly rate of one of the subcontractors (Darcie Durr) from \$75/hour to \$80/hour. Based upon the performance of Ms. Rice as hearing examiner over the past year, staff recommends approval of the requested changes to this year's professional services agreement. Mr. Turner is compensated at a rate of \$160.00 per hour and is not requesting any changes to the agreement. Mr. Turner does not have a signed document because the value of the contract does not warrant a signed document.

Request: Approve the reappointment of Sharon Rice as Hearing Examiner and Joe Turner as Hearing Examiner Pro Tem. Authorize the City Manager or his designee to sign the attached amendments to the City's agreements with Hearing Examiner Sharon Rice.

Greg Turner, Land Use Manager, 360-487-7883; Jason Nortz, Development Review Manager, 360-487-7844

Motion approved the request.

6. Contract with Living Hope Church for Management of Safe Stay Community

Staff Report 015-22

Summary

Unsheltered homelessness continues to increase in our community. An estimated 500-600 individuals reside in tents or vehicles within the City of

Vancouver, which poses significant health and safety risks to the individuals experiencing unsheltered homelessness, as well as the rest of the community and the environment. At this time, our community does not have an adequate supply of shelter or housing options to meet the growing need. The City Council has observed that many individuals who camp on public property do so, not by choice, but due to a lack of financial means to afford adequate shelter. These individuals are adversely mentally and physically impacted by camping. Single female camp occupants experience a disproportionately high incidence of violent crime as compared to other people. Families with children who camp as a result of a lack of adequate shelter are also disproportionately adversely impacted through risk of physical danger and impediments to childhood education.

Simultaneously, Council has also observed that the City's sensitive ecological areas are adversely impacted by secondary impacts of camping. The City's sensitive waterways, water treatment facilities, stormwater and wastewater facilities are particularly vulnerable to impacts of illegal dumping and improper disposal of human waste. Additionally, individuals living outdoors in greenways and wooded areas, who utilize fire as a source of heat, or to cook with, increase the potential for wildfire in those areas, particularly during our dry/summer months.

There are also Constitutional constraints on cities' authority to regulate camping. The Ninth Circuit Court of Appeals has held that cities cannot criminalize camping in all places, at all times, unless there is adequate access to temporary shelter. (Martin v. Boise) As a corollary to this holding, cities may impose 24-hour daily prohibitions against unlawful camping "in particular locations." However, the City Attorney's Office has advised that these locations should be no broader than necessary and Council should ensure that adequate public space remains for nighttime camping throughout the rest of the City.

In an effort to reduce the aforementioned negative impacts of unsheltered homelessness, provide for greater safety, stability, and access to needed services for individuals experiencing unsheltered homelessness, and to remain in compliance with Martin v. Boise, Council approved the establishment of City-sponsored Safe Stay Communities in designated areas. These sites are to be managed and supported by a contracted service provider who will work to:

- assist camp residents with obtaining stability, accessing needed resources, and transitioning into a more permanent housing situation*
- ensure safety and sanitation within and immediately surrounding the designated site, and*
- proactively engage with the surrounding neighborhood(s) to mitigate potential negative impacts to the neighborhood, facilitate neighborhood participation and volunteer opportunities within the campsite, and encourage participation in neighborhood/community*

events, neighborhood association meetings, etc. amongst camp residents.

The first City-sponsored Safe Stay Community at 11400 NE 51st Circle has been established, and opened on December 23, 2021. The establishment of that site, and the opening of an additional community shelter, effectively cleaned and cleared two large encampments previously located in that area.

If passed, this agenda item would authorize the City Manager or designee to execute a contract with Living Hope Church for the operation of a second Safe Stay Community within the City of Vancouver. Living Hope Church was selected as a Safe Stay Community Operator by way of a Request for Proposals (RFP 44-21).

Outreach is currently underway to evaluate potential locations for the City's second Safe Stay Community. Once a location has been selected, the Safe Stay Operator will be responsible for applying for a Supportive Campsite Operators Permit. Pursuant to VMC 8.22.070, applications for Operators Permits are evaluated by the City Manager and approval is based on the suitability of the proposed site. By City Code, a particular site is evaluated based upon whether the resulting Safe Stay Community will be (i) equitably dispersed throughout the city in relation to other existing communities, (ii) located where the Safe Stay Community will avoid areas of highest economic vulnerability within surrounding residential areas in the city, (iii) afford accessibility in compliance with the Americans with Disabilities Act, (iv) be located within one-half mile of public transit, and (v) comply with all requirements of the State Environmental Policy Act.

A no-camping buffer zone or "Camping Impact Area" for all areas within 1000 feet of Safe Stay Communities has also been established in the amended Unlawful Camping Ordinance (VMC.8.22.040) to ensure no single area/neighborhood is disproportionately impacted by unlawful camping.

Request: Award a professional services contract to Living Hope Church of Vancouver, WA, and authorize the City Manager or designee to execute a contract for delivery of supportive services and site management at a City-sanctioned Safe Stay Community.

Jamie Spinelli, Homeless Response Coordinator, (360) 487-8610

Motion approved the request.

7. **Affordable Housing Fund Administrative Plan Update**

Staff Report 016-22

A RESOLUTION relating to low-income housing; providing amendments to the Affordable Housing Financing Plan adopted in 2016 and amended in 2017 and 2020 for the collection and use of monies authorized by RCW 84.52.105 to fund very low-income housing; providing for Severability; and an Effective Date.

Summary

Vancouver's Affordable Housing Fund is guided by an Administrative and Financial Plan (A & F Plan) adopted by Council in 2016 and amended in 2017 and 2020. The A & F Plan describes eligible uses of funds and provides goals for funding allocations and units or households assisted. Staff is proposing to combine the Housing Production unit goals with Housing Preservation unit goals as well as combine the funding available in these categories to respond to community need and be able to provide additional funding to assist Temporary Shelter. In addition, staff is proposing some additional flexibility to rental assistance eligible costs.

Proposed changes are outlined below. City Council approval will still be required for all awards made through the fund.

Combine Housing Production and Preservation Goals and Funding.

The original plan specified a 7-year goal of 336 new units produced and 454 existing units preserved, a total of 790 affordable units. The current 5-year outcomes include 501 new units produced and 321 existing units preserved, or 822 affordable units. The City released a Notice of Funding Available (NOFA) for AHF funding in 2021 and found diminishing demand for housing preservation. Due to the current outcomes achieved and lower demand for preservation funding, removing preservation as a separate goal and allocation is recommended. The current annual allocation provides \$2.4 million for Production and \$1.56 million for Preservation, or a total of \$3.96 million. After combining Production and Preservation, the combined allocation will be \$2.6 million per year.

Increase Annual Temporary Shelter Allocation. *The need for temporary shelter is longstanding, but the COVID-19 pandemic reduced shelter capacity because of social distancing and created a stronger demand for non-congregate shelter. The number of people who are unsheltered has roughly doubled in the past five years. In response, shelter providers need additional funding to increase shelter capacity and staffing. The City's first Safe Stay Communities opened in late December 2021 and more communities are planned in 2022 to move people off the street and into secure, warm and dry pallet homes. Stay Safe communities are staffed 24 hours a day, 7 days a week, and require operational and staffing support to be successful. Currently, the Temporary Shelter AHF allocation is \$300,000 per year. The proposed AHF funding shift would result in an allocation for*

Temporary Shelter of \$1.66 million annually.

Rental Assistance Adjustments. *Staff recommends allowing households to receive rental assistance above the Fair Market Rent (FMR) limit on a case-by-case basis. The U.S. Department of Housing and Urban Development develops FMRs regionally and projects the limits for the following year. This results in a lag in data and HUD-provided Fair Market Rent limits for Vancouver went down in 2021 despite local data showing that rents continue to rise. Allowing assistance to households in units up to 120% FMR will allow households some flexibility to access units that meet their needs. Under Housing assistance eligible costs, staff recommends removing the word “application” so that other types of fees needed to access housing can be paid when necessary.*

Request: Adopt a resolution adopting the amended Affordable Housing Fund Administrative and Financial Plan.

Samantha Whitley, Housing Programs Manager, 360-487-7952

Motion adopted Resolution M-4164 to approve the request.

8. Approval of Claim Vouchers

Request: Approve claim vouchers for February 7, 2022.

Motion approved claim vouchers for February 7, 2022, in the amount of \$16,728,627.10.

Communications

A. From the Council

B. From the Mayor

a. Interstate Bridge Replacement Program - Executive Steering Group Update

Katherine Kelly, Senior Transportation Policy Advisor, provided an update on the Interstate Bridge Replacement Program Executive Steering Group.

C. From the City Manager

a. ODOT Congestion Pricing Update

Ms. Kelly provided Council with an update on the Oregon Toll Program.

Adjournment

8:14 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

Meetings of the Vancouver City Council are electronically recorded on audio and video. The audio records are kept on file in the office of the City Clerk for a period of six years.