CITY COUNCIL MEETING MINUTES

Vancouver City Hall - Council Chambers - 415 W. 6th Street
PO Box 1995 - Vancouver, Washington 98668-1995
www.cityofvancouver.us

Anne McEnerny-Ogle, Mayor
Bart Hansen l Bill Turlay l Alishia Topper l Ty Stober l Linda Glover l Laurie Lebowsky

December 17, 2018

WORKSHOPS

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

Councilmember Glover absent from workshops.

4:00-4:30 p.m. Multifamily Tax Exemption and Impact Fee Waiver Proposals

Presenter: Peggy Sheehan, Community Development Programs Manager, 487-7952

Staff provided Council with an overview of two multifamily tax exemption projects and one impact fee waiver proposal.

4:30-5:00 p.m. Ambulance Contract Extension

Presenter: Joe Molina, Vancouver Fire Chief, 487-7201

Staff provided Council with the 2018 report on AMR's contracted ambulance service and an overview of a proposed extension of the contract with AMR.

5:00-5:30 p.m. Oregon Legislative Monitoring Update

Presenter: Zack Reeves, CFM Strategic Communications

The City's Oregon state affairs associate provided Council with an overview of recent and upcoming activity in the Oregon State Legislature as it could pertain to or impact Vancouver.

COUNCIL REGULAR MEETING

Pledge of Allegiance

Call to Order and Roll Call

The regular meeting of the Vancouver City Council was called to order at 7 p.m. by Mayor McEnerny-Ogle in the Council Chambers of City Hall, 415 W. 6th Street, Vancouver, Washington.

Present:	Councilmembers Lebowsky, Stober, Topper, Turlay, Hansen, Mayor McEnerny-Ogle
Absent:	Councilmember Glover

Motion by Councilmember Topper, seconded by Councilmember Turlay, and carried unanimously to excuse Councilmember Glover.

Approval of Minutes

Minutes - November 26, 2018

Motion by Councilmember Topper, seconded by Councilmember Lebowsky, and carried unanimously to approve the meeting minutes of November 26, 2018.

Minutes - December 3, 2018

Motion by Councilmember Lebowsky, seconded by Councilmember Stober, and carried unanimously to approve the meeting minutes of December 3, 2018.

Citizen Communication (Items 1-12)

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

Consent Agenda (Items 1-12)

Council requested that Item 3 be pulled from the Consent Agenda for separate consideration.

Motion by Councilmember Topper, seconded by Councilmember Turlay, and carried unanimously to approve Items 1, 2, and 4-12 of the Consent Agenda.

1. **Ambulance Contract Extension**

Staff Report 190-18

A RESOLUTION to extend the Ambulance Services Agreement between the City of Vancouver "City" and AMERICAN MEDICAL RESPONSE NORTHWEST, INC. "AMR" for an additional Five (5) years through December 31, 2024.

Summary

The City and AMR are parties to an Agreement that has AMR providing emergency medical transport to individuals within the City of Vancouver service area. The City additionally has entered an Interlocal Agreement with EMSD2 extending AMR's emergency and non-emergency medical transport to individuals within the EMSD2 service area. The service provided by AMR during the initial contractual period has been deemed to be substantially in compliance with the specifications defined in the Agreement. EMSD2 notified the City of its decision to participate in the five- (5) year extension of the AMR Agreement on July 17, 2018. Based on AMR's performance to date, as well as EMSD2's continued participation in the services provided by AMR, staff recommends entering an additional five- (5) year extension to AMR without any material changes to the Agreement.

Request: Authorize the City Manager to execute the attached resolution and enter a five- (5) year extension to the City's ambulance services Agreement with AMR.

Joe Molina, Vancouver Fire Chief, 487-7201

Motion adopted Resolution M-3989 approving the request.

2. **Award of Grant Funds from the PEG Capital Support Fund**

Staff Report 191-18

A RESOLUTION relating to cable television and to the award of Public, Educational and Governmental ("PEG") capital contribution funds to The Vancouver Educational Telecommunications Consortium ("TV ETC"), Clark Vancouver Television ("CVTV") respectively, the designated educational and government access providers for the City of Vancouver and Clark County and to the City of Vancouver Information Technology Department who oversees the City's portion of the iNet, a dedicated fiber network for emergency use.

Summary

The franchise agreements between the City of Vancouver, Clark County and Comcast Corporation provide for a capital contribution in the amount of $1/month per subscriber for support of Public, Education, and Government (PEG) access and monthly transport costs for public iNET users. This contribution may only be awarded to designated access providers and iNET users.

The Vancouver Educational Telecommunications Consortium ("TV ETC"), the Designated Access Provider for Education, Clark/Vancouver Television ("CVTV"), the Designated Access Provider for Government and the City's Information Technology Department who oversees the City's iNet program submitted applications for PEG capital support funds under the requirements established by the City/County Telecommunications Commission ("Commission"). In total, fifteen proposals were received totaling $699,425. Estimated funds available for distribution in 2018 are approximately $900,000. The grant applications were reviewed by outside technical experts and the PEG Committee, a subcommittee of the Commission. Based on advice from the technical experts, the PEG Committee recommended adding a few small pieces of equipment to several of the grants, including additional batteries, RAM for a computer, rain coverings for cameras, etc., which increased the total recommended grant funds to $705,202.

The Telecommunications Commission through Resolution 2018-04 (attached) recommends that Vancouver City Council award PEG Capital Support Funding as follows:

Applicant	*Total Amount Requested*	*Total Amount Funded*
City IT Department	*$80,424*	*$80,424*
TV ETC	*$330,733*	*$336,511*
CVTV	*$288, 267*	*$288, 267*
Total PEG Access Capital Grant Funds	***$699,425***	***$705,202***

Request: On December 17, 2018, adopt a resolution, under the terms of the interlocal agreement between the City of Vancouver and Clark County, awarding from the PEG Capital Support Funds grants in the amount of $336,511 to TV ETC, $288,267 to

CVTV, and $80,424 to the City's Information Technology Department. (Note: Under the terms of the Interlocal agreement between the City and the County, both Councils must approve the grants for funds to be awarded.)

Jeanette (Jan) Bader, Program & Policy Development Manager, 487-8606

Motion adopted Resolution M-3990 approving the request.

3. Amendment to the Master Lease Agreement with The Historic Trust

Staff Report 192-18

Summary

In 2005, the City and Trust entered into a master lease agreement for all city-owned property in the Vancouver National Historic Reserve with the exception of Pearson Field. Under the terms of the lease, the Trust is responsible for management and operation of the property and the City remains responsible for all capital projects.

Financially the lease is structured so the first priority for revenue generated from the property is to cover all of the operational expenses. The next priorities are payment of the principal and interest of City bonds issued to fund the 2016-2017 renovations of the West Barracks; the lease payment to the City and then retained income to the Trust. Excess revenue, which is typically $400,000-$500,000 per year, is divided 60% into a capital fund maintained by the City and 40% into a development fund maintained by the Trust. The development fund covers professional services like architecture, engineering, archaeology, etc. to support the property development, provides matching funds for grants and can be used to augment the capital fund.

The revised Master Lease extends the agreement for the final five (5) years; adds the Land Bridge landscape maintenance to the Trust's responsibilities; changes the date when the annual update to the Capital Facilities Plan is due; clarifies the Trust's responsibilities related to managing parking on the site; defines the items covered under repair, maintenance and tenant improvements; more clearly defines what constitutes an operating expense; adjusts the insurance requirements and adds two exhibits. The revision also increases the monthly lease payment the Trust pays to the City and adjusts the amount of annual income the Trust retains.

Request: Authorize the City Manager or his designee to sign a revised Master Lease Agreement with the Vancouver National Historic

Reserve Trust.

Jeanette (Jan) Bader, Program & Policy Development Manager, 487-8606

Jeanette (Jan) Bader provided staff comments. She introduced Mike Williams, interim President and CEO of The Historic Trust, who introduced Greg Goode, the newly appointed President and CEO of The Historic Trust.

Councilmember Stober asked for a summary of the updates to the master lease. Ms. Bader explained that the lease had been updated to clarity who is responsible for parking at the site and provide The Trust with additional authority to issue parking passes within the West Barracks. She stated the parking regulations had been tightened as well. A provision regarding maintenance of the land bridge landscaping had been added, as well as some additional reporting requirements for The Trust. She stated the finances still flow as they have previously.

Motion by Councilmember Topper, seconded by Councilmember Stober, and carried unanimously approved the request.

4. Extension of Vehicle and Tool Lease with The Historic Trust

Staff Report 193-18

Summary

The City has a Master Lease Agreement with the Vancouver National Historic Reserve Trust (dba The Historic Trust) whereby the Trust manages the City-owned property that is part of the Vancouver National Historic Reserve with the exception of Pearson Field. The City and Trust also have a Vehicle and Tool Lease that allows the Trust to use vehicles and tools that were originally purchased by the City for use in maintaining its Historic Reserve property. Under the terms of the Lease, the Trust may use income generated from the operation of the property to replace tools on an as-needed basis. If vehicles subject to the Lease are in need of replacement, the Trust may either replace them from income generated from property operations or may return them to the City in exchange for other vehicles the City has designated as surplus.

Request: On December 17, 2018, authorize the City Manager or his designee to execute an extension of the Vehicle and Tool Lease with the Vancouver National Historic Reserve Trust.

Jeanette (Jan) Bader, Program & Policy Development Manager, 487-8606

Motion approved the request.

5. **Memorandum of Understanding for a Campus for Arts, Culture and Innovation**

Staff Report 194-18

A RESOLUTION ratifying the Memorandum of Understanding between the City, Fort Vancouver Regional Libraries (FVRL) and Vancouver School District No. 37 (District) for a K-5 School for Arts and Innovation and a Community Center for Arts, Culture and Innovation.

Summary

On August 18, 2018, the City, Fort Vancouver Regional Libraries (FVRL) and Vancouver School District (District) signed a Memorandum of Understanding (MOU) that set up a framework for the three parties to work together to develop a K-5 School for Arts and Innovation and a Campus for Arts, Culture and Innovation on City-owned property at 1007 and 1301 East Mill Plain Blvd. The property currently serves as the administrative headquarters for FVLR through a long-term lease agreement with the City.

The objectives of the MOU were for the parties to work cooperatively to design and commit to a master development strategy that would:

- *Enable construction of a K-5 School of Arts and Innovation opening for the 2021-2022 academic year;*
- *Enable uses compatible with the school that might include facilities for performing and visual arts, a community center for knowledge, arts and innovation and operation of related FVRL programs;*
- *Repurpose the existing building occupied by the FVRL administrative offices into arts and innovation space;*
- *Find a new location for FVRL Administration if co-location on the property is not deemed feasible;*
- *Address the requirement for parking for the employees of the main library either at the current site or another nearby location; and*
- *Result in a master plan for the property.*

The MOU is not a legally binding contract. Its value is that it documents the parties' understandings related to their intent, objectives and timeframes to collaboratively plan for this project. Council ratification is not legally required, but given the significance of this undertaking, it is sought.

Request: Adopt a resolution ratifying the Memorandum of Understanding between the City, Vancouver School District and Fort Vancouver Regional Libraries for development of a campus for arts, culture and innovation.

Jeanette (Jan) Bader, Program & Policy Development

Manager, 487-8606; Chad Eiken, Community & Economic Development Manager, 487-7882

Motion adopted Resolution M-3991.

6. **Interlocal Agreement with Clark County for GIS program coordination, cooperative GIS data sharing and other services**

Staff Report 195-18

Summary

For more than 20 years, the City has partnered with Clark County GIS via interlocal agreements to purchase GIS software, data and services. Esri (the software vendor) changed their licensing model so the City can no longer purchase licenses through Clark County's GIS Department. Each agency must purchase their licenses independently. This aligns with one of the recommendations of the GIS Strategic Plan, which is to enter into an Enterprise Agreement with Esri for the purchase of GIS software.

This new agreement shifts the type of GIS support that Clark County GIS will provide to the City. The City will no longer purchase GIS software from Clark County GIS. However, as a regional GIS, the County will continue to provide to the City access to several hundred GIS data layers that they currently maintain. As the City develops its own citywide GIS program within IT, the County will continue to provide GIS program coordination, limited system and database administration and other cooperative projects and data sharing as determined by both organizations. Additionally, over the years the County has developed a mature GIS system and has built desktop and web tools (ClarkView and MapsOnline) that allow staff to easily mine hundreds of data layers. This agreement will grant all City staff access to these custom tools as well as access to the premium MapsOnline website. Premium access to MapsOnline would otherwise require a separate paid subscription to the County.

Request: Authorize the City Manager or his designee to execute the Interlocal Agreement with Clark County GIS, which will supersede prior GIS-related agreements with Clark County GIS.

Eugene Durshpek, GIS Supervisor, 487-7174; Patrick Gilbride, IT Director, 487-7650

Motion approved the request.

7. **Authorization to enter into a Small Municipal and County Government Enterprise Agreement (EA) with the GIS vendor Environmental Systems Research Institute, Inc. (ESRI)**

Staff Report 196-18

Summary

For more than 20 years, the City has partnered with Clark County GIS via interlocal agreements to purchase GIS software, data and services. Esri (the software vendor) changed their licensing model so the City can no longer purchase licenses through Clark County's GIS Department. Each agency must purchase their licenses independently. This aligns with one of the recommendations of the GIS Strategic Plan, which is to enter into an Enterprise Agreement with Esri for the purchase of GIS software. The EA will also provide flexibility and allow the City to scale the use of GIS as needed.

Request: Approve the addition of Esri as a Legacy Technology Systems supplier for the City and authorize the City Manager, or his designee, to execute an Enterprise Agreement with Esri for a period of three (3) years in the amount of $400,500 for the purchase of GIS software.

Eugene A. Durshpek, GIS Supervisor, 487-7174; Patrick Gilbride, IT Director, 487-7650

Motion approved the request.

8. **Fenton Land Acquisition / Purchase and Sale Agreement**

Staff Report 197-18

A RESOLUTION of the City of Vancouver, Washington, authorizing an advance for the purpose of providing funds from the City's general fund to the City's Parks Impact Fee District C fund to provide funds to purchase land for future park development.

A RESOLUTION accepting a donation of real property from the Donald R. Fenton Credit Shelter Trust and the Jean R. Fenton Revocable Living Trust.

Summary

The northern half of Park Impact Fee District C has been identified as the most underserved segment of the City of Vancouver with a 200-plus acre deficit based upon adopted park standards. With a significant amount of critical lands along Burnt Bridge Creek bisecting this area, and with notable development pressure on available buildable lands, the acquisition of large parcels suitable for community park improvements has been exceptionally *challenging in this area through both high and low economic times.*

The proposed acquisition site is not only a time sensitive opportunity to serve this area, but offers some unique and favorable amenities that would evolve into an exceptional recreation asset. Acquisition at this location for a future Community Park is consistent with the Comprehensive Parks Recreation and Natural Areas Plan and Capital Facilities Plan.

The Fenton property is owned by two family trusts and includes a total of 44.78 acres consisting of two parcels (AFN 159095000 and 159163000) located on the north side of Fourth Plain Boulevard at 166th Avenue. The land has been used historically for cattle grazing and hay with a single residence and multiple out buildings; all in significant disrepair. The property was appraised at $5,725,000 with 22.5 acres assumed as developable, and 22.28 acres as a quality wooded wetland representing a value of $334,000 of the total appraised value.

The trusts have purposed to donate the wetland area in exchange for naming rights for that section of the future park to honor their deceased parents. The City of Vancouver Donation Acceptance Policy requires that donations support the City's mission, Strategic Plan and services, and follow a defined process. The seller's conditions of donation are consistent with the Donation Acceptance Policy and Council consideration of the real property donation is concurrent with this acquisition proposal.

The site is zoned Light Industrial, requiring a conditional use permit (CUP) for development of future a community park. The review process would focus on compatibility with surrounding land uses and public infrastructure.

The site is assessed under a County Farm and Agriculture Current Use classification which would avoid a tax penalty of approximately $225,105 if sold to the City for park and open space purposes. Combined with the appraised value of the proposed donation result in a negotiated purchase price of $5,165,895; a $559,105 reduction from the total appraisal value.

The diversity of the wooded wetland could be a notable complement to the park for natural resource protection, enhancement, and environmental education. The site adjoins an elementary and middle school campus and a tributary of Lacamas Creek. These relationships offer potential partnership opportunities and a regional trail connection.

Funding for the proposed acquisition would be supported through available PIF funds estimated at $3.5 million and a ten-year General Fund loan that would be reimbursed by future PIF revenues collected from the district. The significant park need in this area as well as the unique site characteristics make it a strong candidate for future grant support from multiple sources, including the Washington Recreation and Conservation Office and Clark

County Conservation Futures. Successful grant funds would be used to accelerate reimbursement of the General Fund loan for acquisition.

The acquisition was discussed with the City's property committee on multiple occasions, and recommended for approval by the Parks and Recreation Advisory Commission (PRAC) at a public meeting on November 14, 2018.

An Environmental Site Assessment has been completed with no discovery of environmental concern. Additional due diligence reviews are in process including a boundary survey, wetland survey and archaeological/cultural survey, which will be completed and evaluated prior to closing.

Request: Authorize the the City Manager, or his authorized designee, to accept the Purchase and Sale Agreement for acquisition of the Fenton property through a Statutory Warranty Deed, adopt a resolution authorizing an interfund loan from the General Fund to the Parks Impact Fee District C to support the purchase, and adopt a resolution accepting the land donation of the contiguous 22.28 acres of wetlands.

Monica Tubberville, Senior Planner, 487-8353

Motion adopted Resolution M-3992 authorizing an interfund loan from the General Fund to the Parks Impact Fee District C, and adopted Resolution M-3993 accepting the land donation.

9. Adoption of Clark County Homeless Action Plan

Staff Report 198-18

A RESOLUTION relating to the adoption of a homeless action plan to prioritize, guide, and evaluate efforts to prevent and end homelessness in Clark County.

Summary

Homelessness continues to be a significant challenge in Vancouver and the surrounding areas. Low vacancy rates and a significant increase in the cost of housing have contributed to the growing homelessness crisis. The Council for the Homeless reports that 2,593 households experiencing homelessness in Clark County sought assistance through the Housing Solutions Center in 2017.

As the lead agency for Clark County's Continuum of Care, the Council for the Homeless recently developed the 2019-2022 Clark County Homeless Action Plan ("Homeless Action Plan") to guide the community's work to end *homelessness. The document incorporates insight from residents, service providers, and people experiencing homelessness gained via in-person forums (15 total), electronic surveys (806 responses), and information from the Homeless Management Information System.*

The Homeless Action Plan proposes an increase in the countywide homeless system capacity to meet current and future needs. The plan includes strategies aimed at meeting three core goals:

- ***Identify** – Implement strategies to more effectively and rapidly identify who is without a home and provide for their basic and housing needs.*

- ***Assist** – Provide clear pathways to programs that prevent and end homelessness.*

- ***Resolve** – Create a safety net of support services for individuals who are at risk of or experiencing homelessness.*

Within the countywide homeless system, the City of Vancouver's primary role has been that of a funder. The City provides Community Development Block Grant (CDBG), HOME Investment Partnerships Program (HOME), and Affordable Housing Fund resources for homeless services, housing assistance to prevent or end homelessness, and shelter rehabilitation projects. Recently, the City has also taken a more direct role in homeless service provision through ownership and operation (in partnership with Share) of the Vancouver Navigation Center.

The Homeless Action Plan names the City as a partner/stakeholder on several specific strategies, including:

- ***System Alignment** – Expand flexibility in paying for services to better meet community needs; require programs to engage in systemwide coordination; create opportunities for landlord education/partnership.*

- ***Outreach and Engagement** – Increase the number of outreach staff; allow outreach staff to work with Supportive Housing Programs; create additional basic needs services (showers, storage, laundry, restrooms, etc.).*

- ***Emergency Shelter** – Increase the number of beds in the community; provide for the basic needs of people residing in shelter facilities.*

The City is actively engaged in several of these strategies at some level, and will work with partners to consider other program adjustments to align with the plan, where appropriate. The City will also be at the table for future discussions regarding shelter capacity.

Washington requires adoption of a Homeless Action Plan by communities receiving state homelessness funds. In our community, state homelessness funding is provided to Clark County for allocation to local service providers and programs. The County adopted the Homeless Action Plan in November 2018.

Request: Adopt a resolution to approve and adopt the 2019-2022 Clark County Homeless Action Plan.

Peggy Sheehan, Community Development Programs Manager, 487-7952

Motion adopted Resolution M-3994 approving the request.

10. **Golf Cart Zones**

Staff Report 199-18

AN ORDINANCE of the City of Vancouver relating to Golf Cart operation on specified roadways and establishing a Golf Cart Zone; creating a new Chapter within Title 9 of the Vancouver Municipal Code (VMC) "VMC 9.41 Golf Cart Zones"; creating VMC 9.41.010 "Establishment of Golf Cart Zones", VMC 9.41.020 "Operation of Golf Carts", VMC 9.41.030 "Equipment Standards", VMC 9.41.040 "Penalty"; providing for severability; and providing for an effective date.

Summary

Clark College has an operational need for golf carts to facilitate security, campus tours and daily operations. By state law, golf carts cannot travel on public roads or highways except within a "golf cart zone" created by local ordinance. Fort Vancouver Way bisects Clark College and is classified as a "highway" pursuant to Washington State Law (RCW 46.04.197). This poses logistical challenges for the College. The City of Vancouver has the authority to create a Golf Cart Zone (RCW 46.08.175).

The proposed ordinance would create a new Chapter 9.41 VMC "Golf Cart Zones" and provide for the creation of a Golf Cart Zone in the area where Fort Vancouver Way bisects the Clark College campus. The Golf Cart Zone Ordinance would contain the following additional provisions:

- *Hours of lawful operation would be from 6 a.m. – 6 p.m.*
- *Operators must be 16 years of age or older and have a valid driver's license from a U.S. State or territory.*
- *Golf carts must yield to pedestrians and bicycles and be operated with appropriate regard to safety.*
- *Golf carts must meet equipment standards established by state law.*

Request: On Monday, December 17, 2018, approve the Golf Cart Zone Ordinance on first reading, setting date of second reading and public hearing for Monday, January 7, 2019.

Jonathan Young, Chief Assistant City Attorney, 487-8511

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

Motion approved the request.

11. Right-of-Way Franchise Ordinance for ExteNet Systems, Inc.

Staff Report 200-18

AN ORDINANCE relating to management of the public rights-of-way, granting to ExteNet Systems, Inc. (hereinafter referred to as the "Franchisee"), Delaware corporation, a non-exclusive and revocable franchise to install, operate and maintain a telecommunications system in, on, over, upon, along, and across public rights-of-wayof the City of Vancouver, Washington (hereinafter referred to as the "City"), prescribing certain rights, duties, terms and conditions with respect to such franchise; providing for setting an effective date and conditions.

Summary

ExteNet Systems wishes to occupy and utilize portions of the public rights of-way in the City. Cities may require a permit or franchise for the use of its right-of-way for telecommunication facilities (RCW 35.99.030); however, the City may not charge a franchise fee for the franchise (RCW 35.21.860). The proposed ordinance establishes the terms and conditions of the right to construct and maintain telecommunications facilities within the City's right-of-way.

This project involves the deployment of "small cell" wireless network technology, to provide high speed telecommunications services to provider clients in Vancouver, WA. By way of background, developments in wireless network technology and increasing demand for high-speed wireless services have quickly outpaced the capabilities of traditional, macro-cell wireless communications facilities. To address this demand, providers have expressed a desire to deploy new wireless communications facilities located in the public rights-of-way. These "small cell" facilities consist of antenna and equipment typically placed on infrastructure located within the public rights-of-way. Small cell facilities are usually deployed in areas that cannot be effectively served by a traditional macro cell, or areas that may have coverage but not enough capacity.

City staff has worked with ExteNet Systems to negotiate a franchise ordinance, which manages the deployments of small cell facilities in a way *that balances local aesthetics, character, and public health and safety while also deriving the benefits of these new technologies for the City's residents to the greatest extent practicable.*

Request: On Monday, December 17, 2018, approve the proposed franchise ordinance on first reading, setting date of second reading and public hearing for Monday, January 28, 2018.

Michael Nigrey, Assistant City Attorney, 487-8500

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

Motion approved the request.

12. Approval of Claim Vouchers

Request: Approve claim vouchers for December 17, 2018.

(Copy available upon request.)

Motion approved claim vouchers for December 17, 2018, in the amount of $7,133,431.51.

Public Hearings (Item 13-16)

13. Affinity Right-of-Way Vacation

Staff Report 175-18

AN ORDINANCE vacating a portion of the public right-of-way associated with NE 51st Circle located west of NE 112th Avenue, east of I-205, and south of SR-500, which is within the Northeast Quarter and the Southeast Quarter of Section 16, Township 2 North, Range 2 East, Willamette Meridian, and within the Thomas Nerton Donation Land Claim, City of Vancouver, Clark County, Washington; and providing for an effective date.

Summary

Staff has received a request from Affinity at Vancouver LLC and Weston Investment Company LLC (the Applicants) to vacate a portion of the loop at the west dead-end of NE 51st Circle, located west of NE 112th Avenue, east of I-205, and south of SR-500. The right-of-way is specifically located within the Northeast Quarter and the Southeast Quarter of Section 16, Township 2 North, Range 2 East, Willamette Meridian, and within the Thomas Nerton Donation Land Claim (DLC).

The right-of-way proposed to be vacated currently serves as part of a turnaround loop at the dead end of NE 51st Circle. The loop provides public street and utility services to five parcels; four of these parcels are owned by the Applicants, the fifth parcel is owned and maintained by the City and constitutes a portion of Kevanna Neighborhood Park.

The Applicants intend to combine the vacated area with their three adjacent parcels to create a single lot for the development of a 170-unit senior housing community. The three project parcels are located at 10400, 10420, and 10500 NE 51st Circle (parcel numbers 159849000, 159848000, 159847000). The proposed area of vacation is less than half the existing right-of-way frontage of the Applicants' properties, the remainder of the half will be kept as right-of-way to protect existing trees.

In exchange for vacation of the right-of-way, the Applicants will convey a nearby parcel to the City. The Applicants will also remove the existing loop road, construct a standard cul-de-sac turnaround to replace the loop road, and construct a new access and parking for Kevanna Neighborhood Park.

Staff recommends that the petition to vacate be approved. Staff has reviewed the City's Transportation Systems Plan and determined there is no future need for this right-of-way. Therefore, vacation of this right-of-way will have no adverse impact on City transportation assets. Further, vacation of this right-of-way will relieve the City from ongoing surface maintenance responsibilities typical for commercial streets; including regular pavement maintenance, repair of concrete structures, street sweeping, and other services.

Staff has contacted all utility owners with facilities potentially located within the subject area. The City of Vancouver has utilities within the area of the proposed vacation, including a domestic water main, sanitary sewer main, and associated appurtenances. In addition, Clark Public Utilities has electrical lines running through a portion of the subject area. Therefore, the City will retain a public utility easement under and over the entire vacated area for the construction, repair and maintenance of all public utilities and services.

RCW 35.79.030 and VMC 11.05.120 allow the City to collect compensation for the value of public right-of-way that is vacated. VMC 11.05.120(F) authorizes the City to accept conveyance of other property in lieu of the payment required. As previously noted, the Applicants are proposing to convey a nearby parcel in exchange for the vacated right-of-way. This parcel is located at 10601 NE 51st Circle (parcel number 159851000), on the other side of the right-of-way that is proposed to be partially vacated, and adjacent to Kevanna Park. The City's Parks Department believes parcel 159851000 would provide a public benefit as additional green space *and for potential park expansion.*

In support of this proposal, the Applicants have provided an appraisal from a certified professional land appraiser. Based on the information provided in the appraisal, the market value of the proposed vacation area is $230,000, while the total market value of parcel 159851000 is estimated to be $210,000. In addition to conveying parcel 159851000 to the City, the Applicants will pay the difference in property value ($20,000) to the City prior to the right-of-way vacation becoming effective.

As previously noted, the right-of-way has historically been used to provide public street and utility services to the adjacent commercial parcels and the City park property. The City has maintained this portion of NE 51st Street in a fashion similar to that of other commercial streets, performing regular maintenance to the pavement, street sweeping and other services. Also, the street has been part of a dedicated public right-of-way for 25 years or more, and the vacated area will be utilized by the applicant for their proposed senior housing development. Based on these circumstances and the investment made by the City, staff recommends acceptance of parcel 159851000 and payment of $20,000 as compensation for the full value of the right-of-way vacation area. The parcel should be conveyed and the $20,000 paid to the City prior to the right-of-way vacation becoming effective.

Request: On Monday, December 17, 2018, subject to second reading and public hearing, approve ordinance.

Eric Hahn, Senior Civil Engineer, 487-7702; Ryan Lopossa, Streets & Transportation Manager, 487-7706

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

Eric Hahn, Senior Civil Engineer, provided staff comments.

Mr. Hahn stated staff has received concerns from the applicants that Section 4 of the proposed ordinance would make it difficult and perhaps impossible for them to obtain federally funded loans for the proposed development project because it would require that certain public improvements be constructed before the right-of-way vacation is effective, but the applicants have indicated that they must secure that funding in order to construct the improvements. As such, staff is proposing an amendment to Section 4 to add the following provision:

> "In lieu of the completion and dedication of the required improvements prior to recording of this ordinance, the City's Director of Public Works ("Director") may accept a bond, in an amount and with satisfactory surety and conditions, or other secure method as the Director may require, providing for and securing to the City, the actual construction and

installation of such improvements within a period specified by the Director and specified in the bond or other agreement, and to be enforced by the Director by appropriate legal and equitable remedies. If the Director accepts a surety bond in lieu of the completion of the required improvements, the amount of the bond must equal 110% of the estimated construction cost."

Mr. Hahn explained that if Council has no objections to the amendment, staff recommends continuing the public hearing on January 7, 2019, to allow for compliance with public notice requirements of the amended ordinance.

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

Motion by Councilmember Stober, seconded by Councilmember Hansen, and carried unanimously to amend Section 4 of the ordinance as proposed by staff and continue the public hearing to Monday, January 7, 2019.

14. **Vancouver Municipal Code Title 11 Updates**

Staff Report 187-18

AN ORDINANCE relating to public rights-of-way and Title 11 of the Vancouver Municipal Code; amending Vancouver Municipal Code sections 11.05.120, 11.60.110, 11.60.120, 11.60.170, and 11.60.190; providing for severability; and establishing an effective date.

Summary

Amendments to VMC Title 11 include a change to the approval process set forth in VMC 11.60 for Type E Long Term ROW Use Permits. Currently, Type E ROW Permits are approved by the City's Hearings Examiner. This is due in part to the nature of the encroachment and the commitment on the part of the City to allow a permanent use of the public right-of-way for a non-street purpose. Over time, nearly all of the projects requiring a Type E ROW Permit have involved encroachments that are the necessary result of the requirements set forth in the VMC Title 20 including the zero lot line setback requirements contained in VMC.630.020 and the rain protection/canopy requirements set forth in VMC 20.630.030, all of which are required for developments in the Downtown District. In addition, VMC 20.630.080.D.6 incorporates these same design requirements for developments in the Waterfront District. Since the Title 20 requirements have already been approved by City Council, there is no need for additional legislative approval for these types of encroachments and therefore, the amendments to VMC 11.60 will change the approval process for Type E ROW Permits to administrative. In addition, the insurance requirements set forth in VMC 11.60 are being modified to be consistent with the City's current requirements.

An additional code amendment involves the compensation requirements *set forth in VMC 11.05.120 for ROW Vacations. The revision will allow all applications for ROW Vacation to be reviewed under the "zero compensation" provisions of VMC 11.05.120.D and not solely those applications initiated by the City. In addition, there is a revision to VMC 11.05.120.F that addresses compensation requirements for "in-lieu" transfers of property.*

Request: On December 17, 2018, subject to second reading and public hearing, approve ordinance.

Ryan Lopossa, Streets & Transportation Manager, 487-7706

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

Mr. Hahn provided a summary of the proposed code updates.

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

Motion by Councilmember Hansen, seconded by Councilmember Turlay, and carried unanimously to approve Ordinance M-4256.

15. **Vancouver Municipal Code Title 14 Updates**

Staff Report 188-18

AN ORDINANCE relating to water and sewer use and Title 14 of the Vancouver Municipal Code; amending Vancouver Municipal Code sections 14.04.020, 14.04.090, 14.04.155, 14.04.160, 14.04.230, 14.04.235, 14.09.040, and 14.09.060; providing for severability; and establishing an effective date.

Summary

Staff continually proposes code updates, clarifications, and changes as needed.The reasons for the changes includes within this ordinance are as follows:

- *VMC 14.04.020 - Change reference to the Public Works Director to be gender neutral.*
- *VMC 14.04.090(B)3 - Operations staff do not have the resources to perform half street restoration. Therefore, if half street restorations are required as part of a water service installation or relocation then the applicant will need to hire a private contractor to do the work.*
- *VMC 14.04.090 (C) - The Portland Consumer Price Index (CPI) is no longer being used and has been replaced by the Seattle-Bellevue CPI. Additionally, the annual CPI is not released until after January 1st each year thereby creating a conflict within the existing ordinance. The proposed change allows staff to update fees in accordance with the ordinance.*

- *VMC 14.04.155 - Add authority for City to provide for optional testing of customer's backflow prevention devices.*
- *VMC 14.04.160 - Change language to be gender neutral.*
- *VMC 14.04.230 - The septage fee is the fee septic haulers pay to discharge to the City's westside treatment plant. The fee has not been updated since 2013. Increasing the fee will allow the City to recoup costs associated with operations, maintenance, and capital work for the facility. Also allows the Public Works Director to administratively update the fee since this is a unique facility with unique operational and capital needs.*
- *VMC 14.04.235 (D) - Sewer Area Charge was the precursor to the System Development Surcharge. The Sewer Area Charge is no longer used therefore staff is proposing to delete this paragraph.*
- *VMC 14.04.235 (E) - Changes the inactivity period from 5 years to 10 years for an applicant to receive 100% credit towards previously paid SDCs.*
- *VMC 14.04.235 (M) - Limits amount of time applicants can participate in the SDC Capital Surcharge program to 10 years. Allows the City to record a "notice" on the title for properties wanting to participate in the program. The SDC Capital Surcharge program allows small business owners to "lease" sewer capacity and delay payment of the full SDC until a later date. Limiting participation to 10 years allows small business owners to get established before having to pay the full SDC.*
- *VMC 14.09.040 & 14.09.060 - Clarifies Surface Water charges for mobile homes.*

Request: On December 17, 2018, subject to second reading and public hearing, approve ordinance.

Chris Malone, Public Works Finance & Asset Manager, 487-7711

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

Chris Malone, Public Works Finance & Asset Manager, provided staff comments. Mr. Malone summarized the proposed code amendments.

Mayor McEnerny-Ogle noted that Mr. Malone had included sections 14.04.155 and 14.04.160 in his overview, but those were not included in the summary she had read. Mr. Malone stated those sections are correctly identified in the published ordinance. Mayor McEnerny-Ogle re-read the title of the ordinance into the record, with the addition of those two sections.

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

Motion by Councilmember Hansen, seconded by Councilmember Turlay, and carried unanimously to approve Ordinance M-4257.

16. **2018 Second Supplemental Budget**

Staff Report 189-18

AN ORDINANCE relating to the 2017-2018 Biennial Budget and making various appropriations in various funds; declaring an emergency.

Summary

Each year, budget adjustments must be made to reflect changes in revenues and expenses that occur after the budget is adopted by City Council. At the end of the fiscal biennium, the only adjustments that are requested to be approved represent corrections or administrative updates to the 2017-2018 Biennial Budget. The decisions made relative to the 2017-2018 Budget are only applicable to the 2017-2018 biennium.

Budget amendments are recommended for the City's various funds as detailed in Attachment A of the Ordinance. The recommended expenditure appropriation adjustments for the City's Operating and Capital funds included in the 2018 Second Supplemental Budget total $8.9 million. Of the total expenditure increase, $7.9 million is related to the Operating budget, and $1.0 million in the transfers supporting the Capital budget. The net impact on all City resources is an addition of $5.3 million to fund balances; the net impact on the General Fund is a $0.6 million decrease to the fund balance.

The total Operating budget appropriation change in the General, Street and Fire (GSF) funds represents an increase of $2.6 million. The remaining $5.3 million increase relates to changes in other funds.

Appropriation adjustments in the City's GSF funds total increase of $2.6 million include the following major items:

- *Appropriation of $0.3 million for Fire Command Contract Settlement for retro pay and new vehicles.*
- *Increase of $0.3 million for Fire Vehicle Repair & Maintenance due to increase in preventative maintenance.*
- *Increase of $0.5 million in Fire Support from General Fund to support before mentioned items.*
- *Increase in appropriation of $0.5 million in the Street Fund 102 for professional services for the pavement management program for work that was scheduled in 2019 but completed in 2018. Funding for this work is coming from the Street Initiatives Fund. An additional $0.7 million in budgeted appropriation is being moved from the Street Initiatives fund to Street fund to match the actual payments made for the pavement management work originally budgeted in the Street Initiatives fund.*

- *Adjustment for a number of grants and donations in Fire totaling $0.1 million and in Parks for $0.1 million.*

A total of $5.3 million in appropriation increase relates to other operating city funds. Some of the major changes are summarized below:

- *Budget adjustment of $0.6 million in CDBG fund to true-up entitlements fully offset by grant revenue.*
- *Additional appropriation of $2.0 million in the Self-Insured Health Insurance fund to support increased benefit costs.*
- *Adjustment to the Tennis Center fund of $0.3 million to support the cost of operating the CEnter as reported by the United States Tennis Association.*
- *Adjustment in the Risk Management Fund of $2.1 million to cover higher than originally anticipated claims activity and an accounting adjustment matching the City's outstanding potential liability to that estimated in the most recent actuarial report for the Risk fund.*
- *Increase of $0.3 million in the Tourism fund to reflect higher Lodging Tax revenues that are being passed through to the DRA.*

The total Capital Budget appropriation of $1.0 million is included in the Second Supplemental of 2018. The item reflects pre-funding by District 5/C PIF Funds of a land acquisition of $1.0 million for a future park in District C. The property purchase will take place early in 2019.

Proposal: *To approve the 2018 Second Supplemental Budget Ordinance.*

Request: On Monday, December 17, 2018,subject to second reading and public hearing, approve ordinance.

Natasha Ramras, Chief Financial Officer, 487-8484

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

Allison Williams, Senior Budget Analyst, provided an overview of the proposed supplemental budget.

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

Motion by Councilmember Hansen, seconded by Councilmember Turlay, and carried unanimously to approve Ordinance M-4258.

NEW BUSINESS (Item 17)

17. **Emergency moratorium on applications for self-storage facilities in the Community Commercial (CC), General Commercial (GC),**

and Office Campus Industrial (OCI) and Light Industrial (IL) zoning districts citywide

Staff Report 201-18

AN ORDINANCE declaring an emergency and imposing a temporary moratorium for the duration of six months upon the acceptance and processing of applications for permits for the development or expansion of self-service storage structures in the in the Community Commercial (CC), General Commercial (GC), Office Commercial Industrial (OCI), and Light Industrial (IL) zoning districts as defined in Vancouver Municipal Code Title 20, and establishing an immediate effective date.

Summary

Self-storage facilities are currently permitted outright in the CC, CG, OCI and IL zoning districts. There are 48 existing self-storage businesses citywide according to County Assessor data, and eleven distinct applications for self-storage uses have been received in the past 5 years.

Self-storage uses were found to generate approximately one employee per 19,000 square feet of building space on average according to a 2007 Snohomish County study, which would typically equate to approximately one employee per net acre or less. The Vancouver Comprehensive Plan envisions commercially zoned land will generate approximately 25 employees per net acre, and industrially zoned land 11 employees per net acre on average, citywide. The Comprehensive Plan further calls for more intensive development in areas well-served by facilities, particularly transportation and transit services. Given the low number of jobs generated by self-storage uses, there is a need to study whether it is a suitable use of industrial land.

2018 testimony from a self-storage proprietor noted an emerging industry trend towards unstaffed facilities, raising security as well as employment concerns.

Request: On December 17, 2018, approve an ordinance adopting an emergency moratorium, requiring a public hearing within 60 days.

Bryan Snodgrass, Principal Planner, 487-7946; Bronson Potter, City Attorney, 487-8500

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

Bryan Snodgrass, Principal Planner, provided staff comments.

Bronson Potter, City Attorney, explained the procedural process for enacting a moratorium. He stated that the Council has the authority to adopt emergency moratoria without holding a public hearing, provided that a public hearing is held on the matter within 60 days of passage. He noted that a public hearing on this proposed moratorium is scheduled for January 28, 2019. Mr. Potter explained that a moratorium is limited to six months, but it is subject to renewal with Council approval.

Mr. Snodgrass provided an overview of the substance and background of the ordinance.

Councilmember Stober thanked staff for their work. He stated that as Vancouver grows, land becomes more precious. He stated that it had been pointed out to him that a number of self-storage units had been coming online in the recent past, and it is a good time for the City to evaluate how these types of businesses best work with the City's goals. He stated it is not the intent of the City to eliminate self-storage facilities, but determine how best to handle the regulations surrounding their siting in the city limits.

Councilmember Hansen agreed that it is good to step back and reflect where the city is going. He agreed that this action should not be taken as Council banning self-storage facilities, but rather taking an opportunity to better plan for them.

Councilmember Topper asked if there is any way this moratorium could have potential unintended consequences for similar types of businesses. Mr. Snodgrass stated he did not think so, due to how it is called out in the City's land use tables.

Councilmember Lebowsky echoed Councilmember Hansen stating this is not a ban on self-storage facilities, but gives the City time to think about how and where they are located. In regards to the Commercial Corridor Strategy planning process that will commence soon, Councilmember Lebowsky asked what the timeline is for that process. Mr. Snodgrass stated that the City would go out for bid for a consultant by the end of January 2019, and he anticipated the final adoption of the plan would occur in early 2020.

City Manager Eric Holmes noted that one requirement of enacting a moratorium is for staff to bring back findings and a specific work program for Council adoption at the time of the 60-day public hearing. He noted the timing of the commercial corridor study may require the Council to consider approving extensions on the moratorium, but any extension would have to be approved by Council following a public hearing.

Motion by Councilmember Stober, seconded by Councilmember Hansen, and carried unanimously to approve Ordinance M-4259 adopting an emergency moratorium.

Communications

A. From the Council

B. From the Mayor

C. From the City Manager

Adjournment

7:56 p.m.

DocuSigned by:
Anne McEnerny-Ogle
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Anne McEnerny-Ogle, Mayor

Attest:

DocuSigned by:
Carrie Lewellen
661359AB277E439...

Natasha Ramras, City Clerk
By: Carrie Lewellen, Deputy City Clerk

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