



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

January 25, 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.

4:00-4:30 p.m. Oregon State Legislative Update

Zack Reeves, CFM Advocates

Summary

The City's governmental affairs liaison for the Oregon State Legislature provided an update on the session and topics of interest for the City.

4:30-5:00 p.m. 2021 Federal Legislative Agenda Update

Joel Ruben and David Hodges, CFM Advocates

Summary

The City's governmental affairs liaisons for the federal government provided Council with an update on recent activity in Washington D.C. and an overview of the City's final federal legislative agenda.

5:00-6:00 p.m. Mill Plain Bus Rapid Transit (BRT) Project - Intergovernmental Agreements

Ryan Lopossa, Streets and Transportation Manager, 360-487-7706

Summary

Staff provided Council with an update on the Mill Plain Bus Rapid Transit (BRT) project and an overview of three proposed interlocal agreements with C-TRAN pertaining to the maintenance and operations of the new BRT line.

REGULAR COUNCIL MEETING

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

Call to Order and Roll Call

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

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

Absent: None

Also present on the call were the following: Eric Holmes, City Manager; Jonathan Young, City Attorney; Amanda Delapena, Assistant to the City Council; Brian Carlson, Interim Deputy City Manager; Patrick Gilbride, IT Director; Julie Hannon, Parks and Recreation Director; Aaron Lande, Program and Policy Manager; Chris Malone, Public Works Finance and Asset Manager; Troy Price, Assistant Police Chief; Cara Rene, Communications Director; Nicollette Roth, Civil Engineer; Dan Swensen, Interim Public Works Director; Monica Tubberville, Senior Park Planner; and members of the public.

Approval of Minutes

Minutes - January 4, 2021

Motion by Councilmember Glover, seconded by Councilmember

Stober, and carried unanimously to approve the meeting minutes of January 4, 2021.

Citizen Communication (Items 1-6) - see general protocol above

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

- Glen Yung, Vancouver, spoke in support of Item 5, authorization of grant applications to support Fenton Park and Park Impact Fee (PIF) District C, but expressed concerns about utilization of PIF funds to address the parks deficit and the burden of the park deficit resting on developers, who may then pass costs on to home buyers or tenants and impact affordable housing.

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

Consent Agenda (Items 1-6)

Council requested Item 3 be pulled for separate discussion, as summarized below.

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

1. 2020 Joint Agency Road Preservation Project, construction acceptance and release of retainage

Staff Report 013-21

Summary

Intermountain Slurry Seal of Reno, Nevada, has satisfactorily completed the subject improvements in accordance with the plans and specifications. The original construction contract bid amount was \$1,683,983.45. Quantity adjustments during construction increased the contract amount by 4.9% to \$1,766,427.39. The quantity adjustments were primarily attributed to increasing the number of flagging hours used to ensure public safety.

Request: On January 25, 2021, accept the 2020 Joint Agency Road Preservation Project as constructed by Intermountain Slurry Seal of Reno, Nevada, and authorize release of retainage in the amount of \$88,321.37 subject to receipt of all documentation required by law.

Nicolette Roth, Civil Engineer, 360-487-7763

Motion approved the request.

2. **Continued use of Washington State contract #05815-003 for purchase of computer equipment, peripherals and services**

Staff Report 014-21

Summary

The City uses Washington State contract #05815-003 to purchase computer equipment, peripherals and services such as desktop computers, laptops, servers, and maintenance.

Staff is requesting authorization to continue to use the contract to purchase up to the Council-approved annual budgeted amount for these commodities through the end of the contract, which is July 31, 2021, and into any extended period negotiated by the State of Washington. The City has purchased up to the approved amount authorized in 2016 and requests authority to continue to purchase using this contract up to the amounts approved by Council in the City's budget process.

Request: Authorize the City Manager or their designee to approve purchases under Washington State contract #05815-003 for the life of the contract with Dell Marketing, LP.

Patrick Gilbride, Information Technology Director, 360-487-7650

Motion approved the request.

3. **Data Sharing Memorandum of Understanding with Flock Safety**

Staff Report 015-21

Summary

Flock Safety and Village at Columbia Shores Home Owners' Association (HOA) have offered to provide VPD with ALPR data related to stolen or wanted vehicles entering their property. This data would assist VPD by providing near real-time information on the location of vehicles being sought by law enforcement (the vendor claims an average of a 27-second delay between a license plate being read and a text message alert being sent). Often vehicles are stolen for the express purpose of committing other crimes. Additionally, there are instances where a vehicle may not be stolen, but is still of interest to law enforcement as it may be connected to crimes that are under investigation. The ALPRs would capture license plate data only from incoming vehicles on the private streets within the HOA.

Request: Authorize the City Manager or his designee to execute the

Memorandum of Agreement with Flock Safety, Inc. and take any and all action necessary to enforce the terms thereof.

Troy Price, Assistant Chief of Police, 360-487-7463

Councilmember Fox asked how much data the City would be receiving and have to work through to find evidence in support of potential prosecution, and whether other HOAs have similar agreements in place. She also asked how much of a need there is in this particular neighborhood for the monitoring of stolen vehicles, and whether there are any regulations prohibiting this type of technology and data sharing being used for public streets.

Assistant Police Chief Troy Price explained that the data will not be transmitted directly to the City; if a flagged license plate is captured by the Flock system, the information will be sent to CRESA via text message and it would then be treated like a normal 9-1-1 call. CRESA would send out a call for service as they would any other type of call, and the Vancouver Police Department would respond depending on the availability of officers at the time. He noted stolen vehicles are not top priority calls.

Assistant Chief Price stated there is nothing that would prohibit the cameras of the Flock system from being used on public streets, but in this case, they would be located only on the property within the HOA and would capture the rear license plates of vehicles entering the neighborhood. He noted the rates of vehicle theft in this area are not higher than other areas of the city.

Councilmember Stober asked if a greater liability for the City is created if a call for service is created based on data from the Flock system but VPD is not able to respond. Assistant Chief Price stated no additional liability is created; it would be treated the same as any other 9-1-1 call and would be comparable to a situation where a home alarm is triggered.

Councilmember Stober stated he wanted to ensure no unintended consequences are created and would ask for review that the system does not create disparaging impacts, as technology often has bias built into it.

Motion approved the request.

4. Interlocal Agreement with Clark County for Mental Health Therapeutic Court Services

Staff Report 016-21

Summary

Clark County, as part of its criminal justice system, has a District Court Mental Health Therapeutic Court designed to assist indigent misdemeanor clients who have mental health issues. The City is providing public defense services to Mental Health Court through an interlocal agreement with Clark

County. The combined contract provides sufficient funding to hire an attorney who specializes in mental health cases which provides better client services. The County, which handles both felony and misdemeanor cases and consequently has a much more extensive indigent defense program, bids out and manages the combined contract for Mental Health Court services. The initial contract period was for two years, 2015-2016 and with two (2) additional two (2) year terms. On October 10, 2016, the City Council approved the first two-year extension for 2017-2018. On November 26, 2018, the City Council approved the second, and last, two-year extension for 2019-2020.

All details from the last interlocal agreement are carried forward into the new interlocal agreement without change, including the same payment schedule that was used in the 2019-2020 extension. The new interlocal contract period will be for two years, 2021-2022, with the option for two additional two-year terms by mutual agreement. The new contract will result in a total annual cost increase of \$12,000, of which the City's responsibility will be \$9,000.

Request: Authorize the City Manager or designee to execute the Interlocal Agreement with Clark County for public defense services for clients who are assigned to District Court Mental Health Therapeutic Court.

Aaron Lande, Senior Policy Analyst, 360-487-8612

Motion approved the request.

5. Authorization for grant applications to supplement funding for the acquisition and development of the Fenton Community Park and other park opportunities in Park Impact Fee District C

Staff Report 017-21

A RESOLUTION authorizing applications for funding assistance for multiple projects from state or local grant programs, including Conservation Futures (CF) as provided under Chapter 83.34 RCW, and Washington Wildlife and Recreation Program (WWRP) administered by the Recreation and Conservation Office (RCO) as provided in Chapter 79A.15 79A.25 RCW and WAC 286.

Summary

The City of Vancouver Grants Management Administrative Policy seeks to 'assure that grants applied for, and eventually accepted, align with a specific citywide strategic commitment and/or a documented departmental core service and priority. City Council authorization is required for staff to pursue state and federal grant applications, and grant agreements, and a resolution is specifically required for RCO programs.

The Conservation Futures program is open annually when funding is available, and the RCO programs are generally open for application every two years pending funding approval by the state legislature.

The 2019 purchase of the Fenton Community Park property was critical to secure one of the remaining quality sites on the east side to serve city residents. The City purchased the 44-acre property for \$5.2 million and spent an additional \$112,000 to clean up the site. A large portion of the funding came from the Parks Impact Fee fund balance, augmented by a \$250,000 grant through the Clark County Conservation Futures program. Sufficient funding was not available in the applicable PIF accounts to purchase the site independently. In order to facilitate the purchase, an interfund loan from General Fund was approved by Council (Resolution M-3992). The loan was to be repaid by new PIF revenues as soon as possible, but no longer than over a ten-year period. According to the terms of the loan, PIF revenues were to be utilized to pay off the bond before they could be utilized for other parks needs in the district. As of January 1, 2021, the remaining balance is approximately \$1.2 million.

The Conservation Future program originally awarded the City of Vancouver \$250,000 toward the Fenton project in 2019, which was the maximum available at that time. The 2021 grant request from Conservation Futures is for the remaining interfund loan balance of \$1.2 million. Repaying the outstanding General Fund balance in full would allow for PIF District C funds to be directed to other high priority projects to meet the park deficit identified on the east side of the city.

In 2022, the City will also be eligible to pursue an acquisition reimbursement grant from RCO for the Fenton property acquisition completed in 2019 under a Waiver of Retroactivity. Acquisition reimbursements allow jurisdictions to pursue time sensitive acquisitions prior to grant agreements being in place and apply for reimbursement through various grant programs up to four years following the completion of the purchase. The current limit on these grants varies by grant program, but generally range from \$500,000 to \$1 million in potential reimbursement funding. The City's intent is to apply for the largest amount available from the RCO.

The Conservation Future program does not have a specific match requirement, although the larger the match and the more partners participating in any grant increases the likely support of the application. The grant match for the RCO grants vary depending on the grant program that the City decides to pursue, ranging from no match to a maximum of 50% of the project costs. The significant PIF funding already invested in the Fenton acquisition combined with the land donation provided by the seller valued at \$334,000 will likely satisfy any potential grant matching requirements for this project by any program available under the RCO. Any grant funds

received from the RCO would provide the City with capital funding to be utilized for the highest priority parks projects in the City.

Request: Adopt a resolution authorizing Parks and Recreation to apply for the grant projects listed above and authorize the City Manager, or his designee, to execute all required documentation associated with the grant applications.

*Julie Hannon, Parks and Recreation Director, 360-487-8309;
Monica Tubberville, Senior Park Planner, 360-487-8353*

Motion adopted Resolution M-4118 approving the request.

6. Approval of Claim Vouchers

Request: Approve claim vouchers for January 25, 2021.

Motion approved claim vouchers for January 25, 2021, in the amount of \$15,255,979.67.

Public Hearings (Item 7) - see general protocol above

7. Amendments to VMC Title 14

Staff Report 012-21

AN ORDINANCE related to the sewer and surface water utility user charges, amending Vancouver Municipal Code Sections 14.04.190, 14.04.230 and 14.09.060; providing for a savings clause, and providing for an effective date.

Summary

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

- Section 14.04.190 (K) 2 - Increases maximum customer emergency assistance from \$200 to \$400 per household to keep pace with recent rate increases. The amount has not been adjusted since 2011. Adds a provision to allow for future increases to be done administratively.*
- Section 14.04.230 (A) 1 - Decreases the single-family fixed sewer rates to be based on an average monthly usage of 8 CCF from 10 CCF when no usage history is available. This reduction better reflects usage trends over the past several years.*
- Section 14.04.230 (A) 2 - Updates language for calculating residential year-round sewer usage based on winter average to reflect*

current utility billing business practices and policies. Updated text to be gender neutral.

- *Section 14.04.230 (A) 4 - Adjusts septage rate from \$140.00 to \$155.00 per 1,000 gallons to reflect operating and capital increases since 2019. Removes references to tipping fees, Clark County Health District, and Septic System Preventative Maintenance Program since they are no longer applicable. Adds sentence back into ordinance allowing annual administrative adjustments to the septage rate. The sentence was inadvertently left off the November 2020 ordinance update.*
- *Section 14.09.060 (C) 2 - Adds sentence back into ordinance clarifying how the surface water rate is calculated for mobile homes. The sentence was inadvertently left off the November, 2020 ordinance update.*
- *Clarifies that Phase 1, Phase 2, or Secondary Permittees qualify for surface water rate reductions provided certain criteria are met as listed in the ordinance.*

Request: On Monday, January 25, 2021, subject to second reading and public hearing, approve the ordinance.

*Chris Malone, Public Works Finance and Asset Manager,
360-487-7711*

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

Chris Malone, Public Works Finance and Asset Manager, presented a summary of the proposed amendments to Title 14. He noted that during the first reading of the ordinance, a citizen had expressed concerns about the potential incompatibility of sections of Title 14 that attempt to prevent water and sewer service lines from crossing property lines with City regulations related to Accessory Dwelling Units (ADUs). Mr. Malone explained those sections of Title 14 are not included in the current amendments, but that particular language could be clarified to prevent confusion related to ADUs, and staff would look at that language during the next round of amendments to Title 14 to determine whether changes are needed.

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

Councilmember Hansen stated he was very supportive of the amendment to double the emergency assistance available to customers.

Motion by Councilmember Hansen, seconded by Councilmember Stober, and carried unanimously to approve Ordinance M-4327 amending VMC Title 14.

Communications

- A. From the Council
- B. From the Mayor
- C. From the City Manager

Adjournment

7:20 p.m.

DocuSigned by:

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Anne McEnerny-Ogle, Mayor

Attest:

DocuSigned by:

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Natasha Ramras, City Clerk

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