CITY OF Vancouver WASHINGTON

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

Anne McEnerny-Ogle, Mayor
Bart Hansen · Bill Turlay · Ty Stober · Linda Glover · Laurie Lebowsky · Erik Paulsen

# January 7, 2019

## SPECIAL COUNCIL MEETING (4PM)

**Vancouver City Hall, Council Chambers - 415 W 6th Street, Vancouver WA**

### Call to Order and Roll Call

The special meeting of the Vancouver City Council was called to order at 4:03 p.m. by Mayor McEnerny-Ogle in the Council Chambers of City Hall, 415 W. 6th Street, Vancouver, Washington.

**Present:** Councilmembers Lebowsky, Glover, Stober, Turlay, Hansen, Mayor McEnerny-Ogle

**Absent:** None

### City Council Vacancy Review:

Mayor McEnerny-Ogle explained the purpose of this meeting was to begin the Council's review of those who had applied for the vacant Council seat and determine which candidate's the Council would be inviting for an interview on January 14, 2019.

### A. Process for Selecting Interview Candidates

Mayor McEnerny-Ogle stated the Council needed to determine two things before entering into executive session. First, the Council would need to decide how many applicants they would be asking to return for an interview; second, the Council would need to determine the process by which they would be selecting interviewees.

Mayor McEnerny-Ogle explained that during the last Council vacancy process in 2018, the Council had decided to bring back six candidates for an interview. The process by which they determined those six was as follows:

- Each Councilmember and the Mayor would put forward a candidate name, in order of Council seniority with the least senior member going first.
- At the time of a Councilmember's nomination, the rest of the Council would have the opportunity to express any concerns, if they had any.
- In the event of an objection, the nominating Councilmember would have the opportunity to put forward an alternative name, if so desired.
- Once a full slate of candidates had been nominated, Council would vote on approving the interviewees under one motion.

Councilmember Hansen suggested Council follow the same process for 2019.

**Motion** by Councilmember Turlay, seconded by Councilmember Hansen, and carried unanimously to invite six candidates to participate in interviews on January 14.

**Motion** by Councilmember Stober, seconded by Councilmember Hansen, and carried unanimously to follow the process as outlined above for nominating and selecting the six candidates to invite for interviews.

## B. Executive Session re: City Council Candidate Qualifications

Mayor McEnerny-Ogle announced that the Council would enter into executive session from 4:15 to 5:45 p.m. for the purpose of discussing City Council candidate qualifications.

## C. Selection of Candidates to be Interviewed

Council reconvened public session at 5:45 p.m. in the City Council Chambers.

Mayor McEnerny-Ogle asked Council to proceed with nominating interviewees, per the process decided upon earlier.

Councilmember Lebowsky nominated Diana Perez. There was no discussion by Council.

Councilmember Glover nominated Erik Paulsen. There was no discussion by Council.

by Council.

Councilmember Turlay nominated David Regan. There was no discussion by Council.

Councilmember Hansen nominated Maureen Montague. There was no discussion by Council.

Mayor McEnerny-Ogle nominated Adam Aguilera. There was no discussion by Council.

**Motion** by Councilmember Hansen, seconded by Councilmember Lebowsky, and carried unanimously to approve the slate of six nominations put forward.

### Adjournment

5:53 p.m.

## COUNCIL DINNER/ADMINISTRATIVE UPDATES (6PM)

Birch Conference Room - Vancouver City Hall

## COUNCIL REGULAR MEETING

### 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 in the Council Chambers of City Hall, 415 W. 6th Street, Vancouver, Washington.

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

**Motion** by Councilmember Hansen, seconded by Councilmember Lebowsky, and carried unanimously to excuse Councilmember Turlay.

### Pledge of Allegiance

### Approval of Minutes

Minutes - December 10, 2018

**Motion** by Councilmember Stober, seconded by Councilmember Hansen, and carried unanimously to approve the meeting minutes of December 10, 2018.

**Motion** by Councilmember Hansen, seconded by Councilmember Stober, and carried unanimously to approve the meeting minutes of December 17, 2018.

## Citizen Communication (Items 1-14)

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

- Janine Maxon, Vancouver, representing SEIU 49, spoke in opposition to Item 4, the janitorial services contract award, expressing concerns that the selected vendor is non-union.

- Max Ault, CREDC Interim President, spoke in support of Item 7 and the need for sustainable funding for Visit Vancouver USA.

- Kari Jonassen, representing the Lodging Tax Advisory Committee (LTAC) and Homewood Suites, spoke in support of Item 7 and the need for sustainable funding for Visit Vancouver USA.

- Mike Bomar, representing the Port of Vancouver, spoke in support of Item 7 and the need for sustainable funding for Visit Vancouver USA.

- Donna Mason, board member for BRAVO! Vancouver, spoke in opposition to Items 7 and 8, and expressed concerns that the application BRAVO! Vancouver submitted was not recommended for funding. She expressed concerns that Lodging Tax Committee members were able to vote on projects submitted by their own organizations.

- Dr. Maria Manzo, representing BRAVO! Vancouver, spoke in opposition to Items 7 and 8, and expressed concerns that the application BRAVO! Vancouver submitted was not recommended for funding. She expressed concerns that Lodging Tax Committee members were able to vote on projects submitted by their own organizations. She stated she believes there should also be an appeals process.

- Steve Bowers, representing the LTAC and Hampton Inn, spoke in support of Item 7 and the need for sustainable funding for Visit Vancouver USA.

- Mike McLeod, representing the LTAC and Hilton Vancouver, spoke in support of Item 7 and the need for sustainable funding for Visit Vancouver USA.

- Kim Bennett, representing Visit Vancouver USA, spoke in support of Item 7, and stated that where her organization really struggles is with growth, noting there is greater demand for the agency's services but the agency cannot meet that growing demand under the current funding structure. She expressed concerns that the alternative formula recommended by staff, as outlined in the Item 7 staff report, misses the inclusion of a growth mechanism in the proposed funding.

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

## Consent Agenda (Items 1-14)

Regarding Item 3, Mayor McEnerny-Ogle asked if there is an apprenticeship requirement associated with the proposed contract. Michelle Henry, Civil Engineer, stated the contractor has an apprenticeship goal of 3 percent, which is outlined in the contract.

Councilmember Stober asked whether that is spelled out in the contract. Ms. Henry stated it is detailed in an apprenticeship plan that was provided by the vendor. Julie Denton, Senior Procurement Specialist, explained that the apprenticeship goals are referenced in the bid documents, which are referenced in the contract.

Mayor McEnerny-Ogle asked how the City verifies that a contractor meets its submitted apprenticeship goals. Ms. Denton explained that the contractor submits the plan up front, and then also a close-out report when the work is completed, which states the actual apprenticeship hours completed on the project. The City verifies that with the state.

Regarding Item 4, City Manager Eric Holmes provided some background information. He noted that the employees of the selected vendor are not City employees.

Brian Carlson, Public Works Director, provided an overview summary of the ABM contract terms, the RFP process for selecting a new vendor, the factors that went into the evaluation of proposers, and the proposed contract terms for the new contract.

Mayor McEnerny-Ogle asked if any of the proposers submitted challenges to the scoring. Mr. Carlson stated the City had not received any challenges or inquiries from the five vendors that submitted proposals or from ABM.

Councilmember Stober asked for clarification as to what prevailing wage includes. Mr. Carlson explained that prevailing wage is set by the Washington State Department of Labor and Industries, and all contractors have the pay that wage. That can include the hourly wage alone, or it can incorporate the wage and benefits provided.

Council spoke at length regarding terminology in the proposed contract, the process for any adjustments to the contract, the anticipated yearly amount of the services provided, and the scoring methods of the staff reviewers evaluating the proposals.

Council requested that Items 7 and 11 be pulled from the Consent Agenda for separate consideration.

**Motion** by Councilmember Stober, seconded by Councilmember Glover, and carried unanimously to approve Items 1-6 and 12-14 of the Consent Agenda.

1. **2017 Joint City-County Contract Amendment - Construction acceptance and release of retainage**

Staff Report 001-19

***Summary***

*The project applied pavement preservation treatments to roughly 50 lane miles of existing pavement throughout Vancouver. The work was completed satisfactorily in accordance with the plans and specifications. Contract costs are summarized below:*

***TOTAL CONTRACT COSTS***

| | |
|---|---|
| *Labor, Equipment and Material* | *$ 1,694,464.50* |
| *Sales Tax* | *$ 0* |
| *Total* | *$ 1,694,464.50* |
| *Retainage* | *$ 84,723.23* |

*The original contract amount was $1,601,438.26. The final contract value was $1,694,464.50, representing an increase of 5.8% to the contract. The increase in contract value is attributed to a change order for the removal of plastic pavement striping. The contract plans indicated that several streets had painted striping. During construction, it was discovered that the striping consisted of thermoplastic (plastic) striping. To ensure adequate adhesion of the preservation treatment, the plastic striping had to be removed prior to seal placement.*

Request: On January 7, 2019, accept the 2017 Joint City-County Contract Amendment Project as constructed by Intermountain Slurry Seal, Inc, of Sparks, Nevada, and authorize release of retainage in the amount of $84,723.23, subject to receipt of all documentation required by law.

*Nicolette Roth, Civil Engineer, 487-7763*

**Motion approved the request.**

2. **Construction Acceptance - E3A-1 Rehabilitation**

Staff Report 002-19

***Summary***

*Michels Corporation of Salem, Oregon, has completed construction of the E3A-1 Rehabilitation project. The project has provided installation of over 2,100 linear feet of Cured-In-Place-Pipe (CIPP) liner to extend the useful remaining life of the deteriorating concrete main.*

*The work was completed satisfactorily in accordance with the plans and specifications. Contract costs are summarized below:*

| *TOTAL CONTRACT COSTS* | |
|---|---|
| *Labor, Equipment and Material* | *$496,119.40* |
| *Sales Tax* | *$41,674.03* |
| *Total* | *$537,793.43* |
| *Retainage* | *$24,805.97* |

*The original contract amount, including sales tax, was $526,741.62. The final project cost was $537,793.43, which was $11,051.81 (approx. 2%) greater than the original contracted amount. The difference between original contract amount and final contract amount can be attributed to the typical variances in unit prices and/or quantities commonly encountered during construction.*

Request: On January 7, 2019, accept the facilities as constructed by Michels Corporation of Salem, Oregon, and authorize release of the retainage in the amount of $24,805.97 subject to receipt of all documentation required by law.

*Sheryl Hale, Senior Engineering Supervisor, 487-7151*

**Motion approved the request.**

### 3. Award Bid #18-25: SE Evergreen Hwy - Ellsworth to 112th Ave Water and Sewer

Staff Report 003-19

***Summary***

*Through the use of an asset management risk matrix, it was determined that the existing 12-inch steel water main installed in 1966 is a high priority for replacement. This project will replace the old, high risk water main with approximately 1,100 feet of 8-inch ductile iron water main and will also extend an 8-inch sanitary sewer main approximately 1,100 feet into an unsewered area. The existing road surfaces where the utilities are to be installed are in poor condition and will be fully restored with new asphalt after the water and sewer installation. The City's Transportation, Water and Sewer Departments are sharing the roadway improvement costs* *associated with this project.*

*On December 11, 2018, the City received eight bids for the subject project. The bids ranged between $507,155.25 and $786,328.21. The low bidder was responsive. The bids are as follows:*

| ***SUMMARY OF BIDS*** | |
|---|---|
| ***BIDDER*** | ***AMOUNT*** |
| *C&R Tractor and Landscaping, Inc., Kelso, WA* | *$507,155.25* |
| *Catworks Construction, Vancouver, WA* | *$578,050.75* |
| *Tapani, Inc., Battle Ground, WA* | *$579,837.35* |
| *Rotschy, Inc., Vancouver, WA* | *$611,564.70* |
| *Advanced Excavating Specialists, LLC., Longview, WA* | *$644,349.86* |
| *Clark and Sons Excavating, Inc. Battle Ground, WA* | *$659,471.16* |
| *Columbia Pacific Construction, Woodland, WA* | *$779,023.00* |
| *Nutter Corporation, Vancouver, WA* | *$786,328.21* |
| *Engineers' Estimate* | *$600,000.00 - $650,000.00* |

*C&R Tractor and Landscaping, Incorporated of Kelso, Washington, is the lowest responsive and responsible bidder.*

Request: On January 7, 2019 award a construction contract for the Ellsworth – Evergreen to 112th Ave Water and Sewer project to the lowest responsive and responsible bidder, C&R Tractor and Landscaping of Kelso, Washington, at their bid price of $507,155.25, which includes applicable Washington State sales tax.

*Michelle Henry, Civil Engineer, 487-7155*

**Motion approved the request.**

## 4. Contract Award for Janitorial Maintenance Services (RFP 31-18)

Staff Report 004-19

***Summary***

*A Procurement Contract has been in place since October 1, 2015, with ABM On-Site Services West Inc. (DBA ABM Janitorial Services). This originally was approved as a three-year contract with an up to two-year extension opportunity. ABM Janitorial informed the City earlier this year that they decided not to renew the contract for another two years because of a significant increase in their internal cost structure, but did agree to extend the contract for four months to January 31, 2019, to allow the City time to solicit a Request For Proposals (RFP) to get a new contract in place. The RFP was not intended to be a "low bid" solicitation, but rather meant to provide an opportunity for the City to select a vendor based on a range of criteria, including cost.*

*The City received six proposals in response to the RFP. The current vendor, ABM, also submitted a new proposal. Each proposal was evaluated by six individual raters (city employees) on four criteria: project approach and understanding; proposer capabilities and qualifications; qualifications and experience of the team; and cost. Based on the criteria and ratings, Del Sol, Inc. was the top rated proposer. A summary of the proposer rating results and “base service” costs is attached. An overview of Del Sol’s proposal is also attached.*

*The “base service” under the contract is for regular janitorial services at 22 facility locations throughout the city. In addition, there are provisions for extra work as needed on an on-call basis at those facilities as well as other City facilities, including ten fire stations and eleven park restrooms. The contract also proposes to increase the existing service levels at several facilities back to levels that existed before the Great Recession. Two additional facilities will also likely be included under the contract, Pearson Airfield pilot lounge and a portion of the Vancouver Navigation Center. The anticipated cost, including extra work and the two additional facilities, under the first year of the contract is expected to be approximately $1,100,000. Under the current janitorial contract, the annual costs would be approximately $920,000, although the current contract is for a lesser amount of services so itis not an equal comparison.*

*Any vendor who is selected to provide janitorial services to the City is required to pay prevailing wage which is determined by the Washington State Department of Labor and Industries, as well as comply with all applicable labor laws, including the recently adopted sick leave and family leave laws.*

*Services under contract would begin February 1, 2019, and run through January 31, 2024.*

Request: Authorize the City Manager or designee to award a five- (5) year contract for Janitorial Maintenance Services, with Del Sol Inc., 611 W Columbia St. Pasco, WA 99301, effective

February 1, 2019, at City-owned or occupied facilities for an amount not to exceed $7,500,000 over the five-year term of the contract. Contract payments will be based on actual work performed in accordance with a pricing schedule submitted with the RFP.

*Bryan K. Carlson, Public Works Director, 487-7131*

**Motion approved the request.**

5. **Release of Water Easement and Restrictive Covenant**

Staff Report 005-19

***Summary***

*The water easement requested for release was originally recorded over water supply lines from a Clark Public Utilities well that served the Regency Place subdivision, and Lifepoint church (previously Glad Tidings). The water restrictive covenant requested for release was originally recorded as a 100-foot radius protective buffer surrounding the well. An associated Intergovernmental Agreement transferred ownership of the easement, the well and the restrictive covenant to the City of Vancouver once city water mains were constructed to serve the subdivision and the church. With new main construction, and redevelopment of the Lifepoint church property, the well and the associated supply mains have all been abandoned. Thus, the City has no need for the easement or the restrictive covenant, as the well no longer exists, and staff recommends granting the easement and restrictive covenant releases.*

Request: Authorize the City Manager or designee to sign the water easement release and water restrictive covenant release.

*Tracy Tuntland, Water Engineering Supervisor, 487-7168*

**Motion approved the request.**

6. **Approval of Pearson Field Airport T-Hangar Rental Agreements**

Staff Report 006-19

**A RESOLUTION** approving, as to form, the Pearson Field Airport T-Hangar rental agreement and delegating the authority for negotiation of terms, executing such agreements, and the authority to update the rental agreement form as necessary to the City Manager or designee.

***Summary***
*Pearson Field Airport is operated by the City as an enterprise fund and receives no general fund support. One of the sources of revenue for the airport is through the rental of aircraft hangars (T-hangars) to individuals, businesses, non-profits and public agencies. The airport would like to update the rental agreement form. Per RCW 35.22.302, the authority to approve rental agreements rests with the City Council. If Council were to approve each individual rental agreement, there would be 2-4 agreements per month, and due to Council agenda scheduling there would be a 3-4 week delay in approving agreements. This would result in lost revenue for the airport and an increased workload for both staff and Council. The alternative is for Council to approve the template of the rental agreement and delegate the authority for negotiating, including setting rental rates and other fees and executing the agreements, to the City Manager or their designee.*

Request: Approve as to form the T-Hangar rental agreements for Pearson Field Airport and delegate to the City Manager or designee the authority to negotiate, including setting rental rates and other fees, and execute the rental agreements.

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

**Motion adopted Resolution M-3995.**

## 7. Tourism Promotion Contract with Visit Vancouver USA

Staff Report 007-19

**A RESOLUTION** relating to the award of lodging tax grant funds to Visit Vancouver, USA for tourism services for 2019-2021 as recommended by the City Council-appointed Lodging Tax Advisory Committee.

***Summary***
*RCW 67.28.180 allows municipalities to impose a 4% lodging tax on hotel and motel room nights. Those funds can only be used to support tourism-related projects, events and facilities. Two percent of Vancouver lodging tax is dedicated to debt service for the downtown Hotel/Convention Center. The other 2% is dedicated by the City Council to capital improvements for the Hotel/Convention Center and for other tourism-related projects, including community grants.*

*For 2019, the Lodging Tax Advisory Committee (LTAC) reviewed 22 grant proposals totaling $967,990. The amount available for grants in 2019 is*

*$550,817. In addition to recommending full or partial funding for twelve grants totaling $196,775, LTAC is recommending funding a three-year tourism promotions service contract with Visit Vancouver.*

*Visit Vancouver requested and LTAC is recommending that Council fund a grant of $351,467 for 2019, and for 2020 and 2021, allocate 15% of the total lodging tax fund available to support this grant. With this funding strategy, as the lodging tax income increases, the amount of annual funding for Visit Vancouver would also increase.*

*Staff is also recommending that Council fund the grant of $351,467 for 2019; however for 2020 and 2021, staff is recommending a revised formula where Council would allocate 65% of the annual appropriation for the lodging tax community grants to the Visit Vancouver contract.*

*For the 2020 and 2021 community grants, Council has appropriated $500,000 per year in the 2019-2020 biennial budget. If the City allocates 15% of the total lodging tax fund, rather than 65% of what is appropriated for the grants, Visit Vancouver's share of the funds will increase and the amount available for community grants will be reduced every year. Specifically, if the lodging tax revenues continue to be generated on the trend seen through 2018, the dollar amount available for all other grants outside of the Visit Vancouver contract will decrease from $196,000 in 2019 to a little over $80,000 in 2020 and only $50,000 in 2021.*

*Council can adopt the attached resolution allocating 15% of the total lodging tax funds from the previous year to support a three-year tourism promotions grant with Visit Vancouver. Or Council may choose to modify the LTAC recommended funding formula to allocate 65% of the annual lodging tax community grant appropriation to fund the Visit Vancouver grant. If Council chooses to modify the recommendation, per the RCW's it must be returned to LTAC for a comment period of at least 45-days before Council can take action approving the recommendation.*

Request: Approve the Lodging Tax Advisory Committee's recommendation and award a three-year tourism promotions grant to Visit Vancouver and authorize the City Manager or his designee to execute a professional services agreement. Or return the matter to the LTAC for comment on the staff proposed alternative allocation.

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

Mr. Holmes noted that the staff report for this item provides a good overview of the Lodging Tax Advisory Committee (LTAC) recommendation for this funding. Staff provided an alternate funding formula because of the relationship between lodging tax revenues and the debt service for the Vancouver Hilton and Convention Center.

Jan Bader, Program & Policy Development Manager, provided an overview of the LTAC recommendation, noting that the 15% recommended would also include revenues for the debt service on the Hilton. She noted that by state law, Council has the option of either approving or disapproving the funding as recommended by the LTAC, or returning the matter to the LTAC for 45 days if a different funding level or formula is desired.

Councilmember Stober stated he would like further understanding about the convention center finances and how lodging tax plays into that before making a decision.

Councilmember Hansen stated he was a little concerned about depleting reserves or not fully being able to fund necessary capital improvements at the hotel.

Councilmember Glover stated she sits as the chair of the LTAC and stated she wants to support Visit Vancouver, especially as the city continues to grow and offer more and more for visitors. But she stated the Council also has a duty to protect the asset of the Hilton.

Councilmember Lebowsky agreed, stating she would like to support tourism efforts but would feel more comfortable making a decision after receiving more information.

Mayor McEnerny-Ogle asked how many new hotels are coming on line. Ms. Bennett stated there are about 10 new hotels in Clark County, with the majority inside the city limits. She stated that Visit Vancouver is the organization that helps raise lodging tax revenues. She noted a safeguard could be written into the contract that would provide the City an "out" if the tax revenues do not increase in a given year.

Council directed the City Manager to provide further information in a workshop or briefing before Council takes action on the proposed contract.

**Item remanded to staff for further development.**

## 8. Award of Lodging Tax Grants for 2019

Staff Report 008-19

**A RESOLUTION** relating to the award of lodging tax grant funds for 2019 as recommend by the City Council appointed Lodging Tax Advisory Committee.

***Summary***

*RCW 67.28.180 allows municipalities to impose a 4% lodging tax on hotel and motel room nights. Those funds can only be used to support tourism-*

*related projects, events and facilities. Two percent of Vancouver lodging tax is dedicated to debt service for the downtown Hotel/Convention Center. The other 2% is dedicated by the City Council to capital improvements for the Hotel/Convention Center and for other tourism-related projects, including community grants.*

*For 2018, the City received $550,817 in lodging tax revenue that is excess to the needs of the Hotel/Convention Center and is available for other tourism-related projects. The RCW requires that in order to expend lodging tax funds, municipalities must appoint a Lodging Tax Advisory Committee, comprising equal numbers of lodging tax generators and potential lodging tax recipients, who will make recommendations on proposed expenditures to the City Council. For 2019, the City solicited lodging tax grant proposals from interested parties and twenty-two proposals were received totaling $967,990. The Committee reviewed the proposals and is recommending full or partial funding of twelve grants, at a total of $196,775. They are also recommending a separate service contract with Visit Vancouver.*

*Per state regulations, the City Council may approve only applications recommended by the Lodging Tax Advisory Committee and only at the amount recommend. Any approved grant recipient must enter into a professional services agreement with the City.*

Request: On January 7, 2019, adopt a resolution awarding the 2019 Lodging Tax Grants as recommended by the Lodging Tax Advisory Committee and authorize the City Manager or his designee to execute professional services agreements with the grant recipients.

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

**Motion adopted Resolution M-3996.**

## 9. Contract with Delta Dental of Washington

Staff Report 009-19

***Summary***

*The City and the VHA have offered covered employees Delta Dental for the past several decades. Becoming self-insured allows the Program the flexibility to better stabilize health care costs.*

Request: Authorize the City Manager or designee to sign the contract with Delta Dental of Washington for dental insurance coverage, and also authorize the City Manager, or his designee, to approve amendments to the contract including changes to the budget for an amount not to exceed 10% of the original contract amount.

*Debby Watts, Benefits Administrator, 487-8401; Debra Quinn, Assistant City Attorney, 487-8500*

**Motion approved the request.**

10. **Approval for One Year Health Insurance Stop Loss Policy with Symetra Life Insurance Company**

Staff Report 010-19

***Summary***
*City staff worked with its broker, Davidson Benefits Planning, to seek stop loss coverage for its self-insured health benefits program. Symetra Life Insurance Coverage was the successful bidder. Council approval is needed to provide payment on the premium for the policy.*

Request: Authorize the City Manager or designee to execute a contract with Symetra Life Insurance Company for Stop Loss coverage.

*Debby Watts, Benefits Administrator, 487-8401; Debra Quinn, Assistant City Attorney, 487-8500*

**Motion approved the request.**

11. **Academy Development Agreement Extension**

Staff Report 011-19

**AN ORDINANCE** approving an extension of a development agreement between the City of Vancouver and Providence Academy, LLC and Academy Development, LLC related to the Academy Property and providing for an effective date.

***Summary***
*The Academy property contains a large area of unimproved (gravel) surface that has been used for parking for a number of years. In order to promote improvement of unimproved parking lots in the downtown, the City's land use code (VMC 20.630) contains a requirement to bring such substandard parking lots up to current city standards no later than December 31, 2015, or be discontinued for parking. Current city standards include paving, striping, curbs or wheel stops, storm water management facilities, lighting, and*

*landscaping with irrigation.*

*In 2016, the applicant entered into a development agreement to allow the unimproved parking to remain until the property can be redeveloped. The development agreement expired December 31, 2018. The applicant has made progress on upgrading the parking to comply with the development agreement. The Aegis development was recently approved that will occupy 2.2 acres along C Street. The development will remove unimproved parking from the Academy campus and replace with new buildings and paved surface parking that complies with current code. Construction is anticipated to commence next year. In addition to Aegis, another phase of development is planned for the northeastern area of the campus. The Historic Trust desires additional time to allow the unimproved parking to remain while the planning and redevelop of the site can take place. The northeastern area contains historic structures including the smoke stack and the laundry/boiler building and the Historic Trust desires to have adequate time to investigate the feasibility of retaining these structures.*

Request: On Monday, January 7, 2019, approve ordinance on first reading and set date of second reading and public hearing for Monday, January 28, 2019.

*Keith Jones, Senior Planner, 487-7887; Brent Boger, Assistant City Attorney, 487-8500*

Councilmember Glover recused herself from discussion and action on this item.

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

**Motion** by Councilmember Stober, seconded by Councilmember Lebowsky, and carried unanimously to approve the request. Councilmember(s) Hansen abstained.

## 12. Impact Fee Waiver - The Pacific

Staff Report 012-19

**A RESOLUTION** of the City Council of the City of Vancouver Washington approving a partial exemption of the collection of Traffic and Park Impact Fees in the amount of $49,522 for The Pacific Development.

***Summary***

*In 2016 Council approved Ordinance M-4154 allowing a partial exemption or full waiver of transportation and parks impact fees to spur affordable housing projects. A waiver of the school district impact fees is available upon approval by school district.*

*For residential developments of four or more units Council may, by resolution, partially exempt up to 80% of the impact fees or fully waive 100% of the impact fees. If Council only partially exempts the development, up to 80% of the impact fee, there is no requirement to pay the exempted portion of the fee from public funds. If Council fully waives the development from impact fees, the remaining 20% of the waived fee must be paid from public funds other than impact fee accounts. Impact fee rates may not be increased to recapture impact fees lost through the exemption/waiver process.*

*The Pacific*

- *Currently vacant site*
- *New construction will provide 18 multifamily units for previously homeless or low income persons*
- *Request is for 80% partial impact fee exemption*

Request: Adopt a resolution granting a partial impact fee waiver for The Pacific develop and initiating the impact fee waiver process.

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

**Motion adopted Resolution M-3997.**

## 13. Reappointment to Clark County Arts Commission

Request: Reappoint Lynne Bowden to the Clark County Arts Commission, term beginning immediately and expiring December 31, 2022.

*Council Committee 1 (Hansen, Stober, Glover)*

**Motion approved the request.**

## 14. Approval of Claim Vouchers

Request: Approve claim vouchers for January 7, 2019.

*(Copy available upon request.)*

**Motion** approved claim vouchers for January 7, 2019, in the amount of $14,515,672.43.

## Public Hearings (Items 15-18)

15. **Multifamily Tax Exemption Agreement-WDC**

Staff Report 013-19

**A RESOLUTION** of the City Council of the City of Vancouver approving an agreement with WDC CONSTRUCTION LLC for an 8 year property tax exemption for the abutting properties located at 701 E. McLoughlin Boulevard and 702 E. 17th Street ( TL 41410000, 41440000) in Vancouver, Washington.

***Summary***

*An application for multi-family tax exemption under VMC 3.22 has been submitted for the following project. The general intent of the City's multi-family tax exemption ordinance is to encourage development that provides places to live closer to employment, shopping, entertainment and transit services and encourage affordable housing opportunities.*

*The WDC project:*

- *Existing site previously had two single-family residences*
- *New construction will provide 20 multifamily units (4 affordable) in the VCCV district for 8 years.*
- *2 story building / 12,900 sq. ft (9 studios, 4 1BD/1BA, 7 2BD/1BA)*
- *20 parking spaces available on-site.*
- *Total development cost of ~$2.9 million*

*The proposed project is located within the VCCV, one of two eligible target areas designated through the multi-family tax exemption ordinance. The 2007 VCCV subarea plan and Planned Action identified a need of approximately 4,600 new residential units downtown as an essential key to downtown vitality and support of businesses.*

Request: On Monday, January 7, 2019, following a public hearing, adopt a resolution approving an agreement with WDC Construction LLC and authorizing the City Manager or designee execute a multi-family housing limited property tax exemption agreement

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

Peggy Sheehan, Community Development Programs Manager, provided an overview of the project details and proposed agreement.

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

**Motion** by Councilmember Glover, seconded by Councilmember Hansen, and carried unanimously to adopt Resolution M-3998, approving the request.

## 16. Multifamily Tax Exemption- Columbia St Rehab

Staff Report 014-19

**A RESOLUTION** of the City Council of the City of Vancouver approving an agreement with GRAND APARTMENTS JV, LLC for an 10 year property tax exemption for the property located at 1714 Columbia Street ( TL 52970000) in Vancouver, Washington.

***Summary***

*An application for multi-family tax exemption under VMC 3.22 has been submitted for the following project. The general intent of the City's multi-family tax exemption ordinance is to encourage development that provides places to live closer to employment, shopping, entertainment and transit services and encourage affordable housing opportunities.*

*Columbia Street Rehab:*

- *Existing three-story building previously had 10 multifamily units.*
- *Rehabilitation brings units up to current building code compliance and extends building life*
- *Rehabilitation will provide 2 affordable units in the VCCV district for 10 years.*
- *Total development cost ~$1.6 million.*

*The proposed project is located within the VCCV, one of two eligible target areas designated through the multi-family tax exemption ordinance. The 2007 VCCV subarea plan and Planned Action identified a need of approximately 4,600 new residential units downtown as an essential key to downtown vitality and support of businesses.*

Request: On Monday, January 7, 2019, following a public hearing, adopt a resolution approving an agreement with Grand Apartments JV, LLC and authorizing the City Manager or designee to execute a multi-family housing limited property tax exemption agreement.

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

Peggy Sheehan, Community Development Programs Manager, provided an overview of the project details and proposed agreement.

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

**Motion** by Councilmember Hansen, seconded by Councilmember Stober, and carried unanimously to adopted Resolution M-3999, approving the request.

17. **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, January 7, 2019, subject to second reading and public hearing, approve the Golf Cart Zone Ordinance.

*Jonathan Young, Chief Assistant City Attorney, 487-8511*

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

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

- Steve Tubbs, Vancouver, spoke in support of the proposed golf cart zone, but recommended the City expand it to include other areas of the city as well.

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

Jonathan Young, Chief Assistant City Attorney, provided an overview of the proposal.

Eric Hahn, Senior Civil Engineer, stated the City would not be opposed to opening up the golf cart zone to other areas of the city, but it is preferable to take small steps in moving forward in order to ascertain any potential safety issues.

Kathy McNicholas, Police Lieutenant, agreed with Mr. Hahn and noted that further research would be prudent before expanding the golf cart zone.

Mr. Young stated the proposed ordinance allows for the Council to specify future areas where golf carts could be allowed to operate, so the Council could at a future date make expansions.

**Motion** by Councilmember Hansen, seconded by Councilmember Stober, and carried unanimously to approved Ordinance M-4260.

18. **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, January 7, 2019, subject to 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 an overview of the proposal.

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

Mayor McEnerny-Ogle noted that currently a large number of semi-trucks park and turn around in the area proposed to be a cul de sac. She asked if that activity would be limited. Mr. Hahn stated that activity would be changed slightly, but the cul de sac would be industrial sized, so trucks could still utilize it.

**Motion** by Councilmember Glover, seconded by Councilmember Lebowsky, and carried unanimously to approved Ordinance M-4261.

## Communications

A) From the Council

B) From the Mayor

C) From the City Manager

## Adjournment

8:15 p.m.

DocuSigned by:

Anne McEnerny-Ogle

58CB15C0032F403...

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.