CITY OF VANCOUVER · WASHINGTON

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

Timothy D. Leavitt, Mayor
Larry J. Smith · Jack Burkman · Bart Hansen · Bill Turlay · Anne McEnerny-Ogle · Alishia Topper

Vancouver City Council Minutes – January 26, 2015

NO WORKSHOPS

COUNCIL CONSENT MEETING (City Council Chambers)

PLEDGE OF ALLEGIANCE

CALL TO ORDER AND ROLL CALL
The regular meeting of the Vancouver City Council was called to order at 7:01 p.m. by Mayor Pro Tem Larry J. Smith in the Council Chambers of City Hall, 415 W. 6th Street, Vancouver, Washington.

Present: Councilmembers Topper, McEnerny-Ogle, Turlay, Hansen, Smith
Absent: Councilmember Burkman, Mayor Leavitt

Motion by Councilmember Topper, seconded by Councilmember Hansen, and carried unanimously to excuse Mayor Leavitt.

Motion by Councilmember McEnerny-Ogle, seconded by Councilmember Turlay, and carried unanimously to excuse Councilmember Burkman.

APPROVAL OF MINUTES OF JANUARY 5, 2015

Motion by Councilmember McEnerny-Ogle, seconded by Councilmember Topper, and carried unanimously to approve the minutes of January 5, 2015.

APPROVAL OF MINUTES OF JANUARY 12, 2015

Motion by Councilmember McEnerny-Ogle, seconded by Councilmember Topper, and carried unanimously to approve the minutes of January 12, 2015.

CITIZEN COMMUNICATION (ITEMS 1-6)

Mayor Pro Tem Smith opened Citizen Communication and, receiving no testimony, closed Citizen Communication.
Council requested Item 4 be pulled from the Consent Agenda for separate consideration.

**Motion** by Councilmember McEnery-Ogle, seconded by Councilmember Turlay, and carried unanimously to approve Items 1-3 and 5-6 of the Consent Agenda.

1. **APPLE GROVE ESTATES FINAL PLAT**
   (Staff Report 009-15)

**Summary**

Apple Grove Estates, a 21-lot subdivision for single-family homes, was part of a Planned Unit Development that was approved by the City Council on August 21, 2006, subject to conditions of approval. The applicant has complied with the conditions of approval and constructed the required street and utility improvements to City standards. The applicant is requesting final plat approval, having complied with all requirements and completed all required infrastructure improvements to City standards.

**Motion** approved the Apple Grove Estates final plat. *(Greg Turner, Land Use Manager, 487-7883)*

2. **PROFESSIONAL SERVICES AGREEMENT WITH ADVENTIST MEDICAL CENTER dba ADVENTIST HEALTH/OCCUPATIONAL HEALTH SERVICE FOR MEDICAL TESTING AND MEDICAL SERVICES**
   (Staff Report 010-15)

**Summary**

In 2011, the City competitively solicited for these services via RFP #10-11. The contract provides for pre-employment physicals, various wellness testing for the Fire Department, and fit-for-duty examinations. The original contract was for a one-year period with the option to extend for four additional years. The City just finished the third year of the contract.

The City expects expenditures to exceed the $300,000 threshold over the life of this contract; hence, the request to expand contracting authority. Authorizing additional amount of $75,000 and extending the contract through November 15, 2015, will enable the City to continue its contract with Adventist Medical Center. Each department has money allocated for these services in their approved budgets.

**Motion** authorized the City Manager or his designee to execute an amendment to the current contract #71920 with Adventist Medical Center for medical testing and other related professional services, to increase contract amount by $75,000.00 and extend the contract period through November 15, 2015. *(Suzi Hagstrom, Human Resources Director, 487-8408)*

3. **PROFESSIONAL SERVICES AGREEMENTS WITH LYNN WITTWER, MD, PC, FOR MEDICAL PROGRAM DIRECTOR SERVICES WITH VANCOUVER FIRE DEPARTMENT AND AMR, INC.**
   (Staff Report 011-15)
Summary
The City provides for emergency medical services through its contract with AMR, Inc. as well as by Vancouver Fire Department emergency medical services personnel. Washington state law mandates all emergency medical personnel be certified, trained and supervised by a regional medical program director (“MPD.”). Under the City’s contract with AMR, AMR reimburses the City for costs associated with medical direction services. The Professional Services Agreements outline the terms and conditions for the provision of medical oversight, consultation, training, and quality assurance services as per the MPD responsibilities required by Washington state law, for both the Vancouver Fire Department and the City’s contract with AMR, Inc. Lynn K. Wittwer, M.D., PC is the medical program director for Clark County, Washington. Under the authority granted to him by the Washington State Department of Health, he provides mandatory medical oversight, consultation, training and quality assurance services for all Clark County, Washington, emergency medical services personnel.

Motion authorized the City Manager to sign the attached Professional Services Agreements between the City of Vancouver and Lynn K. Wittwer, M.D., PC for the provision of emergency medical services oversight. (Debra Quinn, Assistant City Attorney, 487-8500)

4. Street Vacation of a Portion of Unimproved Right-of-Way Adjacent to 17317 SE Evergreen Highway (Staff Report 012-15)

Ryan Lopossa, Senior Civil Engineer, provided staff comments.

A Resolution fixing February 23, 2015 as the date for a public hearing on a proposal to vacate a portion of an unimproved public street right-of-way located within the Southwest Quarter of the Northwest Quarter of Section 7, Township 1 North, Range 3 East, Willamette Meridian, City of Vancouver, Clark County, Washington and within the William M. Simmons Donation Land Claim.

Summary
Staff has received a request from David and Kim Gutschmidt via Chicago Title Insurance to vacate a portion of an unimproved public street right-of-way located adjacent to 17317 SE Evergreen Highway and the BNSF rail line. The right-of-way is specifically located within the Southwest Quarter of the Northwest Quarter of Section 7, Township 1 North, Range 3 East, Willamette Meridian and within the William M. Simmons Donation Land Claim (DLC).

The right-of-way was acquired by Clark County in 1966 in anticipation of a new road to be located along the south side of the BNSF (formerly Spokane, Portland and Seattle Railway Company) rail line. The road project was never completed nor is there any additional public street right-of-way located adjacent to the subject area. The applicant would like to consolidate a portion of the vacated right-of-way into their property. In addition, BNSF has expressed an interest in a portion of the vacated right-of-way to facilitate future improvements to their rail system.

Staff has contacted all utility owners with facilities located within the subject area. Clark Public Utilities and Centurylink have electrical and telephone service lines running through a portion of the subject area.
Therefore, the City will retain a non-exclusive public utility easement under and over the vacated area for the construction, repair and maintenance of all public utilities and services.

Pursuant to VMC 11.05.130, the property associated with a vacated street shall belong to the abutting property owners, one-half to each.

RCW 35.79.030 and VMC 11.05.120 stipulate provisions for the City to collect compensation for the value of public right-of-way that is vacated. An analysis of the County Assessor’s records for properties adjacent to the proposed vacation area resulted in an estimated property value equal to $9.94 per square foot. The total area of the proposed vacation is 6,966 square feet. This results in a total estimated property value equal to $69,242. Pursuant to VMC 11.05.120.C, Staff recommends the imposition of compensation equal to 100% of the total estimated property value, which is equal to $69,242. This sum shall be remitted to the City prior to the right-of-way vacation becoming effective.

Councilmember McEnerny-Ogle stated that she had check on surrounding property values with the Assessor’s Office and was informed of a GIS error in one calculation, and she also noted that the properties in the vicinity with river frontage were assessed at much higher levels than those set back abutting the train tracks. She requested that the property value for the subject right-of-way be re-evaluated, based on this information, to ensure the estimated value be as accurate as possible prior to Council moving the vacation forward.

Mr. Lopossa noted the challenges in assessing the estimated value as the property abuts another site with river frontage, but it also abuts the railroad tracks. He also noted that the properties on the river site were assessed within a wide range of prices per square foot due to a number of factors.

Councilmember Turlay agreed that the question needed to be addressed. He asked if there was any urgency in delaying the vacation until updated information could be provided. City Manager Eric Holmes confirmed there was no urgency for this particular vacation.

Council remanded the item to staff for further development. (Ryan Lopossa, Senior Civil Engineer, 487-7706)

5. Acquisition of Certain Properties for Improvements to 18th Street Four Seasons Lane to 138th Avenue
(Staff Report 013-15)

Mayor Pro Tem Smith read the title of the ordinance into the record.

AN ORDINANCE relating to transportation and streets and sidewalks; declaring the public necessity for and providing for the acquisition by the City of Vancouver by eminent domain of certain property described herein generally located along N.E. 18th Street from N.E. Four Seasons Lane to NE 138th Avenue, to construct the improvements and related facilities within the City of Vancouver, Washington; authorizing the City Attorney to prosecute eminent domain proceedings and to
stipulate in mitigation of damages; providing for payment for such property; and providing for an immediate effective date.

Summary
In order to apply for future grants and construct improvements to the 18th Street Four Seasons Lane to 136th Avenue Project, the City must purchase properties located within the boundaries of the approved right-of-way plans for the roadway. The City has negotiated in good faith for acquisition of the required properties, and the majority of the properties have been acquired, or agreements in principle have been reached. Extensive outreach and contacts with the property owners has been made during the negotiations (face-to-face, phone, letters, e-mails); however, continues to be negotiations between the parites. Due to established timelines for applying for grants (July 2015) and constructing improvements (January 2016), it may be necessary to initiate eminent domain proceedings in February 2015 to acquire the remaining portions of parcels.

It is proposed to approve an ordinance finding that acquisition of a portion of Landover East Condominium’s common space - address 13600 NE 18th Street, Vancouver, WA (owned equally by all members of the association) is of “public use and necessity” for completion of the 18th Street Four Seasons Lane to 138th Avenue Project. Costs are already accounted for as part of the 18th Street Four Seasons Lane to 138th Avenue capital project in the 2015/2016 biennium.

Motion approved ordinance on first reading, setting date of second reading and public hearing for February 2, 2015. (Chris Malone, Senior Civil Engineer, 487-7711; Brent Boger, Assistant City Attorney, 487-8500)

6. APPROVAL OF CLAIM VOUCHERS FOR JANUARY 26, 2015

Motion approved claim vouchers for January 26, 2015, in the amount of $7,381,291.27.

PUBLIC HEARINGS (ITEM 7)

7. SIXTH AMENDMENT TO THE DISPOSITION AND DEVELOPMENT AGREEMENT FOR THE VANCOUVERCENTER DEVELOPMENT, PHASE 2
(Staff Report 014-15)

Chad Eiken, Community and Economic Development Director, provided staff comments.

A RESOLUTION relating to the approval of the sixth amendment to the development agreement entered into between the City of Vancouver, Washington, a municipal corporation, and Vandevco Limited, a Washington corporation, pursuant to RCW Chapter 36.70B; relating to providing for the redevelopment of two city blocks bordered by Washington Street, Columbia Street, 6th Street, and 8th Street, and authorizing the City Manager to execute said amendment to the development agreement.
Summary

Vancouvercenter is the largest development in downtown but remains unfinished because of recent economic conditions. The owner/developer seeks to complete the project with a six-story residential tower with construction starting in late 2015, to be substantially completed no later than March of 2017. In order for the project to be built as proposed, several changes to an existing Disposition and Development Agreement between the owner and City are needed. The proposed amendments reflect a smaller tower than initially envisioned, but local economic development experts indicate that the smaller scope is warranted given current market conditions. Completion of the development of the site will result in new sales tax on construction, increase in property values, and ensure additional demand for parking in the garage over current conditions, which ultimately increase revenues to the city.

Mr. Eiken provided an overview and background information on the project and the reasons for the request to amend the scope and timeline of construction.

Mayor Leavitt opened the Citizen Forum and received the following testimony:

- Carolyn Crain, Vancouver, expressed concerns about the City’s long-term planning and the granting of tax abatements for developments in the downtown area. She also expressed concerns about the proposed amendment to the building materials for the upper stories.

- Todd Boulanger, Vancouver, stated he was pleased that this project would finally be finished, but expressed concerns with the changes in scope of the tower and the fact that there would be much less retail space than originally proposed.

There being no further testimony, Mayor Leavitt closed the Citizen Forum.

Mr. Eiken clarified that the upper stories with only have a wood frame, but the exterior would be consistent with the surrounding architecture. Mr. Eiken also noted that the type of materials the developer uses to construct the project is not specified in the development agreement. He noted that recent studies have indicated that the current economy would only support a 6-story tower in the near term and that residential use would be the most successful in the current economy.

Councilmember McEnerny-Ogle noted that the six-story proposed tower would be complimentary to the surrounding buildings.

Councilmember Topper stated that in addition to complementing the surrounding block, the project would bring additional residents to the downtown area.

Councilmember Hansen stated that he would potentially be more concerned with the loss of the retail space proposed for the project, but that area is not a retail hub to begin with and the more residents who come to live downtown, the more business they will bring into the local businesses downtown.

Councilmember Topper noted that the project also will add to the affordable housing stock downtown in an appropriate mix of market-rate and affordable units.
Nawzad Othman, representing the developer, stated that the Vancouvercenter project began in 1999 with the development agreement, with construction starting in 2000 on the multileveled project. The plan had been to begin construction on the final tower in 2006 to 2007, but the recession forced the developer to put the project on hold. He noted that the project partners had explored a number of alternatives to the original mixed-use tower, and the economy has finally recovered to the point where the scaled back multi-family project will be financially viable, but these delays mean they will have to delay slightly in order to begin construction.

**Motion** by Councilmember Hansen, seconded by Councilmember Topper, and carried unanimously to adopt Resolution M-3850 to approve the sixth amendment to the Vancouvercenter Disposition and Development. *(Chad Eiken, Community and Economic Development Director, 487-7882)*

**COMMUNICATIONS**

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

**ADJOURNMENT**

8:12 P.M.

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Timothy D. Leavitt, Mayor

Attest:

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R. Lloyd Tyler, 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.