

# CITY OF VANCOUVER • WASHINGTON

Vancouver City Hall – Council Chambers – 415 W. 6<sup>th</sup> Street

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[www.cityofvancouver.us](http://www.cityofvancouver.us)

Timothy D. Leavitt, Mayor

Councilmembers Jeanne Harris, Jeanne E. Stewart, Larry J. Smith,

Jack Burkman, Bart Hansen and Bill Turlay



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## VANCOUVER CITY COUNCIL AGENDA – DECEMBER 9, 2013

### WORKSHOPS

#### **4:00-4:30 p.m.                    CITY TRAVEL POLICY**

##### **Summary**

The existing City Travel Policy (SR 054-99) was adopted in March of 1999. Embedded in this policy are administrative procedural practices that are cumbersome and do not reflect current best practices. In addition, separation of administrative procedures from the policy will allow regular, streamlined updates to procedures as technology, best practices and new efficiencies are identified that can reduce administrative costs without reducing attention to state and federal regulations as it relates to travel. Staff will brief Council on the proposed changes and updates to the policy. *(Christine Smith, Accounting Manager, 487-8441)*

#### **4:30-5:00 p.m.                    COMMUNITY MEDIATION SERVICES UPDATE**

##### **Summary**

Community Mediation Services staff will provide an update regarding the non-profit agency's community conflict resolution programs and training. In 2010, Community Mediation Services transitioned from a City/County agency into a non-profit agency serving all of Southwest Washington. The presentation will highlight the agency's development, current programs and training, and the agency's vision for the future. *(Nancy Pionk, Community Mediation Services, Executive Director, 360-334-5862, ext. 101)*

#### **5:00-5:30 p.m.                    TESORO-SAVAGE PROJECT UPDATE**

##### **Summary**

On November 4, 2013, the City Council reviewed in workshop the local and state administrative process that the proposed Tesoro-Savage oil terminal will go through. At that time, Council gave consensus direction to complete the land use certification review administratively and, if the EIS scoping time

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period allowed, come back for a briefing to the Council on the City's scoping comments. Staff will present proposed scoping comments for review by Council. The final scoping comments will be forwarded to the state Energy Facility Siting Evaluation Council to consider in its preparation of the Environmental Impact Statement. The comments must be sent to EFSEC by Dec. 18, 2013. *(Jon Wagner, Senior Planner, 487-7885)*

**5:30-6:00 p.m. EXECUTIVE SESSION RE: PENDING LITIGATION**

**COUNCIL CONSENT MEETING** (City Council Chambers)

6:30 p.m.

**PLEDGE OF ALLEGIANCE**

**CALL TO ORDER AND ROLL CALL**

**APPROVAL OF MINUTES OF NOVEMBER 18, 2013**

**APPROVAL OF MINUTES OF NOVEMBER 25, 2013**

**CITIZEN COMMUNICATION (ITEMS 1-8)**

This is the place on the agenda where the public is invited to speak to Council regarding the items on tonight's agenda. The person speaking is requested to complete a **yellow**, pre-printed card (provided at the counter at the entrance to Chambers) with their name/address and agenda item to be addressed. They are also asked to sit at the table at the place marked "Citizen Testimony" and give their name and city of residence for the audio record. Please notify the Council Assistant if you are unable to sit at the table to give your testimony and wish to have a wireless microphone provided to you. **Citizens testifying are asked to limit testimony to three minutes.**

**CONSENT AGENDA (ITEMS 1-8)**

The following items will be passed by a single motion to approve all listed actions and resolutions. There will be no discussion on these items unless requested by Council. If discussion is requested, the item will be moved from the Consent Agenda and considered separately – after the motion has been made and passed to approve the remaining items.

**1. REPLACEMENT OF DISK DRIVE STORAGE**

(Staff Report 106-13)

**Summary**

The City has disk drive storage arrays that are approximately 5-7 years old and nearing the end of their maintenance coverage. The storage arrays being replaced contain data and applications from all departments, including the City's email system. The cost of the replacement hardware, software and 5-year maintenance is \$276,808.48. The new storage arrays will provide the City greater resiliency and business continuity through data replication between facilities, and will provide greater efficiency through data compression. The storage arrays have space for additional disk drives to accommodate future data growth.

No additional funding is required. Major technology hardware replacements are planned and budgeted for within the City's technology replacement fund (Fund 506).

**Action Requested:** Authorize the City Manager or his designee to procure hardware, software and maintenance in excess of \$200,000 from Carahsoft Solution via GSA Schedule 70 contract GS-35F-0119Y. (*Patrick Gilbride, Information Technology Manager, 487-7650*)

## **2. EXTENSION OF BANKING SERVICES CONTRACT**

(Staff Report 107-13)

### **Summary**

In 2009, the City, County, and the Port of Vancouver went through a joint RFP process for banking services. It was a very competitive process, with four banks responding to the RFP. Bank of America was chosen as the most responsive firm by both the City and the County. In January 2010, Council approved a banking services contract with Bank of America. The duration of the contract was for three years, with an option to extend for an additional two years. The end of the first three year period is December 31, 2013. Staff estimated the cost of banking services for the first three years would not exceed \$1 million. Actual costs are expected to slightly exceed the \$1 million amount over the 3-year contract period. Approximately 90% of the banking service fees are attributed to fees assessed by the credit card companies associated with accepting credit/debit cards as a payment type. These fees are paid by all of the department/funds associated with receiving payments by credit cards.

Because of the amount of the contract, staff is requesting authorization from Council to extend the contract with Bank of America through December 31, 2015, with the same terms and conditions that were originally authorized. This extension was allowed in the original contract. In addition, staff estimates an additional \$1 million will be needed for the contract over the next two years. With Council approval, the total 5-year contract will be established with a not to exceed amount of \$2 million. Funding for contract costs is included in the 2013/2014 Budget for all funds.

**Action Requested:** Authorize the City Manager or his designee to sign the amendment to the professional services agreement for banking services to extend the contract through December 31, 2015 and to increase the total contract not to exceed amount to \$2,000,000. (*Carrie Lewellen, City Treasurer, 487-8482*)

## **3. INTERLOCAL AGREEMENT WITH CLARK REGIONAL WASTEWATER DISTRICT REGARDING INDUSTRIAL PRETREATMENT**

(Staff Report 108-13)

### **Summary**

The City of Vancouver's *Pretreatment Ordinance* as codified in VMC 14.10 and the supporting Industrial Pretreatment Program manual provides staff authority to issue permits, conduct monitoring activities, and take corrective and enforcement actions related commercial and industrial wastewater discharges into the City's sanitary sewer system. Clark Regional Wastewater District (CRWWD) currently discharges approximately 700,000 gallons per day of wastewater to the City for treatment in accordance with the Wholesale Wastewater Treatment Agreement dated June 2010. That agreement requires CRWWD to have pretreatment standards that meet or exceed the City's standards and provides for the City and CRWWD to enter into additional agreements as necessary to implement and carry out pretreatment programs and activities for customers in the CRWWD service area which discharge to the City for treatment.

The current Pretreatment ILA between the City and the then-named Hazel Dell Sewer District has been in effect since June 14, 1999. This updated ILA will supersede the 1999 Agreement. It was determined

that the 1999 Agreement needed to be updated to better reflect current laws and regulations and better define the roles and responsibilities between CRWWD and the City with regard to the pretreatment program.

This action will be budget neutral. No change is expected in the level of staffing and resources necessary to implement and maintain the city's Industrial Pretreatment Program or the updated ILA.

**Action Requested:** Approve the Interlocal Agreement (ILA) between the City of Vancouver and Clark Regional Wastewater District regarding Industrial Pretreatment. (Frank Dick, Industrial Pretreatment Coordinator, 487-7179)

**4. PROFESSIONAL SERVICES AGREEMENT FOR CITYWIDE BROWNFIELD ENVIRONMENTAL ASSESSMENTS AND REMEDIATION PLANS FUNDED THROUGH A GRANT FROM THE U.S. ENVIRONMENTAL PROTECTION AGENCY**  
(Staff Report 109-13)

**Summary**

Brownfields provide potential opportunities for redevelopment and community enhancement. The City has compiled an existing inventory of over 100 known or suspected commercial or industrial brownfield sites. In August 2013 the City was awarded a 2013 US EPA Community Wide Brownfield Grant of \$400,000 for the updating and prioritizing of existing city brownfield inventories, completing up to 16 Phase I and 10 Phase II environmental assessments, and development of four remediation plans through September 2016. To implement the grant, City staff recommends selection of Stantec Consulting, which was selected following issuance of a Request for Qualifications (RFQ-35-13), and interviews of four finalists. Consultant costs will be entirely funded by the EPA grant.

**Action Requested:** Authorize City Manager or designee to sign a professional services contract not to exceed \$400,000 with Stantec Consulting, to be funded by a U.S. Environmental Protection Agency Community Wide Brownfield Grant. (*Bryan Snodgrass, Principal Planner, 487-7946*)

**5. 2013 TEXT AMENDMENTS TO THE COMPREHENSIVE PLAN AND TITLE 20 ZONING CODE**  
(Staff Report 110-13)

**AN ORDINANCE** relating to Comprehensive Plan and Zoning for the City of Vancouver and Vancouver Municipal Code (VMC) Title 20; amending VMC Title 20 and adopting new measures; and providing for an effective date.

**Summary**

Council is requested to review and make final determinations on the following changes developed by staff and recommended for approval by the Planning Commission at a September 24, 2013, public hearing:

- a) Zoning Code Text Changes (4): Update and clarify standards for accessory buildings in residential zones, mixed-use buildings in the Neighborhood Commercial zone, and child care centers in residential zones; and correct errors
- b) Comprehensive Plan Text Changes (3): Update Plan policies and associated text regarding community gardens, and public works asset management; and correct errors

Also reviewed and recommended for approval by the Planning Commission at the September 24 hearing were two proposed Comprehensive Plan and zoning map designation changes near Fruit Valley Road. These are scheduled for separate City Council public hearing review on January 27, 2014.

**Action Requested:** On Monday, December 9, 2013, approve ordinance on first reading, setting date of second reading and public hearing for Monday, December 16, 2013. (*Bryan Snodgrass, Principal Planner, 487-7946*)

## **6. 2013 FALL SUPPLEMENTAL BUDGET**

(Staff Report 111-13)

**AN ORDINANCE** relating to the 2013-2014 Biennial Budget and making various appropriations in various funds; declaring an emergency.

### **Summary**

Each year, certain budget adjustments must be made to reflect changes in revenues and expenses that occurred after the date the budget was adopted by City Council. These adjustments can be generally categorized into several areas:

- Corrections or administrative updates to the adopted 2013-2014 budget.
- Activities and expenditures associated with new revenues.

Budget adjustments are recommended for the City's various funds as detailed in Attachment A of the ordinance. Overall, the recommended adjustments for the City's Operating and Capital funds included in the Fall 2013 Supplemental Budget have an increase of \$11.8 million on the City's expenditure appropriation. Of that amount, \$9.4 million relates to an increase in the Operating budget, accompanied by an increase of \$2.4 million in the Capital Budget. The total appropriation change in the General, Street and Fire funds represents a reduction of \$0.9 million over the two year time period. Major adjustments in the City's General, Street, and Fire funds are summarized below.

A total of \$10.3 million in new appropriation is added in other operating City funds, mostly representing administrative adjustments to the budget. A total appropriation of \$2.4 million relates to changes in the Capital Budget. Of that amount, \$1.5 million relates to refunding the existing balances in County capital funds, a net amount of \$0.6 million relates to a refund of an existing loan in Sewer Capital, and the balance relates to minor changes in Transportation capital.

**Action Requested:** On Monday, December 9, 2013, approve ordinance on first reading, setting date of second reading and public hearing for Monday, December 16, 2013. (*Natasha Ramras, Deputy Finance Director, 487-8484*)

## **7. PROPOSED SETTLEMENT OF TORT CLAIM**

(Staff Report 112-13)

### **Summary**

On February 19, 2007, Kathy Marshack filed a tort claim alleging the City was liable for the actions of certain current and former employees and officials who she alleged interfered with her civil rights primarily in regard to certain real property which she owns. On May 20, 2008, plaintiff filed a Complaint, which has since been amended twice. Plaintiff's lawsuit essentially alleges the matters contained in the tort claim. In 2013, the case was removed to the United States District Court for the Western District of

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Washington. The case has been actively litigated for more than five years and a trial date has been set for November 2014. The City denies any wrong-doing.

The cost of continuing discovery, retention of expert witnesses and trial preparation for both parties is significant and the parties entered into negotiations in an attempt to resolve this matter and conclude the litigation.

The proposed settlement resolves all claims against the City and its current and former employees and officials at a small fraction of what plaintiff had demanded in the past. Funding is available in the Risk Fund.

**Action Requested:** Authorize the City Manager or his designee and the City Attorney to execute any and all documents necessary to complete the settlement of this matter in the amount of \$75,000.00. *(Ted Gathe, City Attorney, 487-8500)*

**8. APPROVAL OF CLAIM VOUCHERS FOR DECEMBER 9, 2013**

(Copy available upon request.)

**RE-APPOINTMENTS**

- **Telecommunication Commission**
- **Planning Commission**
- **PDX Citizen Noise Advisory Committee**
- **Aviation Advisory Committee**

**CITIZEN FORUM (30 MINUTES)**

This is the place on the agenda where the public is invited to speak to Council regarding any issue. Up to 30 minutes will be allotted for the Citizen Forum. Each speaker is requested to fill out a pre-printed testimony card (provided at the counter at the entrance to Chambers) with their name/address and matter to be discussed. They are also asked to sit at the table at the place marked "Citizen Testimony" and give their name and city of residence for the audio record. Please notify the Council Assistant if you are unable to sit at the table to give your testimony and wish to have a wireless microphone provided to you. Each speaker shall have one opportunity to address the Council. **Citizens testifying are asked to limit testimony to three minutes.**

**\*SPECIAL PRESENTATION RECOGNIZING THE SERVICE OF COUNCILMEMBERS JEANNE HARRIS AND JEANNE E. STEWART**

**ADJOURNMENT**

*\*Community Reception to follow in City Hall Lobby.*

# ATTACHMENT G