November 1, 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.

Councilmember Paulsen was absent from workshops.

4:00-5:00 p.m. Fossil Fuel Facilities Moratorium and Potential Permanent Regulations

Chad Eiken, Community Development Director, 360-487-7882; Aaron Lande, Policy and Program Manager, 360-487-8612; Bryan Snodgrass, Principal Planner, 360-487-7946

Summary
Staff provided Council with an update on the moratorium on large-scale fossil fuel facilities and outlined next steps regarding future potential regulations.

Executive Session re: Pending Litigation (1 hour)

Mayor McEnerny-Ogle announced the Council would be entering executive session for one hour to discuss pending litigation from 5:15-6:15 p.m.

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 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, Lebowsky Glover, Stober, Hansen, Mayor McEnerny-Ogle

Absent: Councilmember Paulsen

Councilmember Lebowsky left at 7:58 p.m.

Motion by Councilmember Hansen, seconded by Councilmember Fox, and carried unanimously to excuse Councilmember Paulsen.

Approval of Minutes

Minutes - October 11, 2021

Motion by Councilmember Glover, seconded by Councilmember Stober, and carried unanimously to approve the meeting minutes of October 11, 2021.

Community Communication

Mayor McEnerny-Ogle noted staff had submitted a request to add a walk-on item to the Consent Agenda. Jonathan Young explained staff is presenting a proposed settlement agreement with CloudOne LLC pertaining to a commercial lease agreement between CloudOne and the City (details summarized below.

Mayor McEnerny-Ogle opened Community Communication on Consent Agenda items and received the following testimony:

- Roy Johnson, representing the Vancouver Housing Authority, thanked the City for its ongoing support, and recognized Peggy Sheehan, Community Development Programs Manager, for her work on housing issues. Mr. Johnson spoke in support of Item 2 on the Consent Agenda.
- Kimberlee Elbon, La Center, Washington, expressed concerns about the Local Governments for Sustainability (ICLEI).
- Wynn Grcich, Vancouver, expressed concerns about the Local Governments for Sustainability (ICLEI), and expressed concerns regarding Item 1, stating she would like to know the background on all bidders before Council makes a decision.

There being no further testimony, Mayor McEnerny-Ogle closed Community Communications.

Consent Agenda

Council requested Items 1, 2, 4 and 5 be pulled from the Consent Agenda for discussion.

Regarding Item 1, Councilmember Stober noted the Water Station 5 site is a large piece of property and it would be good to establish more native trees on the site or better illustrate where they are to be included.

Regarding Item 2, Councilmember Stober requested in the future staff provide a spreadsheet that provides information on all local funding sources for Affordable Housing projects so Council can have a more complete understanding of the contributions to these projects.

Regarding Item 4, Councilmember Stober asked for clarification on the future ownership of the components of the Fourth Plain Commons. Ms. Sheehan confirmed the City would maintain ownership of the community space, and the Vancouver Housing Authority (VHA would maintain ownership over the housing component.

Regarding Item 5, Councilmember Stober stated he would like to see some of the language in the Pearson Airfield Rules and Regulations cleaned up prior to Council approval, and he noted Council had received correspondence from Paul Speer (attached outlining concerns and proposed revisions within the document. He requested Council vote on this item separately.

Jennifer Belknap Williamson, Public Works Director, stated staff has identified some minor grammatical edits to be made within the document. She stated there have been no recommendations made in regards to proposed revisions that would substantively prevent the document from doing what it is meant to do, and nothing has been suggested that would practically or legally indicate the rules and regulations would not be a document that can be enforced.

Councilmember Fox agreed there are grammatical edits that should be made, as well as stylistic clean-up that could be done. She also recommended the pronouns be edited to be neutral throughout. Ms. Belknap Williamson stated that some of the comments in Mr. Speers' letter are more a matter of opinion and staff would not recommend blanket adoption of all recommendations. She recommended Council adopt the rules and regulations as presented and stated staff will continue to work on refining the document in consultation with the Aviation Advisory Committee (AAC), once that body is seated, and bring back revisions for Council consideration.

Councilmember Stober stated this document should move forward so the City can move forward with setting up the AAC.

Motion by Councilmember Stober, seconded by Councilmember Fox, and carried unanimously to approve Item 5 of the Consent Agenda.

Motion by Councilmember Hansen, seconded by Councilmember Fox, and carried unanimously to approve Items 1-4, 6 and the Walk-On Item (new Item 7).

1. **Bid Award for the Water Station 5 Reservoirs and Pump Station project, per Bid # 21-28.**

Staff Report 161-21

Summary

Water Station 5 is a 5.3-acre water utility site located east of I-5 along the north side of East Mill Plain Boulevard, next to Fire Station 3, in the Heights Redevelopment District. Major facilities on the Water Station 5 site include a rectangular shaped concrete ground-level water storage reservoir with a wooden roof structure, an elevated steel water tower, and a booster pump station. Water Station 5 is unique from other water stations in that there are no water production wells on the site so its main purpose is the storage and distribution of drinking water. With a combined storage capacity of 8,750,000 gallons, Water Station 5 directly supplies clean drinking water to 8,010 residents and transfers water to and from other water sites through large transmission mains to support another 214,000 residents within Vancouver's water service area.

Water storage facilities are deemed critical infrastructure needed to supply water for fire-fighting, consumption, and sanitation as part of our community's normal daily operations as well as in the aftermath of a natural disaster. The 8 million gallon ground-level reservoir was constructed in 1944. The steel water tower and pump station were constructed in 1955 and 1956 respectively. The aging water facilities were evaluated for seismic resiliency with a study completed in 2015, which found the facilities in need of structural improvements. The steel water tower was seismically upgraded in 2017. The analysis showed the cost of structural retrofits to the existing ground level reservoir would be significant enough to warrant full replacement. The project to replace the reservoir and pump station has been identified in the City of Vancouver 2015 Comprehensive Water System Plan and further listed in the water utility's Capital Improvement Program.

On April 6, 2020, the City entered into a professional service agreement with the engineering firm, Jacobs, to develop bid ready plans and specifications for the construction of the Water Station 5 Reservoirs and Pump Station project based on a 2019 conceptual site plan. The work to develop bid ready plans and specifications has been completed and the City advertised the project for bids on August 13, 2021.

The construction project will demolish the existing 8 million gallon water reservoir and replace it with two 4 million gallon circular concrete water reservoirs, demolish and replace the existing booster pump station, and install an emergency backup generator to provide power in the event of a power outage. In addition, the project includes frontage improvements which will improve the site's aesthetics consistent with the Heights District Redevelopment plan. Access improvements *for operations and maintenance will be improved along with added site security and upgrades to automated controls for efficient water system operations.*

This project was designed to include a multitude of energy efficient improvements. The site will have improved site lighting with energy efficient LED fixtures. As it is with all City pump station projects, the pump station will provide for energy efficient pumping through hydraulic design and use of high-efficiency equipment. The pumps will have individual power meters to allow the City to monitor power consumption and identify when adjustments are needed to maintain the optimal energy performance. The new pump station will take advantage of natural lighting using translucent window panels. The hydraulic flow through the pump station piping will account for most of the building's heating and cooling needs using air circulation. In addition to the energy efficient improvements, sustainable practices are to be followed during construction. The large wood timbers from the existing reservoir roof are to be reclaimed for re-use and other building materials are to be recycled. Existing trees will be maintained where practical and new trees planted after the reservoir construction.

At this time, the project does not include affixing solar panels to the reservoirs. However, water utility staff are currently exploring this sustainable alternative as an addition to this project.

On September 28, 2021, the City received three bids for the subject project and the low bidder, Rotschy Incorporated of Vancouver, Washington was responsive. If the contract is awarded, construction is anticipated to start December 2021. The project has an anticipated final completion date of December 31, 2023.

The bids results are as follows:

SUMMARY OF BIDS	
BIDDER	***AMOUNT***
Rotschy Inc., Vancouver, Washington	*$25,080,080.84*
Emery & Sons Construction Group LLC, Salem, Oregon	*$25,673,335.10*
Ward-Henshaw Construction Co. Inc., Canby, Oregon	*$27,736,791.36*
Engineers' Estimate	*$28,250,000.00*

Rotschy Incorporated of Vancouver, Washington has completed projects of similar size and scope in the past and have met the required supplemental responsible bidder criteria for the project.

Rotschy Incorporated acknowledges the City's requirement for Apprenticeship Utilization on this project and is anticipating exceeding the 8% goal.

Request: On November 1, 2021, award a construction contract for the Water Station 5 Reservoirs and Pump Station project to the lowest responsive and responsible bidder, Rotschy Incorporated of Vancouver, Washington, at their bid price of $25,080,080.84, which includes Washington State sales tax, and authorize the City Manager or designee to execute a contract with Rotschy Incorporated for the same.

Tyler Clary, Water Engineering Program Manager, 360-487-7169; Michelle Henry, Senior Civil Engineer, 360-487-7155

Motion approved the request.

2. Affordable Housing Funding for Development Projects

Staff Report 162-21

A RESOLUTION relating to low-income housing; providing for adoption of 2021 - 2023 funding awards for the Affordable Housing Fund and authorizing the City Manager to execute agreements and other related documents on behalf of the City of Vancouver consistent with Affordable Housing Fund 2021 – 2023 Council approved funding awards; providing for Severability and an Effective Date.

Summary

On July 28, the City of Vancouver began accepting applications for 2021 – 2023 Affordable Housing Funds totaling $12 million to support housing construction, acquisition, and rehabilitation projects. City staff is reviewing applications on a rolling basis until all funds are awarded. The following four applications were received. The recommended awards total $6.18 million and support the development and acquisition of 162 housing units for households experiencing low income or homelessness. Please note that the applicants are applying to the Department of Commerce for funding and would like the commitment from Vancouver to support that application. One of the projects will also be applying for the Affordable Housing Tax Credit allocation.

- *Evergreen Habitat for Humanity's (EHH) Johnson Village is a new construction project of nine single family homes that will house families experiencing low-income. The Johnson Village project was awarded $495,000 as an Affordable Housing Fund grant as approved by City Council on June 1, 2020. EHH is requesting an additional $180,000 Affordable Housing Fund grant award to support increased costs of the infrastructure development phase of this project.*
- *Community Roots Collaborative (CRC) St. John Village is a new construction project of approximately 50 cottage-style, "tiny" homes that will house individuals and families experiencing low-income and homelessness. CRC is requesting $2,000,000 in Affordable Housing Funds for the purchase of land and development of the homes.*
- *Columbia Non-Profit Housing's (CNPH) Laurel Manor project is a new construction, mid-rise 82-unit one-bedroom development located on NE 66th Ave in Vancouver. The project will house 82 seniors an expected placed-in-service date of October 1, 2023. This project is in partnership with the Vancouver Housing Authority (VHA). CNPH is requesting $2,000,000 in Affordable Housing Funds for the development of the units. Agency will apply for Affordable Housing Federal Tax Credits*
- *VHA's Affordable Housing Project is a unit acquisition project that aims to create and/or maintain affordable housing in Vancouver. The development will have a minimum of 26 units. Several potential projects have been identified, but purchase and sale agreements are not finalized due to a need to secure funding. VHA is requesting $2,000,000 in Affordable Housing Funds for the acquisition of the units.*

All four organizations previously partnered with the City of Vancouver on Affordable Housing Fund projects. The City will place affordability covenants on the additional 50% AMI units for projects that receive an increased award. See attached summaries for a detailed description of each project.

AHF Status and Updates

Since its creation through a tax levy in 2016, the AHF has awarded $28,416,199 to support 47 projects for the construction, rehabilitation, acquisition, and preservation of affordable housing in the city of Vancouver for residents earning less than 50% AMI. The AHF funds were leveraged with tax credits and other funding to support a total project cost of $261,980,938.

Below is a chart that indicates the status of the outcomes of the Affordable Housing Funds to date.

	7-Year Goal	***5-Year Actual (October 2021)***	***% of Goal Completion***
Housing Production (units)	*475*	*480*	*101%*
Housing Preservation (units)	*459*	*321*	*70%*
Homelessness Prevention: Rent Vouchers and Services	*1,873*	*1,130**	*60%*

(households)			
Homelessness Prevention: Temporary Shelter (beds)	*158*	*230*	*146%*

**NOTE: this number includes the reported households for four completed projects and the contracted number of households for three ongoing projects*

Request: Adopt a resolution approving the proposed 2021 Affordable Housing Fund awards for housing production.

Peggy Sheehan, Community Development Programs Manager, 36-0-487-7952

Motion adopted Resolution M-4147 to approve the request.

3. **Approval of 2022 Council Meeting Schedule**

Staff Report 163-21

Summary

City staff develops and publishes the annual Council meeting schedule and calendar every fall for the following year. Council Policy 100-32 includes a provision for Council adoption of the upcoming annual Council meeting schedule by the first meeting of December each year.

The annual schedule identifies the date, time and type of each Council meeting, as well as any Mondays when the Council will not meet. Per Council policy, the Council meets every first, second, third, and fourth Monday of each month, excluding any City-recognized holidays that fall on a Monday. Per City Charter, Council must meet at least twice per month for Regular meetings, which will typically fall on the first and third Mondays; Consent Agenda meetings with Community Forum fall on the second and fourth Mondays, unless otherwise pre-empted by a Regular meeting and identified as such on the approved schedule. Informational workshops may be held, as needed, before any Council meeting. The specific time and topic for each workshop will be identified on the published agenda for a given meeting date.

The 2022 Council schedule includes 24 Regular Council meetings, and 18 Consent Agenda meetings with Community Forums. All City Council meetings will begin at 6:30 p.m., per Council Policy 100-32. Workshops will be held between 4:00 and 6:00 p.m., unless otherwise noted on a published agenda. Community Forums will be held for up to 90 minutes following the business items of the agenda.

Subject to Council approval, the 2022 annual schedule will be publicly noticed in The Columbian newspaper, and the calendar will be posted on the City's website and distributed to the media and all City departments. Copies of the printed Council meeting calendar may be requested by contacting the Council Assistant at 360-487-8600.

Any cancellations or changes to the annual schedule, or the addition of Council retreats or other special Council meetings, will be advertised in accordance with Council Policy and the Washington Open Public Meetings Act.

2022 Annual Meeting Schedule

All meetings begin at 6:30 p.m. | Workshops 4:00-6:00 p.m. (subject to change)

1/3/2022 Regular Meeting
1/10/2022 Consent Agenda Meeting w/ Community Forum
1/17/2022 No Meeting - holiday (Martin Luther King Jr. Day)
1/24/2022 Regular Meeting
2/7/2022 Regular Meeting

2/14/2022	*Consent Agenda Meeting w/ Community Forum*
2/21/2022	*No Meeting - holiday (Presidents Day)*
2/28/2022	*Regular Meeting*
3/7/2022	*Regular Meeting*
3/14/2022	*Consent Agenda Meeting w/ Community Forum*
3/21/2022	*Regular Meeting*
3/28/2022	*Consent Agenda Meeting w/ Community Forum*
4/4/2022	*Regular Meeting*
4/11/2022	*Consent Agenda Meeting w/ Community Forum*
4/18/2022	*Regular Meeting*
4/25/2022	*Consent Agenda Meeting w/ Community Forum*
5/2/2022	*Regular Meeting*
5/9/2022	*Consent Agenda Meeting w/ Community Forum*
5/16/2022	*Regular Meeting*
5/23/2022	*Consent Agenda Meeting w/ Community Forum*
5/30/2022	*No Meeting - holiday (Memorial Day)*
6/6/2022	*Regular Meeting*
6/13/2022	*Consent Agenda Meeting w/ Community Forum*
6/20/2022	*Regular Meeting*
6/27/2022	*Consent Agenda Meeting w/ Community Forum*
7/4/2022	*No meeting - holiday (Independence Day)*
7/11/2022	*Regular Meeting*
7/18/2022	*Regular Meeting*
7/25/2022	*Consent Agenda Meeting w/ Community Forum*
8/1/2022	*Regular Meeting*
8/8/2022	*Consent Agenda Meeting w/ Community Forum*
8/15/2022	*Regular Meeting*
8/22/2022	*No Meeting - Mid-Year Break*
8/29/2022	*No Meeting - 5th Monday*
9/5/2022	*No Meeting - holiday (Labor Day)*
9/12/2022	*Regular Meeting*
9/19/2022	*Regular Meeting*
9/26/2022	*Consent Agenda Meeting w/ Community Forum*
10/3/2022	*Regular Meeting*
10/10/2022	*Consent Agenda Meeting w/ Community Forum*
10/17/2022	*Regular Meeting*
10/24/2022	*Consent Agenda Meeting w/ Community Forum*
10/31/2022	*No Meeting - 5th Monday*
11/7/2022	*Regular Meeting*
11/14/2022	*Consent Agenda Meeting w/ Community Forum*
11/21/2022	*Regular Meeting*
11/28/2022	*Consent Agenda Meeting w/ Community Forum*
12/5/2022	*Regular Meeting*
12/12/2022	*Consent Agenda Meeting w/ Community Forum*
12/19/2022	*Regular Meeting*
12/26/2022	*No Meeting - End of Year Break*

Request: Approve the 2022 annual City Council meeting schedule.

Amanda Delapena, Assistant to the Mayor and City Manager, 360-487-8605

Motion approved the request.

4. **Section 108 Loan Ordinance for Fourth Plain Commons**

Staff Report 164-21

AN ORDINANCE of the City of Vancouver, Washington, approving and authorizing a loan guarantee contract and note and related documents under Section 108 of the Housing and Urban Development

Act of 1974, as amended to provide funds for the Commons Community Center as a part of the Fourth Plain Commons project and delegating authority to execute and deliver the note and the contract and related documents.

Summary
Fourth Plain Commons is a new-construction, mixed-use condominium project located in a low-income census tract (427.00) on the Fourth Plain Corridor. The development is a partnership between the City of Vancouver and the Vancouver Housing Authority and consists of two separate components: The Commons Community Center, with public plaza and outdoor playground, on the first floor and a 106-unit affordable housing development, located on floors 2-6. The CDBG funds will be used to support the purchase of the community center, plaza and shared space only. The Commons Community Center will consist of a 9,758-square-foot community space and is envisioned as a flexible area where people from the Fourth Plain community can gather, hold events, and access services. This space will include a commercial kitchen, office space for nonprofits to provide supportive services, a community gathering space, an outdoor space with infrastructure for a farmers market and food carts, and a space for business incubation for food entrepreneurship. The thirteen-month construction on this project is scheduled to begin in November 2021.

Following City Council approval for the Section 108 loan application on July 26, 2021, the City received a commitment from HUD (September 2021) for approval of a Section 108 Loan of approximately $4,199,000 to purchase and build out the community center and pay the cost of issuance. The Section 108 loan provides Community Development Block Grant (CDBG) jurisdictions the opportunity to leverage up to five times the jurisdiction's annual CDBG grant allocation. The loan is low-cost, flexible financing for economic development, public facility, and infrastructure projects. Initially the loan will be a variable rate note tied to three-month Treasury Auction Bill rate plus 35 basis points (0.35) but could eventually be converted to a fixed rate note. The Section 108 loan requires Council authorization and reduces the City's overall outstanding debt capacity. It commits the City to repay debt service for the next 20-years, however, the City always has the option to pay the loan off early with no penalty.

The City will set aside CDBG funds up to $300,000 annually to make the debt service payments. In addition, the City's full faith and credit is pledged as a repayment source, if CDBG grant funds are not sufficient to meet the annual debt service requirements.

Authorization of the ordinance will delegate to the City Manager to execute and deliver the required documents on behalf of the City to HUD.

Request: On Monday November 1, 2021, approve ordinance on first reading, setting date of second reading and public hearing for Monday November 8, 2021.

Peggy Sheehan, Community Development Programs Manager, 36-487-7952; Carrie Lewellen, City Treasurer, 360-487-8482

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

Motion approved the request.

5. **Adoption of Rules and Regulations Document for Pearson Airfield**

Staff Report 145A-21

A RESOLUTION relating to the adoption of the Pearson Field Airport Rules and Regulations including Minimum Standards for Commercial Operations, repealing Resolution M-3857 Minimum Standards for Commercial Activities at Pearson Field, providing for severability and an effective date.

Summary
Vancouver Municipal Code section 10.05.030 requires and references a separate "Rules and Regulations" document containing guidance and direction for the management and use of Pearson Airfield.

The previous Vancouver Municipal Code, Title 10.05, contained codification of many operational rules for Pearson Airfield. Recent City Council changes to VMC Title 10.05 moved many of these operational rules out of code and into the proposed "Rules and Regulations" document. The recently revised code includes a requirement for the "Rules and Regulations" document to be adopted by Council resolution. This change creates a more streamlined way for the "Rules and Regulations" to be changed in the future when needed. In addition, the proposed action repeals previous Council action to create a stand-alone Minimum Standards for Commercial Operations, and incorporates those minimum standards into the rules and regulations document.

Request: Adopt a resolution adopting the proposed "Pearson Field Airport Rules and Regulations Including Minimum Standards for Commercial Operations."

Jennifer Belknap Williamson, Public Works Director, 360-487-7131; Guy Lennon, Airport Manager, 360-487-8619

Motion adopted Resolution M-4148 to approve the request.

6. Approval of Claim Vouchers

Request: Approve claim vouchers for November 1, 2021.

Motion approved claim vouchers for November 1, 2021, in the amount of $7,327,528.85.

7. WALK-ON Item - Proposed settlement of a lawsuit brought by CloudOne LLC

Staff Report 167-21

Summary

The lawsuit at issue arises from a commercial lease agreement. In June 2016, CloudOne entered into a commercial office lease agreement with the former owner of the Town Plaza. The City acquired the lease when it purchased the Town Plaza in June 2017. CloudOne's lease term extended through October 31, 2021.

The City and CloudOne attempted to negotiate an amendment to the lease, whereby CloudOne would relocate by the end of June 2020. The parties never reached agreement and the lease was never amended. Nevertheless, CloudOne vacated the Town Plaza, moved its business to Nashville, Tennessee, and ceased paying rent roughly 20 months before the lease's expiration date. Despite vacating the premises and withholding rent, CloudOne sued the City and claimed its breach was justified under a belief that the City breached the lease first and forced CloudOne out. CloudOne alleged entitlement to $1,234,340 from the City.

After CloudOne filed a lawsuit, the City filed a counterclaim against CloudOne, seeking the amount CloudOne owed under the lease. By motion, the City moved for summary dismissal of CloudOne's claims and sought judgment in its favor. On March 25, 2021, the Court granted the City's motions, dismissed CloudOne's claims, and found in favor of the City by determining that CloudOne breached the lease agreement. A trial concerning how much money CloudOne owes under the lease is scheduled on November 8, 2021.

Both the City and CloudOne recognize that there are benefits to both sides in resolving this case before trial. To that end, Staff recommends Council approve a settlement offer made by CloudOne. The proposed settlement requires CloudOne to pay the City $121,853.82, which represents the amount owed under the lease agreement from March 1, 2020, through January 31, 2021. The settlement amount will be paid in 12 equal monthly installments of $10,154.49, with payments to begin December 1, 2021. The settlement would extinguish CloudOne's right to appeal a judgment in favor of the City, including the Court's March 2021 order, and resolve any and all liability the City or CloudOne might have under the lease agreement.

Request: On November 1, 2021, authorize the City Manager or his designee and the City Attorney to execute any and all documents necessary to complete the settlement with CloudOne LLC and dismiss the lawsuit.

Sara Baynard-Cooke, Assistant City Attorney, 360-487-8500

Motion approved the request.

Public Hearings

8. Block 20 MFTE Development Block Agreement Amendment

Staff Report 165-21

A RESOLUTION of the City Council of the City of Vancouver approving an amended development agreement with TC WATERFRONT, LLC, a Delaware limited liability company, CG WATERFRONT, LLC, a Delaware limited liability company, and JSP WATERFRONT, LLC, a Delaware limited liability company (hereinafter collectively referred to as the "Applicant"), for an 8 year property tax exemption with public improvements for the abutting property located at 1111 W. Columbia Way (Exhibit A) in Vancouver, Washington.

Summary

City Council approved a multifamily tax exemption (MFTE) for the waterfront Block 20 development on April 15, 2019. The MFTE agreement included a provision that as a public benefit, the construction of playground equipment and restrooms at Esther Short Park (up to $500,000) would be completed. The initial date of completion (September 2021) was based on the City providing the construction specification prior to September 1, 2020. The date was negotiated on to coincide with the building construction.

Due to COVID-19, the process to finalize design of the new playground is taking longer than expected. This includes development of a masterplan and associated public outreach to provide a unique all-inclusive playground. The City is currently working with AKS Engineering and Forestry, LLC to complete the design. provide permit documents, construction drawings and specifications needed by the applicant for construction. City staff continues to be interested in the Applicant constructing the upgrades at Esther Short Park. The Applicant has agreed to meet this requirement by December 2023, provided that the City provide the needed documents and information by December 2022. The documents to be furnished by the City include: permits, construction drawings and specifications for the all-inclusive playground and as money allows, additional support in replacement of the restroom with future Portland Loos.

Request: On Monday, November 1, 2021, following a public hearing, adopt a resolution approving the amended Development Agreement providing for an extension of the timelines needed to complete the playground improvements to Esther Short Park.

Patrick Quinton, Economic Development Director, 360-487-7845; Peggy Sheehan, Community Development Programs Manager, 360-487-7952

Patrick Quinton, Economic Development Director, provided an overview of the proposed amendment to the Block 20 MFTE Agreement. Peggy Sheehan, Community Development Programs Manager, was also available to address Council comments.

Councilmember Fox noted that typically the City bases performance thresholds on a certificate of occupancy or something similar for projects like this, but this proposal would just shift the overall time frame, and she asked if there was any consideration for requiring a performance bond or some other surety to be in place. Ms. Sheehan stated that under the MFTE program, the exemption does not take effect until a year after the certificate is issued, during which time the City could request the exemption be revoked if elements of the agreement are out of compliance. She noted for this project particularly, the developer is very eager to work with the City and have been a very good partner, so staff believes this is a low risk adjustment to the agreement.

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

- Glen Yung, Vancouver, stated he does not oppose the amendment but wanted to note that the exemption in this case is for $2.8 million but the public benefit is at about $500,000, and urged the City to keep these examples in mind when considering revisions to the overall MFTE program.

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

Motion by Councilmember Stober, seconded by Councilmember Lebowsky, and carried unanimously to adopt Resolution M-4149 approving the request.

9. **Multifamily Tax Exemption Amendment: Jefferson Street Apartments**

Staff Report 166-21

A RESOLUTION of the City Council of the City of Vancouver approving an amended agreement with FARVIEW DRIVE, LLC, a Washington limited liability company ("Applicant"), for limited property tax exemption.

Summary

Due to COVID-related issues, the developer, Farview Drive LLC, is requesting a change from the initial multifamily tax exemption approval to reduce the number of proposed units from 92 units to 68 units. In order to combat increased costs and meet the required certificate of occupancy completion timeline, the applicant has eliminated one of the buildings. The initial estimated cost for the 92 units was $13.5 million. The applicant's revised construction cost estimate for the 68 units is now $15.25 million.

The development will now be one four-story building with 69 off-street parking spaces. The exemption duration and income restriction will remain the same at 12 years, with 20% of the units restricted to 115% of the HUD area median income.

Request: On November 1, 2021, adopt a resolution authorizing the City Manager or designee to sign the amended multifamily tax exemption agreement with Farview Drive LLC.

Patrick Quinton, Economic Development Director, 360-487-7845; Peggy Sheehan, Community Development Programs Manager, 360-487-7952

Patrick Quinton, Economic Development Director, provided an overview of the proposed amendment to the Jefferson Street Apartments MFTE Agreement. Bryan Monroe, Associate Planner, was also available to address Council comments.

Councilmember Fox asked for clarification as to whether the City's code had changed since this MFTE agreement was originally approved, specifically in regards to the project's eligibility for the 12-year exemption at the proposed percentage of units meeting certain income thresholds. Mr. Quentin confirmed the code had changed since the project first applied for the 12-year exemption, now requiring 20 percent of units be reserved for households at or below 60 percent of Area Median Income (AMI); however, the program has been applied to allow a certain amount of time for a project to be completed under the existing rules that were in place. Additionally, he explained the state has allowed for a two-year extension under the pandemic, so this project has a five-year window under the original regulations from 2017 to be completed.

Councilmember Fox noted the terms "low" and "moderate" income are both included in the amended development agreement, and asked for clarification as to what percentage of units will be low-income in this project. Mr. Quinton stated the units for this project are proposed to be at 115 percent of AMI, so targeted more toward working class housing rather than low-income.

Councilmember Stober asked for clarification as to how the reduction in size to the project is being accomplished. Mr. Monroe stated the developer is eliminating a single building.

Councilmember Stober asked for further clarification regarding proposed rents for the units, noting the proposal presented by staff seems to include very reasonable rental rates, but also that there is room for the rates to be raised. Mr. Monroe stated the rents are what the developer is proposing, not the HUD maximum allowable rents.

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

- Glen Yung, Vancouver, expressed concerns about granting a large exemption without commitment of a public benefit in return, and urged the Council to consider renegotiating the agreement under the current MFTE regulations given the substantial change to the project.

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

Councilmember Fox stated she has many concerns about moving forward with an amended agreement given the changes to the project. She stated it would not be a big stretch to request the rents be set for a mix of income levels, and proposed returning the agreement to staff for more work.

Councilmember Glover stated this developer has been working with good intentions under the 2017 regulations and the Council should not change the rules midstream but should rather address concerns with future overall program changes.

Councilmember Lebowsky stated she agreed with Councilmember Glover.

Council spoke at length regarding how the rental rates are set and how income levels are characterized in the agreement.

Councilmember Stober asked what obligation the City is under considering an agreement is in place, the state has allowed a two-year extension, but there is a significant decrease in proposed units. He asked what the boundaries are in considering whether this is still the same project. City Attorney Jonathan Young stated the City has a valid and enforceable agreement with the developer for units set at 115 percent of AMI. Scope and scale concerns have prompted the applicant to scale down the project but they are required to seek Council approval on the MFTE agreement for that change. He stated Council has the authority to amend the contract without changing the language pertaining to affordability requirements, or the Council could request a change to those requirements, but that would require staff to redraft the agreement and the developer would have to agree to those new terms. He stated Council could also do nothing and require compliance with the original agreement.

Councilmember Fox suggested Council also could consider revisions to the agreement to bring into account a mix of low- and moderate-income units at the original 2017 regulations. Mr. Young recommended Council return the agreement to staff to continue discussions with the developer if the Council wishes to open up the affordability terms.

City Manager Eric Holmes stated there are practical challenges if the Council does nothing, as it is unlikely the developer could still build the additional units within the time period to continue to access the exemption.

Motion by Councilmember Glover, seconded by Councilmember Lebowsky to adopt the resolution approving the amended development agreement.

Councilmember Stober stated he questioned whether it would still be possible for density to be achieved with the proposed changes, and whether there is a way to create a graduated ramp up of rent limits to start significantly less than 115 percent of AMI for some time and increase to those levels over time.

Councilmember Hansen stated he shares similar concerns and believes it would be better to send the agreement back to staff to continue negotiations rather than the Council potentially voting against the amended agreement at this point in time.

Councilmember Glover asked what the timeline would be to bring it back to Council. Mr. Holmes stated the next opportunity likely would be the first Council meeting of December. Councilmember Glover stated she was amenable to that.

Councilmember Glover withdrew her motion to approve. Councilmember Lebowsky

withdrew her second of the motion.

Council remanded the item to staff for further work.

10. **Property Tax Levy for 2022**

Staff Report 158-21

AN ORDINANCE relating to the annual property tax levy; authorizing an increase of 1.0% in the City's regular levy from the amount levied the previous year; and providing for an effective date.

Summary

On November 6, 2001, Washington voters approved Initiative 747 (I-747), which limits the allowable increase in the property tax levy to 1.0%, or the rate of inflation, whichever is less. The intent of the Initiative was reaffirmed by the Legislature in November 2007. The measure of inflation used under this law is the Implicit Price Deflator (IPD). The IPD inflation rate for 2022 levy calculations is 3.86%.

Staff recommends that City Council approve a 1.0% increase in the property tax levy, which is the maximum increase allowed. Based on last year's General Fund levy of $52,527,179.31, the increase will be $525,271.79. Authorization of this increase requires a simple majority vote of City Council.

Staff estimates that the City's general fund property tax levy rate in 2022 will range between $1.73 per $1,000 of assessed value to $1.83 per $1,000 of assessed value, compared to the actual 2021 general fund property tax levy rate of $1.977 per $1,000. The decrease in the property tax levy rate is attributed to assessed values in the City increasing by approximately 12.2% compared to the prior year. Because of the limit on property tax increases, as discussed above, the property tax levy rate declines as assessed value increases. The statutory cap for the City's levy rate is $3.325 per $1,000 of assessed value.

Example calculation of City Property Tax:

Assessed Value 2021 $389,240	*Levy Rate 2021 $1.977 (per $1,000 assessed value; General Fund Levy only)*	*2021 City Property Tax = $769.53*
Assessed Value 2022 $436,709 (assumes assessed value increases 12.2%)	*Estimated Levy Rate 2022 $1.78 (per $1,000 assessed value; General Fund Levy only)*	*2022 City Property Tax (hypothetical) = $777.34*
AV increases 12.2%	*Levy Rate declines*	*Annual tax increase $7.81 for this example taxpayer**

**If the assessed value of the resident's property as a percentage increased by less than 12.2%, the resident's annual taxes would be equal to or slightly less than the taxes paid to the city in 2021. If the assessed value of the resident's property increased by more than 12.2% from the previous year, the increase in the annual taxes would be slightly higher.*

Some citizens may qualify for tax relief, or qualify for a deferral program. To find out more information about this, residents should contact the Clark County Assessor's Office at 564-397-2391 or visit their website at http://www.clark.wa.gov/assessor/taxrelief/index.html.

In addition to the base levy, the City collects new property tax revenue based on the value of new construction added to the assessment rolls during the prior year. The revenue to the City is calculated using the assessed value of new construction multiplied by the prior year's levy rate. The value of new construction is still being finalized by the County Assessor's Office and includes the value of utility new construction provided to the County Assessor by the State. The most recent estimate from the County Assessor's Office indicates more than $453 million of new construction, which translates into $897,000 of additional City property tax revenue, which is slightly more than the $675,000 received for new construction values for 2021 taxes. The City's ordinance states the percentage and dollar amount increase in the City's base property tax levy as required by RCW

84.55.120. The County Assessor will determine the levy amount for new construction based on their final calculations.

Request: On November 1, 2021, subject to second reading and public hearing, approve the ordinance.

Carrie Lewellen, City Treasurer, 360-487-8482

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

Carrie Lewellen, City Treasurer, provided an overview of the proposed property tax levy for 2022.

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

- Kimberlee Elbon, La Center, Washington, spoke in opposition to all Council actions and City and County membership to the ICLEI.

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

Motion by Councilmember Stober, seconded by Councilmember Hansen, and carried unanimously to approve Ordinance M-4349.

11. Property Tax Affordable Housing Levy for 2022

Staff Report 159-21

AN ORDINANCE relating to the annual property tax levy; authorizing an increase of 0.0% in the City's Affordable Housing Fund levy from the amount levied the previous year; and providing for an effective date.

Summary

Proposition 1 was approved by the citizens of Vancouver in November 2016, and authorized a $6,000,000 annual property tax levy for 7 years, beginning in 2017. Information provided by the Washington State Department of Revenue states that the dollar amount stated in the ballot title is limiting amount, and the highest lawful levy amount is $6,000,000.

Staff recommends that City Council approve a 0.0% increase in the property tax levy for the Affordable Housing Levy. Based on last year's Affordable Housing Fund levy of $6,000,000, the increase will be $0.00. Authorization of this requires a simple majority vote of City Council.

Staff estimates that the City's Affordable Housing Fund property tax levy rate in 2022 will range between $0.20 per $1,000 of assessed value to $0.21 per $1,000 of assessed value, compared to the actual 2021 affordable housing fund property tax levy rate of $0.2258 per $1,000. The decrease in the property tax levy rate is attributed to assessed values in the City increasing by approximately 12.2% compared to the prior year. Because of the limit on property tax increases, as discussed above, the property tax levy rate declines as assessed value increases. The statutory cap for the City's levy rate is $3.325 per $1,000 of assessed value.

Example calculation of City Property Tax:

Assessed Value 2021 $389,240	*Levy Rate 2021 $0.22586 (per $1,000 assessed value; Affordable Housing Levy only)*	*2021 City Property Tax = $87.91*
Assessed Value 2022 $436,709 (assumes assessed value increases 12.2%)	*Estimated Levy Rate 2022 $0.20131 (per $1,000 assessed value; Affordable Housing Levy only)*	*2022 City Property Tax (hypothetical) = $87.91*
AV increases 12.2%	*Levy Rate declines*	*Annual tax increase $0.00 for this example taxpayer**

**If the assessed value of the resident's property as a percentage increased by less than 12.2%, the resident's annual taxes would be equal to or slightly less than the taxes paid to the city in 2021. If the assessed value of the resident's property increased by more than 12.2% from the previous year, the increase in the annual taxes would be slightly higher.*

Some citizens may qualify for tax relief, or qualify for a deferral program. To find out more information about this, residents should contact the Clark County Assessor's Office at 564-397-2391 or visit their website at http://www.clark.wa.gov/assessor/taxrelief/index.html.

Request: On November 1, 2021, subject to second reading and public hearing, approve the ordinance.

Carrie Lewellen, City Treasurer, 360-487-8482

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

Carrie Lewellen, City Treasurer, provided an overview of the proposed Affordable Housing property tax levy for 2022.

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 approve Ordinance M-4350.

12. **Ad Valorem Taxes for 2022**

Staff Report 160-21

AN ORDINANCE fixing and levying the amount of ad valorem taxes necessary to balance estimated revenue with estimated expenditures for the 2021/2022 Budget for the City of Vancouver; providing for an effective date.

Summary

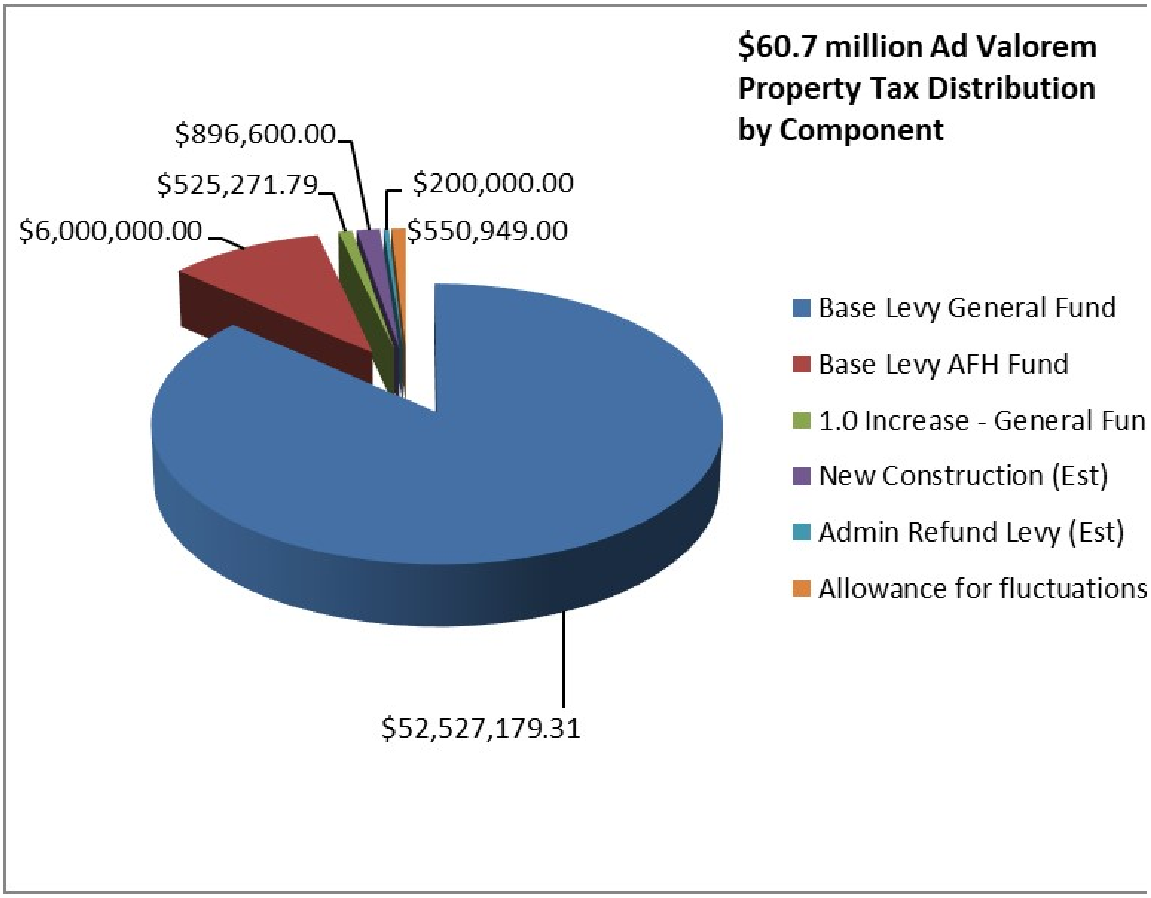
Pursuant to RCW 35.33.135, Council must approve an ordinance to fix and authorize the Clark County Assessor's Office to levy ad valorem taxes necessary to fund the City of Vancouver's 2021-2022 Biennial Budget.

An ad valorem tax (Latin for "according to value") is defined as a tax based on the value of real estate or personal property. An ad valorem tax is typically imposed at the time of a transaction(s) (a sales tax or value-added tax (VAT)), but it may be imposed on an annual basis (real or personal property tax) or in connection with another significant event (i.e. inheritance tax).

Staff currently estimates the 2022 real and personal property tax levy as $60.7 million, which includes a preliminary estimate of $897,000 in property tax revenue from new construction. The estimate of property tax from new construction will be updated based on the final new construction valuation provided by the Assessor's Office. The estimate of property tax revenue does not include the change in value of state-assessed utility property. Both of these amounts will not be final until December 2021.

City staff recommends that Council approve ad valorem taxes in the amount of $60.7 million, which is needed to fund the City's 2021-2022 biennial budget. Of the total, $54.7 million is for general fund purposes, and $6 million is for the affordable housing fund. Approving ad valorem taxes of $60.7 million allows the County Assessor's Office to levy real and personal property taxes to the full extent allowed under Washington State law. Staff anticipates that the final certified levy will be between $60.1 million and $60.3 million in 2022. If Council authorizes the ad valorem tax amount too low, the County Assessor's Office will only be allowed to levy up to the amount authorized by Council.

Staff recommends that City Council approve ad valorem taxes in the amount of $60.7 million for *the 2022 real and personal property tax levy within the city limits of Vancouver. This estimated revenue source is necessary to fund the 2021-2020 Biennial Budget for the City of Vancouver.*



Request: On November 1, 2021, subject to second reading and public hearing, approve the ordinance.

Carrie Lewellen, City Treasurer, 360-487-8482

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

Carrie Lewellen, City Treasurer, provided an overview of the proposed ad valorem taxes for 2022.

Councilmember Stober asked Ms. Lewellen to clarify what ad valorem taxes are. Ms. Lewellen explained the first ordinance Council approved was to allow for a one percent increase over last year's property tax levy. In order for the County Assessor's office to levy that tax to the full extent possible on behalf of the City, the Council must pass ad valorem taxes to give the Assessor's Office that authority to collect the entirety of the property tax levy.

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

Motion by Councilmember Stober, seconded by Councilmember Glover, and carried unanimously to approve Ordinance M-4351.

Communications

Councilmember Lebowsky left the meeting at 7:58 p.m.

Councilmember Lebowsky left the meeting at 7:58 p.m.

A. From the Council

B. From the Mayor

a. Interstate Bridge Replacement Program - Executive Steering Group Update

Katherine Kelly, Senior Transportation Policy Advisory, provided Council with an update on the work of the Interstate Bridge Replacement Program Executive Steering Group.

C. From the City Manager

a. Introduction of Economic Development Director

Lon Pluckhahn, Deputy City Manager, formally introduced Patrick Quinton, the City's new Economic Development Director, to the City Council.

b. Climate Action Plan Status Report

Aaron Lande, Policy and Program Manager, provided Council with an update on the Climate Action Plan work program.

c. Clark County Transportation Alliance 2022 Policy Statement

Mr. Lande and Rebecca Kennedy, Deputy Director of Community Development, presented the Council with the final draft of the Clark County Transportation Alliance 2022 policy statement. By consensus, the Council agreed to accept the policy statement.

City Manager Eric Holmes noted the Council does not take formal action to approve this policy statement in recognition that some flexibility may be needed for changes over the course of the state legislative session. He stated this is similar to the approach the Council takes in regards to the City's state and federal legislative agendas each year.

d. Vancouver Homelessness Plan - Supported Campsite Update

Jamie Spinelli, Homeless Response Coordinator, provided an update on the City's supported campsite program.

Adjournment

8:34 p.m.

DocuSigned by:

Anne McEnerny-Ogle

58CB15C0032F403...

Anne McEnerny-Ogle, Mayor

Attest:

DocuSigned by:

Natasha Ramras

BCF6734E40E94AE...

Natasha Ramras, City Clerk

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

October 31, 2021

Mayor McEnerny-Ogle
Councilmember Hansen
Councilmember Stober
Councilmember Lebowsky
Councilmember Paulson
Councilmember Fox
Mayor Pro Tem Glover

Subject: Pearson Field Airport Rules and Regulations

On Monday November 1, 2021 the Vancouver City Council will be considering a resolution for the adoption of Pearson Field Airport Rules and Regulations, including incorporation of previously adopted Minimum Standards for Commercial Activities at Pearson Field (March 13, 2015, M-3857).

I have reviewed this new combined document as published at: https://vancouvercity.novusagenda.com/agendapublic/CoverSheet.aspx?ItemID=2209&MeetingID=256, and offer the following recommendations for your consideration prior to conducting a vote on the matter.

ARTICLE 1(A). Remove redundant parenthetic "(Ord.M-2733 (part), 1987)."

ARTICLE 1(E). Unlike SECTION 1(A) of the minimum standards, ARTICLE 1(E) does not specify that in the event of conflict between a lawfully-executed agreement and the Rules and Regulations document that the agreement shall control. The language in ARTICLE 1 and SECTION 1 should match, with the agreement controlling.

ARTICLE 2 DEFINITIONS. Items missed in the last city update:

- Term 1 has only one usage (in Article 5). Remove definition and clarify in Article 5.
- Term 2. Remove "(under either Federal Aviation Regulation [FAR] Part 121 or 135)." This is defined in term 19.
- Term 3. Remove "(defined below)".
- Term 8 has no usage in the document. Remove definition.
- Term 11 has no usage in the document. Remove definition or modify term to reflect use in the remainder of document.
- Term 17 has no usage in the document. Remove definition.
- Term 18 has only one usage (Section 6(I) bullet 2). Remove definition and describe in Section 6.
- Term 24 "his or her". Replace with gender inclusive "their."
- Term 27 has no usage in the document. Change "Fees and Charges" to "'Fees" or "Charges" to reflect use in the remainder of document.
- Term 29 has only one usage (Section 6(D)(1)) where it is further defined. Remove definition.
- Term 31 has only one usage (Section 5.3) where it is further defined. Remove definition.
- Term 32 has no usage in the document. Change "Fueling or Fuel Handling" to "Fueling" or "Fuel handling" to reflect use in the remainder of document.
- Term 33 has only one usage (Article 15(C)). Remove definition and describe in Article 15(C).
- Term 36 has only one usage (Section 5.1(E)(1) where it is additionally defined. Remove definition.

- Term 44. Remove "(defined below)."
- Term 52 has only one usage (Section 2(A)(7)). Remove definition and clarify in Section 2(A)(7).
- Term 53 has only one usage (Section 2(A)(3)). Remove definition and clarify in Section 2(A)(3). Term 53 also does not match language in the recently approved VMC 10.05 (M-4347).

ARTICLE 3(B). Sentence 1 is redundant with **ARTICLE 8(A)** sentence 1. Remove one of them.

ARTICLE 3(J). As written, this provides for the airport manager to grant themselves authority in point "a)." This should be clarified. Also, while the city attorney would know better than me, if there were harm caused by an employee or agent of the city related to their conduct under RCW 9.41.230(1)(a) it is doubtful that the disclaimer in ARTICLE 3(J) would prevent civil and/or criminal proceedings against the individual and the city. If so, the last sentence adds no value and should be removed.

ARTICLE 5. As shared in my public comments to your September 27, 2021 council meeting (https://vancouvercity.novusagenda.com/agendapublic/CoverSheet.aspx?ItemID=2196&MeetingID=254) a significant safety concern has been communicated to the city of pedestrians on or near active taxiways and the runway, accessing from public (City of Vancouver, National Park Service, and Washington State Department of Transportation) property. Either Article 5 should be expanded to include public property or another article added. Article 5 as written is a customary method of limiting trespass and "through the fence" operation prohibited in Section 2(A)(7) of the document.

ARTICLE 8(B). Remove Article 8(B)1-5.
Council has on multiple occasions been made aware that the sub-bullets in ARTICLE 8(B) are unenforceable by the city. The FAA, WSDOT, AOPA, community advisors, and even city staff by their most recent revision of Article 17 (Penalties for Violation), concur on this point. **That the language persists in this document is inexplicable.**

If the city's intent is to merely imply to tenants that this section could be used to support enforcement (as city staff has indicated in writing) then the city is opening itself to needless legal liability, risks FAA grant assurance, and exposes tenants to potentially costly defense.

If it is not the city's intent to imply enforcement then it makes no sense to have this language as the sole unenforceable section in a rules and regulations document that is not a reference for flight information. Further confusing things, sub-bullet 3 differs from guidance in FAA publications for the airport, is different than guidance on airport signage, and is different from guidance on the city's airport web page.

Article 8(B) was inserted by your community advisors to provide for cooperative and intentional consideration of how Pearson can be a good neighbor in an increasingly dense urban environment. The city has and continues to make decisions that are encroaching on historic flight paths that need to be thoughtfully considered. That the city has chosen at its first opportunity to violate the spirit of why this language was originally submitted has advanced no meaningful discussion and opens the door to several unintended consequences previously shared.

ARTICLE 10(A). Sentence 1 is redundant with ARTICLE 14(E). One should be removed or modified.

ARTICLE 14(B)(9). Correct "... except as allowed in Article 13...." to ".... except as allowed in Article 15...".

SECTION 2(A)(1). The last sentence should end with the words ".... aeronautical purposes." As originally published.

SECTION 2(A)(3). Last sentence should refer to "Appendix 1", not "Appendix I."

A Final Comment on M-4347

At the council's Monday September 20, 2021 meeting Ordinance M-4347 adopting changes to VMC 10.05 was approved. Despite over four years of community involvement and encouragement the council, citing inadequate time, chose to forgo any discussion on substantive and well documented policy concerns presented by the community relating to Section 10.05.040(1)(x), Section 10.05.040(2), Section 10.05.060, and Section 10.05.015. While that input has not been included in the updated VMC, the underlying issues, nevertheless, remain for future councils, city staff, Pearson tenants, and the community to deal with.

The council did see fit to use its authority to approve a variety of typographical errors in the document. However, be advised that in doing so the council omitted an important edit to 10.05.040(3) describing the term length for two of the nine initial AAC members.

While I am pleased that this work initiated by the AAC so many years ago is finally nearing fruition, the process to get to this point has been among the most unprofessional and disrespectful to community members that I have experienced in nearly 30 years of working with the city. This entire process could have been completed in 3-4 months. If the council expects committed, knowledgeable, well networked, and engaged community advisory groups who provide you with candid assessment and advisement, substantial reform is required within both staff and council process and practice.

Regards,

Paul Speer

From:	Cathryn Chudy
To:	McEnerny-Ogle, Anne; Stober, Ty; Lebowsky, Laurie (City Council); Paulsen, Erik; Fox, Sarah; Glover, Linda; Hansen, Bart
Cc:	Snodgrass, Bryan; Lande, Aaron; Eiken, Chad; City of Vancouver - Office of the City Manager
Subject:	Re: Today"s Workshop - Fossil Fuel Facilities Moratorium and Potential Permanent Regulations
Date:	Monday, November 1, 2021 10:02:14 AM
Attachments:	ACE_ltr_toCOV_11.1.2021.pdf

The attached letter is being submitted for the record, for today's workshop: Fossil Fuel Facilities Moratorium and Potential Permanent Regulations.

We appreciate all you are doing to protect our health and safety,

Cathryn Chudy and Heidi Cody

Alliance for Community Engagement (ACE)

Nov. 1, 2021
Alliance for Community Engagement SWWA (ACE)
Vancouver WA

Vancouver City Council
Vancouver WA

Dear Staff and Vancouver City Councilmembers:

In a global pandemic, the Vancouver City Council had the forethought and courage to establish a moratorium on bulk fossil fuel terminals in its jurisdiction. Your leadership carries a lot of weight on this issue as a City that faced the threat of the largest oil-by-rail terminal in North America. We applaud your action and ask that you continue on course to turn the moratorium into an updated code, in spite of the delay due to the procedural appeal by the Western State Petroleum Association (WSPA.) WSPA is an industry group representing some of the largest fossil fuel companies, including Exxon, Shell, and Marathon, the company that now owns what was once Tesoro. ACE contends that WSPA should not have an outsized voice in a process designed to protect Vancouver.

Critical issues of seismic instability, public health and community safety were revealed through the long EFSEC process of evaluating and understanding impacts[1] of the proposed Tesoro-Savage oil terminal[2]. These same concerns apply to all bulk fossil fuel facilities in this region and are relevant should any new project be proposed. The language the Council passed to establish the moratorium addressed these issues as a matter of public health and community safety. That language also spoke to the vision of the City for future development not being tied to the fossil fuel industry. Foreshadowing this foundational reasoning, in 2019 the Port of Vancouver Commission passed a policy[3] to not pursue bulk fossil fuel terminals, in direct response to the long, contentious and costly Tesoro-Savage project review.

Yet, in an effort to delay and intimidate the City, WSPA appealed the State Environmental Policy Act (SEPA) decision on procedural grounds. This delay has stalled the momentum of the Council and the community, as they convert the moratorium into a well-constructed permanent policy to protect public health and safety, while the SEPA analysis is updated. In addition to this delay, other industry groups are seeking to gain a foothold for other high-risk energy infrastructure. Top on that list is Northwest Natural, which is trying to establish Renewable Natural Gas (RNG) in Vancouver. RNG is a false solution that will keep Vancouver tied to fossil fuels while doing nothing to reduce emissions.

As a coalition of organizations and community members, ACE fully supports and protects the public engagement and issue evaluation required under SEPA. The review of impacts and the required public engagement is core to any lead agency adequately understanding the weight of its decision. Industry tactics of delay and obstruction undermine Vancouver's ability to protect the health and safety of its community. We support the City ensuring all SEPA procedural requirements are met on this critical and timely issue. We urge the City to continue moving forward, while updating the SEPA analysis, turning the moratorium into a permanent ban against new and expansion of existing bulk fossil fuel terminals. The reasons City Council gave when it first initiated the moratorium in 2020 still ring true, and are more timely than ever.

Additionally, the push to consider how this code change interacts with the intention to have cleaner industry instead of bulk fossil fuel facilities is important, as mentioned in the staff memo discussed Monday, Nov. 1, 2021. However, we urge the City to consider focusing this particular code change on the issue of what is not allowed, and then lean into changes needed to enable and incentivize a clean energy transition through the City's climate action planning work. This focus will lead to a more clear and consistent direction for community and industry alike.

Finally, learning from other jurisdictions is a point identified in the staff memo. This learning is important, to understand what others have done and how they are navigating this work. That said, we encourage the City of Vancouver to assert its own path based on its experience with the Tesoro-Savage proposal and other facilities, as well as the Port of Vancouver's policy and work to transition away from fossil fuels. The City is well positioned to move forward with a strong and protective policy against bulk fossil fuel terminals. We encourage the City to do this in a way that protects our health and safety, and aligns local land use codes with existing City policy and goals.

Signed,

Alliance for Community Engagement SWWA (ACE)
Climate Action SWWA
Columbia Riverkeeper
Friends of Clark County
Friends of the Columbia Gorge
Loo Wit Sierra Club
Oregon Physicians for Social Responsibility
Sunrise Movement SWWA
Vancouver Audubon
Washington Environmental Council
Washington Physicians for Social Responsibility

Erin Saylor, Columbia Riverkeeper
Mark Leed, Sierra Club Loo Wit Group
Anna Doty, Washington Environmental Council
Nick Manning, Washington Physicians for Social Responsibility
Cathryn Chudy
Heidi Cody
Don and Alona Steinke

ENDNOTES

1 "Tesoro Savage Adjudication Findings | Stand up to Oil." n.d. https://www.standuptooil.org/tesoro-savage/tesoro-savage-adjudication-findings/.

2 "Final Report on Vancouver Oil Terminal Highlights Safety, Environmental Risks." n.d. Opb. Accessed October 28, 2021. https://www.opb.org/news/article/vancouver-port-terminal-final-report-safety-risk/.

3 "Tesoro Savage Adjudication Findings | Stand up to Oil." n.d. https://www.standuptooil.org/tesoro-savage/tesoro-savage-adjudication-findings/.

From: Jean M. Avery
To: City of Vancouver - Office of the City Manager
Subject: Fwd: Citizen Forum Comment for 11/1/2021
Date: Friday, October 29, 2021 11:41:46 AM

---------- Forwarded message ---------
From: **Jean M. Avery** <jeanmavery@gmail.com>
Date: Fri, Oct 29, 2021 at 11:34 AM
Subject: Citizen Forum Comment for 11/1/2021
To: JMA <JeanMAvery@gmail.com>

To Madam Mayor and Vancouver City Council:

My comment today is about EV charging stations: **Where are they?**

I am grateful that the City of Vancouver has a Climate Action Plan. Electric vehicles and EV charging stations have been discussed often and would help transition to cleaner energy use.

But where are the charging stations? Out of curiosity, I took an informal survey of available EV charging stations in my Cascade Park neighborhood. The results were disappointing:

- At the popular Cascade Park Library and adjacent Firstenburg Community Center, there are no EV charging stations. (Okay, so what about newer construction?
- At the new Wy-east Middle School (just south of the Library), the parking lot was completely redone. Yet, there are no EV charging stations.
- Just north of the Library are several brand new buildings associated with the Evergreen School District. There are no EV charging stations at Legacy High School, Hollingsworth Academy, the Transition Program building, or the Administrative Service Center. These new buildings are modern and attractive, with pleasant landscaping. But where are the EV charging stations?

I urge the City of Vancouver to include requirements for EV charging stations as part of all new development projects.

Thank you,
Jean M. Avery
Vancouver

From: Don Steinke
To: Jean M. Avery
Cc: City of Vancouver - Office of the City Manager
Subject: Re: Citizen Forum Comment for 11/1/2021
Date: Friday, October 29, 2021 11:56:50 AM

Awesome?
I love it.
The city could and should make that a requirement for new construction.

(I believe it is a requirement for new construction, but only for 10% of the parking spaces. It needs to be mainly in multifamily developments.)

Don S

On Fri, Oct 29, 2021 at 11:41 AM Jean M. Avery <jeanmavery@gmail.com> wrote:

> ---------- Forwarded message ---------
> From: **Jean M. Avery** <jeanmavery@gmail.com>
> Date: Fri, Oct 29, 2021 at 11:34 AM
> Subject: Citizen Forum Comment for 11/1/2021
> To: JMA <JeanMAvery@gmail.com>
>
> To Madam Mayor and Vancouver City Council:
>
> My comment today is about EV charging stations: **Where are they?**
>
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>
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> - Just north of the Library are several brand new buildings associated with the Evergreen School District. There are no EV charging stations at Legacy High School, Hollingsworth Academy, the Transition Program building, or the Administrative Service Center. These new buildings are modern and attractive, with pleasant landscaping. But where are the EV charging stations?

I urge the City of Vancouver to include requirements for EV charging stations as part of all new development projects.

Thank you,
Jean M. Avery
Vancouver

From: Kimberlee Elbon
To: City of Vancouver - Office of the City Manager; Kimberlee Elbon
Subject: From Citizen Kimberlee Elbon
Date: Monday, November 1, 2021 12:27:17 PM

Good day Vancouver City employees of The PEOPLE.
I have requested an answer to My earlier emails to this question -

Are any Vancouver City Council members, mayor, city managers office, any and ALL ELECTED or Employees including CLARK COUNTY Employees - MEMBERS of the

ICLEI - renamed for confusion now is called
LOCAL GOVERNMENT for UTAINABILITY,
any Green New Deal$, AGENDA 21, EQIUTY related Agendas/Group OR ANY of the sort -

ARE YOU MEMBERS of the above as the ICLEI web $ite $tate$; and THIS 'GOVERNMENT' here in Vancouver Washington USA where I was born WILL COMPLY TO THE WILL OF THE PEOPLE and WE ARE EDUCATING THE PEOPLE that this member$hip I$ UNDERMINING THE TAX PAYER DOLLAR !$!$ THI$ I$ DEEP

I ask for a reply and if the mayor and council would like to meet with My Group - let Me know; as WE must have TRAN$PARENCY and inform THE VERY PEOPLE THAT TRUSTED YOU to do THEIR GOOD bidding; NOT u$e OUR funding with un-CONSTITUTIONAL dollar$!$!$

Thank you for reading and taking this URGENT REQUEST of CONCERNS to Heart -
Kimberlee Elbon
unityisachild@gmail.com

REPLY to this email is Appreciated and required

cc
Telegram site
Columbian New$ paper
Hand outs on the streets of Vancouver

From: Kimberlee Elbon
To: City of Vancouver - Office of the City Manager; Kimberlee Elbon
Subject: from Kimberlee Elbon - CONTINUED
Date: Monday, November 1, 2021 12:30:31 PM

I got a call and missed the cut off noon time !!!

I ask that the first email I sent is RECORDED and ANDWERED - Thank You.

I will also submit for next weeks meeting.

Kimberlee Elbon
unityisachild@gmail.com