



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

September 20, 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 Fox arrived at 5:21 p.m.

4:00-5:00 p.m. Commercial Corridors Strategy - Evergreen and Grand Boulevards

Bryan Snodgrass, Principal Planner, 360-487-7946

Summary

Staff provided an update and overview of next steps pertaining to the Commercial Corridors Strategy for Evergreen and Grand boulevards.

5:00-6:00 p.m. Housing Code Updates

Bryan Snodgrass, Principal Planner, 360-487-7946

Summary

Staff provided Council with an update on the housing code updates project.

REGULAR COUNCIL MEETING

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

Call to Order and Roll Call

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

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

Absent: Councilmember Fox (arrived at 7:41 p.m.)

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

Approval of Minutes

Minutes - August 16, 2021

Motion by Councilmember Stober, seconded by Councilmember Lebowsky, and carried unanimously to approve the meeting minutes of August 16, 2021.

Proclamation: National Preparedness Month

Mayor McEnerny-Ogle read and presented a proclamation to Gene Juve, the City's Emergency Preparedness Manager, proclaiming September 2021 as National Preparedness Month in the city.

Community Communication (Items 1-3)

Mayor McEnerny-Ogle opened Community Communication and, receiving no testimony, closed Community Communication.

Consent Agenda (Items 1-3)

1. **Interlocal Agreement with Clark Public Utilities (CPU) for Overhead Electric Line Relocation associated with the Northwest Neighborhood Connectivity Improvements transportation project (on NW Lincoln Avenue – NW 43rd Street to NW 53rd Street. (Project #PRJ072461)**

Staff Report 134-21

Summary

The City and CPU have been working cooperatively to complete the Northwest Neighborhood Connectivity Improvements transportation project. Relocation is required for CPU facilities. When CPU has facilities located within the right-of-way, CPU is responsible for the cost of relocation to accommodate roadway reconstruction. When the facilities are located in CPU easements, CPU can require reimbursement for the relocation of the facilities. An Interlocal Agreement must be executed to enable the City to reimburse CPU for these costs.

Request: Authorize the City Manager or designee to sign an Interlocal Agreement with Clark Public Utilities for reimbursement of expenses for Overhead Electric Line Relocation – Northwest Neighborhood Connectivity Improvements project, currently estimated to be \$39,683.66, which includes sales tax.

*Ivar Christensen, PE, Senior Civil Engineer, 360-487-7765;
Hassan Abdalla, PE, Engineering Manager, 360-487-7704*

Councilmember Hansen recused himself from discussion and action on this item, as he is employed by Clark Public Utilities.

Motion by Councilmember Glover, seconded by Councilmember Lebowsky, and carried unanimously to approve the request. Councilmember Hansen recused.

2. **Bid Award for SE 1st Street – 164th Avenue to 177th Avenue transportation improvement project, per Bid #21-20 (Project #PRJ071612)**

Staff Report 122A-21

Summary

The existing SE 1st Street corridor is a two-lane rural road that provides no center turn lanes or bike lanes and inadequate scattered sidewalks. SE 1st Street serves as an east-west arterial road connecting busy corridors in East Vancouver that collectively carry more than 60,000 vehicles a day. As the area around SE 1st Street has grown with more residential, retail, commercial and industrial sites, the street has not grown concurrently in order to safely provide access for increasing demand for multimodal

transportation options to suit the urban environment it has become.

On July 13, 2021, the City received 10 bids for the subject project. The bids ranged between \$9.89 million and \$12.24 million. The low bidder was responsive. The bids are as follows:

SUMMARY OF BIDS	
BIDDER	AMOUNT
<i>Lee Contractors, LLC, Battle Ground, Washington</i>	<i>\$9,887,587.00</i>
<i>Rotschy, Inc., Vancouver, Washington</i>	<i>\$10,972,319.75</i>
<i>Nutter Corporation, Vancouver, Washington</i>	<i>\$11,267,264.22</i>
<i>James W. Fowler, Dallas, Oregon</i>	<i>\$11,717,851.18</i>
<i>J. Joe Thompson, Vancouver, Washington</i>	<i>\$11,870,453.50</i>
<i>Tapani, Inc., Battle Ground, Washington</i>	<i>\$11,978,000.00</i>
<i>McDonald Excavating, Washougal, Washington</i>	<i>\$12,153,274.50</i>
<i>Granite Construction Company, Vancouver, Washington</i>	<i>\$12,238,238.00</i>
<i>Carlson Testing, Tigard, Oregon</i>	<i>Non-responsive</i>
<i>Kerr Contractors Oregon, Woodburn, Oregon</i>	<i>Non-responsive</i>
<i>Engineer's Estimate</i>	<i>\$9,000,000 to \$9,500,000</i>

Due to the federal funding associated with this project, the Washington State Department of Transportation (WSDOT) set a Disadvantaged Business Enterprise (DBE) goal of 19% and a training goal of 400 hours. Lee Contractors, LLC from Battle Ground, Washington, has provided a DBE Utilization Form and has committed to meeting these goals. The training goal is included in the list of bid items and pursuant to WSDOT requirements, the contractor is required to submit a training plan prior to the start of construction.

During the project, City staff will be monitoring the contractor's progress at meeting the DBE and training requirements by way of monthly evaluations and a review of the mandatory information provided by the contractor to the Washington State Office of Minority & Women's Business Enterprises and the Department of Labor and Industries. In addition, City staff will also be conducting on-site reviews with the contractor to ensure they are meeting the DBE and training goals throughout the construction of the project. In the event the contractor fails to meet either the DBE or Training goals, the City may impose monetary penalties and the contractor can be precluded from bidding on future City projects.

The SE 1st Street project does not include any City apprenticeship utilization requirements as federal grant funding requirements do not allow the inclusion of local agency apprenticeship programs.

Request: On September 20, 2021, award a construction contract for the SE 1st Street – 164th Avenue to 177th Avenue project to the lowest responsive and responsible bidder, Lee Contractors, LLC of Battle Ground, Washington, at their bid price of \$9,887,587.00, which includes Washington State Sales Tax and authorize the City Manager or designee to execute the same.

Leslie Degenhart, PE, Senior Civil Engineer, 360-487-7710

Motion approved the request.

3. Approval of Claim Vouchers

Request: Approve claim vouchers for September 20, 2021.

Motion approved claim vouchers in the amount of \$5,060,474.96.

Public Hearings (Items 4-6)

4. 2020 CDBG/HOME Program Consolidated Annual Performance Evaluation Report

Staff Report 135-21

The Consolidated Annual Performance Evaluation Report (CAPER), is designed to provide a meaningful overview of the funding activities administered by the City of Vancouver CDBG and HOME programs for the 2020 Program Year (July 1, 2020 through June 30, 2021). The CAPER also provides a measuring tool to track the City's progress in meeting the goals, objectives, and areas of priority identified in the 2019-2023 Consolidated 5-year Plan. The 2020 CAPER marks the eighteenth year for Vancouver as a CDBG entitlement city and the twelfth year as a HOME Investment Partnership Program participating jurisdiction. The 2020 CAPER is the second year of reporting under the 2019-2023 five-year Consolidated Plan. In the 2020 Program Year Vancouver expended \$2,212,699.98 in CDBG funds, and \$774,908.62 in HOME funds. (These amounts may also include funding from previous program years that was expended during the 2020 program year.) These funds were spent on programs focused on local needs that follow the national objectives, goals and outcomes for the CDBG and HOME programs administered by the U.S. Department of Housing and Urban Development. The intended recipients of program funding are low and moderate-income families and

individuals. A four person moderate income (80% AMI) family earns \$77,360 per year or less. A low-income (50% AMI) four person household earns \$48,350 or less annually. The City of Vancouver Community Development Block Grant (CDBG) and the HOME Investment Partnership programs strive to provide a coordinated approach to addressing community needs. The CDBG and HOME programs partner with the Vancouver Transportation, Public Works, Police and Parks programs, Clark County, Vancouver Housing Authority, and many local non-profit agencies and businesses on CDBG/HOME projects.

In 2020 the City paid down its Section 108 loan for the Waterfront access improvements by \$302,251.50 and has a principal balance of \$2,305,000 remaining. Additionally, the City has applied for a new Section 108 loan for the Fourth Plain Commons Community Center and expects to receive the outcome of that application from HUD in September 2021.

In 2020, the goals and outcomes of the City of Vancouver's CDBG and HOME programs were significantly impacted due to the global effects of COVID-19. Many of the City's CDBG and HOME supported projects were at a standstill as the organizations adjusted to operating under the pandemic. However, through CDBG and HOME funding, the City of Vancouver was still able to support the City's most vulnerable residents during this time.

The following table is a summary of the accomplishments and people assisted with CDBG and HOME funds during the 2020 program year including activities with funding from prior years.

Goal	Beneficiary Outcome
<i>Increase and Preserve Affordable Housing</i>	<i>49 Households</i>
<i>Increase Economic Opportunity</i>	<i>323 Businesses</i>
<i>Public Services for At-Risk & Homeless Persons</i>	<i>1,952 Persons</i>
<i>Public Facilities and Improvements</i>	<i>144 Persons</i>

Request: Following a public hearing, approve the 2020 CAPER report for submission to the HUD Region X Office for approval.

Peggy Sheehan, Community Development Programs Manager, 360-487-7952; Bryan Monroe, Associate Planner, 360-487-7958

Peggy Sheehan, Community Development Programs Manager, and Bryan Monroe, Associate Planner, provided an overview of the annual report.

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

Motion by Councilmember Hansen, seconded by Councilmember Paulsen, and carried unanimously to approve the request.

5. Amendments to VMC Title 10 - Pearson Airfield

Staff Report 131-21

AN ORDINANCE relating to Pearson Field Airport, substantively amending multiple sections of the VMC, re-codifying and amending several other sections of the VMC, and repealing multiple sections of the VMC in order to update and reflect preferred management practices, clarify and update the Aviation Advisory Committee and establish separate stand-alone Rules and Regulations applicable to Pearson Airport; providing for savings, severability and an effective date.

The current Vancouver Municipal Code, Title 10 "Aircraft and Airports" contains many rules and regulations that control the operation and use of Pearson Airfield. Some of current sections of Title 10 are out of date and do not reflect preferred management practices. In addition, many of these existing rules should not be codified, but rather, should be in a separate Rules and Regulations document that City Council could adjust, modify or change through resolution rather than through the more formal and lengthy code change processes.

Also included in the proposed code update, in proposed section 10.05.04, is an update to the makeup and responsibilities for the Aviation Advisory Committee.

After a period of consultation with the users of Pearson Airfield, City staff has drafted the proposed VMC Title 10 ordinance changes for Council consideration.

If Council approves the proposed code changes, which include references to a new Rules and Regulations document, a proposed Rules and Regulations document will come before City Council for consideration on September 27.

Request: On Monday, September 20, 2021, subject to second reading and public hearing, approve the ordinance.

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

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

Jennifer Belknap Williamson, Public Works Director, presented an overview of

the proposed code amendments. Dan Swensen, Construction and Engineering Manager, was also available to respond to Council questions.

Councilmember Stober stated that Vancouver resident Paul Speer had sent correspondence (attached) to the Council regarding this item and making note of several places where the ordinance should be corrected.

Ms. Belknap Williamson noted one of the errors pertains to the number of members being proposed to sit on the Aviation Advisory Committee (AAC). She explained one section refers to nine members while another refers to seven, which should be corrected to nine.

Mr. Swensen noted that there is a perceived conflict between the VMC Title 3 and VMC Title 10 in regards to airport funding and how it can be spent. Title 3 currently would require the AAC to review any expense, which logistically would be very difficult from an operations stand point. He stated staff intends to return to Council at a later date with revisions to Title 3 that would make it consistent with the changes to Title 10 if approved by Council.

Councilmember Stober expressed concerns about creating inconsistencies between the two codes by approving the currently proposed changes to Title 10 and questioned whether those changes should be delayed so they could be brought forward concurrently with the revisions to Title 3. Ms. Belknap Williamson stated the AAC is currently suspended, so that provision in Title 3 is moot. She stated staff would bring back the Title 3 revisions for Council consideration prior to reinstatement of the AAC. She noted the advisory committee would continue to be heavily involved in audits and financial reports pertaining to the airport.

Councilmember Stober asked what the downside would be to delaying the Title 10 revisions if staff is going to be bring Title 3 forward soon. Mr. Swensen stated the Title 10 revisions include a lot of good changes that need to be approved as soon as possible, and noted there have already been concerns expressed about the amount of time it has taken to bring these revisions forward for approval.

Councilmember Paulsen asked to what extent scrivener's errors in the current version of the ordinance would be made. City Attorney Jonathan Young explained Council could make a motion to approve the ordinance with the correction of scrivener's errors without making a substantive change as follows:

- Correct throughout instances of "Pearson Airport" to state "Pearson Field Airport";
- Section 10.05.040(1) - edit typo to change "wells" to "well";
- Section 10.05.060 - edit typo to insert a period after the final word "committee";
- Section 10.05.075(5) - edit typo to change "websites" to "website";
- Section 10.05.015 - edit typo to insert a period after "(NPS)" in the first sentence.

Motion by Councilmember Paulsen, seconded by Councilmember Glover, and carried 5-1 to approve the Ordinance M-4347, as read by the Mayor and amended in a non-substantive manner as outlined by the City Attorney (above). Councilmember Stober voted No.

6. Amendments to VMC 8.22 - Camping

Staff Report 132-21

AN ORDINANCE of the City of Vancouver, Washington establishing Supportive Campsites to facilitate the provision of temporary shelter incidental to the provision of supportive services to individuals experiencing unsheltered homelessness; authorizing the establishment of two Themed Supportive Campsites, one for Families with Children and one for Single-Occupant Females; establishing Camping Impact Areas to protect ecologically sensitive areas and areas within the immediate vicinity of Supportive Campsites; establishing an exemption from the prohibition against daytime camping for individuals who present satisfactory evidence of nighttime employment and obtain a Nighttime Worker Camping Permit; Amending VMC 8.22.010 "Findings", VMC 8.22.020 "Purpose", VMC 8.22.030 "Definitions", VMC 8.22.040 "Unlawful Camping", VMC 8.22.050 "Unlawful Storage of Personal Property in Public Places", VMC 8.22.070 "Permit"; providing for severability; and providing for an effective date.

Currently, the City of Vancouver's Unlawful Camping Ordinance (Chapter 8.22 VMC) provides that it is unlawful for any person to camp or store personal property on any public land during daytime hours of 6:30 a.m. through 9:30 p.m.

Despite this Ordinance, an estimated 500-600 individuals still reside in tents or vehicles within the City of Vancouver. This Council has observed that many individuals who camp on public property do so, not by choice, but due to a lack of financial means to afford adequate shelter. These individuals are adversely mentally and physically impacted by camping. Some people hold nighttime employment and cannot reasonably be expected to sleep during the hours allowed by VMC 8.22 (9:30 p.m. through 6:30 a.m.). Single female camp occupants experience a disproportionately high incidence of violent crime as compared to other people. Families with children who camp as a result of a lack adequate shelter are also disproportionately adversely impacted through risk of physical danger and impediments to childhood education.

Simultaneously, Council has also observed that the City's sensitive ecological areas are adversely impacted by adverse secondary impacts of camping. The City's sensitive waterways, water treatment facilities,

stormwater and wastewater facilities are particularly vulnerable to impacts of illegal dumping and improper disposal of human waste.

There are also Constitutional constraints on cities' authority to regulate camping. The Ninth Circuit Court of Appeals has held that cities cannot criminalize camping in all places, at all times, unless there is adequate access to temporary shelter (Martin v. Boise). As a corollary to this holding, cities may impose 24-hour daily prohibitions against unlawful camping "in particular locations." However, the City Attorney's Office has advised that these locations should be no broader than necessary and Council should ensure that adequate public space remains for nighttime camping throughout the rest of the City.

To balance these competing interests, Staff has proposed that the City revise VMC 8.22 "Camping" from a system in which camping is criminalized everywhere from 6:30a.m. to 9:30p.m., to one that seeks to address a variety of competing interests by (a) legalizing camping within Supportive Campsites, (b) prohibiting camping 24/7/365 in certain 'camping impact areas' to include ecologically sensitive areas, (c) allowing camping at night throughout most of the City, and (d) establishing an exemption for nighttime workers.

Accompanying this Staff Report are two ordinances for Council's consideration ("Ordinance Option A" and "Ordinance Option B"). The only distinction between the two versions is the verbiage relating to Camping Impact Areas. Both ordinances indicate that unless occurring within a City-approved Supportive Campsite, camping shall be illegal 24/7/365 within Camping Impact Areas. However the locations of the Camping Impact Areas differ as follows:

<i>The term "Camping Impact Areas" means:</i>	
<i>Both Ordinances:</i>	
<i>1000' from Supportive Campsites;</i>	
<i>At a public water station, wastewater or stormwater facility; and</i>	
<i>Ordinance Option A</i>	<i>Ordinance Option B</i>
<i>Within two hundred feet (200') of the nearest edge of the Columbia River, Vancouver Lake, Burton Channel, Peterson Channel, Fisher's Creek, or Burnt Bridge Creek.</i>	<i>Upon land classified as one or more of the following:</i> <i>a. Habitats of Local Importance as defined by VMC 20.740.100;</i> <i>b. Riparian Buffers of Fish and Wildlife Habitat Conservation areas as defined by VMC 20.740.110;</i>

	<i>c. Frequently Flooded Areas as defined by VMC 20.740.120; or</i> <i>d. Wetland Buffer area of Wetlands as defined by VMC 20.740.140.</i>
--	---

Staff recommends adoption of Option A for a few reasons. First, Option A is more easily mapped and provides greater clarity to the public and law enforcement regarding areas where camping is prohibited. Additionally, the designations of flood areas, wetlands, and habitat conservation areas under Option B will change over time with environmental changes, so a Critical Areas Protection Map would need to be continuously updated, which may cause more uncertainty regarding the location of Camping Impact Areas. Finally, Option B may be over-inclusive in protecting environmentally sensitive areas. For example, during certain seasons, designated wetlands are dry and isolated camping may not have a significant impact on such land.

Request: On September 20, 2021, subject to second reading and public hearing, approve the Option A or Option B ordinance.

Jamie Spinelli, Homeless Response Coordinator, 360-487-8610; Jonathan Young, City Attorney, 360-487-8500; Sara Baynard-Cooke, Assistant City Attorney, 360-487-8500

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

Jamie Spinelli, Homeless Response Coordinator, summarized the proposed ordinance amendments.

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

- Peter Fels, Vancouver, thanked the City for moving forward to more realistically address homelessness. He stated the supportive campsite program is a good start, and asked the City to take further steps to supporting the unhoused residents.

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

Motion by Councilmember Stober, seconded by Councilmember Glover to approve Ordinance Option A.

Councilmember Hansen stated he would not be supporting this ordinance as he has serious concerns about potential impacts to environmentally sensitive areas and steps need to be taken to protect those areas from potential supported camp sites. He stated he believes staff has done a good job of

addressing some of these concerns and they have done great work on this project, but he believes this ordinance still leaves these critical areas too vulnerable to environmental impacts.

Councilmember Paulsen stated he appreciates and shares many of the same concerns as Councilmember Hansen, but he stated he would be supporting the ordinance with a request that staff bring back to Council as soon as possible a plan to evaluate and bring in additional sensitive areas and also to work closely with BPA regarding concerns about environmental impacts on that agency's land. He stated he thinks Option A is a positive step and he does not want to hold the program up any further.

Motion to approve Ordinance M-4348 (Option A) approved 5-1. Councilmember Hansen voted No.

Communications

A. From the Council

B. From the Mayor

a. Interstate Bridge Replacement Program - Executive Steering Group Update

Councilmember Lebowsky stated she would recuse herself from this discussion, as she is employed by the Washington State Department of Transportation.

Katherine Kelly, Senior Policy Advisory, provided an update on the most recent activities of the Interstate Bridge Replacement Project Executive Steering Group.

C. From the City Manager

a. Multifamily Tax Exemption (MFTE) Program Update

Chad Eiken, Community and Economic Development Director, provided an update on the comprehensive review being conducted of the City's multi-family tax exemption program.

Community Forum

Mayor McEnerny-Ogle opened the Community Forum and received the following testimony:

- Jaynee Haygood, Vancouver, expressed concerns about an interaction

she witnessed and experienced between the Vancouver Police Department and a mother whose daughter was experiencing a mental health crisis.

- Glen Yung, Vancouver, spoke regarding the Council's housing options workshop and requested the City allow accessory dwelling units to be used for short-term rentals. He also urged the City to audit the multi-family tax exemption program.
- Wynn Grcich, Vancouver, expressed concerns about the COVID-19 vaccine and state and federal mandates.
- Peter Fels, Vancouver, urged the City to make changes to single-family zoning to allow duplexes and triplexes to increase density.
- Teresa Hardy, Vancouver, expressed concerns about a lack of clarity about how much of the forested area on the Vancouver Innovation Center site will be preserved when the land is developed.
- Laurel Pascual, Vancouver, expressed concerns about the COVID-19 vaccine and state and federal mandates.
- Carmen de Leon, Vancouver, expressed concerns about activity at the apartment complex managed by Share adjacent to her home.
- Justin Forsman, Vancouver, expressed concerns about the COVID-19 vaccine and state and federal mandates.

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

Executive Session re: Labor Negotiation Strategy (30 minutes); City Manager Performance Evaluation (1 hour - continued from September 13, 2021)

Mayor McEnerny-Ogle announced the Council would enter executive session to discuss Labor Negotiation Strategy for approximately 30 minutes, followed by executive session regarding the City Manager's annual performance evaluation, which had been continued from September 13, 2021.

Adjournment

10:14 p.m.

DocuSigned by:

58CB15C0632E403...
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 records are kept on file in the office of the City Clerk for a period of six years.

September 18, 2021

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

Subject: VMC 10 Hearing

On Monday September 20, 2021 the Vancouver City Council will be conducting a hearing to consider updates to VMC 10 pertaining to Pearson Field Airport.

I have reviewed the most current proposed changes and offer the following recommendations for your consideration prior to conducting a vote on the matter.¹ A number of these recommendations are administrative in nature; you will of course need to decide the editorial quality expected of a document receiving your approval. I believe my comments to Section 10.05.040(1)(x), Section 10.05.040(2), and Section 10.05.060, and Section 10.05.015 are of the most material policy nature.

Ordinance page 1; Replace two instances of "Pearson Airport" with "Pearson Field Airport" for consistency with language used throughout the document.

Section 10.05.010; Replace one instance of "Pearson Airport" with "Pearson Field Airport" for consistency with language used throughout the document.

Section 10.05.020; Update definitions 1, 3, 4, & 5 to match those used in the companion Rules and Regulations and Minimum Standards for Commercial Activities documents. Update definition 7 to match that used in companion Minimum Standards for Commercial Activities document. Update definitions 2, 8, and 10 to match those used in the Rules and Regulations document. Add numbering (11) for term "Tie-Down" and update definition to match its equivalent in the Rules and Regulations document. Change numbering from "11" to "12" for the term "Fees and Charges."

Section 10.05.040(1); Change "wells" to "well" in line 2 of opening paragraph.

Section 10.05.040(1)(iii); This language is in material conflict with VMC 3.12.095.

Section 10.05.040(1)(x); Remove sentence "The exception will be if grant acceptance and Council action is required sooner than the AAC can meet."

In the entirety of my involvement with the city and airport I am aware of no instance where the AAC has delayed such action. I am, however, aware of instances where city staff has used this practice as a means to avoid AAC review of matters prior to going to Council. With proper planning such delays should not occur, and if it were to, there are processes to call a special meeting of the AAC. I do not believe it is in the public interest to build mechanisms into the VMC that reduce transparency to the public.

Section 10.05.040(2); Remove sentence "In support of assuring a balanced range of community perspective on the AAC and subject to exception by the City Council in their process of appointing members of the Committee, no more than three (3) members of the Committee may be a tenant of the Airport, subject to Council exception."

Because it is the Council who is both responsible for AAC member selection and authorized to make an exception, this sentence serves no purpose.

If you choose to retain this limitation I would ask that Council be honest and replace "In support of assuring a balanced range of community perspectives the AAC...." with "As a matter of staff preference....." The pretext of increasing community perspective is simply not grounded in any objective read of history:

- The AAC, without membership limits, has always had 3-4 non-tenants in its membership. The Council has and presumably in the future would continue to select the most qualified candidates.
- The AAC conducts its business consistent with RCW 42.30; the community has and would be able to participate whenever it chose to. This is an advisory group, not a decision-making body.
- Multiple community forums have been conducted by the AAC in the past, producing significant feedback on ways to increase the community value of the airport. The city has not chosen to act on the vast majority of these; AAC composition has not been a barrier.
- For over a decade the AAC advised the city that the Pearson Field Airport 2005 Business Plan be updated, including goals set for the airport's contribution to regional business development, jobs, education, public safety, tourism, and other community valued metrics. Past and current mayors and council members, in public meetings, have requested this of city staff. Despite repeated commitment to act, no progress has been made on this; AAC composition has not been a barrier.
- "Tenants" do not suddenly cease being "community members" upon joining the AAC. Past AAC members have come from every sector – business, non-nonprofit, military, and government, small and large organizations. They have lived in neighborhoods right under the airport pattern as well as in outlying areas. They have brought with them significant community networks and professional backgrounds and with few exceptions have not been single issue community members.
- The AAC is not a tenant's representative group, and over the years has taken numerous positions that some tenants may have disagreed with.
- City council has found it acceptable not having an AAC or any structured community input for over 3-years, and has relied entirely on city staff's advisement at airport workshops since 2015. That this situation has been allowed to persist has been far more stifling of public input than any membership limits.
- No other board or commission in the city has membership limitations like this; the Parking Advisory Committee is not limited to 3 automobile users, the Parks and Recreation Advisory Committee does not limit to 3 people who are users of city parks, etc.

It is troubling how the topic of AAC limits has even come about – this continues to appear as a solution looking for a problem. Membership limitation was never discussed in 2018 when the AAC was disbanded, was never discussed with the interim Kitchen Cabinet advisory group, and unilaterally inserted late in the process by the City Manager and staff. City staff, City Manager, and Council have received pushback on this idea from multiple tenants and non-tenants in public meetings and in writing. No publicly available arguments of support for member limitations have been made visible through this process. If you are being honest, I suspect the majority of Council was not even aware of the number and mix of AAC members prior to it coming up in this process. In 2018 the city committed to a ["comprehensive assessment of the governance, operations and management of](#)

Pearson Field including a review of the role and responsibilities of the Aviation Advisory Committee. The City Council has temporarily suspended the operation of Aviation Advisory Committee pending the completion of that assessment." This was expected to be a few months' long exercise. Over three years later no such assessment has been conducted and an entirely new city staff is in place having never experienced an ACC meeting or joint briefing to the council – seeking to rearchitect the committee. Of greatest concern is that all of the same dynamics that precipitated the 2018 disbanding are still taking place. If Council is truly interested in more public engagement in Pearson matters it will not come through reduction in tenant members. Rather, it will come through Council holding the city accountable for demonstration of collaborative practices and progress on community valued projects and metrics.

If what you are really trying to address is improving equity in the city's advisory groups, I would be more than happy to share specific recommendations of how this might be done, including more equitable outreach, description of duties, improved transparency on selection criteria and processes, etc. All ideas that I know you have been presented with through other community advisory groups.

Section 10.05.040(3) As written, this paragraph directly conflicts with 10.05.040(2).

Section 10.05.040(7) The second sentence references bylaws being "consistent with City values". I support this intent however my research finds multiple sets of city documents describing city values without a lot of consistency between them. I advise that this language be struck, or reference a specific source document, or list what those values are. The third sentence, as it pertains to approval of changes to bylaws is ambiguous in its use of the term "if appropriate" and in conflict with Article V of the bylaw draft that the city has put forth indicating Council approval is required for updates to bylaws.

Section 10.05.060; Insert a period (".") after the final word "Committee". Add the following or substantially equivalent text "Third party audits of Pearson Field Airport shall be comprehensive, including assessment of compliance with standards, laws and regulations relating to financial controls (including rental and lease agreements, state and federal matching funds, and FAA grant assurances), capital asset management (including aging asset management), maintenance, safety, policy compliance, and progress on identified goals."

As currently written, this section may be interpreted by future readers in its most narrow form as being simply an audit of financial compliance only. This was not the intention in the creation of this section.

This is perhaps the most important section in the VMC. In 2019 a [highly visible audit](#) publicized shortcomings in the city's management of Pearson Field Airport. On examination these findings were a byproduct of deficiencies in structure, processes, culture, and accountability; many of which were observed by the AAC and conveyed to staff, City Manager, and Council members over a period of years without action. Section 10.05.060 was added by the Kitchen Cabinet to provide a backstop in oversight given there has not been an effective issue escalation process from the AAC to the city for years. In order to protect the city, city staff, the airport, and the community, audits are the only mechanism shown to be effective in causing change.

Section 10.05.075(5). In sentence two insert the word "Airport" after "Pearson Field" and change "websites" to "website."

Section 10.05.075(6). Replace "Pearson Airport" with "Pearson Field Airport" for consistency with language used throughout the document.

Section 10.05.015 Inset a period (".") after (NPS) in the first sentence. Expand the second sentence to read:
"Management of Pearson Field Airport shall be consistent with all applicable local, State and Federal Regulations, including the following designations and policies:

1. Pearson Field Airport is part of the Vancouver National Historic Reserve (Section 503 of Public Law No. 104-133, November 12, 1996 and RCW 27.34.390.)
2. Pearson Field Airport is designated as an Essential Public Facility (WAC 365-196-550.)
3. Pearson Field Airport is classified as a General Aviation (GA) airport by the Federal Aviation Administration (FAA) as part of the National Plan of Integrated Airport Systems (NPIAS) and a Community Service Airport by the Washington State Department of Transportation (WSDOT) Long-Term Air Transportation Study (LATS.)
4. Pearson Field Airport and relevant proximate properties are regulated by and contained within the Airport Height Overlay District (VMC 20.570). Additional airport compatibility requirements are described in Downtown District (VMC 20.630).
5. Airspace above and surrounding Pearson Field Airport is regulated by the FAA including but not limited to Special Federal Aviation Regulations Airspace Rule (FAR-93.)
6. FAA Grant Assurances requirements."

There is a significant and not well understood framework of regulatory requirements related to Pearson Field Airport and its operation. Transparency to airport users, the community, future AAC members, future Council members, and other interested parties provides a common basis for decision making and conversation. Without this information, countless hours are wasted on conjecture and speculation; none of which is in the best interest of Pearson Field Airport or the city.

Section 10.05.035. Update the last sentence to "Any change or amendment requires City Council approval, subject to review and recommendation by the Aviation Advisory Committee."

This aligns with language in 10.05.030 pertaining to the Rules and Regulations document in which the Minimum Standards for Commercial Activities document is now embedded.

Ordinance page 18; Replace one instance of "Pearson Airport" with "Pearson Field Airport" for consistency with language used throughout the document.

As council members I recognize the breadth of challenges that you are presented with and where this particular matter likely falls in your list of priorities. I and others will be happy to see this put to bed as well. Updating VMC 10 has taken far longer than it should have, I thank you for your thoughtful consideration of these remaining matters.

Regards,

Paul Speer

1. Multiple update versions of VMC 10 and the combined Rules and Regulations / Minimum Standards for Commercial Activities have been made publicly available by the city without revision control markings. This analysis relies on the most recent VMC 10 document referenced in [Staff Report 131-21 \(9/20/21\)](#) and [Draft Pearson Field Airport Rules and Regulations \(8/16/2021\)](#).

From: [City of Vancouver - Office of the City Manager](#)
To: [Delapena, Amanda](#)
Subject: FW: Housing Code Updates, Climate change and Homelessness
Date: Monday, September 20, 2021 10:56:41 AM
Attachments: [image001.png](#)

For council

Kerry Peck | Administrative Assistant



CITY OF VANCOUVER, WASHINGTON

City Manager's Office/Administrative Assistant

P: (360) 487-8616

www.cityofvancouver.us | www.cityofvancouver.us/socialmedia



[LEARN ABOUT VANCOUVER'S COVID-19 RESPONSE HERE](#)

From: Peter L. Fels <plfels@gmail.com>

Sent: Monday, September 20, 2021 10:28 AM

To: City of Vancouver - Office of the City Manager <CMO@cityofvancouver.us>; Snodgrass, Bryan <Bryan.Snodgrass@cityofvancouver.us>

Subject: Housing Code Updates, Climate change and Homelessness

CAUTION: This email originated from outside of the City of Vancouver. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Peter Fels

5121 NW Franklin Street

Vancouver WA 98663

telephone: (360) 737-3154 • plfels@gmail.com

Via email to: cmo@cityofvancouver.us; Bryan.Snodgrass@cityofvancouver.us

To: Mayor McEnerny-Ogle and Vancouver City Councilors, Bryan Snodgrass

RE: Public Forum Testimony concerning Housing Code Updates

Dear Mayor and Councilors:

I appreciate the efforts of the planning staff to increase housing options as presented at the workshop today. However, I am surprised that staff is so reluctant to pursue one of the recommendations of the Affordable Housing Task Force made over 5 years ago.

As noted in Mr. Snodgrass' memo, the Task Force recommended changes to the SFR zone to allow increased density in the form of duplexes and triplexes. Single family zoning has been outlawed statewide in both Oregon and California in recognition of the affordable housing shortage and climate change.

Homelessness and global warming are both urgent issues and need immediate attention.

Increased density helps increase affordability and reduce greenhouse gas emissions. It also improves equity by reducing the exclusivity of SFR neighborhoods. All three of these issues, climate, homelessness and equity, are top priorities of the City according to your strategic plan.

Mr. Snodgrass' memo states that discussion of changes to the SFR zones will begin in 2022 and will require more extensive community feedback. I have no doubt that some residents of current SFR zones will object to any proposed changes that increase density for fear of increased crime and reduction of their property values. However, there already are duplexes and triplexes in many SFR neighborhoods and there is no evidence of increased crime related to those units, while property values throughout Vancouver have soared in recent years. Furthermore, while some increased density may change the character of neighborhoods, in my opinion increased diversity will change their character for the better.

One of the things you can do as part of your climate planning is to move forward quickly on this issue. While history shows that infill and small MFR units are built up slowly, allowing them sooner rather than later is an important step and will move us closer to a more equitable and affordable city.

I also encourage you and the planning staff to look at revising current codes to allow long term parking and habitation of RV units and campers on private property at least during the current housing crisis, treating them as similar to ADUs. This can be a short term solution to the housing crisis while also allowing family members to stay together and allowing some residents to stay in their homes by sharing expenses with extended family or multiple generations.

Please urge the planning staff to move more quickly to recommend changes to increase density in SFR zones.

Thank you.

s/Peter Fels

From: [City of Vancouver - Office of the City Manager](#)
To: [Delapena, Amanda](#)
Subject: FW: Comment for City Council meeting 9/20/2021
Date: Monday, September 20, 2021 9:49:36 AM
Attachments: [image001.png](#)

They would like to register for council tonight

Kerry Peck | Administrative Assistant



CITY OF VANCOUVER, WASHINGTON

City Manager's Office/Administrative Assistant

P: (360) 487-8616

www.cityofvancouver.us | www.cityofvancouver.us/socialmedia



[LEARN ABOUT VANCOUVER'S COVID-19 RESPONSE HERE](#)

From: Kristin Edmark <kristinedmark@hotmail.com>
Sent: Monday, September 20, 2021 8:53 AM
To: City of Vancouver - Office of the City Manager <CMO@cityofvancouver.us>
Subject: Comment for City Council meeting 9/20/2021

CAUTION: This email originated from outside of the City of Vancouver. Do not click links or open attachments unless you recognize the sender and know the content is safe.

I want the City Council to know their work is appreciated. I would like to register the following comment at the 9/20/2021 City Council Meeting

Please continue your excellent work pushing for the Climate Action Plan to do the most we can for our citizens and for our world. Citizens support as many Bold measures as possible. Thank you for realizing the urgency and implementing an Early Action Plan.

I urge you to do what you can to implement green building policy in all new construction. Electrical wiring for all appliances, solar panels and EV charging should be in all new construction especially rental residences.

Thank you. Kristin Edmark